

**Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at
7:00 pm on Thursday, February 16, 2023 held as a hybrid meeting.**

PRESENT	Karen Tarapata Michael Esmay Jeffrey Epstein Kennon Rothchild III Laurie Dodge	Mayor Deputy Mayor Trustee Trustee Trustee
ALSO PRESENT	Georgia Grandstaff Dennis Letson Noelle Wolfson Christopher Kelly Richard Fortunato	Village Clerk Village Engineer Village Land Use Attorney Clarkstown Village Treasurer
ABSENT -		

Meeting called to order at 7:01 pm.

- **Police Report (attached).**
- **Code Enforcement Officer Report (attached).**
- **Treasurer's Report (attached).**
- **Zoning Inspector Report.**

Dennis Letson, Zoning Inspector, gave his report as follows: 3 building permit applications processed, 1 CO application. Fees, permits, certificates, and land use board applications totalled \$2,962.00. 3 applications submitted to the Planning Board and 1 to the Zoning Board of Appeals. No notices of violation and no zoning inspections have been requested.

- **Resident presentation (see recording).**

A group of local residents living in the Van Houten neighborhood gave a presentation regarding concerns with a property that is seeking a special permit.

- **Approve minutes from January 12, 2023.**

Motion to approve the minutes from the January 12, 2023 Special Meeting made by Trustee Dodge, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

- **Continuation of Public Hearing for Local Law #1 of 2023 amending the 2022 Zoning Law of the Village of Upper Nyack.**

Discussion: Noelle Wolfson, Village Land Use Attorney gave an overview of the new amendments to the local Law. Residents Jill Sinnott, Adam Budgor, and Mort Korn expressed their concerns about the new law regarding slope and site plan review.

Motion to close public hearing on Local Law #1 of 2023 amending the 2022 Zoning Law of the Village of Upper Nyack made by Trustee Esmay, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

Motion to adopt Local Law #1 of 2023 and waive the reading of the resolution made by Trustee Epstein, seconded by Trustee Dodge, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

- **Continuation of Public Hearing for Local Law #2 of 2023 repealing Village of Upper Nyack General Ordinance 5.13.**

Motion to close public hearing on Local Law #2 of 2023 repealing General Ordinance 5.13 made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

Motion to adopt Local Law #2 of 2023 and waive the reading of the resolution made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

- **Continuation of Public Hearing for Local Law #3 of 2023 amending General Ordinance 1.3.**

Motion to close public hearing on Local Law #3 of 2023 amending General Ordinance 1.3 made by Trustee Epsein, seconded by Trustee Dodge, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

Motion to adopt Local Law #3 of 2023 made by Trustee Epstein, seconded by Trustee Dodge, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

- **Resolution to pay funds in excess of grants for River Hook pathway project.**

Motion to pay funds in excess of grants for River Hook pathway project made by Trustee Esmay, seconded by Trustee Dodge, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

- **Introduction of Local Law #4 of 2023 amending the Parking Law.**

Discussion: There are concerns about the narrow road near the elementary school during pickup/dropoff times. A draft of this law will be introduced at the next meeting.

- **Adjournment**

Motion to adjourn the Regular Meeting of the Board of Trustees made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay and Rothchild

NOES:

Abstain:

Meeting Adjourned at 8:34 pm.

Village of Upper Nyack
Balance Sheet
As of February 16, 2023

	Feb 16, 23
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	617,221.42
NY Class-General Fund 001	1,286,319.78
Webster-General Operating 693	303,133.74
Webster-General Payroll 706	82,560.06
Webster-Trust & Agency Fund714	7,645.05
Total Checking/Savings	2,296,880.05
Total Current Assets	2,296,880.05
TOTAL ASSETS	2,296,880.05
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due To/From Other Funds	
Capital Projects Fund Payable	604,038.00
Trust & Agency Fund Payable	7,624.00
Total Due To/From Other Funds	611,662.00
Security Deposit - Rent	2,000.00
Total Other Current Liabilities	613,662.00
Total Current Liabilities	613,662.00
Total Liabilities	613,662.00
Equity	
3950 Unappropriated Fnd Balance	1,521,203.50
Net Income	162,014.55
Total Equity	1,683,218.05
TOTAL LIABILITIES & EQUITY	2,296,880.05

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2022 through February 16, 2023

	Jun 1, '22 - Feb 16, 23	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Income			
1001 Real Property Tax	2,128,184.28	2,170,000.00	-41,815.72
1090 Int./Pen. Taxes	2,379.17	4,000.00	-1,620.83
1130 Gross Utility Fees	51,395.59	30,000.00	21,395.59
2110 Zoning Fees	1,200.00	1,000.00	200.00
2115 Planning Board Fees	5,450.00	6,000.00	-550.00
2401 Interest Earnings	38,548.64	4,000.00	34,548.64
2410 Office Rental	17,200.00	25,000.00	-7,800.00
2555 Co & Violations Search	6,575.00	10,500.00	-3,925.00
2560 Road Opening Permit	1,350.00	2,000.00	-650.00
2590 Building Permits	20,977.60	30,000.00	-9,022.40
2591 Tree Permit	2,040.00	3,000.00	-960.00
2595 Cable TV Permits	0.00	30,000.00	-30,000.00
2770 Other Revenue	44,623.21	30,000.00	14,623.21
2771 Clarkstown - Bulk Pickup	0.00	38,000.00	-38,000.00
3001 State Aid	124,040.46	310,000.00	-185,959.54
3002 NYS - CHIPS	113,424.99	100,000.00	13,424.99
3005 R.C. - Mortgage Tax	38,638.39	55,000.00	-16,361.61
3006 R.C. - Sales Tax	27,286.00	40,000.00	-12,714.00
3600 Sewer Rent	47,909.49	50,000.00	-2,090.51
4000 Transfer from Surplus	0.00	60,000.00	-60,000.00
Total Income	2,671,222.82	2,998,500.00	-327,277.18
Total Income	2,671,222.82	2,998,500.00	-327,277.18
Gross Profit	2,671,222.82	2,998,500.00	-327,277.18
Expense			
1325 FINANCE			
1325.01 Treasurer Services	33,000.00	49,500.00	-16,500.00
Total 1325 FINANCE	33,000.00	49,500.00	-16,500.00
1355 ASSESSMENT			
1355.40 Assessor Services	0.00	8,000.00	-8,000.00
Total 1355 ASSESSMENT	0.00	8,000.00	-8,000.00
1410 VILLAGE CLERK			
1410.01 Village Clerk	40,564.90	60,000.00	-19,435.10
1410.02 Village Clerk- Asstnt 2	40,000.00	60,000.00	-20,000.00
1410.03 Village Clerk- Asstnt 1	40,733.28	57,500.00	-16,766.72
1410.41 Supplies	4,276.13	8,000.00	-3,723.87
1410.43 Postage	0.00	1,000.00	-1,000.00
1410.44 Legal Advertizing	4,818.00	6,000.00	-1,182.00
1410.45 Public Information	0.00	1,000.00	-1,000.00
1410.47 Telephone	2,376.70	3,000.00	-623.30
1410.49 Contractual Services	26,835.46	30,000.00	-3,164.54
1410.50 Meetings / Seminars	50.00	500.00	-450.00
1410.51 Promotion / Good Will	10,098.87	10,000.00	98.87
Total 1410 VILLAGE CLERK	169,753.34	237,000.00	-67,246.66
1420 LEGAL			
1420.40 Attorney Contractual	77,315.39	120,000.00	-42,684.61
Total 1420 LEGAL	77,315.39	120,000.00	-42,684.61
1440 ENGINEERING			
1440.40 Engineer Contractual	25,225.50	40,000.00	-14,774.50
Total 1440 ENGINEERING	25,225.50	40,000.00	-14,774.50

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2022 through February 16, 2023

	<u>Jun 1, '22 - Feb 16, 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>
1450 ELECTIONS			
1450.40 Elections Contractual	0.00	500.00	-500.00
Total 1450 ELECTIONS	0.00	500.00	-500.00
1620 VILLAGE HALL			
1620.20 Equipment	13,301.34	20,000.00	-6,698.66
1620.40 Cleaning	3,004.99	3,000.00	4.99
1620.41 Heating	2,274.40	3,500.00	-1,225.60
1620.42 Electric	3,199.14	3,000.00	199.14
1620.44 Repairs	62,002.29	15,000.00	47,002.29
1620.47 Water	257.30	440.00	-182.70
Total 1620 VILLAGE HALL	84,039.46	44,940.00	39,099.46
1630 BROADWAY GARAGE			
1630.51 Heating	360.78	500.00	-139.22
1630.52 Electricity	546.17	500.00	46.17
1630.54 Repairs	0.00	1,500.00	-1,500.00
1630.57 Water	127.41	300.00	-172.59
Total 1630 BROADWAY GARAGE	1,034.36	2,800.00	-1,765.64
1640 STONE MEETING HOUSE			
1640.42 Utilities	2,175.47	6,000.00	-3,824.53
1640.44 Repairs & Maintenance	104,364.49	95,000.00	9,364.49
1640.56 Contractual Misc.	3,747.37	2,000.00	1,747.37
Total 1640 STONE MEETING HOUSE	110,287.33	103,000.00	7,287.33
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	1,472.85	1,500.00	-27.15
1660.20 Repair and Maintenance	32,573.50	50,000.00	-17,426.50
1660.30 Supplies	737.99	3,000.00	-2,262.01
Total 1660 RIVER HOOK PRESERVE	34,784.34	54,500.00	-19,715.66
1910 INSURANCE			
1910.10 Insurance	48,126.10	55,000.00	-6,873.90
Total 1910 INSURANCE	48,126.10	55,000.00	-6,873.90
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	23,333.28	35,000.00	-11,666.72
3620.41 Supplies	3,771.35	2,000.00	1,771.35
3620.48 Training	975.00	500.00	475.00
Total 3620 BUILDING/CODE ENFORCEME...	28,079.63	37,500.00	-9,420.37
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	184,088.38	192,260.00	-8,171.62
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	66,700.98	10,000.00	56,700.98
5110.41 Truck Maintenance	18,480.68	20,000.00	-1,519.32
5110.42 Truck Fuel	10,046.50	10,000.00	46.50
5110.43 Equip Maintenance	2,119.69	5,000.00	-2,880.31
5110.44 Road Repair/Maint.	18,960.94	25,000.00	-6,039.06
5110.45 Contr. Road Repair	406,683.98	370,000.00	36,683.98
5110.46 Building Repair	5,205.27	10,000.00	-4,794.73
5110.47 Telephone	145.54	500.00	-354.46
5110.48 Utilities	9,154.94	10,000.00	-845.06

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2022 through February 16, 2023

	Jun 1, '22 - Feb 16, 23	Budget	\$ Over Budget
5110.49 Training	2,915.00	1,000.00	1,915.00
5110.52 Tree Safety	2,400.00	10,000.00	-7,600.00
5110.53 Supplies	4,170.89	6,000.00	-1,829.11
5110.57 Catch Basin Repair	33,212.27	6,000.00	27,212.27
5110.59 Cablevision	589.47	1,000.00	-410.53
5110.61 Contr. Service	8,635.56	12,000.00	-3,364.44
Total 5110 HIGHWAY DEPARTMENT	773,510.09	738,760.00	34,750.09
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	30,351.32	44,600.00	-14,248.68
6567 Unemployment	1,712.82	2,000.00	-287.18
6569 Payroll Service	3,412.30	3,800.00	-387.70
9010 State Retirement	47,942.00	68,000.00	-20,058.00
9040 Workers Compensation	13,478.90	20,000.00	-6,521.10
9060 Health Insurance	128,977.50	180,000.00	-51,022.50
9061 Medicare Reimbursement	6,082.00	9,000.00	-2,918.00
Total 6560 PAYROLL EXPENSES	231,956.84	327,400.00	-95,443.16
8020 PLANNING / ARB			
8020.10 Planning Personnel	38,121.40	53,600.00	-15,478.60
8020.40 Planning Contractual	1,800.00	4,000.00	-2,200.00
Total 8020 PLANNING / ARB	39,921.40	57,600.00	-17,678.60
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	11,382.37	4,000.00	7,382.37
8120.44 Repair & Maint.	0.00	15,000.00	-15,000.00
8120.60 Treatment	226,198.27	436,000.00	-209,801.73
8120.70 Pump Station Debt Svc	16,147.82	28,000.00	-11,852.18
Total 8120 SEWER SYSTEM	253,728.46	483,000.00	-229,271.54
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	220,852.23	260,000.00	-39,147.77
Total 8130 REFUSE COLLECTION	220,852.23	260,000.00	-39,147.77
9600 BONDS & BANS			
9614 Open Space Bond - Prin	90,000.00	90,000.00	0.00
9615 Open Space Bond - Interest	68,693.80	70,000.00	-1,306.20
9616 Refunding Bond - Principle	165,000.00	165,000.00	0.00
9617 Refunding Bond - Interest	53,900.00	54,000.00	-100.00
Total 9600 BONDS & BANS	377,593.80	379,000.00	-1,406.20
Total Expense	2,509,208.27	2,998,500.00	-489,291.73
Net Ordinary Income	162,014.55	0.00	162,014.55
Net Income	162,014.55	0.00	162,014.55

Upper Nyack Village Board Meeting February , 2023

January 1, 2023- February 16, 2023

Area Checks: All "checks" continue on a daily basis

School Checks: Upper Nyack Elementary

Cultural and Religious: All checks continue

MVA's: 1 w/ injury N. Highland & Christian Herald

5 w/o injury Castle Heights/ N. Broadway, N Broadway/ Lexow, N. Broadway,
Highland/ Gelnbrook, N. Highland

Abandoned Vehicle – 0

Alarms 15

6 Burglary

6 Fire- False/no issues

2 Medical (same residence-excusable/no issue)

1 Panic

Animal Incidents - 3

*1 deer euthanized

* lost dog found deceased under porch ACO assisted

* found dog returned to owner(no ID but micro chipped)

Assistance- 2 (lift assistance)

Burglary 0

Criminal Mischief 0

Dog Incident- 2 Dog reunited w/ owner, deceased dog located under deck

Dumping- 0

Fire 3

(Birchwood Ave- Blinds and chair in bedroom on fire, FD called and responded, Neighbor extinguished prior to FD arrival)

2x Smell of natural gas at residence- FD on scene- all in order

Fireworks 0

.

Frauds

These types of incidents include:

- Dent Repair
- Driveway Paving
- Roofing Repair
- Diversion Burglaries, sometimes posing as utility workers
- Tech Support
- Online Dating
- Lottery & Sweepstakes
- Insurance/Financial Fraud

Highway Condition- 2

Street light out- O&R and DPW on responded- condition corrected(N. Highland/ Christian Herald)

Juveniles – 0

Larceny - 1 Catalytic Converter (Castle Heights)

Larcenies from vehicles – 1 see above

Medical Calls – 14

Ordinance 1 boatyard

1 leaf blower(no violations observed)

Property damage – None

Recycle – None (occurring throughout the town)

Stolen Vehicle – 0

Robberies: None

Trespass None

Speed complaints

N. Broadway by Upper Nyack Elementary School

Upper Birchwood

Old Mountain

Castle Heights Eastbound from Midland Ave

V&T – AUO midland Ave, overnight parking warnings issued

Additional Calls in Town

Frauds- amazon, virtual interview- received check- check was fraudulent, paypal, facebook apartment rental, fraudulent carmax loan, geek squad scam

Stolen Vehicles- 0

Catalytic Converters- 1 in Upper Nyack.....still ongoing throughout county and country

Drug Related Information:

County-wide Overdoses 2023 YTD – 27, resulting in 5 death (22 survived)

Clarkstown 2023 YTD – 7 resulting in 2 deaths (5 survived)

Finding fentanyl in Marijuana

PO Niles Davies

PO Chris Kelly