

## REGULAR MEETING

October 16, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 16, 2008 at 7:00 PM.

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

**Others identified:** PO Landry(CPD), Alan Englander, Joseph Menschik, Ronnie Rugys, Jennifer Marracchino, Justin Marracchino, Patricia Greenberg, Samantha Greenberg

POLICE REPORTS – Submitted for review by Officer Landry. PO Landry was not in attendance last month and submitted 2 reports.

The village received a request to close North Broadway between Birchwood and Sixth Ave. on Halloween night. The Board and Officer Landry discussed the difficulty in closing off Broadway. Officer Landry noted that auxiliary officers can be requested for safety and crowd control. The Board will be notified if auxiliary officers are available for Halloween night. Clarkstown police also have an electronic sign that can be changed to read “restricted to local traffic only” or Heavy pedestrian traffic-Use caution”. It was also noted that flashing lights (DPW trucks) may serve to slow traffic.

JUSTICE REPORT - Read and noted.

Joseph Menschik, 209 Wanamaker lane, asked to address the Board regarding the Courtyard Subdivision now known as Riverton. Mr. Menschik feels the Planning Board is doing a good job and he is somewhat in favor of the project but feels the developer is disregarding the village approvals and the Final Environmental Impact Statement. And if they are not in compliance who is the enforcement agency? Mr. Menschik is looking for appropriate visual screening for his property and to make sure the developer is in compliance with their own EIS.

Village Attorney Lewis noted to Mr. Menschik that this is not the proper forum to discuss this and that he has explained this issue to Mr. Menschik previously. The project is now a residential project and the commercial zoning buffer no longer applies. The Planning Board was responsible for reviewing the site plan and subdivision. The Planning Board instructed Mr. Geneslaw and Mr. Letson to review the FEIS (Final Environmental Impact Statement) to insure that the developer is in compliance.

Attorney Lewis said Courtyard would be back to the Planning Board in November to discuss some of these issues.

MINUTES – After a brief review of the September 24<sup>th</sup> minutes, the Board asked the

clerk to revise the minutes for approval at next month's meeting.

TREASURER'S REPORT- Submitted for review. The Treasurer noted that \$100,000 TAN was paid off this month. Treasurer MacCartney has been in contact with Bond Counsel to obtain a BAN for the sewer repair and truck purchase.

Discussion: New DPW truck, delinquent taxes, roof repair: firehouse & Old Stone Church, drainage projects: Larchdale outfall & catch basins.

Mayor Esmay signed the approval to have an audit of the Court Financial Records.

Revised Employee Guidelines – Board to review for further discussion and possible approval at a later date.

VOUCHERS - Read and approved for payment.

Purchase Proposals- Village Owned Property at 435 Route 9W Property:

The Board discussed the 2 proposals that had been submitted to the village: Carrickmore LLC and Hellman Properties. Village Attorney Lewis noted that contract negotiation should be done in executive session.

WEB SITE DESIGN - Trustee Anderson invited Paul Bouzakis of Zoolu Web Design & Development to speak to the Board about upgrading the Village's current web site.

Mr. Bousakis is currently working on a web design for the Nyack Library and has 10 years experience doing web design.

Trustees Anderson and Sarna will meet with Mr. Bousakis to discuss the set up. Willing to use Upper Nyack as a model to get set ups for other municipalities and reduce the cost to the village.

Trustee Diamond made a resolution that the Village accept the proposal for sewer line repair by Lash Contracting that was solicited by Orangetown Sewer Dept. (Ron Delo) for \$371,320.00 , seconded by Trustee Anderson and so moved.

On a call for a vote:

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

NOES: None

At 9:44 PM, Trustee Anderson motioned that the Board move into Executive Session to discuss the purchase proposals for the 9W property owned by the Village, seconded by Trustee Diamond and so moved.

On a call for a vote:

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

NOES: None

At 10:03 PM , Trustee Morgan motioned to close the Executive Session, seconded by Trustee Sarna and so moved.

On a call for a vote:

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

NOES: None

Trustee Sarna made a motion to request the Village Attorney to draft negotiating points and a counter proposal to Carrickmore LLC and pursue further discussion with Carrickmore LLC concerning the sale of the property on 9W, seconded by Trustee Morgan and so moved.

On a call for a vote:

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

NOES: None

Trustee Morgan made a motion to adjourn seconded by Trustee Anderson and so moved. The meeting was adjourned at 10:20 PM.

AYES: Mayor Esmay, Trustees Anderson, Morgan

NOES: None

Respectfully submitted,

Carol G. Brotherhood

Village Clerk