

## REGULAR MEETING

January 17, 2013

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, January 17, 2013 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna  
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis  
Treasurer Barry MacCartney

**Others identified:** PO Hodges CPD, Gregory Fisher, and Donna Albert

POLICE REPORTS – PO Hodges submitted report for review. PO Hodges noted few incidents to report. Among the incidents discussed were: political signs stolen, intoxicated male, resident assaulted by a gang member: victim proceeded to Nyack with loaded shotgun. Orangetown Police intervened and removed the weapon., Summit School: 1 combative student and 1 runaway.

TREASURER'S REPORT – Submitted for review. Budget process has begun. Discussion included recent financial assessment review by the State Comptrollers Office; BAN; future projects for sewer repair; phone system from Verizon for DPW and Village Hall (push to talk); Payroll service for Village-Paycheck

VOUCHERS – Read and approved for payment.

### 7:30 PM – PUBLIC HEARING – Local Law # 1 of 2013

#### Tax Levy Limit

The Village Clerk read the public hearing legal notice.

Mayor Esmay noted that if the village needs to exceed the tax levy limit by 2% the village does not want to be in a position to be restricted should an emergency arise.

Mayor Esmay opened the public hearing. There were no comments from the public.

Trustee Sarna made a motion to close the public hearing, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Trustee Sarna made a motion to adopt local law #1 of 2013, seconded by Trustee Diamond and so moved. With no further discussion and all in favor,

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Mayor Esmay requested Roy Wanamaker, Building Inspector to attend the meeting to discuss various concerns of the Board. Items discussed were: 1) Signs at Congregation Sons of Israel. Mr. Wanamaker noted that this would be addressed when the special

permit is reviewed. The reviews have not taken place yet. 2) Letters regarding Special Permit-Places of Assembly have just been signed and are due to be mailed out. 3) Unsafe building-314 North Midland Ave. (garage)

#### UNSAFE BUILDING

The Building Inspector submitted a report and photos to the Mayor & Board of Trustees, detailing an unsafe building (garage) at 314 North Midland Avenue in Upper Nyack. After a brief discussion,

Trustee Sarna made a motion that based on the report of the Building Inspector dated January 10, 2013, including attached photographs, and pursuant to Ordinance 7.6 "Unsafe Buildings" that the Board of Trustees declares the garage located at 314 North Midland Avenue, County Tax ID # 60.17-01-17 to be an unsafe building and instructs the Building Inspector to serve an appropriate notice on the owner of said property with reference to Ordinance 7.6 "Unsafe Buildings" and to post said property with such notice, which was seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

#### UPPER NYACK JUSTICE COURT

It was noted that within 75 days of the village election a new Justice can be appointed to fill the unexpired term of the retiring Justice. The appointment would go March 2014 when the appointee could then run for his seat at the March 2014 election if he chooses to do so. Mayor Esmay and the Court Clerk interviewed 4 candidates for the position and felt it was a very strong pool of candidates. After the interviews were conducted the Mayor announced the two who were being considered tonight to fill those positions:

Village Justice: John J. Dedyo, who is a partner in a NYC law firm and has been a resident of Upper Nyack for about 7 years.

Acting Justice: Ann Blanchfield, who specializes in immigration law and has had a lot of courtroom experience.

After the brief discussion, Mayor Esmay appointed John J. Dedyo to fill the unexpired term of Harold Y. MacCartney Jr., to April 7, 2014.

Trustee Sarna moved to ratify the appointment, seconded by Trustee Morgan and so moved.

AYES: Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

After the brief discussion, Mayor Esmay appointed Ann Blanchfield to fill the unexpired term of Catherine Friesen, to April 1, 2013.

Trustee Sarna moved to ratify the appointment, seconded by Trustee Morgan and so moved.

AYES: Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

RESOLUTION- Trustee Morgan made a motion that the Board designates First Niagara

Bank as the depository for the Upper Nyack Justice Court funds with three separate accounts in the names of the Village Justice and Acting Village Justice and one joint account for the purpose of depositing bail money, seconded by Trustee Sarna and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

**Bid Opening, January 15, 2013, 11:00 AM**

**Bid # DR-01-2013, Old Mountain Road Embankment Repair**

Those present: Carol G. Brotherhood-Village Clerk, Barry MacCartney-Treasurer

Others identified: Elaine Collishaw-Victor P. Zugibe Inc.; Carl Wortendyke-Cal Mart Enterprises Inc.; Tim Welsh-Raines & Welsh & Sons, Cont., Inc.

The Village Clerk read the public Notice to Bidders.

Four (4) sealed bid(s) were (was) received, opened and read aloud as follows:

<u>Bidder</u>	<u>Bid # 1</u>	<u>Bid # 2</u>	<u>Total</u>
Victor P. Zugibe, Inc. 66 West Railroad Avenue Garnerville, NY 10923	\$34,950	\$25,000	\$59,950
Cal Mart Enterprises Inc. 4 Burts Road Congers, NY 10920	\$58,838	\$25,000	\$83,838
Raines & Welsh & Sons Cont. Inc. 102 East Railroad Avenue West Haverstraw, NY 10993	\$164,000	\$25,000	\$189,000
Girls Gone Green LLC 617 North Broadway Upper Nyack, NY 10960	\$44,797	\$25,000	\$69,797

Bidding was closed at 11:04 AM

Respectfully submitted, Carol G. Brotherhood  
Village Clerk

On the recommendation of the Village Engineer and the requirement to accept the lowest responsible bidder, Trustee Sarna made a motion the that the Board accept the bid for \$34,950 from Victor P. Zugibe Inc., seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

**GRAN FONDO – May 19, 2013**

Trustee Sarna made a motion to approve the cycling event, must provide certificate of insurance and map of route, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

The Village Clerk will send a letter of approval with a copy to the Dept. of Public

Works, Clarkstown Police Dept., Nyack Joint Fire District and Community Ambulance Corp.

#### REQUEST FOR STREET CLOSING – June 15, 2013

Trustee Hindin made a motion that North Broadway be closed between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary PTA Goosetown Bazaar from 10:30 am until 4 pm on Saturday, June 15, 2013 and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Sarna and so approved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

The Village Clerk will send a letter notifying the residents of North Broadway, Perry Lane, Tompkins Court and lower Castle Heights Avenue of the closing. The Clerk will also notify the Clarkstown Police liaison officer so that auxiliary police can be provided. The Village of Upper Nyack DPW will supply saw horses to block off the street.

#### VILLAGE ELECTION:

Inspectors of Election – Trustee Morgan made a motion to appoint the following Inspectors of Election for the March 19, 2013 Village Election per Election Law §15-116(1) and to pay them \$12.00 per hour : Dorina Maragliano, Elisabeth Minford, Isabel Weiner, and Carol Curto seconded by Trustee Sarna and so approved.

Dorina Maragliano will serve as the Chairperson of the Inspectors.

On a call for a vote on the motion:

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

#### MINUTES – Regular Meeting, December 20, 2013

Trustee Morgan made a motion to approve the minutes of the **12/20/2012 Regular meeting**, as amended, seconded by Trustee Sarna and so approved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Mayor Esmay appointed Carol G. Brotherhood as Registrar of Vital Statistics and Barry MacCartney as Deputy Registrar. The appointment is a 4 year appointment and runs until January 2017.

Trustee Sarna made a motion to ratify the appointments, seconded by Trustee Morgan and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

At 8:43 pm Trustee Sarna left the meeting.

Trustee Morgan made a motion to adjourn, seconded by Trustee Hindin and so moved.  
The meeting was adjourned at 9:15 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk