

## REGULAR MEETING

August 17, 2006

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, August 17, 2006 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Anderson, Morgan, & Tarapata  
Village Clerk Carol G. Brotherhood

**Absent:** Trustee Malcolm, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney

**Others identified:** PO Barone (CPD), Heidi & William McDowell

POLICE REPORTS – Read and noted. PO Barone discussed various larcenies and specifically car break-ins that occurred in Upper Nyack in the last month. PO Barone noted that the traffic counters would be put in place on North Midland sometime after Labor Day.

JUSTICE REPORT - Read and noted.

### 7:30 PM Public Hearing - LOCAL LAWS #6 & 7 OF 2006

The Mayor opened the public hearing and the clerk read the public hearing notice.

Mayor Esmay noted that amendments were being considered in regards to fees to keep them in line with actual costs of administrating them. The fees would be similar to other municipalities.

Mayor Esmay asked for any additional comments by the Board.

The Mayor opened the hearing to the public:

There were no comments from the public.

Mayor Esmay asked if anyone else from the public had any additional comments and as there were none he asked for a motion to close the public hearing.

Trustee Tarapata made a motion to close the public hearing, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan and Tarapata

NOES: None

ABSENT: Trustee Malcolm

The Mayor asked if there were any additional comments and receiving none asked for a resolution to adopt Local Law # 6 of 2006.

Trustee Morgan motioned to adopt Local Law #6 of 2006 amending Section 16:66, Standard Schedule of Fees of the 1962 Zoning Ordinance of the Village of Upper Nyack, seconded by Trustee Tarapata and after a brief discussion it was so moved and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSENT: Trustee Malcolm

Trustee Morgan made a motion to adopt Local Law #7 of 2006 amending Section 6:5 Tree maintenance & Management Operations, D. Cost and Penalties 1 and 2, of the 1962 Zoning Ordinance of the village of Upper Nyack, seconded by Trustee Tarapata.

Mayor Esmay was asked a question regarding this ordinance and placed the vote on hold and asked for the public hearing to be reopened.

Trustee Tarapata made a motion to reopen the public hearing which was seconded by Trustee Anderson and so moved with all in favor.  
Mayor Esmay asked for any public comment.

William McDowell, 121 Old Mountain Rd., and Planning Board member noted to the Board they may want to consider reviewing Section B to extend the protected area around a tree to 6' beyond the drip line. The definition for Drip Line and enforcement of the requirements needs consideration..

Mayor Esmay thanked Mr. McDowell for his input.

Trustee Morgan motioned to close the public hearing, seconded by Trustee Tarapata and it was so moved.

Trustee Morgan made a motion to adopt Local Law #7 of 2006 amending Section 6:5 Tree maintenance & Management Operations, D. Cost and Penalties 1 and 2, of the 1962 Zoning Ordinance of the Village of Upper Nyack, seconded by Trustee Tarapata.  
And so moved and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Morgan and Tarapata.

NOES: None

ABSENT: Trustee Malcolm

William & Heidi McDowell, 121 Old Mountain Rd., appeared before the Board to discuss the recent sewer discharge into the brook on Old Mountain Rd. that runs behind their property. They were concerned that they were not notified of the discharge onto private property.

Mayor Esmay noted that it was an old connection that sewage was forced up through when the line became clogged further back.

Mayor Esmay agreed to question the Superintendent of Public Works as to what happened and get a full report and follow up to the McDowells.

The Mayor and Deputy Mayor informed the McDowells that the village is currently in negotiations with Orangetown to join the sewer district which is being formed with the town and villages in Orangetown. Within a year to a year and a half the system will be improved and repaired for better operation.

Heidi McDowell addressed the Board also and noted there have been several incidents

involving the brook which have caused their property along the brook to wash away. These involved snow placed there by the DPW, and back-ups and overflows caused when debris accumulates in the brook. Ms. McDowell reminded the Board that she and Mr. McDowell had previously submitted a letter to the Board regarding preventative measures to be put in place to stop their yard from eroding.

Deputy Mayor Tarapata noted that the village is negotiating with the school district to build or repair the detention pond on the school property. The village had a survey done but has been waiting 6 months for it to be delivered so the survey and engineering can be used to make a specific remedial plan.

Mayor Esmay noted that the village board has had lengthy discussions on this issue but cannot go on private property to clear stream blockages. The board has also been in touch with the county to see if they can designate those streams and water courses on an official village map.

MINUTES –Trustee Morgan motioned to approve with corrections the minutes of the 7/20/06 regular meeting, seconded by Trustee Tarapata and so moved. On a call for a vote:

AYES: Trustees Anderson, Morgan & Tarapata NOES: None

ABSENT: Trustee Malcolm ABSTAIN: Mayor Esmay

Presentation of the MS4 Stormwater Management Program  
Annual Report of 2005

Trustee Tarapata presented the report to the Board. No members of the public were present for the presentation.

Trustee Morgan made a motion to accept the report and thanked Trustee Tarapata for her excellent work on the Stormwater Program, seconded by Trustee Anderson and it was so moved.

TREASURER'S REPORT – Submitted for review.

VOUCHERS – Read and approved for payment.

Requests to the Board:

1) Volkssport Club of West Point

Trustee Morgan made a motion to allow Volkssport Club of West Point permission to walk through Upper Nyack on Sunday, September 10, 2006 subject to our insurance requirements and notification of the police, seconded by Trustee Anderson and so moved. The Village Clerk noted that the Insurance Certificate has been received by the village.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None ABSENT: Trustee Malcolm

Trustee Tarapata made a motion that the village expend \$1000 to participate in the 2006

Stormwater Contract with the Cornell Cooperative Extension, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustee Anderson, Morgan and Tarapata

NOES: None

ABSENT: Trustee Malcolm

Trustee Anderson made a motion to adjourn seconded by Trustee Morgan and so moved.  
The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk