

Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at 7:00pm on Thursday, January 20, 2022 held virtually via Zoom

PRESENT	Karen Tarapata Michael Esmay Laurie Dodge Kennon Rothchild III	Mayor Deputy Mayor, Trustee Trustee Trustee
ALSO PRESENT	Heather Candella Richard D. Fortunato Noelle C. Wolfson, ESQ Lt. JoAnne Fratianni PO Niles Davies Michael Nolan Dennis Letson Jillana Sinnott	Village Clerk Treasurer Village Land Use Attorney Clarkstown Police Clarkstown Police Code Enforcement Officer Village Engineer Finance Secretary
ABSENT	Jeffrey Epstein	Trustee

Meeting called to order at 7:01 PM

Police Report

Four (4) Motor Vehicle Accidents (MVA) N. Broadway / Larchdale Ave, Hilltop Dr, (2) on Highland Ave. Two (2) animal calls, North Midland Ave, Deer was stuck on fence and freed, Highmount Avenue animal struck by vehicle. Three (3) medical calls. One (1) noise ordinance call on Lexow Ave, leaf blower. County-wide overdoses in 2022: 364, resulting in 61 deaths (303 survived), 2022 YTD – 13, resulting in no deaths (13 survived) . Clarkstown-wide overdoses in 2021: 108, resulting in 19 deaths (89 survived), 2022 YTD – 1 resulting in no deaths (1 survived). One (1) Noise ordinance call - 1 Lexow Ave. Scams reported throughout Clarkstown pertaining to: Dent Repair, Driveway Paving, Roofing Repair, Diversion Burglaries (sometimes posing as utility workers), Tech Support, Online Dating, Lottery & Sweepstakes, Insurance/Financial Fraud. School, area, cultural and religious checks are ongoing.

Chase Atlneu, Village Resident – Expressed concerns around deer population.

Code Enforcement Officer Report

Violations issued since the December meeting:

- Five (5) noise complaints
- One (1) report of garbage on Broadway
- One (1) Animal complaint
- 13 sidewalk clearing after storm

Appointment of Village Treasurer

Trustee Esmay moved to appoint Richard D. Fortunato as Village Treasurer. Trustee Rothchild seconded and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

Treasurer's Report

Richard D. Fortunato, Village Treasurer and Jillana Sinnott, Finance Secretary outlined proposed changes to the printed Village Tax bill for the 2022 season. Receipts will no longer be issued; the homeowner's returned check will serve as a receipt of payment.

Village of Upper Nyack Balance Sheet As of January 20, 2022

	Jan 20, 22
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	606,217.69
NY Class-General Fund 001	1,408,119.22
Sterling-General Operating 693	342,210.70
Sterling-General Payroll 706	194,711.09
Sterling-Trust & Agency Fund714	8,888.05
Total Checking/Savings	2,560,146.75
Total Current Assets	2,560,146.75
TOTAL ASSETS	2,560,146.75
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due To/From Other Funds	
Capital Projects Fund Payable	604,038.00
Trust & Agency Fund Payable	8,874.00
Total Due To/From Other Funds	612,912.00
Security Deposit - Rent	2,000.00
Total Other Current Liabilities	614,912.00
Total Current Liabilities	614,912.00
Total Liabilities	614,912.00
Equity	
3950 Unappropriated Fnd Balance	1,406,902.89
Net Income	538,331.86
Total Equity	1,945,234.75
TOTAL LIABILITIES & EQUITY	2,560,146.75

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through January 20, 2022

	Jun 1, '21 - Jan 20, 22	Budget	\$ Over Budget
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	5,273.53	16,000.00	-10,726.47
1620.40 Cleaning	1,950.00	2,000.00	-50.00
1620.41 Heating	1,877.45	2,500.00	-622.55
1620.42 Electric	1,870.47	4,000.00	-2,129.53
1620.44 Repairs	1,952.68	46,000.00	-44,047.32
1620.47 Water	218.79	350.00	-131.21
Total 1620 VILLAGE HALL	13,142.92	70,850.00	-57,707.08
1630 BROADWAY GARAGE			
1630.51 Heating	185.88	500.00	-314.12
1630.52 Electricity	440.91	500.00	-59.09
1630.54 Repairs	0.00	1,500.00	-1,500.00
1630.57 Water	138.46	300.00	-161.54
Total 1630 BROADWAY GARAGE	765.25	2,800.00	-2,034.75
1640 STONE MEETING HOUSE			
1640.42 Utilities	1,619.02	2,000.00	-380.98
1640.44 Repairs & Maintenance	3,550.39	10,150.00	-6,599.61
1640.56 Contractual Misc.	1,224.29	1,000.00	224.29
Total 1640 STONE MEETING HOUSE	6,393.70	13,150.00	-6,756.30
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	633.90	1,500.00	-866.10
1660.20 Repair and Maintenance	26,276.67	55,000.00	-28,723.33
1660.30 Supplies	779.38	3,000.00	-2,220.62
Total 1660 RIVER HOOK PRESERVE	27,689.95	59,500.00	-31,810.05
1910 INSURANCE			
1910.10 Insurance	45,152.38	55,000.00	-9,847.62
Total 1910 INSURANCE	45,152.38	55,000.00	-9,847.62
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	24,769.22	34,000.00	-9,230.78
3620.20 Equipment	0.00	2,000.00	-2,000.00
3620.41 Supplies	907.72	1,000.00	-92.28
3620.48 Training	50.00	500.00	-450.00
Total 3620 BUILDING/CODE ENFORCEME...	25,726.94	37,500.00	-11,773.06
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	124,560.08	187,000.00	-62,439.92
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	3,984.34	10,000.00	-6,015.66
5110.41 Truck Maintenance	15,997.45	20,000.00	-4,002.55
5110.42 Truck Fuel	4,850.58	10,000.00	-5,149.42
5110.43 Equip Maintenance	4,384.29	5,000.00	-615.71
5110.44 Road Repair/Maint.	7,009.14	25,000.00	-17,990.86
5110.45 Contr. Road Repair	281,938.40	312,000.00	-30,061.60
5110.46 Building Repair	7,341.22	10,000.00	-2,658.78
5110.47 Telephone	88.74	500.00	-411.26
5110.48 Utilities	6,137.36	10,000.00	-3,862.64

