

REGULAR MEETING

December 20, 2007

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 20, 2007 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Diamond, and Morgan
Trustee Sarna(absent)

Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis,
Village Treasurer Barry MacCartney

Others identified: PO Barone-CPD, Christopher Guisti-Courtyard at Upper Nyack,
William McDowell, Jennifer Marraccino

NEW TRUSTEE- Trustee Morgan made a motion that the Board welcome new Trustee Joseph Diamond and thank him for his willingness to serve, seconded by Trustee Anderson and so moved.

POLICE REPORTS – PO Barone relayed information to the Board regarding the school crossing guard who left her post at Birchwood and North Broadway. She gave an explanation to her supervisors (CPD) and was told to stay at her post or she would be fired. The guard at Castle Heights Ave. has been removed and replaced with two guards. Officer Barone noted that many parking tickets were written, several tickets for cell phone use and two cars were vandalized.

Mayor Esmay noted to PO Barone that the Mayor and Trustee Malcolm had met with Supervisor Gromack.

JUSTICE REPORT - Read and noted.

MINUTES –Trustee Morgan made a motion to approve the minutes of the **11/15/07 Regular meeting**, seconded by Trustee Anderson and so approved.

AYES: Mayor Esmay, Trustees Anderson, and Morgan

NOES: None

TREASURER'S REPORT – Report not available.

VOUCHERS – Read and approved for payment.

7:30 PM- Public Hearing-Extension of Temporary Moratorium

Mayor Esmay opened the public hearing and requested the Clerk to read the public hearing notice. Village Clerk read the notice to those assembled.

Mayor Esmay noted that the Board needed more time to review the code and concerns about the SEQRA review therefore the Board proposes to extend the temporary moratorium.

Trustee Morgan made a motion to close the public hearing, seconded by Trustee

Anderson and so moved.

With no further discussion by the Board the following motion was put forth:

Trustee Morgan made a motion that the Board of Trustees agree to extend the moratorium for a period of six(6) months from the State filing date on the construction of Wireless Communication Facilities, also known as Local Law #6 of 2007; Places of Worship and Places of Assembly also known as Local Law # 7 of 2007; and Private Schools and Clubs, also known as Local Law # 8 of 2007, pending review and amendment of the comprehensive plan and zoning code pertaining to said subject matters, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

VILLAGE ELECTION:

No Registration Day - Trustee Anderson made a motion that there will be no separate registration day in 2008, Election Law §15-118(3), seconded by Trustee Morgan and so moved.

Polling Place & Hours - Trustee Anderson made a motion that the Village of Upper Nyack, Village Election, will be held in the Village Hall on Tuesday, March 18, 2008 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Diamond and so moved.

Inspectors of Election – Trustee Anderson made a motion to appoint the following Inspectors of Election for the March 18, 2008 Village Election per Election Law §15-116(1) and to pay them \$12.00 per hour : Beatrice Wanamaker, Anne Donzella, Dorina Maragliano and Isobel Weiner, seconded by Trustee Diamond and so approved. On a call for a vote on all three motions:

AYES: Mayor Esmay, Trustees Anderson, Diamond & Morgan

NOES: None

ABSENT: Trustee Sarna

COURTYARD – ROAD DEDICATION – Discussion

Chris Guisti came before the Board representing Courtyard at Upper Nyack.

Village Attorney Lewis noted that legal documents (agreements) were prepared by the attorneys representing Courtyard and himself. Village Attorney Lewis gave a brief explanation of the legal documents so the Board could consider and agree it is their intent to sign the agreement.

The conservation easements and the covenants and restrictions will be recorded prior to the Subdivision map being filed.

The legal documents are listed as follows:

- Conservation Easement;
- Bargain & Sale Deed with respect to the road to be built within the subdivision and the public improvements offered in dedication;

- Sewer Easement Agreement is offered in dedication;
- Drainage Easement Agreement is offered in dedication;
- Covenants and restrictions will be recorded;
- Performance bond will be signed;
- Maintenance Bond will be signed

Final Subdivision approval was granted by the Planning Board on November 28, 2007

Proposed name of the street to be dedicated is Riverton Drive. After a brief discussion the Board stated it had no objection to the proposed name.

Resolution of Intent-

On December 20th, 2007, the Board of Trustees of the Village of Upper Nyack passed a resolution indicating the intention to accept legal documents offered in dedication by Courtyard at Upper Nyack, LLC, after all of the public improvements have satisfactorily been completed.

On a motion made by Trustee Anderson and seconded by Trustee Morgan to authorize the Mayor of the Village of Upper Nyack to sign any necessary document indicating that it is the intention of the Village of Upper Nyack to accept the legal documents concerning an approved 19 lot subdivision located on Route 9W in the Village offered by Courtyard at Upper Nyack LLC in dedication including but not limited to the following:

1. The roadway, in fee simple as described in the Schedule annexed thereto;
2. The conservation easement agreement, as described in the Schedule annexed thereto;
3. The sewer easement agreement, as described in the Schedule annexed thereto together with all lines (as defined in said sewer easement agreement) and;
4. The drainage easement agreement, as described in the Schedule annexed thereto together with all lines (as described in said drainage easement agreement).

The acceptance of these legal documents offered in dedication will be made by the Board of Trustees of the Village of Upper Nyack upon satisfactory completion of all public improvements in the future and the purpose of this motion is to state that it is the intention of the Village to formally accept these legal documents.

With no further discussion and a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Morgan made a motion that the Village has no objection to the name Riverton Drive provided that the E911 system and the Post Office approve of the name, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Snow Ordinance-Discussion – Jennifer Marraccino, Wynddown Rd., came into the office to complain about residents who are not shoveling the sidewalks in front of their homes that are also routes to the elementary school. Ms. Marraccino wanted to make the Board understand why she believes this is so important. Some property owners are habitual offenders.

Trustee Morgan noted that it is common practice for complaints to trigger enforcement of laws like this. Trustee Morgan also noted that plowing sometimes covers sidewalks even after a property owner has shoveled.

The Board will request the DPW to provide a list to the Village Clerk and Code Enforcement Officer of those properties that have NOT been shoveled within 24 hours. The Board agreed to look at modifying Ordinance 1.5 for snow removal.

REQUESTS FOR APPROVAL-

The Village of Upper Nyack received requests for approval to use village streets by the following organizations:

1. 21st Annual George Washington Bridge Challenge- Sunday, June 8, 2008
2. Genesis Adventures- Saturday, May 10, 2008

Trustee Morgan made a motion that the Board grant permission for the 21st Annual GWB Challenge on June 8, 2008, on the condition that they provide a Certificate of Insurance, provide a map of the route and that the Clarkstown Police be notified, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

Trustee Morgan made a motion that the Board grant permission for the Genesis Adventures Crazy Legz Running Relay Event on May 10, 2008 and that they provide a Certificate of Insurance, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Anderson, Diamond and Morgan

NOES: None

ABSENT: Trustee Sarna

NOTE: The Village of Upper Nyack will send a response to the SEQRA notice letter from the Nyack School District even though the Bond was defeated and the proposed project is suspended.

Clarkstown Meeting – Mayor Esmay and Trustee Malcolm met on November 29, 2007 with Supervisor Gromack and Capt. Mahon and agreed to make a new agreement of services between the Village of Upper Nyack and the Clarkstown Police Dept. Mayor Esmay also noted that he did speak to Supervisor Gromack about the crossing guard safety issue and that the Town must pay attention to the concerns of the parents.

Trustee Diamond made a motion to adjourn, seconded by Trustee Morgan and so moved.

The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk