

REGULAR MEETING

February 16, 2006

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, February 16, 2006 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Malcolm (absent), Morgan & Tarapata, Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney (absent)

Others identified: PO Barone CPD, John Badi, Victoria Badi, Linda Bean, Alan Goldstein (Attorney for Badi family), Richard Windram (Verizon), William McDowell, Jennifer Maraccino

POLICE REPORTS – Read and noted. PO Barone noted that two youths from the Summit School had been arrested for breaking into boats and stealing property at Petersen's Boatyard. One will be going to family court and the second will be doing jail time. Officer Barone also explained the Incident Based reporting system now in use.

William McDowell asked Officer Barone the location of the CPD car when ticketing speeders.

JUSTICE REPORT - Read and noted.

Badi Subdivision – Abandonment of Easement

Alan Goldstein appeared before the Board representing the Badi family. The matter concerns a 30 ft. wide drainage easement on the north boundary of the Badi Subdivision map. The easement is shown on the current filed subdivision map. Mr. Goldstein stated that the original map showed the drainage system built into the roadway to the stream and down to the Hudson River.

Mr. Goldstein and the Badi family attended the Planning Board meeting of 2/15/06 and were told they would need to make corrections to the supporting documents for drainage plans attached to the subdivision map. The goal is to eliminate an easement that is no longer needed for drainage purposes.

Trustee Tarapata made a motion to ratify the recommendation of the Planning Board made at the Planning Board meeting of 2/15/06, to abandon the 30 ft. wide drainage easement on the north side of the Badi Subdivision, seconded by Trustee Anderson and so moved and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSENT: Trustee Malcolm

VERIZON- Discussion: Village Attorney Lewis noted to the Board that Nyack and South Nyack have already entered into an agreement with Verizon. Representatives of Verizon will attend the workshop meeting of 2/23/06.

Trustee Tarapata made a motion to set a public hearing on March 16, 2006 at 7:30 pm for the Verizon Franchise agreement, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSENT: Trustee Malcolm

FRIENDS OF THE NYACKS – Jennifer Maraccino appeared before the board with a follow up to her last presentation regarding the children's playground in Memorial Park. Nyack is contributing \$45,000 for rubber matting. Friends of the Nyacks have officially committed \$6,000 for equipment. As requested by Trustee Tarapata, Ms. Maraccino presented a petition to the Board, signed by 62 families, representing about 5% of the families in Upper Nyack who use or would use the playground.

Trustee Tarapata noted that she contacted NYCOM however was told that the village cannot legally give money to an organization. The Village of Upper Nyack can make a contribution of equipment to the Village of Nyack if it can be proven that a significant number of Upper Nyack residents have an interest and need. The Board agreed that the liability and maintenance must be with Nyack and an agreement would have to be signed. After further discussion with the Board, Ms. Maraccino will go back to the Village of Nyack and ask for a letter requesting the donation of equipment and absolving Upper Nyack from any liability or maintenance of the equipment. Jennifer Maraccino will then get back to the Board.

TREASURER'S REPORT – No report available.

VOUCHERS – Read and approved for payment.

Trustee Tarapata made a motion to add Wachovia to the list of approved banks for deposit of village funds, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSENT: Trustee Malcolm

Trustee Tarapata made a motion to accept the proposal of February 8, 2006 from Berson & Corrado as submitted, from a group of three proposals submitted, to handle the annual audit for the Village of Upper Nyack, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm and Tarapata

NOES: None

ABSENT: Trustee Malcolm

MINUTES –Trustee Morgan motioned to approve with corrections the minutes of the **1/19/06 Regular meeting**, seconded by Trustee Tarapata and so approved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSENT: Trustee Malcolm

Trustee Morgan made a motion to declare the old microphones used in the meeting room surplus, seconded by Trustee Anderson and so moved.

AYES: All NOES: None

Leukemia & Lymphoma Society – A request was received to allow for the 2006 Light the Night Walk to proceed through the Village of Upper Nyack on Saturday, October 14, 2006. After a brief discussion:

Trustee Anderson made a motion to allow the Leukemia & Lymphoma Society permission to walk through the Village of Upper Nyack and to provide the village with a Certificate of Insurance, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSENT: Trustee Malcolm

Trustee Morgan noted to the Board he had responded to the TZ Bridge Stakeholder Committee meeting. A copy of the comments that were sent is attached.

Trustee Anderson made a motion to adjourn seconded by Trustee Tarapata and so moved.

The meeting was adjourned at 8:50 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk