

## REGULAR MEETING

January 15, 2004

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, January 15, 2004 at 7:00 PM.

Those present: Mayor Michael Esmay

Trustees: Peter Malcolm

Vincent S. Morgan

David J. Smith

Karen Tarapata

Village Clerk: Carol G. Brotherhood

Village Attorney: Robert P. Lewis, Esq.,

Village Treasurer: Barry MacCartney

Others identified: PO Healy-CPD, no one else from the public attended

MINUTES – Regular Meeting, December 18, 2003 –Trustee Morgan motioned to accept the minutes as corrected, seconded by Trustee Smith and with no further discussion, it was unanimously approved.

POLICE REPORTS – Read and discussed. V&T numbers were low. Officer Healy noted that holidays and cold weather may account for the low numbers.

JUSTICE REPORT - Read and noted.

PUBLIC HEARING -Senior Citizens Exemption- The Clerk read the public hearing notice and then the hearing was opened by Mayor Esmay. As there were no members from the public in attendance to comment the Mayor asked that the hearing be closed. Trustee Tarapata made a motion to close the public hearing, which was seconded by Trustee Malcolm and so moved. Trustee Malcolm then made a motion to adopt Local Law #1 of 2004, *Ordinance 9.1 Partial Real Property Tax Exemption for Qualified Taxpayers Over Age 65*, of the 1965 Code of General Ordinances, seconded by Trustee Tarapata and unanimously approved.

TREASURER'S REPORT – Submitted for review. The Board discussed reimbursement of consultant's fees. Treasurer MacCartney asked for adjustments within the confines of the budget as follows:

From A1990 Contingency \$200 to A1110.20 Justice Court

From A1990 Contingency \$2,000 to A8120.44 Sewer Repair & Maintenance

From A1990 Contingency \$5,000 to A9010 Retirement

Trustee Smith made a motion to accept the changes, seconded by Trustee Malcolm and unanimously approved.

VOUCHERS - Read and approved for payment.

At 7:55 PM, Trustee Malcolm made a motion to go to executive session to discuss personnel matters, seconded by Trustee Smith and unanimously agreed. At 8:04 PM, Trustee Malcolm motioned to come out of executive session.

After a brief discussion, Trustee Malcolm made a motion to move Bryan Westervelt to full time employee in the Dept. of Public Works as Laborer effective January 16, 2004, seconded by Trustee Tarapata and unanimously approved.

On roll call of vote: Yes – Mayor Esmay, Trustees Malcolm, Morgan, Smith and Tarapata

Noes – 0

Trustee Malcom also brought up for discussion a request from the Superintendent of Public Works to jointly purchase an Asphalt Re-Claimer, brand name Ray Tech RC 8000 with the Villages of Nyack and South Nyack. The cost per village would be \$6,566. Trustee Malcolm also noted that after a discussion with Treasurer MacCartney, there is money available from line items A5110.4, A5110.21 and A5110.20.

While in theory the Board believed it to be a good idea, they wanted further research to be done with regards to maintenance, waste, propane, and the difficulty of sharing consumables before they could make a decision.

TEMPORARY CERTIFICATE OF OCCUPANCY - Section 16:73 of the 1962 Zoning Ordinance of the Village of Upper Nyack.

A discussion originated at a Planning Board meeting and the Village Attorney suggested the Village Board review this law and consider abolishing it. The Building Inspector was consulted and noted he would prefer to have the discretion (for example when a property owner is trying to

get financing) of granting one or not. There was discussion about the liability issues of not following up on an expiration date of a temporary C of O and of the difficulty on missing the date.

The Board thought that maybe the temporary certificates were too easily acquired and maybe the fee should be increased.

Trustee Morgan made a motion to hold a public hearing on 2/26/04 to adjust the fee schedule for a Temporary Certificate of Occupancy from \$50 to \$1000, seconded by Trustee Malcolm and so moved. No one was opposed. The Clerk was instructed to publish a notice.

NYACK FIRE DISTRICT – PARADE REQUEST – The Village Board received a request on December 31, 2003 from the Chief of the Nyack Fire Dept. to allow the Dept. to hold the Biennial Chief's Inspection Parade that would begin in the Village of Upper Nyack. The Parade is to be held on Saturday, October 2, 2004 at 2:00 PM, beginning line up at 1:00 PM. Discussion involved the traffic difficulties during the last parade. The Board felt there must be access between Route 9W and Broadway for residents from at least one point or street. Trustee Malcolm agreed to contact Chief Knecht to inquire about the plans.

The Board discussed the pathway and snow shoveling after receiving a letter from residents Heidi Hill McDowell and William McDowell of Old Mountain Rd. They received a letter for not shoveling their sidewalk which they felt was a pathway and similar to the one on Old Mountain Rd., west of N. Midland Ave.. Trustee Tarapata questioned whether the village had ever actually defined the pathway. After the discussion, it was decided that the pathway near the McDowell's home is a sidewalk and must be shoveled and they must comply with the law.

There was a brief discussion regarding the Badi Subdivision and water run-off. Trustee Malcolm met with Dennis Letson, Village Engineer and was told that the Planning Board determination was that there could be no net increase of rate of water run-off from the project. The Village Attorney was asked to write a letter to Badi and Wortendyke and send it certified mail/return receipt.

The Army Corp of Engineers was to visit the site and Trustee Malcolm believed that as of this date the job had been shut down by the State DEC.

Trustee Tarapata made a motion to hold the February Regular meeting on February 26, 2004 instead of the 19<sup>th</sup>, seconded by Trustee Malcolm and so moved. The clerk will send a notice to the paper to be published and post it at the village hall.

As there was no further business, Trustee Smith motioned to adjourn, seconded by Trustee Morgan and so moved.  
The meeting was adjourned at 9:40 PM.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk