

REGULAR MEETING  
September 17, 2020

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held Thursday, September 17, 2020 at 7:00 PM. In accordance with the Executive Order 202.48, this meeting was held by video/teleconference. The meeting was recorded and transcribed.

**Village Officials in Attendance:** Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothschild  
Village Clerk Carol G. Brotherhood  
Treasurer Richard Fortunato  
PO Kennedy

A Moment of Silence was held for two residents who had recently passed away, A. Ralph Bartolacci (former Trustee) and Michael Kuhling (Zoning Board of Appeals Member) remembering them and their years of dedicated volunteer service to the Village.

MINUTES– August 20, 2020 – Postponed

POLICE REPORTS – PO Kennedy noted the following:

103 calls for service; 4 fender bender accidents (1 on Front St.); 16 medical emergencies; 11 burglar and fire alarms; 2 domestic (verbal) ; fraud (identity theft) 8 tickets (1 DWI, 1 unregistered, 2 property damage for accident on Front St. SCAMS reported: driveway sealing (someone distracts homeowner at the front door while the accomplice goes in through the back door to take cash or jewelry etc.)

Overdoses: Year to date: Rockland County 163, 8 deaths, 135 survived

Town of Clarkstown: 51, 9 deaths, 42 survived

CPD will switch the no parking signs on Lexow Ave. and Locust Dr. to the opposite side of the street.

The Mayor believes as the weather gets colder that the parking will be less of an issue.

TREASURER'S REPORT- Treasurer Fortunato submitted report for review.

Treasurer Fortunato noted the audit for May 31<sup>st</sup> ending financials will begin about October 15, 2020. The AUD had been filed with the State (9/1/2020). The year-end financials were distributed to the Board a few weeks ago.

Delinquent village taxes: 16 remain unpaid. September 1 notices were mailed and

two have paid. Final Notices will go out in the beginning of October and after October 31<sup>st</sup> the list will go to the County for payment and re-levy.

Trustee Dodge made a motion that the Board allow the Treasurer to pay the interest payment for the DPW Building Bond of \$15,156.25, due November 1, 2020, seconded by Trustee Rothchild and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

VOUCHERS - Read and approved for payment.

### ARCHITECTURAL REVIEW LAW - SET PUBLIC HEARING

Mayor Tarapata read this statement:

“We are creating a separate local law for the Architectural Review Board on the recommendation of our land use attorney and with the collaboration of the Chairman and Vice Chairman of the Architectural review Board. Architectural and Historic review are not really functions of the Zoning code, although they are an important part of site plan review. With this enabling legislation, we will give the ARB greater authority and involve them more completely in the site approval process. They will have greater authority to protect historic structures in the village and will be able to address issue such as a new structure’s mass in relation to other structures in the neighborhood. In this law, appeals of the decisions of the ARB go to the ZBA, except in cases where the ARB has not approved the demolition of an historic building. That appeal will go to the Village Board of Trustees.”

Trustee Esmay made a motion that the Board set a public hearing to consider Local Law #6 of 2020, a local law repealing Local Law #5 of 2005, continuing the Board of Architectural Review and renaming such Board as the Architectural Review Board of the Village of Upper Nyack and empowering such Board to take certain actions, be held on October 15, 2020 at 7:30 PM, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

VILLAGE ELECTION - Mayor Tarapata noted that the recent Village Elections, long delayed due to the pandemic, were held on September 15, 2020

The vote tallies were 54 votes counted

Jeffrey Epstein 52 and Kennon Rothchild III 54

They were instructed to come to sign the oath book within 30 days

PROCLAMATION FOR Joseph P. Diamond – Read into the record by Mayor Tarapata followed by lots of congratulations and applause which Joe accepted with humility and grace.

## ***PROCLAMATION***

At the Regular Meeting of the Board of Trustees of the Village of Upper Nyack held in Village Hall, 328 North Broadway, Upper Nyack, NY on Thursday, September 17, 2020, at 7:00 PM, the following were present: Mayor Karen A. Tarapata, Trustee & Deputy Mayor Michael Esmay, Trustee Laurie Dodge and Trustee Kennon Rothchild III it was proclaimed that;

**WHEREAS**, the vitality of a community depends largely on the spirit, pride, and involvement of its citizens; and

**WHEREAS**, community spirit and pride are often reflected in service rendered to the community; and

**WHEREAS**, Joseph P. Diamond has embodied the ideals of community service for many years, and;

**WHEREAS**, Joe is a natural leader and has involved himself in community activities designed to advance human dignity; and

**WHEREAS**, after retiring as President of Wexler Coffee, Joe volunteered with Habitat for Humanity as Head of the Rockland Branch,

**WHEREAS**, Joe is a resident of Rockland County and has lived in Upper Nyack for 52 years and;

**WHEREAS**, Joe lives in Upper Nyack with his wife Carmel and together they raised two sons John and Paul; and

**WHEREAS**, Joe was elected as Trustee in 2008 and re-elected in 2010, 2012, 2014, 2016 and 2018, serving six, two year terms; and

**WHEREAS**, Joe has served as the Chairman for the Board of Assessment Review since 2011; and;

**WHEREAS**, during his terms as Trustee, Joe oversaw the Sewer rehabilitation project and the update and repairs to the Old Stone Meeting House and oversaw the roof repair of the Stone Barn at River Hook Preserve; and

**WHEREAS**, Joe built the ballot box for Village Elections, and;

**WHEREAS**, it is the sense of this legislative body to publicly recognize those individuals who have distinguished themselves as outstanding citizens in their community; and

**NOW, THEREFORE, BE IT RESOLVED**, that this legislative body pause in its deliberations to honor Joseph P. Diamond on the occasion of his outstanding community service

and,

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to Joseph P. Diamond

By the order of the Board of Trustees, September 17, 2020

DISCUSSION – Extend no parking on North Broadway

The Board discussed extending no parking on both sides of North Broadway, from lower Birchwood Ave. to the entrance of Nyack Beach State Park.

A resident had requested it and other residents weighed in that they wanted the on street parking to continue.

The Board agreed to draft a local law and hold a public hearing. The Board may set a public hearing date at the next regular meeting (10/15/2020) and hold the public hearing in November.

Carolle Huber – Consulting Landscape Architect

After a discussion at a prior meeting and tonight regarding landscape services, Trustee Rothchild made a motion that the Village use the service of Carolle Huber on an as needed basis at the rate of \$150 per hour, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

REQUEST TO PLANT HEDGES IN THE VILLAGE R.O.W.

Baroni, 511 North Midland Avenue

The Baroni family would like to plant Portuguese Cherry Laurels to create a hedge along the front of their property. The plants grow to a height of 10' ft. and grow about 6 inches per year. The idea is to keep them trimmed and have them grow to create a green wall of privacy for the property.

After a discussion by the Board it was determined that the Mayor would look at the survey of the Baroni's property and if they would not interfere with the Village roadway, permission would be granted. The Clerk will call the homeowners.

Accept resignation of James DeFeo as MEO I from the DPW

Mr. DeFeo submitted a letter of resignation to the Board with his last day of employment being 9/13/2020.

Trustee Dodge made a motion to accept the resignation of James DeFeo, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild  
NOES: None

#### Friends of River Hook Preserve-

Jonathan Molloy, Public Record created a design vision for the FRH to serve as inspiration for the mast plan for the Preserve. The idea is for the preserve to become a buzz of activity in the natural environment. Many ideas were discussed such as creating a display area in the barn for artifacts that have been uncovered on the property.

The design drawings will be posted to the FRH web site (RiverHook.org) for the public to see.

#### VILLAGE HALL RAILING REPLACEMENT – REVIEW OF BIDS

Mayor Tarapata had requested bids to replace the wooden railings on the village hall porch. A list was given to the Board of those requested to submit a proposal. The Board decided to hold over discussion and any decision until the next meeting. (Post note: A special meeting was held on October 8, 2020 and a proposal from Fesco Fence was approved)

#### EXECUTIVE SESSION:

**8:40 PM** The Board voted to enter executive session

Motion: Trustee Esmay

Second: Trustee Dodge

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Discussed: Employee vacation days that remain unused due to Covid and unable to be rolled over due to Village policy

**8:58 PM** The Board voted to exit executive session

Motion: Trustee Esmay

Second: Trustee Dodge

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Trustee Diamond made a motion that the Board allow for employees to be paid for up to 3 days in addition to the 5 rollover days allowed per village policy, seconded by Trustee Dodge and so moved.

Discussion: Trustee Rothchild dissented because he thinks they should take their time off.

Mayor Tarapata noted this is a one- time move because of unusual circumstances.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge

NOES: Trustees Esmay & Rothchild

Trustee Diamond made a motion to adjourn, seconded by Trustee Rothchild and so moved. The meeting was adjourned at 9:07 PM.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Respectfully submitted,

Carol G. Brotherhood