

SPECIAL MEETING

October 5, 2017

7:00 PM

A Special meeting of the Board of Trustees of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, October 5, 2017, at 7:00 PM.

Those present: Mayor Tarapata, Trustees Diamond, Esmay, & Rothchild
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis

Others identified: James O. Cason

After posting and publishing a notice, the Board held a special meeting to consider a resolution by the Board to purchase a piece of property for municipal purposes and for review and certification of the MS4 SPEDES Annual Report.

James O. Cason, 626 North Broadway, appeared before the Board to discuss his property which is under contract of sale. Mr. Hellman did not show for the closing and the date of the closing has expired by 10 days. Mr. Cason instructed his attorney to return the deposit check to Mr. Hellman, the contract-purchaser. Mr. Hellman then requested to extend the contract to December which Mr. Cason did not agree to. Mr. Cason noted that Mr. Hellman had extended the contract once already and Mr. Cason did not want to extend it any further.

Mayor Tarapata told Mr. Cason that if the Village was given proof, in writing, that the original contract is null and void, that the Village is interested in making an offer on the property.

Village Attorney Lewis noted to Mr. Cason that Mr. Lewis nor the Village could not advise Mr. Cason.

Discussion:

Trustee Rothchild noted the benefit for the Village of Upper Nyack are that it keeps open space, the use can be considered under the updated comprehensive plan (in progress) and gives the Village more control of developable property.

Trustee Esmay noted that the Village has looked at this property in the past for municipal purposes. This is the most important aspect of this purchase.

Mayor Tarapata added that Deputy Mayor Esmay and former Mayor Hindin worked at acquiring this property years ago with a vision of a park for the residents and possibly the Village Hall location.

James Cason said he and his wife loved the land and never wanted it to be developed but the taxes were overwhelming and a burden to try to continue to pay.

With no further discussion, the attached resolution was voted on and read into the record of the Village. On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None ABSENT: Trustee Nye

Mr. Cason said if the village is able to purchase the property he would like to request that the Village name the park after his wife Hester Clark Haring Cason.

MS4-SPDES ANNUAL REPORT- Submitted for review

After having reviewed the MS4 Report, Trustee Esmay made a motion to accept the MS4-SPDES report, as recommended by the Village Engineer, and to authorize the Mayor to sign and certify the report, and submit the report to the NYS DEC, and post to the new Village web site, seconded by Trustee Rothchild and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None ABSENT: Trustee Nye

Trustee Diamond made a motion to adjourn the Special Meeting of the Board, seconded by Trustee Esmay and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None ABSENT: Trustee Nye

The meeting adjourned at 8:23 PM

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

VILLAGE OF UPPER NYACK

BOARD OF TRUSTEES SPECIAL MEETING HELD ON OCTOBER 5, 2017

WHEREAS, JAMES O. CASON, contacted the VILLAGE OF UPPER NYACK concerning the sale of 626 North Broadway, Upper Nyack, New York to the Village for municipal purposes; and


WHEREAS, the VILLAGE OF UPPER NYACK is aware that there is an existing Contract of Sale signed by JAMES O. CASON to sell said real property to HOWARD HELLMAN, and said Contract is still in full force and effect; and

WHEREAS, the VILLAGE OF UPPER NYACK is interested in purchasing the property commonly known as 626 North Broadway, Upper Nyack, New York but cannot enter into a Contract of Sale with JAMES O. CASON for said property until there is proof of the termination of the existing Contract of Sale with HOWARD HELLMAN; and

NOW, THEREFORE, be it resolved as follows:

1. If JAMES O. CASON can show proof that the Contract of Sale between himself and HOWARD HELLMAN for the purchase of 626 North Broadway, Upper Nyack, New York has been terminated, then the VILLAGE OF UPPER NYACK hereby authorizes the Mayor, KAREN TARAPATA, to negotiate the purchase of 626 North Broadway, Upper Nyack, New York on behalf of the VILLAGE OF UPPER NYACK; and
2. Mayor, KAREN TARAPATA, and Deputy Mayor, MICHAEL ESMAY, are hereby authorized to proceed to offer up to \$2.5 million dollars to JAMES O. CASON for the purchase of 626 North Broadway, Upper Nyack, New York which purchase price will be funded by obtaining a Two Million Dollar Bond and the balance in cash; and
3. Mayor, KAREN TARAPATA, and Deputy Mayor, MICHAEL ESMAY, are authorized to negotiate such other terms and conditions to be incorporated into the Contract of Sale for the purchase of said property for municipal purposes including but not limited to the use of the property as a new Village Hall with office space and parking space in the existing main house on the premises and with the possibility of using a portion of the land for establishing a Village of Upper Nyack Park, to be named the Hester Clark Haring Cason Park, for use of its residents and other municipal uses.

On motion of Deputy Mayor MICHAEL ESMAY and seconded by Trustee DIAMOND, the resolution was adopted by the Board of Trustees with the following voting Ayes, Mayor KAREN TARAPATA, Deputy Mayor MICHAEL ESMAY, Trustee JOSEPH DIAMOND, and Trustee KEN ROTHSCILD. Absent Trustee DONNA NYE.


CAROL G. BROTHERHOOD,
Village Clerk of the Village of Upper Nyack

Dated: October 5, 2017, Upper Nyack, New York