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5110.49 Training	0.00	1,000.00	-1,000.00
5110.52 Tree Safety	11,800.00	6,000.00	5,800.00
5110.53 Supplies	2,994.46	6,000.00	-3,005.54
5110.57 Catch Basin Repair	1,612.52	10,000.00	-8,387.48
5110.59 Cablevision	559.52	1,000.00	-440.48
5110.61 Contr. Service	7,771.34	10,000.00	-2,228.66
Total 5110 HIGHWAY DEPARTMENT	481,029.44	673,500.00	-192,470.56
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	23,108.02	42,500.00	-19,391.98
6567 Unemployment	643.11	2,000.00	-1,356.89
6569 Payroll Service	2,745.54	3,500.00	-754.46
9010 State Retirement	66,714.00	60,000.00	6,714.00
9040 Workers Compensation	8,747.58	20,000.00	-11,252.42
9060 Health Insurance	101,734.36	160,000.00	-58,265.64
9061 Medicare Reimbursement	4,541.40	7,000.00	-2,458.60
Total 6560 PAYROLL EXPENSES	208,234.01	295,000.00	-86,765.99
8020 PLANNING / ARB			
8020.10 Planning Personnel	35,911.73	58,000.00	-22,088.27
8020.40 Planning Contractual	9,450.00	20,000.00	-10,550.00
Total 8020 PLANNING / ARB	45,361.73	78,000.00	-32,638.27
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	4,048.11	3,000.00	1,048.11
8120.44 Repair & Maint.	0.00	15,000.00	-15,000.00
8120.60 Treatment	253,519.66	432,000.00	-178,480.34
8120.70 Pump Station Debt Svc	16,148.82	28,000.00	-11,851.18
Total 8120 SEWER SYSTEM	273,716.59	478,000.00	-204,283.41
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	137,765.00	240,000.00	-102,235.00
Total 8130 REFUSE COLLECTION	137,765.00	240,000.00	-102,235.00
9600 BONDS & BANS			
9610 DPW Building Bond - Prin	0.00	65,000.00	-65,000.00
9611 DPW Building Bond Interest	0.00	30,000.00	-30,000.00
9612 Various Purpose Bond Prin	0.00	110,000.00	-110,000.00
9613 Various Purp Bond Interest	20,059.38	40,000.00	-19,940.62
9614 Open Space Bond - Prin	90,000.00	90,000.00	0.00
9615 Open Space Bond - Interest	73,193.80	75,000.00	-1,806.20
9616 Refunding Bond - Principle	201,755.55	0.00	201,755.55
9617 Refunding Bond - Interest	11,828.04	0.00	11,828.04
Total 9600 BONDS & BANS	396,836.77	410,000.00	-13,163.23
Total Expense	1,932,923.13	2,801,850.00	-868,926.87
Net Ordinary Income	538,331.86	0.00	538,331.86
Net Income	538,331.86	0.00	538,331.86

7:30 PM Adjournment of Public Hearing: Yeshivath Viznitz Dkhal Torath Chaim Inc. – Application for Temporary Moratorium Variance, 350 North Highland Avenue, Village of Upper Nyack (SBL 59.16-2-3 (Upper Nyack))

Savad Churgin, Council for the Applicants requested adjournment of the public hearing to February 17, 2022.

Trustee Dodge moved to adjourn the public hearing until the February 17, 2022 Regular Meeting, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSENT: Trustee Epstein

Introduction of Subdivision Law

Noelle C. Wolfson, Village Land Use Attorney provided an overview of proposed Local Law # 1 of 2022, Village of Upper Nyack Subdivision Law (attached).

Trustee Dodge moved set the public hearing for proposed Local Law # 1 of 2022, Village of Upper Nyack Subdivision Law to take place at the February 10, 2022 Special Meeting, Trustee Esmay seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSENT: Trustee Epstein

Introduction of Planning Board Law

Noelle C. Wolfson, Village Land Use Attorney provided an overview of proposed Local Law # 2 of 2022, Village of Upper Nyack Planning Board Law (attached).

Trustee Esmay moved set the public hearing for proposed Local Law # 2 of 2022, Village of Upper Nyack Planning Board Law to take place at the February 10, 2022 Special Meeting, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSENT: Trustee Epstein

Introduction of Stormwater Management Law

Noelle C. Wolfson, Village Land Use Attorney provided an overview of proposed Local Law # 2 of 2022, Village of Upper Nyack Stormwater Management Law (attached).

Trustee Rothchild moved set the public hearing for proposed Local Law # 3 of 2022, Village of Upper Stormwater Management Law to take place at the February 10, 2022 Special Meeting, Trustee Dodge seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge
NOES:
ABSENT: Trustee Epstein

7:45 PM Continuation of Public Hearing – proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack.

The Village Clerk read the public hearing notice.

Noelle C. Wolfson, Village Land Use Attorney provided an overview of the law (attached) as well as the SEQRA review of type 1 action.

Trustee Esmay moved to Prepare a Negative Declaration of Environmental Significance based on the Parts 1, 2 and 3 of the EAF for consideration at the Special Meeting on February 10, 2022, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

There were no comments from the public.

Trustee Rothchild moved to adjourn the public hearing to February 10, 2022, Trustee Dodge seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

Minutes – Regular Meeting – December 16, 2021

Motion to approve December 16, 2021 Minutes of the Regular Meeting by Trustee Dodge, seconded by Trustee Esmay, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, and Dodge

NOES:

ABSENT: Trustee Epstein

Minutes – Workshop Meeting – January 6, 2022

Motion to approve January 6, 2022 Minutes of the Workshop Meeting by Trustee Esmay, seconded by Trustee Rothchild, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, and Dodge

NOES:

ABSENT: Trustee Epstein

8:00 PM Public Hearing for Code Enforcement Law

The Village Clerk read the public hearing notice.

Mayor Tarapata provided an overview of the proposed law (attached).

Trustee Dodge moved to open the public hearing, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

Chase Atlneu, Village Resident – Asked what the process was of changing an application for a permit.

Noelle C. Wolfson, Village Land Use Attorney clarified those changes would go through the ZBA.

There were no further comments from the public.

Trustee Esmay moved to close the public hearing, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

Trustee Esmay moved to adopt Local Law # 1 of 2022, a local law authorizing certain public servants of the Village of Upper Nyack to issue Appearance Tickets. Trustee Dodge seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

Resolution: Rockland County Residency provision for Election Workers

Resolution to allow Inspectors of Village Election who are residents of Rockland County, approved by the Rockland County Board of Elections.

Motioned: Trustee Rothchild

Seconded: Trustee Dodge

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

NOES:

ABSENT: Trustee Epstein

Resolution to appoint four Inspectors of Election, for the March 15, 2022 Village Election, per election law §15-116(1), and pay them \$15.00 per hour: Dorinda Maragliano, Carol Cursto (Chair), Myra Leibster, Anita Sado.

Motioned: Trustee Esmay

Seconded: Trustee Rothchild

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

NOES:

ABSENT: Trustee Epstein

Discussion: Purchase of South Nyack Surplus Equipment

The Village has the opportunity to bid on equipment from the South Nyack DPW: A 4-ton asphalt trailer with torch and heated deck, and a F350 pickup with v-plow and toolbox.

The asphalt trailer would provide the Village with increased efficiency, as the current trailer holds 2-tons and requires multiple trips to the asphalt plant when patching potholes. The 4-ton trailer can maintain the heat of the asphalt over two days, and includes a torch for pre-heating road surface for better patching. This trailer was purchased for South Nyack in 2020 for \$32,358 and used less than five times. The Mayor is to bid \$22,000. The Village's current trailer can be surplused and sold for approximately \$9,000.

The Village has many uses for the Ford 350, the Code Enforcement Officer can use it for enforcement actions and not tie up a DPW dump truck. Additionally, the Ford 350 is the ideal size to plow certain dead narrow streets and the path on the Preserve. The F350 is a 2015 diesel, has 58k miles, a v-plow and attached tool box. Maintenance record known.

Book value about 40K without the plow. Proposing a bid of \$23,000

Trustee Esmay motioned to approve bidding for these items up to \$45,000, Trustee Dodge seconded, and so approved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Epstein

Adjournment – Trustee Dodge motioned to adjourn the meeting, Trustee Rothchild seconded and so adjourned.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, and Dodge

NOES:

ABSENT: Trustee Epstein

Meeting was adjourned at 8:18 PM