

## SPECIAL MEETING

May 9, 2019

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, May 9, 2019, at 7:00 PM.

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

**Others identified:** Noelle C. Wolfson, Esq.; No one else from the public attended.

After posting and publishing a notice, the Board held a special meeting to appoint a new member to the Architectural Review Board and to discuss pending legal matters.

### Appointment of Thomas Gaffney to the Architectural Review Board

Mayor Tarapata appointed Thomas Gaffney to the ARB to fill out the unexpired term of Jefferson Crowther, to April of 2022.

Trustee Esmay motioned that the Board ratify the appointment of Thomas Gaffney, seconded by Trustee Diamond and it was so moved.

On a call for a vote:

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

NOES: None

### EXECUTIVE SESSION:

**7:05 PM** Trustee Esmay made a motion that the Board enter into executive session, seconded by Trustee Rothchild and it was so moved.

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

NOES: None

DISCUSSION: Various pending legal matters

**8:03 PM** Trustee Rothchild made a motion that the Board exit executive session, Trustee Dodge seconded and it was so moved.

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

NOES: None

Trustee Diamond made a motion to authorize Noelle C. Wolfson, Esq. and her law firm Hocherman, Tortorella & Wekstein, LLP, to defend any Article 78 proceeding brought against the Zoning Board of Appeals concerning its decision supporting the Code Enforcement Officer's stop work order against the North River Shipyard and further authorizing the commencement of a preliminary injunction and injunction proceeding against North River Shipyard to enforce the Zoning Board of Appeal's decision in the stop work order issued by the Code Enforcement Officer Roy Wanamaker stopping the installation and use of a 200' high crane. Seconded by Trustee Dodge and so moved.

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

Trustee Dodge made a motion authorizing the Board to spend up to \$20,000.00 to commence legal proceeding against Van Houten Holding Corp and K. Graefe & Sons Corp. and to defend any article 78 filed, seconded by Trustee Diamond and it was so moved.

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

**EXECUTIVE SESSION:**

**8:10 PM** Trustee Dodge made a motion that the Board enter into executive session, seconded by Trustee Rothchild and it was so moved.

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

DISCUSSION: Personnel, health insurance in lieu of payments; drainage issue and liability

**8:55 PM** Trustee Rothchild made a motion that the Board exit executive session, Trustee Dodge seconded and it was so moved.

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

Trustee Diamond made a motion to authorize the Mayor to further investigate the cost and a policy for payment in lieu of health insurance, seconded by Trustee Rothchild and so moved.

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

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

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

The meeting adjourned at 8:59 PM

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk