

## REGULAR MEETING

January 19, 2012

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, January 19, 2012 at 7:00 PM.

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

**Absent:** Treasurer Barry MacCartney

**Others identified:** PO Hodges CPD, Chief Sullivan CPD

POLICE REPORTS – PO Hodges submitted report for review. Noted: report of 2 incidents at the Summit School, large party on vacant lot on N. Broadway (young adults), larceny of jewelry from house that is currently on the market. Chief Sullivan met with Dr. Anne Roberts (UNES Principal), Dr. James Montesano (NUFSD Supt.), Trustee Diamond, and Officers of the Traffic Division to review traffic patterns during drop off and pick up at the elementary school. Chief Sullivan laid out the plan that will be followed to facilitate a safer approach to drop off and pick up. 1) Installation of School signs with flashing lights and posted speed (UN Board will have to pass resolution to allow) 2) Town of Clarkstown will purchase the signs (\$15,000) and pay for cost of electricity 3) Create a drop off zone for parents (UN DPW will paint lines in roadway designating zone) 4) Parent education for drop off zone and safety in School zone 5) Buses will be stopped in center of roadway to stop cars from passing (instead of pulling to side of road) 6) Zero tolerance enforcement policy

Trustee Diamond made a motion to authorize the Town of Clarkstown to purchase and install two (2) electric speed control devices on North Broadway in front of the Upper Nyack Elementary School, one (1) Northbound and one (1) Southbound, seconded by Trustee Sarna and so moved. On a call for a vote:

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

NOES: None

Village Attorney Lewis gave his thanks and appreciation to Chief Sullivan for his effort for safety measures and to PO Hodges for all the good work he does in Upper Nyack. Village Attorney Lewis also thanked Councilwoman Shirley Lakser for her help on behalf of the Village and Upper Nyack School. Councilwoman Lasker noted she was happy to be working together for the safety of the students and residents of Upper Nyack.

7:30 PM – PUBLIC HEARING – Local Law # 1 of 2012

Tax Levy Limit

The Village Clerk read the public hearing legal notice.

A correction was noted that the fiscal year begins on June 1, 2012, not July.

Mayor Esmay explained he had received notice from NYCOM (NY conference of Mayors) to consider passing this law so that if an emergency arises, the Village Board would be able to respond and would not be limited by the tax cap.

Trustee Sarna made a motion to approve local law #1 of 2012, seconded by Trustee Diamond and so moved.

After a brief discussion, Trustee Morgan made a motion to table the closing of the public hearing and the vote until the end of the regular meeting, seconded by Trustee Hindin and so moved.

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

NOES: None

#### MINUTES –

Trustee Morgan made a motion to approve the minutes of the **12/15/2011 Regular meeting**, seconded by Trustee Sarna and so approved.

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

NOES: None

RESOLUTION - Trustee Sarna made a motion that the Village of Upper Nyack will support the grant application by the Village of Nyack to study shared services by the Village of Nyack, Village of South Nyack, Village of Upper Nyack and Village of Grandview, provided there will be no expense to the Village of Upper Nyack and that Nyack will act as the lead agency for the application, seconded by Trustee Hindin and so moved. On a call for a vote:

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

NOES: None

#### VILLAGE ELECTION:

Inspectors of Election – Trustee Morgan made a motion to appoint the following Inspectors of Election for the March 20, 2012 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

Trustee Sarna made a motion to hold a public hearing on March 15, 2012 to amend Article VII, Chapter I, Streets and Sidewalks 1.6 Street Openings and Excavations-Permit Required, of the 1965 Code of General Ordinances, seconded by Trustee Hindin and so moved.

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

The Board discussed amending the policy for street opening permits re: the repair of disturbed pavement on village owned streets. Tabled for further discussion.

TREASURER'S REPORT – Submitted for review. Budget process has begun.

VOUCHERS – Read and approved for payment.

**8:11 PM** – Executive Session: Trustee Sarna made a motion that the Board enter into executive session to discuss Orangetown Sewer District and a claim by Richard Kroll and Tina Martin, seconded by Trustee Hindin and so moved. On a call for a vote:

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

NOES: None

**8:29 PM** – Trustee Sarna made a motion that the Board exit executive session, seconded by Trustee Morgan and it was so moved. On a call for a vote:

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

NOES: None

Local Law #1 of 2012-

Trustee Sarna motioned to close the public hearing on the Tax Levy Limit, seconded by Trustee Morgan and so moved. On a call for a vote:

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

NOES: None

Trustee Morgan made a motion to un-table the vote on the Tax levy Limit law, seconded by Trustee Sarna and so moved.

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

NOES: None

On a call for a vote to approve Local Law # 1 of 2012, and correct the date from July 1, 2012 to June 1, 2012, with no further discussion and all in favor:

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

NOES: None

Note: On February 9, 2012, the Board of Trustees and the Planning Board of the Village of upper Nyack will hold a joint workshop to discuss the Comprehensive plan and Zoning. Trustee Morgan noted that the Board of Trustee is the only Board that can pass or modify the Comprehensive Plan

Trustee Hindin made a motion to adjourn, seconded by Trustee Sarna and so moved. The meeting was adjourned at 8:57 PM.

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

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk