

REGULAR MEETING

August 27, 2009

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, August 27, 2009 at 7:00 PM.

Those present: Mayor Esmay, Trustees Diamond, Hindin & Morgan

Absent: Village Clerk Carol G. Brotherhood, Trustee Sarna, Village Treasurer Barry MacCartney, Village Attorney Robert P. Lewis

Others identified: Contract Counsel Kristen K. Wilson, Kier Levesque, Andrew Woodford, Jan Degenshein

POLICE REPORTS – Not available

JUSTICE REPORT – Not Available

MINUTES – Trustee Hindin motioned to accept the **minutes** of the 7/16/09 Regular meeting, seconded by Trustee Morgan and so moved. With no further discussion and on a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

TREASURER'S REPORT – Not available.

VOUCHERS – Read and approved for payment.

LICENSE AGREEMENT – Mr. Andrew Woodford requested that he be granted a license to permit three (3) encroachments (front steps, a roof overhang and a new stormwater storage basin) onto Village property by his recently acquired home at the corner of Front Street and Highmount Avenue. The encroachment situation was reviewed by the Planning Board on 7/29/09. The Village Engineer recommended the subject drainage features.

Mayor Esmay said the Board will consult Village Attorney Lewis to draft an appropriate license document for consideration. One issue may be the preservation of the Village's right to make improvements to the road in the future if necessary.

Trustee Diamond made a motion to approve the proposed encroachment license and refer it to the Village Attorney to prepare the required document, seconded by Trustee Hindin and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

ZONE TEXT AMENDMENT – The Board of Trustees discussed the Zone Text Amendment, Local Law # of 2009.

Those present were contract Counsel Kristin K. Wilson and Architect Jan Degenshein

Trustee Morgan made a motion that the Village make a SEQRA resolution declaring the Village's intent to be lead agency in reviewing the environmental impact of proposed local law # of 2009, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

ACTION: Mayor Esmay signed Part I of the Environmental Assessment Form to be included with the SEQRA Lead Agency declaration mailing to interested parties. The EAF will be completed and the date for the public hearing will be set after th notified agencies have replied.

ACTION: The Board agreed that the text of proposed Local Law # of 2009 is now available for release to the public.

NOTED: Mayor Esmay noted that the Village's application for a special permit for residential development of Village property on Highland Avenue has been submitted to the Planning Board.

RESOLUTION – Cornell Cooperative Extension Rockland County/2009 Stormwater II Education Agreement

Trustee Morgan made a motion that the Village of Upper Nyack renew its participation in the Cornell University Cooperative Extension 2009 Stormwater Education Program and authorize payment of the \$1000 annual fee, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

NOTED: Volkssport Club of West Point will conduct its annual 5k and 10k walks in the Village on September 13, 2009. Appropriate liability insurance has been obtained.

Nyack Hospital Foundation will conduct its annual 10k Walk and 5k Run on November 21, 2009. Appropriate liability insurance has been obtained.

APPOINTMENT

Trustee Diamond made a motion to appoint Winston C. Perry Jr. as Alternate Member to the Architectural Review Board, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

WEB SITE PROPOSAL - Village of Upper Nyack received and reviewed a proposal from Babyface Interactive.

Trustee Diamond made a motion to accept the August 5, 2009 proposal of Babyface Interactive for technical support of the Village of Upper Nyack web site and to authorize payment in accordance with the terms set forth in the proposal, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

NOTED: Complaints about equipment noise by utility companies, lawn care companies and property owners at early morning hours were noted; the Clarkstown noise law will be reviewed for possible adoption.

DISCUSSION: Mayor Esmay noted that under the current ordinance, Alternate members of Boards may serve only when a conflict of interest precludes service by an appointed board member. Mayor Esmay suggests amending the ordinance to permit service by Alternate members whenever an appointed board member is absent for any reason.

Trustee Diamond made a motion to adjourn, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None

ABSENT: Trustee Sarna

Respectfully submitted,

Trustee Morgan

NOTE: Trustee Morgan took the minutes in place of the Village Clerk who was absent