

**Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at
7:00pm on Thursday, April 21, 2022 held as a hybrid meeting**

PRESENT	Karen Tarapata	Mayor
	Michael Esmay	Deputy Mayor,
	Trustee	
	Laurie Dodge	Trustee
	Jeffrey Epstein	Trustee
	Kennon Rothchild III	Trustee
ALSO PRESENT	Georgia Grandstaff	Village Clerk
	Richard D. Fortunato	Treasurer
	PO Niles Davies	Clarkstown Police
	Michael Nolan	Code Enforcement Officer

ABSENT

Meeting called to order at 7:01 PM.

1. Minutes – Regular Meeting March 17, 2022 and Annual Meeting April 4, 2022

Motion to approve March 17 Minutes of the Regular Meeting as amended by Trustee Epstein, seconded by Trustee Dodge, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Motion to approve April 4 Minutes of the Annual Meeting as amended by Trustee Rothchild, seconded by Trustee Epstein, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

2. Police Report (attached)

3. Code Enforcement Officer's Report (attached)

4. Treasurer's Report (attached)

5. 7:30 Public Hearing – Uniform Code Enforcement Law

Motion to open the public hearing of proposed Uniform Code Enforcement Law (Local Law #6) by Trustee Rothchild, seconded by Trustee Esmay, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Discussion: Noelle Wolfson, Esq. explained that this law used to be part of the zoning law but will now have its own law.

Motion to close the public hearing of proposed Uniform Code Enforcement Law (Local Law #6) by Trustee Epstein, seconded by Trustee Dodge, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Motion to adopt the proposed Uniform Code Enforcement Law (Local Law #6) by Trustee Dodge, seconded by Trustee Epstein, and so adopted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

6. Continuation of Public Hearing: Adoption of Tentative Budget 2022-2023

Motion to close the public hearing of Tentative Budget 2022-2023 by Trustee Esmay, seconded by Trustee Dodge, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Motion to adopt the 2022-2023 budget by Trustee Esmay, seconded by Trustee Rothchild, and so adopted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSTAIN:

7. Introduction – Repeal and replacement of Ordinance 2.2 Parking of Vehicles

Discussion: The board discussed the proposed ordinance which would regulate parking in the Village of Upper Nyack (see attached). Official draft will be ready by workshop meeting in May. The public is asked to send their concerns to Upper Nyack Village Hall.

Trustee Rothchild made a motion to set the Public Hearing on the repeal and replacement of Ordinance 2.2 Parking of vehicles for the regular Meeting on May 19, 2022. Trustee Dodge seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSTAIN:

Resolution for Approval: Accept gift of four sugar maples from Wickes Arborists

Trustee Esmay made a motion to accept the gift of four sugar maples from Wickes Arborists, Trustee Epstein seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSTAIN:

Resolution for Approval: Accept gift from Friends of River Hook of 5 teak benches

Trustee Dodge made a motion to accept the gift of 5 benches from Friends of River Hook, Trustee Rothchild seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSTAIN:

Resolution for Approval: UNES Goosetown Bazaar on June 4th, 2022

Trustee Esmay made a motion to approve the UNES Goosetown Bazaar event, Trustee Rothchild seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:
ABSTAIN:

Resolution for Approval: Reception for “Still Here: Women of the Ramapough Lenape Nation” art exhibit at River Hook on June 18, 2022.

Trustee Epstein made a motion to approve the event reception on June 18, 2022. Trustee Rothchild seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Resolution for Approval: Book launch reception for “She is Here” at River Hook on June 21, 2022.

Trustee Rothchild made a motion to approve the event reception for “She is Here” on June 21, 2022. Trustee Epstein seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

Resolution for Approval: Extension of Rubbish Removal Contract

Trustee Esmay made a motion to approve the extension of the rubbish removal contract with Carlo Minuto Carting Co., Inc. Trustee Dodge seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Resolution for Approval: Accept Bid for surplus equipment

Trustee Esmay motioned to accept the bid of \$750.00 from John Calabrese for surplus equipment. Trustee Rothchild seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

8. Discussion – Summer temporary employment

Discussion of increasing the hourly wage for temporary Summer employment position from \$20 an hour to \$30 an hour.

9. Discussion – Arbor Day events

Discussion of signs that the Friends of River Hook wants on day thanking Wickes arborists for donated trees. Trustee Dodge proposed food and drink at Arbor Day event, waiting to hear back from Saloniere, she has insurance, health dept papers etc.

Adjournment: Trustee Esmay motioned to adjourn the regular meeting and go into executive session, Trustee Dodge seconded and so adjourned.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

Regular Meeting was adjourned at 8:04 PM.

Adjournment/Executive Session – Trustee Esmay motioned to adjourn the meeting, Trustee Rothchild seconded and so adjourned.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

Meeting was adjourned at 9:00 PM

Village of Upper Nyack
Board of Trustees
REGULAR MEETING AGENDA
April 21, 2022
7:00 PM

1. Minutes – Regular Meetings – March 17, 2022 and April 4, 2022
2. Police Report
3. Code Enforcement Officer Report
4. Treasurer’s Report
5. **7:30 PM Public Hearing** –Uniform Code Enforcement Law – Proposed Local Law 6
6. **Continuation of Public Hearing:** Adoption of Tentative Budget 2022-2023
7. Introduction – Repeal and replacement of Ordinance 2.2 – Parking of Vehicles
8. Resolution for Approval – Accept gift of five sugar maples from Wickes Arborists.
9. Resolution for Approval – Accept gift from Friends of River Hook of 5 Teak benches.
10. Resolution for Approval: UNES Goosetown Bazaar – June 4th, 2022.
11. Resolution for Approval: Reception for “Still Here: Women of the Ramapough Lenape Nation” art exhibit at River Hook on June 18, 2022.
12. Resolution for Approval – Book launch reception for “She is Here” at River Hook on June 21, 2022.
13. Resolution for Approval – Extension of rubbish removal contract.
14. Resolution for Approval- Accept bid for surplus equipment.
15. Discussion – Summer temporary employment
16. Discussion – Arbor Day events.

Executive Session: Discussion pending legal matters.

Any other business that comes before this Board

Village of Upper Nyack

2022/2023 Budget Workpaper - PROPOSED

	<u>FUNDING SOURCES</u>	<u>31-May-23</u>
<u>A1001</u>	Real Property Tax	2,170,000
<u>A1090</u>	Interest/Pen Taxes	4,000
<u>A1130</u>	Gross Utility Fees	30,000
<u>A2110</u>	Zoning Fees	1,000
<u>A2115</u>	Planning Board Fees	6,000
<u>A2401</u>	Interest Earnings	4,000
<u>A2410</u>	Office & Residential Rental	25,000
<u>A2555</u>	CO & Violation Search	10,500
<u>A2560</u>	Road Opening Permits	2,000
<u>A2590</u>	Building Permits	30,000
<u>A2591</u>	Tree Permits	3,000
<u>A2595</u>	Cable Permits	30,000
<u>A2770</u>	Other Revenue	30,000
<u>A2771</u>	Clarkstown - Bulk Pickup	38,000
<u>A3001</u>	State Aid - State Grant	310,000
<u>A3002</u>	NYS - CHIPS	100,000
<u>A3005</u>	RC Mortgage Tax	55,000
<u>A3006</u>	RC Sales Tax	40,000
<u>A3600</u>	Sewer Rent	50,000
	Transfer from Surplus	60,000
	TOTAL PROJECTED FUNDING SOURCES	2,998,500
<u>A1660</u>	<u>River Hook Preserve</u>	
1660.30	Supplies	3,000
1660.20	Repairs & Maintenance	50,000
1660.10	Utilities	1,500
<u>A6560</u>	<u>Payroll Expenses</u>	
6566	Social Sec/Medicare Employer	44,600
6567	Unemployment	2,000
6569	Payroll Service	3,800
9010	State Retirement	68,000
9040	Worker's Compensation	20,000
9060	Health Insurance	180,000
9061	Medicare Reimb	9,000
<u>A1325</u>	<u>Finance</u>	
1325.01	Treasurer Services	49,500
1325.41	Audit/Reporting	-
<u>A1355</u>	<u>Assessment</u>	
1355.40	Assessor Contr	8,000
<u>A1410</u>	<u>Village Clerk</u>	
1410.03	Asstnt Clerk	57,500
1410.02	Asstnt Clerk	60,000
1410.01	Village Clerk Services	60,000
1410.20	Equipment	-
1410.41	Supplies	8,000
1410.43	Postage	1,000
1410.44	Legal Advertising	6,000
1410.45	Public Information	1,000
1410.47	Telephone/Communication	3,000
1410.49	Contractual Services	30,000
1410.50	Meetings & Seminars	500
1410.51	Promotion & Goodwill	10,000
<u>A1420</u>	<u>Law</u>	
1420.40	Attorney Contractual	120,000
<u>A1440</u>	<u>Engineering</u>	
1440.40	Engineer Contractual	40,000
<u>A1450</u>	<u>Elections</u>	
1450.40	Elections Contractual	500

<u>A1620</u>	<u>Village Hall</u>	
1620.20	VH Equipment	20,000
1620.40	VH Cleaning	3,000
1620.41	VH Heating	3,500
1620.42	VH Electric	3,000
1620.44	VH Repairs	15,000
1620.47	VH Water	440
<u>A1630</u>	<u>Broadway Garage</u>	
1630.51	F&G Heating	500
1630.52	F&G Electricity	500
1630.54	F&G Repairs	1,500
1630.57	F&G Water	300
<u>A1640</u>	<u>Stone Meeting House</u>	
1640.42	Utilities	6,000
1640.44	Repairs & Maintenance	95,000
1640.56	Contractual Misc.	2,000
<u>A1910</u>	Unallocated Insurance	55,000
<u>A3620</u>	<u>Building & Code Enforcement</u>	
3620.01	Building Inspector Services	35,000
3620.40	Contractual Services	-
3620.20	Equipment	-
3620.41	Supplies	2,000
3620.48	Training	500
<u>A5110</u>	<u>Highway Department</u>	
5110.01	HD - Highway Services	192,260
5110.02	HD - OT Personnel Services	50,000
5110.21	HD - Equipment	10,000
5110.41	HD - Truck Maintenance	20,000
5110.42	HD - Truck Fuel	10,000
5110.43	HD - Equipment Maintenance	5,000
5110.44	HD - Road Repair & Maint	25,000
5110.45	HD - Contract Road Repair	370,000
5110.46	HD - Building Repair	10,000
5110.47	HD - Telephone	500
5110.48	HD - Utilities	10,000
5110.49	HD - Training	1,000
5110.52	HD - Tree Safety	10,000
5110.53	HD - Supplies	6,000
5110.57	HD - Catch Basin Repairs	6,000
5110.59	HD - Cablevision	1,000
5110.61	HD - Contract Services	12,000
<u>A8020</u>	<u>Planning / ARB</u>	
8020.10	Planning Personnel	53,600
8020.40	Contractual Services	4,000
<u>A8120</u>	<u>Sewer System</u>	
8120.42	SS - Pumphouse Utilities	4,000
8120.44	SS - Repairs & Maintenance	15,000
8120.60	SS - Treatment	436,000
8120.70	SS - Pump Station Debt Service	28,000
<u>A8130</u>	<u>Refuse Collection</u>	
8130.4	Refuse Contractual	260,000
<u>A9600</u>	<u>Bond Payments</u>	
9610	DPW Building	-
9611	Interest DPW Building	-
9612	Various Purpose Bd	-
9613	Interest Var Pur Bd	-
9614	2.2M Open Space Bond - Prin	90,000
9615	2.2M Open Space Bond - Int	70,000
9616	Refunding Bond - Principle	165,000
9617	Refunding Bond - Interest	54,000
	TOTAL PROJECTED EXPENSES	2,998,500
	(SURPLUS) DEFICIT	-

Upper Nyack Village Board Meeting March, 2022

MVA's: 3 2- MVA No injury- N. Broadway

1- Hit and Run- N. Broadway

Area Checks: All "checks" continue on a daily basis

School Checks: Upper Nyack Elementary

Cultural and Religious: All checks continue

Abandoned Vehicle - 0

Alarms 9 Burglary

3 Fire

1 Panic

Animals 2 Raccoon sleeping under shed

Missing beagle

Burglary 0

Criminal Mischief 1 Nyack High School Shed

Dispute 0

Fire 2 Camboan – Brush

Highmount Av – Smell of electrical odor

Fireworks - None reported

Frauds/ID/Scams 2 Loan opened up fraudulently for \$19,000
Geek Squad – thought speaking to gave personal info

Frauds

These types of incidents include:

- Dent Repair
- Driveway Paving
- Roofing Repair
- Diversion Burglaries, sometimes posing as utility workers

- Tech Support
- Online Dating
- Lottery & Sweepstakes
- Insurance/Financial Fraud

Juveniles – None

Larceny - 1 Bicycle N. Broadway

Remind residents to lock their vehicles

Larcenies from vehicles – None

Medical Calls – 28

Ordinance Noise – 1 Power equipment on Centre Av - GOA
Boat Yard - 0

Property damage – None

Recycle – None

Stolen Vehicle – None this month.

Suspicious 2 Filming on school property

Customer giving clerk a hard time at Gulf Station

Robberies: None

Trespass – None

Speed complaints

N. Broadway by Upper Nyack Elementary School

Upper Birchwood

Old Mountain

Castle Heights Eastbound from Midland Ave

V&T- None

Additional Calls in Town

Frauds

2 false calls where someone claimed to be law enforcement. RC Sheriff and Suffolk Detective
Victim tried to sell furniture on Facebook Market place. Buyer sent false check
Victim met suspect on Linked.com Sent \$156,000 for crypto investment
Several reports of false taxes filed

Stolen Vehicles

Work Van – Home Depot West Nyack
Mercedes – New City – Unlocked, Keys in car – Tracked to Newark
BMW – West Nyack – Unlocked, Keys in car
Mitsubishi – Days Inn – Car locked
Corvette – Unlocked, keys in car.
Hyundai – Palisades Ctr – Unlocked, keys in car

Drug Related Information:

County-wide Overdoses	2022 YTD – 86, resulting in 11 death (75 survived)
Clarkstown	2022 YTD – 17 resulting in 3 deaths (14 survived)
	Finding fentanyl in Marijuana

Drug Take Back Saturday April 30th

PO Niles Davies

PO Chris Kelly

845-639-5980

n.davies@clarkstownpd.org

c.kelly@clarkstownpd.org

Village of Upper Nyack
Balance Sheet
As of April 21, 2022

	Apr 21, 22
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	606,311.09
NY Class-General Fund 001	1,208,249.85
Webster-General Operating 693	425,683.06
Webster-General Payroll 706	123,037.84
Webster-Trust & Agency Fund714	7,638.28
Total Checking/Savings	2,370,920.12
Total Current Assets	2,370,920.12
TOTAL ASSETS	2,370,920.12
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due To/From Other Funds	
Capital Projects Fund Payable	604,038.00
Trust & Agency Fund Payable	7,624.00
Total Due To/From Other Funds	611,662.00
Security Deposit - Rent	2,000.00
Total Other Current Liabilities	613,662.00
Total Current Liabilities	613,662.00
Total Liabilities	613,662.00
Equity	
3950 Unappropriated Fnd Balance	1,406,902.89
Net Income	350,355.23
Total Equity	1,757,258.12
TOTAL LIABILITIES & EQUITY	2,370,920.12

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through April 21, 2022

	Jun 1, '21 - Apr 21, 22	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Income			
1001 Real Property Tax	2,099,501.94	2,130,000.00	-30,498.06
1090 Int./Pen. Taxes	5,772.89	1,800.00	3,972.89
1130 Gross Utility Fees	40,503.21	32,000.00	8,503.21
2110 Zoning Fees	1,800.00	1,000.00	800.00
2115 Planning Board Fees	4,230.84	6,000.00	-1,769.16
2401 Interest Earnings	749.33	4,000.00	-3,250.67
2410 Office Rental	23,650.00	24,000.00	-350.00
2555 Co & Violations Search	11,925.00	10,500.00	1,425.00
2560 Road Opening Permit	5,250.00	2,000.00	3,250.00
2590 Building Permits	26,204.19	35,000.00	-8,795.81
2591 Tree Permit	3,609.00	2,550.00	1,059.00
2595 Cable TV Permits	25,954.40	30,000.00	-4,045.60
2770 Other Revenue	187,242.34	30,000.00	157,242.34
2771 Clarkstown - Bulk Pickup	39,704.00	36,000.00	3,704.00
3001 State Aid	116,243.17	150,000.00	-33,756.83
3002 NYS - CHIPS	119,265.80	100,000.00	19,265.80
3005 R.C. - Mortgage Tax	50,726.36	60,000.00	-9,273.64
3006 R.C. - Sales Tax	26,192.00	35,000.00	-8,808.00
3600 Sewer Rent	53,604.35	50,000.00	3,604.35
4000 Transfer from Surplus	0.00	62,000.00	-62,000.00
Total Income	2,842,128.82	2,801,850.00	40,278.82
Total Income	2,842,128.82	2,801,850.00	40,278.82
Gross Profit	2,842,128.82	2,801,850.00	40,278.82
Expense			
1325 FINANCE			
1325.01 Treasurer Services	43,040.00	48,000.00	-4,960.00
Total 1325 FINANCE	43,040.00	48,000.00	-4,960.00
1355 ASSESSMENT			
1355.40 Assessor Services	0.00	8,000.00	-8,000.00
Total 1355 ASSESSMENT	0.00	8,000.00	-8,000.00
1410 VILLAGE CLERK			
1410.01 Village Clerk	35,370.35	52,000.00	-16,629.65
1410.02 Village Clerk- Asstnt 2	37,230.84	45,000.00	-7,769.16
1410.03 Village Clerk- Asstnt 1	51,975.00	55,800.00	-3,825.00
1410.20 Equipment	7,966.41	5,000.00	2,966.41
1410.41 Supplies	15,390.59	5,000.00	10,390.59
1410.43 Postage	374.96	1,000.00	-625.04
1410.44 Legal Advertizing	9,924.00	4,500.00	5,424.00
1410.45 Public Information	1,019.07	1,000.00	19.07
1410.47 Telephone	2,932.56	2,000.00	932.56
1410.49 Contractual Services	69,728.85	30,000.00	39,728.85
1410.50 Meetings / Seminars	500.00	500.00	0.00
1410.51 Promotion / Good Will	40.00	250.00	-210.00
Total 1410 VILLAGE CLERK	232,452.63	202,050.00	30,402.63
1420 LEGAL			
1420.40 Attorney Contractual	92,681.04	90,000.00	2,681.04
Total 1420 LEGAL	92,681.04	90,000.00	2,681.04
1440 ENGINEERING			
1440.40 Engineer Contractual	21,926.00	40,000.00	-18,074.00
Total 1440 ENGINEERING	21,926.00	40,000.00	-18,074.00

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through April 21, 2022

	Jun 1, '21 - Apr 21, 22	Budget	\$ Over Budget
1450 ELECTIONS			
1450.40 Elections Contractual	600.00	500.00	100.00
Total 1450 ELECTIONS	600.00	500.00	100.00
1620 VILLAGE HALL			
1620.20 Equipment	15,141.60	16,000.00	-858.40
1620.40 Cleaning	2,550.00	2,000.00	550.00
1620.41 Heating	3,616.05	2,500.00	1,116.05
1620.42 Electric	2,559.69	4,000.00	-1,440.31
1620.44 Repairs	3,393.18	46,000.00	-42,606.82
1620.47 Water	289.94	350.00	-60.06
Total 1620 VILLAGE HALL	27,550.46	70,850.00	-43,299.54
1630 BROADWAY GARAGE			
1630.51 Heating	417.36	500.00	-82.64
1630.52 Electricity	673.17	500.00	173.17
1630.54 Repairs	0.00	1,500.00	-1,500.00
1630.57 Water	200.86	300.00	-99.14
Total 1630 BROADWAY GARAGE	1,291.39	2,800.00	-1,508.61
1640 STONE MEETING HOUSE			
1640.42 Utilities	2,896.96	2,000.00	896.96
1640.44 Repairs & Maintenance	24,082.63	10,150.00	13,932.63
1640.56 Contractual Misc.	1,857.93	1,000.00	857.93
Total 1640 STONE MEETING HOUSE	28,837.52	13,150.00	15,687.52
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	899.30	1,500.00	-600.70
1660.20 Repair and Maintenance	32,424.20	55,000.00	-22,575.80
1660.30 Supplies	779.38	3,000.00	-2,220.62
Total 1660 RIVER HOOK PRESERVE	34,102.88	59,500.00	-25,397.12
1910 INSURANCE			
1910.10 Insurance	45,726.78	55,000.00	-9,273.22
Total 1910 INSURANCE	45,726.78	55,000.00	-9,273.22
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	33,269.24	34,000.00	-730.76
3620.20 Equipment	0.00	2,000.00	-2,000.00
3620.41 Supplies	2,397.22	1,000.00	1,397.22
3620.48 Training	495.00	500.00	-5.00
Total 3620 BUILDING/CODE ENFORCEME...	36,161.46	37,500.00	-1,338.54
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	193,522.14	187,000.00	6,522.14
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	135,101.97	10,000.00	125,101.97
5110.41 Truck Maintenance	18,378.33	20,000.00	-1,621.67
5110.42 Truck Fuel	8,505.17	10,000.00	-1,494.83
5110.43 Equip Maintenance	4,543.70	5,000.00	-456.30
5110.44 Road Repair/Maint.	29,503.23	25,000.00	4,503.23
5110.45 Contr. Road Repair	281,938.40	312,000.00	-30,061.60
5110.46 Building Repair	8,591.64	10,000.00	-1,408.36
5110.47 Telephone	133.96	500.00	-366.04
5110.48 Utilities	12,331.92	10,000.00	2,331.92

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through April 21, 2022

	Jun 1, '21 - Apr 21, 22	Budget	\$ Over Budget
5110.49 Training	0.00	1,000.00	-1,000.00
5110.52 Tree Safety	14,550.00	6,000.00	8,550.00
5110.53 Supplies	3,745.80	6,000.00	-2,254.20
5110.57 Catch Basin Repair	1,632.53	10,000.00	-8,367.47
5110.59 Cablevision	769.34	1,000.00	-230.66
5110.61 Contr. Service	10,317.57	10,000.00	317.57
Total 5110 HIGHWAY DEPARTMENT	723,565.70	673,500.00	50,065.70
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	33,674.45	42,500.00	-8,825.55
6567 Unemployment	2,421.83	2,000.00	421.83
6569 Payroll Service	3,784.72	3,500.00	284.72
9010 State Retirement	66,714.00	60,000.00	6,714.00
9040 Workers Compensation	12,999.58	20,000.00	-7,000.42
9060 Health Insurance	128,240.96	160,000.00	-31,759.04
9061 Medicare Reimbursement	6,582.60	7,000.00	-417.40
Total 6560 PAYROLL EXPENSES	254,418.14	295,000.00	-40,581.86
8020 PLANNING / ARB			
8020.10 Planning Personnel	50,472.78	58,000.00	-7,527.22
8020.40 Planning Contractual	10,950.00	20,000.00	-9,050.00
Total 8020 PLANNING / ARB	61,422.78	78,000.00	-16,577.22
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	6,359.68	3,000.00	3,359.68
8120.44 Repair & Maint.	0.00	15,000.00	-15,000.00
8120.60 Treatment	253,519.66	432,000.00	-178,480.34
8120.70 Pump Station Debt Svc	16,148.82	28,000.00	-11,851.18
Total 8120 SEWER SYSTEM	276,028.16	478,000.00	-201,971.84
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	215,131.88	240,000.00	-24,868.12
Total 8130 REFUSE COLLECTION	215,131.88	240,000.00	-24,868.12
9600 BONDS & BANS			
9610 DPW Building Bond - Prin	0.00	65,000.00	-65,000.00
9611 DPW Building Bond Interest	0.00	30,000.00	-30,000.00
9612 Various Purpose Bond Prin	0.00	110,000.00	-110,000.00
9613 Various Purp Bond Interest	20,059.38	40,000.00	-19,940.62
9614 Open Space Bond - Prin	90,000.00	90,000.00	0.00
9615 Open Space Bond - Interest	73,193.80	75,000.00	-1,806.20
9616 Refunding Bond - Principle	201,755.55	0.00	201,755.55
9617 Refunding Bond - Interest	11,828.04	0.00	11,828.04
Total 9600 BONDS & BANS	396,836.77	410,000.00	-13,163.23
Total Expense	2,491,773.59	2,801,850.00	-310,076.41
Net Ordinary Income	350,355.23	0.00	350,355.23
Net Income	350,355.23	0.00	350,355.23

**VILLAGE OF UPPER NYACK
LOCAL LAW #6 of 2022**

A Local Law establishing Uniform Code Enforcement within the Village of Upper Nyack.

BE IT ENACTED by the Board of Trustees of the Village of Upper Nyack (the “Village Board”) as follows:

This Local Law shall be titled and may be cited as the VILLAGE OF UPPER NYACK
UNIFORM CODE ENFORCEMENT LAW

SECTION 1. PURPOSE AND INTENT.

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”) in the Village of Upper Nyack. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS. The following terms used in this local law shall have the following meanings:

- 2.1 “Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.
- 2.2 “Certificate of Occupancy” / “Certificate of Compliance” shall mean a certificate issued pursuant to section 7 of this local law.
- 2.3 “Code Enforcement Official” shall mean the Code Enforcement Official appointed pursuant to section 3.4 of this local law.
- 2.4 “Code Enforcement Personnel” shall include the Code Enforcement Official and all Inspectors.
- 2.5 “Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.
- 2.6 “Inspector” shall mean an inspector appointed pursuant to section 3.7 of this local law.
- 2.7 “Order to Remedy” shall mean an order issued by the Code Enforcement Official pursuant to section 16 of this local law.
- 2.8 “Permit Holder” shall mean the Person to whom a Building Permit has been issued.

- 2.9 “Person” Any individual human being or group of individuals, corporation, partnership, limited liability company, association, or any other entity, including State and local governments and agencies.
- 2.10 “Short Term Rental” shall have the meaning ascribed to it in the Village Zoning Law.
- 2.11 “Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.
- 2.12 “Temporary Certificate” shall mean a certificate issued pursuant to section 7.4 of this local law.
- 2.13 “Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.
- 2.14 “Unsafe Building” shall mean any building or structure, or any portion thereof, that is determined by the Code Enforcement Official to be dangerous to the life, health, property or safety of any person by reason of, among other things, damage, decay, structural instability, lack of adequate means of ingress or egress, or inadequate systems to protect from or warn of fire.
- 2.15 “Village” shall mean the Village of Upper Nyack.
- 2.16 “Village Zoning Law” shall be the Zoning Law of the Village of Upper Nyack, Village of Upper Nyack Local Law #5 of 2022 as it may be from time to time amended.
- 2.17 “Zoning Inspector” shall be the official designated by the Village Board of Trustees to enforce the terms of the Village Zoning Law.

SECTION 3. CODE ENFORCEMENT OFFICIAL AND INSPECTORS.

- 3.1 The office of Code Enforcement Official, having been previously created in the Village, is hereby continued.
- 3.2 The Code Enforcement Official shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law.
- 3.3 The Code Enforcement Official shall have the following powers and duties:
- 3.3.1 To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, and Temporary Certificates, and the plans, specifications and construction documents submitted with such applications;
 - 3.3.2 Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, or Temporary Certificates, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, and Temporary

Certificates such terms and conditions as the Code Enforcement Official may determine to be appropriate;

3.3.3 To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, or Temporary Certificates, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

3.3.4 To refer applications to the Village of Upper Nyack Planning Board, Zoning Board of Appeals, Architectural Review Board or Board of Trustees, or any other governmental officer, board or agency as required or permitted by law;

3.3.5 To issue Stop Work Orders;

3.3.6 To review and investigate complaints;

3.3.7 To issue Orders to Remedy pursuant to section 16.1 of this local law;

3.3.8 To maintain records;

3.3.9 To collect fees as set forth in a resolution adopted by the Village Board of Trustees;

3.3.10 To pursue administrative enforcement actions and proceedings;

3.3.11 In consultation with the Village Attorney and/or legal counsel retained by the Village, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

3.3.12 To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Official by this local law or any other applicable law.

3.4 The Code Enforcement Official shall be appointed annually by the Village Board of Trustees.

3.5 The Code Enforcement Official shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Official shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

3.6 If the Code Enforcement Official is unable to serve as such for any reason, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Official. The Acting Code Enforcement Official shall, during the term of his or her

appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Official by this local law.

- 3.7 One or more Inspectors may be appointed by the Village Board of Trustees to act under the supervision and direction of the Code Enforcement Official and to assist the Code Enforcement Official in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Official by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- 3.8 The compensation for the Code Enforcement Official and Inspectors shall be fixed from time to time by the Village Board of Trustees.
- 3.9 The Village Board of Trustees may appoint the Code Enforcement Official or any Inspector hereunder to serve as the Zoning Inspector (Village Zoning Law, Section 11.1).

SECTION 4. BUILDING PERMITS.

- 4.1 Building Permits Required. Except as otherwise provided in Subsection 4.2 of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Official.
- 4.2 Exemptions. No Building Permit shall be required for work in any of the following categories:
- 4.2.1 installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - 4.2.2 construction of retaining walls less than three (3) feet in height unless such walls support a surcharge or impound Class I, II or IIIA liquids. For the avoidance of doubt, construction of retaining walls that are three (3) feet in height or greater require a Building Permit;
 - 4.2.3 repairs and maintenance, provided that such repairs or maintenance do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system;

or (iv) the removal from service of all or part of a fire protection system for any period of time.

4.3 Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in section 4.2 shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or this local law.

4.4 Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Official. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Official deems sufficient to permit a determination by the Code Enforcement Official that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code and this local law. The application shall include or be accompanied by the following information and documentation:

4.4.1 a description of the proposed work;

4.4.2 a description of the proposed use of the premises;

4.4.3 the tax map number and the street address of the premises where the work is to be performed;

4.4.4 the zoning district in which the premises is located along with a bulk table demonstrating the compliance of the proposed premises with the bulk requirements of the Village Zoning Law;

4.4.5 the occupancy classification of any affected building or structure;

4.4.6 where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

4.4.7 at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code, the Energy Code and this local law; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

4.5 Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in section 4.4.7. Construction documents which are accepted as part of the application for a Building

Permit shall be marked as accepted by the Code Enforcement Official in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Official, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel at the time the Building Permit is issued. Work shall not be commenced until and unless a Building Permit is issued.

- 4.6 Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and this local law. The Code Enforcement Official shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and this local law and the Zoning Inspector has certified compliance with the Village's Zoning Law as required pursuant to Section 11.2.6 of the Village's Zoning Law.
- 4.7 Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- 4.8 Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Permit Holder shall immediately notify the Code Enforcement Official of any change occurring during the work. If the Code Enforcement Official determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- 4.9 Time limits. Building Permits shall expire 12 months after the date of issuance. A Building Permit may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Official.
- 4.10 Revocation or suspension of Building Permits. If the Code Enforcement Official determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code, the Energy Code, this local law or the Village's Zoning Law, the Code Enforcement Official may revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code, this local law and the Village's Zoning Law and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code, this local law and the Village's Zoning Law.
- 4.11 Fee. The Building Permit fees shall be paid prior to the issuance of a Building Permit, or an amendment or renewal thereof. Fee amounts shall be set forth in a resolution adopted by the Village Board of Trustees.

SECTION 5. CONSTRUCTION INSPECTIONS.

- 5.1 Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Official or by an Inspector authorized by the Code Enforcement Official. The Permit Holder shall notify the Code Enforcement Official when any element of work described in subdivision 5.2 of this section is ready for inspection.
- 5.2 Elements of work to be inspected. The schedule of inspections as a part of the Building Permit process shall be provided to the Permit Holder upon the filing of the Building Permit application.
- 5.3 Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code, Energy Code or this local law. Work not in compliance with any applicable provision of the Uniform Code, Energy Code or this local law shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code and/or this local law, reinspected, and found satisfactory as completed.
- 5.4 Fee. Inspection fees in the amount set forth by resolution adopted by the Village Board of Trustees must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

- 6.1 Authority to issue. The Code Enforcement Official is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Official shall issue a Stop Work Order to halt:
 - 6.1.1 any work that is determined by the Code Enforcement Official to be contrary to any applicable provision of the Uniform Code, Energy Code, this local law or the Zoning Law, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - 6.1.2 any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Official, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - 6.1.3 any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

- 6.2 Content of Stop Work Orders. Stop Work Orders shall: (1) be in writing, (2) be dated and signed by the Code Enforcement Official, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- 6.3 Service of Stop Work Orders. The Code Enforcement Official shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by Certified Mail. The Code Enforcement Official shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by Certified Mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- 6.4 Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- 6.5 Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in section 6.1, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 16 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. Certificates of Occupancy / Certificates of Compliance.

- 7.1 Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.
- 7.2 Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Official shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code, Energy Code and this local law, and if the Zoning Inspector certifies compliance with the Village's Zoning Law as provided in section 11.2.6 of the Village's Zoning Law, and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Official or an Inspector authorized by the Code Enforcement Official shall

inspect the building, structure or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Official, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Official prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

7.2.1 a written statement of structural observations and/or a final report of special inspections.

7.3 Contents of Certificates of Occupancy / Certificates of Compliance. Certificates of Occupancy / Certificates of Compliance shall contain the following information:

7.3.1 the Building Permit number, if any;

7.3.2 the name, address, zoning district designation and tax map number of the property;

7.3.3 if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which it is issued;

7.3.4 the use and occupancy classification of the structure;

7.3.5 the type of construction of the structure;

7.3.6 the assembly occupant load of the structure, if any;

7.3.7 if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

7.3.8 any special conditions imposed in connection with the issuance of the Building Permit or any land use or zoning approvals issued for the premises; and

7.3.9 the signature of the Code Enforcement Official issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

7.4 Temporary Certificate. The Code Enforcement Official shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Official issue a Temporary Certificate unless the Code Enforcement Official determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Official may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the

purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Official and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- 7.5 Revocation or suspension of certificates. If the Code Enforcement Official determines that a Certificate of Occupancy, Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Official within such period of time as shall be specified by the Code Enforcement Official, the Code Enforcement Official shall revoke or suspend such certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

- 8.1 The chief of any fire department providing firefighting services for a property within the Village shall promptly notify the Code Enforcement Official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDINGS AND STRUCTURES.

- 9.1 Unsafe buildings are hereby declared to be illegal and any person owning or in possession of any building or structure declared to be an unsafe building shall be in violation of this local law. The owner of any unsafe building shall repair such building or structure to a safe condition or demolish it and restore the property on which it is located to a safe condition in accordance with the requirements of this Section 9.
- 9.2 The Code Enforcement Official shall evaluate every building or structure reported to be unsafe and shall record the results of such evaluation in writing.
- 9.3 If the Code Enforcement Official determines that a building or structure qualifies as an unsafe building, the Code Enforcement Official shall serve upon the owner thereof an Order to Remedy as provided in Section 16.1 ordering that the subject building or structure be repaired to a safe condition or demolished.
- 9.4 If the Code Enforcement Official determines that there is imminent danger to life or property due to the immediate danger of failure or collapse of the subject building or structure the Order to Remedy shall also require the building, structure or portion thereof to be vacated immediately and not reoccupied until the Building or Structure has been determined to be safe for re-occupancy by the Code Enforcement Official. If the Code Enforcement Official determines that a building is an immediate hazard as described in this Section 9.4, the Code Enforcement Official shall cause a notice in a form substantially similar to the following (the "Unsafe Building Warning") to be posted in a conspicuous location at each entrance to the Building: "UNSAFE THIS BUILDING IS UNSAFE. ITS USE OR OCCUPANCY IS PROHIBITED." The Unsafe Building Warning shall remain posted until the required repairs

are made or demolition is completed as determined by the Code Enforcement Official. It shall be a violation of this local law for any person to remove an Unsafe Building Warning without the Code Enforcement Official's written permission, or for any person to enter a building or structure posted with an Unsafe Building Warning except for the purpose of making the required repairs or of demolishing the building.

- 9.5 If the Code Enforcement Official finds that any unsafe building presents an imminent danger to human life or health and the owner of the subject property has failed to secure the premises as directed in the Order to Remedy as set forth in Section 9.3 of this local law, the Code Enforcement Official may promptly cause the unsafe building (or the unsafe portion thereof) to be made safe or removed. Any cost incurred by the Village to remove or secure an unsafe building shall be charged to the owner of the property on which the building is located in any manner permitted by law.

SECTION 10. [section reserved for future use].

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS.

- 11.1 Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Official or an Inspector designated by the Code Enforcement Official at the following intervals:
- 11.1.1 Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - 11.1.2 Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories or short-term rentals shall be performed at least once every twelve (12) months.
 - 11.1.3 Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs 11.1.1 or 11.1.2 of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs 11.1.1 or 11.1.2 of this subdivision, shall be performed at least once every twelve (12) months.
- 11.2 Inspections permitted. In addition to the inspections required by subdivision (11.1 of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Official or an Inspector designated by the Code Enforcement Official at any time upon: (1) the request of the owner of the property to be inspected or an authorized agent of such owner; (2) receipt by the Code Enforcement Official of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or (3) receipt by the Code Enforcement Official of any other information, reasonably believed by the Code Enforcement Official to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an

inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

11.3 [reserved]

11.4 Fee. A fee in an amount set forth on a fee schedule adopted by the Village Board of Trustees shall be paid prior to or at the time each inspection performed pursuant to this section.

SECTION 12. COMPLAINTS.

12.1 The Code Enforcement Official shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Official may deem to be appropriate:

12.1.1 performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

12.1.2 if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 16 (Violations) of this local law;

12.1.3 if appropriate, issuing a Stop Work Order;

12.1.4 if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. [reserved for future use].

SECTION 14. RECORD KEEPING.

14.1 The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

14.1.1 all applications received, reviewed and approved or denied;

14.1.2 all plans, specifications and construction documents approved;

14.1.3 all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, or Stop Work Orders issued;

14.1.4 all inspections and tests performed;

14.1.5 all statements and reports issued;

14.1.6 all complaints received;

14.1.7 all investigations conducted;

14.1.8 all condition assessment reports received;

14.1.9 all other features and activities specified in or contemplated by sections 4 through 13, inclusive, of this local law, including; and

14.1.10 all fees charged and collected.

14.2 All such records shall be public records open for public inspection following the filing of a Freedom of Information Law request with the Village Clerk. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 15. PROGRAM REVIEW AND REPORTING.

15.1 The Code Enforcement Official shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.

SECTION 16: VIOLATIONS.

16.1 Orders to Remedy.

16.1.1 The Code Enforcement Official is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law.

16.1.2 An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Official; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

16.1.2.1 “The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [*specify date*], which is thirty [30] days after the date of this Order to Remedy.”

16.1.2.2 The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy: (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Official may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Official shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Official shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order to Remedy.

16.2 Appearance Tickets. The Code Enforcement Official and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code or this local law.

16.3 Penalties for Offense. Any person, having been served, either personally or by registered or certified mail, with an Order to Remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, Energy Code or this local law who shall fail to comply with such Order within the time fixed therein, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code, Energy Code, this local law or any lawful order of the Code Enforcement Official shall be punishable by a fine or imprisonment as provided in New York State Executive Law §382(2) for violations of the Uniform Code or this local law and New York Energy Law §11-108 for violations of the Energy Code.

16.4 Civil Penalties. In addition to those penalties prescribed herein or by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, or other notice or order issued by the Code Enforcement Official pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village.

16.5 Injunctive Relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Order to Remedy, or other notice or order issued by the Code Enforcement Official pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the Village, in New York State Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of Trustees.

16.6 Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law.

SECTION 17: FEES.

17.1 A fee schedule shall be established by resolution of the Board of Trustees of the Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, fire safety and property maintenance inspections, and other actions of the Code Enforcement Official described in or contemplated by this local law.

SECTION 18. SEVERABILITY.

18. 1 If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE.

19.1 This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

DRAFT
VILLAGE OF UPPER NYACK
Local Law #7 of 2022

Be it enacted by the Board of Trustees of the Village of Upper Nyack as follows:

ARTICLE 1. TITLE

A Local Law regulating parking on Village streets in the Village of Upper Nyack.

ARTICLE 2. PURPOSE

The purpose of this Local Law is to repeal the existing regulations in Upper Nyack Village Code Ordinance 2.2, Parking of Vehicles, and adopt the regulations contained herein as Ordinance 2.2., Parking of Vehicles.

ARTICLE 3. ORDINANCE 2.2

Upper Nyack Village Code Ordinance 2.2. Parking of Vehicles, shall be repealed in its entirety and replaced with the following:

ORDINANCE 2.2

- (a) No vehicle shall be parked or left standing on any Village street, excepting the south side of School Street, between the hours of 3AM and 6AM except utility or emergency vehicles in the fulfillment of their duties.
- (b) No vehicle shall be parked, or left standing, within fifteen (15) feet of any street intersection or fire hydrant in the Village.
- (c) No vehicle shall be parked or left standing other than parallel with the edge of the street heading in the direction of traffic and with front and rear wheels not more than six inches from the curb, except where otherwise indicated by appropriate signs and markings installed or designated by the Clarkstown Police Department.
- (d) No vehicle shall be parked or left standing at any time on Van Houten Street, or on the north side of School Street, and no other vehicle shall be parked or left standing at any time on Lower Castle Heights Avenue east of North Broadway.

(e) No vehicle shall be parked or left standing in any of the following locations, with the exception of emergency vehicles in the performance of emergency services and delivery vehicles while in the process of making deliveries in proximity to such locations:

- i. On Larchdale Avenue;
- ii. On North Midland Avenue north of Kuyper Drive;
- iii. On North Broadway north of Locust Drive;
- iv. On Lewis Drive;
- v. On the west side of North Broadway from the north property line of the Upper Nyack School to lower Birchwood Avenue;
- vi. On both the east and west sides of state highway Route 9W from the dividing line between the Village of Nyack and the Village of Upper Nyack to the intersection of Route 9W and Christian Herald Road;
- vii. On North Broadway 100 feet south and 50 feet north from the exit of the driveway of the Summit School;
- viii. On the east side of Ellen Street from Castle Heights Avenue to Van Houten; Street;
- ix. On the south side of Bexman Green;
- x. On the north Side of Bexman Green;
- xi. In front of any active business or residential driveway without the permission of the owner;
- xii. On the north end of Daisy Street, at the dead end;
- xiii. On the north end of Cedar Avenue, at the dead end;
- xiv. On the west side of North Broadway from Nyack Beach State Park to Birchwood Avenue and on the east side of North Broadway from 347 North Broadway (OSMH) to Nyack Beach State Park;
- xv. On Birchwood Avenue between North Midland Avenue and North Broadway between the hours of 8 a.m. and 9:30 a.m. and 2:30 p.m. and 4 p.m. from September 1st through June 30th;
- xvi. Within 30 feet of the stop signs on Locust Avenue, Lexow Avenue between North Midland Avenue and North Broadway, and Birchwood Avenue between North Midland Avenue and North Broadway.

- (f) Parking shall be prohibited on the west side of North Midland Avenue from the corner of Highmount Avenue for a distance of 58 feet.
- (g) No vehicle shall be operated or parked on any public street in the Village without a current registration and inspection.
- (h) Any vehicle violating this Local Law may be towed away at the owner's expense in addition to any fine being levied.
- (i) Parking of a vehicle in any area that is designated as a "handicapped" parking space without a valid handicapped parking permit or license plates is prohibited.
- (j) Except as otherwise set forth below, any person violating the provision of this Local Law shall be liable for a fine not exceeding \$50.00 for a first offence and \$ 75.00 for the same offence within any 24-month period.
 - i. Any person violating the provision of Ordinance 2.2(i)(parking in a handicapped space without a handicapped permit or license plate) shall be liable for a fine not exceeding \$125.00 for a first offense and \$175.00 for the same offense within any 24-month period.
- (k) No person shall park or cause to be parked, any bus designated for carrying more than ten (10) persons on a public street or the public right of way except during active loading and unloading of passengers except for school buses dropping off or picking up students from the Upper Nyack Elementary School.
- (l) No vehicles shall be parked in the public right of way or on a public street during a posted snow emergency declared by the Mayor of the Village of Upper Nyack except in the designated parking places set aside for homes without driveways on the south side of School Street and the west side of Front Street north of Highmount Avenue.

ARTICLE 4. SEPARABILITY

Should any section, sentence or provision of this Local Law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this Local Law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

ARTICLE 5. REPEALER AND EFFECT ON OTHER LAWS

Upon the filing of this Local Law, the following Local Laws of the Village of Upper Nyack shall be repealed to the extent that they affect General Ordinance 2.2: LL #4 of 1981, LL #3 of 1982, LL #2 of 1983, LL #3 of 1990, LL #3 of 1994, LL #6 of 1999, LL #3 of 2001, LL #1 of 2002, LL # 6 of 2002; LL #8 of 2006, LL #1 of 2009, LL#3 of 2014, LL #4 of 2015, LL #1 of 2018, LL # 5 of 2018, and LL #7 of 2020.

Except as otherwise stated in this Article 5, nothing in this Local Law shall be construed to vary or modify the provisions of any other general or Local Law or to authorize the violation thereof. Where there is a conflict between this Local Law and any other applicable law the more restrictive law shall control.

ARTICLE 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

RECEIVED

MAR 23 2022

Village of Upper Nyack

Goosetown 2022
Upper Nyack PTA
Upper Nyack Elementary School
336 North Broadway
Upper Nyack, NY 10960

Carol Brotherhood
Village Clerk
Village of Upper Nyack
328 North Broadway
Upper Nyack, NY 10960

March 23, 2022

Dear Mrs. Brotherhood,

I am a co-chairperson for the 2022 Upper Nyack Elementary School Goosetown Bazaar. This year our event is scheduled for June 4, 2022 from 11:00am to 2:00pm. We are cordially requesting to have North Broadway closed between Castle Heights Avenue and Birchwood Avenue, starting at 10:30am until 3:00pm. We would also ask that the appropriate notifications be made to the highway, fire, and police departments. In addition, it would be helpful if the Summit School and any other affected residents be notified of the requested closings.

If you need further information or if we need to do anything further regarding the above requested closure, please let me know. I can be reached at 917-450-5619 or linie.rand@gmail.com.

Thank you in advance for your time and assistance.

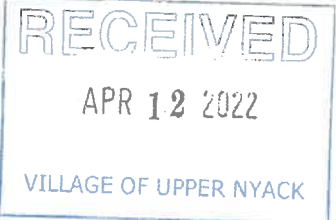
Sincerely,



Linie Rand



ASSOCIATION
INSURANCE
MANAGEMENT INC



MEMBER CERTIFICATE OF INSURANCE

4/8/22

Thank you for purchasing your insurance from AIM. This is your Member Certificate and should be kept with your permanent records.

Insured #: NY1173157

NAMED INSURED MEMBER:

04-044 Upper Nyack Elementary School PTA
Attn: Elizabeth Gould or Current Officer
336 N Broadway
Upper Nyack, NY 10960-1530

Named Insured & Mailing Address

Education Support Purchasing Group
c/o AIM
P.O. Box 674051
Dallas TX, 75267-4051

PRODUCER NAME

AIM Association Insurance
Management, Inc.
PO Box 674051
Dallas TX, 75267-4051

Company / Coverage	Policy #	Effective Dates	Deductible	Limits of Insurance	
Gotham Insurance Company / General Liability with Sexual Molestation & Increased Fire	GL2021PTA06750	7/1/21 - 7/1/22	\$ 0	Each Occurrence	\$2,000,000
				General Aggregate	\$2,000,000
				Products - COMP/OPS	\$2,000,000
				Personal & Advertising Injury	\$2,000,000
				Fire Damage (any one fire)	\$100,000
				Abuse & Molestation	\$1,000,000
				Any One Person	\$5,000
Gotham Insurance Company / Extended Medical Payments	GL2021PTA06750	7/1/21 - 7/1/22	\$ 0	Each Occurrence	\$2,500,000
Lexington Insurance Company / 0013980384 Officers Liability		7/1/21 - 7/1/22	\$ 25,000	Aggregate	\$2,500,000
				Each Occurrence	\$50,000
Southwest Marine & General Insurance Company / Fidelity Bond (Crime)	CR2021PTA05580	7/1/21 - 7/1/22	\$ 250	Employee Theft	\$50,000
				Forgery or Alteration	\$50,000

Village of Upper Nyack is added as additional insured for General Liability only.
Event: Goosetown Spring Fair
Date/Time: June 4, 2022 10:00am - 4:00pm (Rain Date: June 11, 2022)

Certificate Holder:

Village of Upper Nyack
328 N Broadway
Nyack, NY 10960

This member certificate, together with the common policy conditions, coverage part(s), coverage form(s), and endorsements, if any, complete the above numbered policy. Copies of the Master Policies are available upon request or may be printed at www.aim-companies.com

AUTHORIZED REPRESENTATIVE

Request from the 150th anniversary committee and the Friends of River Hook.

Request for Lenape Acknowledgment Ceremony and Artist's Reception - June 18, 2022
from 4pm - 6 pm.

Still Here: Women of the Ramapough Lenape Nation

“Still Here: Women of the Ramapough Lenape Nation,” is an outdoor art installation of portraits by artist Lisa Levart. The work is a continuation of an ongoing artistic investigation into the sacred mythology of the Lenape Ramapough Nation, portrayed by descendants of the original peoples of the Hudson Valley. This exhibition of epic portraits celebrates the Lenape women’s journey for cultural survival, personal agency, dignity and women’s rights.

The goal of “*Still Here*” is to prompt visitors of River Hook to reflect upon and honor the Lenape people who have cared for and stewarded this land long before the Dutch and English settled on the Hudson shores, and remember that their ancestors still live amongst us.

Chief Clara of the Ramapough Lenape Nation will speak.

To the Village of Upper Nyack:

I am seeking approval for permission to hold an event at the River Hook Preserve on June 21, 2022 from 5:30-8:30 PM. I hope to hold a small book launch gathering on that evening for approximately 30 people. It will be a carry in- carry out event to celebrate the launch of my next novel, *She Is Here* (Womancraft Publishing).

I will obtain event insurance, and do not have any need for electric hook up or water availability.

Sincerely,
Gina Martin
triplespiralcircle@gmail.com
845-358-3155

From: Karen Tarapata <mayor.tarapata@gmail.com>
Sent: Tuesday, April 12, 2022 12:39 PM
To: minutocarting@optonline.net
Cc: Georgia Grandstaff
Subject: Re: 2019 Garbage contract

Hello, Marco.

Thank you for the bid on the contract extension. It will have to be ratified by the Board of Trustees on April 21. We will be back in touch on the 22nd.

Regards,

Karen Tarapata, Mayor
Village of Upper Nyack

On Tue, Apr 12, 2022 at 12:30 PM <minutocarting@optonline.net> wrote:

Good Afternoon,

As you are aware, inflation and labor costs are at an all time high. Furthermore, dump rates are scheduled to increase over 30% in 2024. With all of these factors considered, Carlo Minuto Carting Company is willing to extend the contract for trash removal for the Village of Upper Nyack for a charge of \$24,275.00 per month. Let us know if this is acceptable to you and we can sign off on the extension.

Thank you,

Marco Minuto

Carlo Minuto Carting Co., Inc.

20 Snake Hill Road

West Nyack, NY 10994

Email: Minutocarting@optonline.net

845-353-5678

845-353-0208 Fax

MANN, MANN & LEWIS, P.C.

ATTORNEYS AT LAW
FIRST NIAGARA BANK BUILDING
17 SOUTH BROADWAY - P.O. BOX 991
NYACK, NEW YORK 10960-0991

TELEPHONE: (845) 358-0048
FAX: (845) 358-1810
E-Mail: mannmannlewis@verizon.net

ORVILLE H. MANN (1906-1979)

ORVILLE H. MANN, JR.
ohmannmannlewis@verizon.net

ROBERT P. LEWIS, JR.
mannmannlewis@verizon.net

March 14, 2019

The Village of Upper Nyack
Attn: Mayor Karen Tarapata
328 North Broadway
Upper Nyack, New York 10960

**Re: Renewal of Rubbish Removal Contract Between Carlo Minuto
Carting Co., Inc. and The Village of Upper Nyack**

Dear Mayor Tarapata:

The current three-year Rubbish Removal Contract with Carlo Minuto Carting Co., Inc. expires on May 31, 2019. In paragraph 13 of the current Contract, it requires the Village to notify the Contractor if the Village is going to exercise its renewal option. It also requires the Village to increase the cost as determined by the United States Department of Labor using the base year 2016. According to my calculation and that of the Contractor, the rate of inflation for the base year 2016 was 0.0165%. Applying that rate inflation for each of the next three years, we calculated the following numbers for the renewal of the Rubbish Removal Contract with the Contractor:

1.	First year from 6/1/19 to 5/31/20	\$228,029.42 for the year and \$19,002.46 per month
2.	For the year from 6/1/20 to 5/31/21	\$231,791.90 for the year and \$19,316.00 per month
3.	For the year from 6/1/21 to 5/31/22	\$235,616.47 for the year and \$19,634.72 per month
Three-Year Total:		\$695,437.79
Monthly Amount:		\$ 19,317.72

**Bid Opening
Surplus Equipment
April 8, 2022
12:00 PM
Village of Upper Nyack
Upper Nyack, NY**

Those present: Georgia Grandstaff, Karen Tarapata
Others identified: None

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

Bidders
John Calabrese
(845) 222-6904

Bids
\$750.00

Bidding was closed at 12:05 PM

Respectfully submitted,

Georgia Grandstaff
Village Clerk

**VILLAGE OF UPPER NYACK
RUBBISH REMOVAL CONTRACT**

This Agreement made the 1st day of June, 2019 by and between the Village of Upper Nyack, a municipal corporation of the State of New York, with its principal place for the transaction of business located AT 328 North Broadway, Upper Nyack, County of Rockland and State of New York, hereinafter known as the VILLAGE and CARLO MINUTO CARTING, CO., INC., with its principal place of business located at 20 Snake Hill Road, P.O. Box 234, West Nyack, New York 10994, hereinafter known as the "CONTRACTOR".

The VILLAGE and the CONTRACTOR hereby agree to the following of terms and conditions for the removal of rubbish from the Village of Upper Nyack:

1. The CONTRACTOR for and in consideration of the sum to be paid by the VILLAGE to the CONTRACTOR as hereinafter set forth, does hereby contract, covenant and agree to perform the following services in a clean, thorough and workman like manner and in accordance with such regulations and regard thereto as to have been or may be adopted by the Board of Trustees of the Village of Upper Nyack for and during the three year period commencing on June 1, 2019 to and including May 31, 2022.

2. The works to be performed by the CONTRACTOR includes the following: to remove to places outside of the VILLAGE all garbage and like household refuse, in a modern, covered, water-tight sanitation truck. The removal of said refuse shall be in a sanitary truck and same shall be removed from all properties situated in the Village of Upper Nyack that are located on public streets. The CONTRACTOR will continue to pick up bulk and the VILLAGE street cans

with the regular garbage pickups on Mondays and Thursdays and will also supply to the Village of Upper Nyack three roll-off container at the Highway Department location: One container to be used for white goods; one container to be used for bulk and the CONTRACTOR will provide the container, dumping and trucking. A third container will be used for street sweeping debris, with the VILLAGE to be responsible for the cost of dumping the container and the CONTRACTOR will provide the container and the trucking.

3. The aforesaid removal of said refuse and garbage shall be on Monday and Thursday of each and every week. The collection shall not begin earlier than 6:00 A.M. and shall be completed by 5:00 P.M. If any collection day shall be a legal holiday, the refuse and garbage may be removed on the following working day provided the CONTRACTOR has given at least ten days prior notice of this change to the Superintendent of the Department of Public Works of the Village of Upper Nyack. The garbage container shall be replaced in good condition on the curb or edge of the road with the lid after pick-up has been made.

4. The VILLAGE, in consideration of the covenants and agreements made by the CONTRACTOR and set forth in the Specifications, agrees to pay the CONTRACTOR the sum of Six Hundred Ninety-Five Thousand Four Hundred Thirty-Eight (\$695,438.00) Dollars for and during this said three year term hereof as follows:

- a) In equal monthly installments of Nineteen Thousand Three Hundred Seventeen and 72/100 (\$19,317.72) DOLLARS from June 1, 2019 through May 31, 2022;
- b) There will be due an additional fee of Twenty Four (\$24.00) Dollars per month, per family, commencing on the day of service for any new

dwelling that is built during the contracted period provided the dwelling is on a dedicated street.

5. The CONTRACTOR further covenants and agrees that, at its own expense, it will secure compensation coverage for the benefit of its employees in compliance with the provisions of the Workmen's Compensation Law. This agreement shall be void and of no effect unless the CONTRACTOR complies with the provisions of this paragraph. Copies of the Workmen's Compensation Policies shall be delivered to the VILLAGE at least 30 days prior to the commencement of this contract and at any time during the contract that the VILLAGE requests same.

6. The CONTRACTOR, at its own expense, shall procure and maintain throughout the term of this agreement motor vehicle liability insurance coverage and general liability insurance in limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate. The VILLAGE shall be named as an additional insured on said policy. Such policy shall be in a form satisfactory to the VILLAGE and shall provide for at least 30 days written notice to the VILLAGE before cancellation. Such policies, copies of such policies or certificates of insurance shall be delivered to the VILLAGE at least 30 days before the term herein commences and shall be in a form satisfactory to the Village Attorney. The policies, or copies thereof, shall also be provided to the VILLAGE upon request throughout the term of this contract.

7. The CONTRACTOR further hereby covenants and agrees to indemnify and save harmless the VILLAGE, its officers, agents, servants and employees, from any and all liability, loss, damage, cost or expenses, of any kind or nature whatsoever, which may arise out of or from any operation, acts, or non-performance in connection with or under this agreement in any

manner whatsoever.

8. The CONTRACTOR further hereby covenants and agrees, as required by the New York Labor Law, Section 220, that:

(a) No laborer, workman or mechanic in the employ of the CONTRACTOR or other person doing or contracting to do the whole or any part of the work contemplated by this agreement shall be permitted or required to work more than 8 hours in any one calendar day or more than 5 days in any one week except in the emergencies set forth in the Labor Law;

(b) The wages paid for a legal day's work shall not be less than the prevailing rate of wages as defined by said Labor Law; and

(c) The CONTRACTOR will comply with all other applicable provisions of the Labor Law.

9. Pursuant to the provisions of Section 103-(a) of the General Municipal Law, the CONTRACTOR hereby further covenants and agrees that upon the refusal of a person, when called before a Grand Jury or any other agency or body which is embodied to compel the attendance of witness and examine them under oath, to testify in an investigation concerning any transaction or contract had with the State, any political subdivision thereof, a public authority or with any public department, agency or official of the State or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract then:

(a) Such person, and any firm, partnership or corporation of which he is a member, partner, director, officer or employee shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with any municipal corporation or fire district, or any public department, agency or official thereof, for goods, work or services for

a period of five years after such refusal and

(b) Any and all contracts made with any municipal corporation or any public department, agency or official thereof on or after the 1st July, 1959 or with any fire district or any agency or official thereof on or after the 1st day of September, 1969, by such person or by any firm, partnership or corporation of which he is a member, partner, director, officer or employee, may be canceled or terminated by the municipal corporation or fire district without insuring any penalty or damages on account of such cancellation or termination, but any monies owing by the municipal corporation or fire district for goods delivered or work done prior to the cancellation or termination shall be paid.

10. Pursuant to General Municipal Law, Section 103 (d), the CONTRACTOR affirms as true under the penalties or perjury, as follows: Non-collusive bidding certification. The CONTRACTOR certifies to the best of his knowledge and belief that:

(a) The price in this agreement has been arrived at independently and without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(b) The prices which have been quoted in the bid submitted for this work, have not been knowingly disclosed by the CONTRACTOR prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(c) No attempt has been made or will be made by the CONTRACTOR to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

11. Pursuant to the provisions of Section 109 of the General Municipal Law, the CONTRACTOR acknowledges that he is prohibited from assigning, transferring, conveying,

subletting or otherwise disposing of this agreement or any of its right, title or interest therein, or its power to execute such agreement, to any other person or corporation without the previous consent, in writing, of the Mayor and the Board of Trustees of the Village of Upper Nyack.

12. The CONTRACTOR hereby further covenants and agrees that if at any time during the term hereof, the Board of Trustees of the Village of Upper Nyack, by a majority vote, shall determine at a meeting that the service and work or any part thereof herein agreed to be performed on the part of the CONTRACTOR has not been properly performed as herein provided or in the public interest, then the VILLAGE may rescind and terminate, for all purposes whatsoever, this agreement and all of the terms and covenants thereof and withhold the payments covering such periods of time when such services and work were improperly performed as well as all future payments. The VILLAGE agrees to give the CONTRACTOR at least three (3) days written notice of such hearing if such notice is personally served or given by telephone or at least five (5) days written notice if such notice shall be by certified mail, return receipt requested or by ordinary mail, which notice shall be given to the CONTRACTOR at its above business address.

13. This Contract may be extended without any further competitive bidding, solely at the option of the Village of Upper Nyack, provided the extension shall be for a specific period of time not to exceed the initial term of the Contract. The Contract price payable to the Contractor during such renewal period would continue to be the same as the Contract price payable during the initial term of the Contract as may be adjusted by increases in cost as determined by the United States Department of Labor, using the base year of 2019. Such renewal option shall be exercisable by the Village by written notice to the Contractor, delivered personally or by Certified Mail, Return Receipt Requested at least sixty (60) days prior to the expiration of the initial term of the Contract. All other terms and provisions of the Contract would remain in full

force and effect during such renewal period.

IN WITNESS WHEREOF, the VILLAGE, in accordance with the resolution adopted by its Board of Trustees, on the first day of June, 2019, has caused this agreement to be executed by the Mayor and attested to by its Clerk, and the CONTRACTOR has individually signed this contract on the day first written above.

VILLAGE OF UPPER NYACK

Attest: _____
Carol G. Brotherhood, Village Clerk

By _____
Mayor Karen Tarapata

CARLO MINUTO CARTING CO., INC.

By _____
Giovanna Minuto, President

STATE OF NEW YORK)
 :SS.:
COUNTY OF ROCKLAND)

On the day of , 2019 before me, the undersigned, came KAREN TARAPATA, being by me duly sworn, did depose and says that she has a place of business at 328 North Broadway, Upper Nyack, New York; that she is the Mayor of the Village of Upper Nyack, the municipal corporation described herein, and which executed, the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporation seal; that it was so affixed by order of the Board of Trustees of said corporation; and that she signed his name thereto by like order.

Notary Public

STATE OF NEW YORK)
 :SS.:
COUNTY OF ROCKLAND)

On the day of , 2019 before me came GIOVANNA MINUTO, being by me duly sworn, did depose and say that she resides at 22 Pine glen Drive, Blauvelt, New York 10913, and that she is the President of CARLO MINUTO CARTING CO., INC., the corporation described herein, and which executed, the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that she signed her name thereto by like order.

Notary Public

Code Enforcement 3/18/22-4/21/22

- 1) Noise complaints from Van Houten, Boatyard was using small engine equipment before permissible hours.
- 2) Garbage/brush debris in no dumping areas. Sent letters to all residents on Jewett RD. No bags on catch basins, bulk items placed on proper days.
- 3) Tree dumped in no dumping area of Bexman Green. Sent letters to the residents, spoke with the resident that dumped it. Tree was removed properly. Voluntary compliance.
- 4) Recycling being placed outside on 24 before pickup.
- 5) Noise complaint at 617 N Broadway about a squeaky dock. Question of proper maintenance. Inspected the dock with the village engineer on 4/21/2022, the dock has signs of wear but was not making noise at the time of inspection. Resident gave cooperation.
- 6) No parking in fire zones by school and the firehouse monitored.
- 7) Continued observations of permitted residents, (animals).