

REGULAR MEETING

May 16, 2013

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, May 16, 2013 at 7:00 PM.

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

Absent:

Other's identified: PO Hodges, Jeffrey Grand, Peter Malcolm

POLICE REPORT – PO Hodges appeared. Incidents discussed were criminal trespass, suicide attempt, process server and person she was serving papers to, intoxicated male inside another residents home (subject was arrested without further incident), stolen bicycle, two minors who were on Facebook and an individual connected with them and sent them a link with inappropriate photos to view; Summit School-missing students (3), suicide attempt, altercation between students. FOR-wedding event with Police called due to noise.

REQUEST TO APPEAR:

Jeffrey Grand, 208 Lexow Ave., appeared before the Board to follow up on a previous conversation regarding ATV's, boats and fencing and excess noise.

Mayor Esmay told Mr. Grand that the Board was looking at ordinances in other municipalities in the county re: boats, RV's and storage. Possible regulations could include a size limitation, length of time of the storage and may require screening. Trailers (vehicle) must conform to regulations for registration and license. ATV's may be regulated by noise.

Peter Malcolm, 119 Birchwood Ave., appeared before the Board to discuss concerns regarding the Tappan Zee Bridge and lawn services.

- 1) TZ Bridge: Mr. Malcolm inquired whether the Village had or would consider an ordinance to restrict the size of trucks coming through the village. Maybe the Board could meet with the other river villages (S. Nyack, Nyack) to formulate a plan or consensus?
- 2) Lawn Services: Workers coming to mow lawns after 6 pm with as many as 6 lawn mowers going at one time, or before 6 am on a weekend. Would like the Board to consider a law to limit that.

TREASURER'S REPORT – Submitted by Treasurer MacCartney for review.

The Board and Treasurer MacCartney discussed the cash balance available up to the fiscal year ending May 31, 2013. There was an explanation of the sewer replacement project and the streets still to be done.

BOND RESOLUTION

Trustee Sarna made a motion, the Board of Trustees of the Village of Upper Nyack adopts this resolution authorizing the construction of sewer improvements on various roads in the village, stating the estimated maximum cost thereof is \$650,000, appropriating said amount for such purpose and authorizing the issuance of \$650,000. Serial bonds of said village to finance said appropriation, seconded by Trustee Hindin and so moved.

On a call for a vote:

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

NOES: None

Trustee Sarna made a motion that the Board of Trustees allows the Treasurer to move money within the confines of the budget from line 1420.41 in the amount of \$23,000 from the General Fund to the Trust & Agency Account, to pay all legal fees and bonding for the bond anticipation note, seconded by Trustee Morgan and so moved.

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

NOES: None

VOUCHERS – Read and approved for payment.

Resolution-Desalination – United Water New York

After discussion the Board passed the attached resolution regarding the proposed desalination facility by United Water New York.

Trustee Morgan motioned, seconded by Trustee Hindin and so moved.

On a call for a vote:

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

NOES: None

MS4-SPDES REPORT- Submitted for review

Presentation of the MS4 Stormwater Management Program
Annual Report of 2013

After having reviewed the MS4 Report, Trustee Morgan made a motion to accept the MS4-SPDES report, as recommended by the Village Engineer, and noted that Mayor has signed and certified, and submitted the report to the NYS DEC, seconded by Trustee Sarna and it was so moved.

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

NOES: None

MINUTES – Trustee Sarna motioned that the Board accept the minutes of the Regular meeting of April 18, 2013, seconded by Trustee Morgan and so moved.

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

NOES: None

8:05 Trustee Sarna exited the meeting

William Pfaff, Planning Board Chair and Ellen Simpson, Vice Chair came before the Board to discuss the recent Highland Subdivision approvals by the Planning Board. They requested to meet with the Board of Trustees to discuss the Planning Board and Architectural Review Board and how these Boards can compliment each other. They also wanted to discuss recommendations to define roles and where the two boards might overlap. June 13th, 2013 is the Boards next workshop and a meeting will be arranged. A discussion also took place as to how enforcement of the building codes would be handled by the Building Inspector, Village Engineer (Deputy BI) in the building of the Highland Subdivision houses.

CABLEVISION- Trustee Diamond made a motion that the Board renew the Franchise Agreement with Cablevision, receiving 5% of the gross revenues, paid quarterly and receiving free cable at 4 locations in the Village (VH, DPW, UNES, Empire FH), seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None ABSENT: Trustee Sarna

(NOTE: it was determined that this resolution was done prematurely and will be placed on the agenda at the June and July meetings of the Board)

TOUR de CURE – A request was made by the Am. Diabetes Association for the Tour de Cure bike ride if they be allowed to place removable street markings on Village Street on the route of the bike ride.

Trustee Morgan motioned to approve, seconded by Trustee Hindin and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan
NOES: None ABSENT: Trustee Sarna

Motion to adjourn by Trustee Hindin and seconded by Trustee Diamond
and so moved. The meeting was adjourned at 9:07 PM

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan

NOES: None ABSENT: Trustee Sarna (Exited the meeting at 8:05 pm
after motions for Bond resolution, resolution re: desalination plant and MS4
report)

Respectfully submitted,

Carol G. Brotherhood
Village Clerk