

REGULAR MEETING

October 21, 2004

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 21, 2004 at 7:00 PM.

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

Others identified: PO Healy (CPD), Robert Helmke, John Badi, Victoria Badi,

MINUTES –Trustee Malcolm motioned to approve with corrections the minutes of the **9/23/04 Regular meeting**, seconded by Trustee Tarapata and so approved. Trustee Tarapata motioned to approve as presented, the minutes of the **10/14/04 Regular meeting**, seconded by Trustee Smith and so approved.

POLICE REPORTS – Read and noted. Officer Healy noted the V&T numbers were up and there were some minor accidents.

JUSTICE REPORT - Read and noted.

Application for fire hydrants – “Victoria N. Badi” subdivision

The village received an application from United Water that apparently has to be made by a municipality, not an individual.

Village Attorney Lewis spoke with Mary Ellen Ferrara, United Water new business department regarding the application for fire hydrants and noted that the Fire District covers the cost of water usage to hydrants. Once the hydrants are installed there is no billing until service actually begins or once the road is dedicated.

Trustee Malcolm made a resolution that the Board approve the installation of 3 hydrants as indicated on United Water Map investigation #12228 on the proposed public road in the Badi subdivision to the United Water Co. with the understanding that paragraphs 2 & 3 do not apply to the Village of Upper Nyack because the Nyack Joint Fire District will be responsible for the usage charges for the hydrants once they have been placed in service, seconded by Trustee Tarapata and unanimously approved.

AYES: Mayor Esmay, Trustees Malcolm, Morgan, Smith & Tarapata

NOES: 0

TREASURER'S REPORT – The Treasurer requested approval some adjustments to the budget.

Trustee Morgan made a motion that the Board approve the following budget line item adjustments:

\$1,500 from A 1990 Contingency to A 1910 Unallocated Insurance
this was seconded by Trustee Tarapata and with no further discussion,
approved unanimously.

AYES: Mayor Esmay, Trustees Malcolm, Morgan, Smith, & Tarapata

NOES: 0

VOUCHERS – Read and approved for payment.

7:30 PM Public Hearings

LOCAL LAW #12 OF 2004 amending “Stormwater Management & Erosion and Sediment Control

The Clerk read the public hearing notice and the wording of the amendment. The Mayor noted that the amendment came out of concerns that the Planning Board had.

The Mayor opened the public hearing. There were no comments from the public. Trustee Morgan made a motion to close the public hearing, seconded by Trustee Malcolm and so moved.

Trustee Tarapata made a motion to adopt Local Law #12 as amended, seconded by Trustee Morgan and with no further discussion it was approved unanimously.

AYES: Mayor Esmay, Trustee Malcolm, Morgan, Smith & Tarapata

NOES: 0

LOCAL LAW #13 OF 2004 amending “Minimum Road Standards”

The Clerk read the public hearing notice and the amended portion of the law. The Board discussed how they went about locating the standard to create a law that allows the Planning Board to require street lighting if recommended.

Mayor Esmay opened the public hearing.

Treasurer MacCartney noted that the Clarkstown Consolidated Lighting District won't install lights without an approval and request from the Village Board.

No other comments were made from the public.

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

Trustee Morgan made a motion to adopt Local Law # 13 as amended, seconded by Trustee Smith and so moved.

AYES: Mayor Esmay, Trustees Malcolm, Morgan, Smith & Tarapata

NOES: 0

JUDITH ROSE – Re: Village Justice Court Ticket

Ms. Judith Rose appeared before the Board of Trustees to express a complaint about how she felt she was treated in traffic court.

Revised Proposal-Drainage Work Plan as submitted by Lawler, Matusky & Skelly

The Board reviewed and discussed the Village of Upper Nyack drainage study work plan contract and fee schedule. The proposed plan had been revised so the fee schedule would be broken out over two fiscal years. Some items that the Village Engineer already does were eliminated. LMS will also look for funding for the Village. With the data already collected the Village can now apply for revolving funds because we now have the engineering in place.

Trustee Malcolm made a motion that the Board approves the LMS proposal, file # 1101-001 dated 10/08/04 and that we notify them of the acceptance and ask them to begin as soon as possible, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Malcolm, Morgan, Smith & Tarapata

NOES: 0

The Board would like LMS to review the recommendation of the Village Engineer to clean out the stream bed at Old Mountain Rd.

During a brief discussion of Petersen's Boatyard drainage work it was noted that the pipe would be angled differently with a 300 ft. run instead of 600 ft. There will be a permanent easement.

At the request of the Treasurer, Trustee Morgan made a motion that the Village Treasurer sends all 2004-2005 village taxes delinquent as of November 1, 2004 to the County of Rockland for collection and re-levy, seconded by Trustee Smith and so moved.

AYES: Mayor Esmay, Trustees Malcolm, Morgan, Smith & Tarapata

NOES: 0

Trustee Morgan followed up on an item previously discussed.

Trustee Morgan noted he had spoken with Arlene Miller regarding County mapping of streams. She noted that there are no criteria in place and it is basically political. The village can map its own streams onto the official village map for planning purposes.

Mayor Esmay reported that Regina Kelly has resigned from the Zoning Board of Appeals. Chairman Englert will meet with other Board members to discuss a new candidate to fill Regina's unexpired term.

Mayor Esmay, Trustee Tarapata and Dennis Letson met with the Architects for the new proposed DPW building. The discussion centered on ways to bring the cost within the projected budget.

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

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk