

REGULAR MEETING
MINUTES
SEPTEMBER 23, 2021

The Regular Meeting of the Board of Trustees of the Village of Upper Nyack was held virtually on Thursday, September 23, 2021 at 7:00 PM.

Those participating: Mayor Karen Tarapata, Trustees Michael Esmay, Jeffrey Epstein, Ken Rothchild, Village Clerk Heather Candella, Treasurer Richard D. Fortunato, Village Land Use Attorney Noelle C. Wolfson, Clarkstown Community Police Officer Niles Davies, Sgt. JoAnne Fratianni
Absent: Trustee Laurie Dodge

MINUTES – REGULAR MEETING – AUGUST 19, 2021 – Trustee Epstein made a motion to accept the minutes of the Regular Meeting, August 19, 2021, as amended, seconded by Trustee Rothchild and so approved.

On call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

POLICE REPORTS – Clarkstown Police Officer Niles Davies provided the report for the month. There were two motor vehicle accidents (MVA) in the Village. One MVA on North Broadway involving a school bus, there were no injuries. Second MVA occurred on Old Mountain Road and North Broadway when a truck hit a guardrail. Three animal incidents: one on Tompkins Drive, an injured deer, one on 9w, an injured deer, and one on Camboan Drive of an alligator in the pond, alligator turned out to be a large children's toy. CPD assisted the Department of Environmental Protection and Department of Labor regarding an investigation at the Boatyard. Eight noise ordinance complaints issued written warnings: one on Locust Drive, Birchwood Avenue, two on North Midland, two on North Broadway, and two on Glenbrook Road. Five documented noise calls at the boatyard property. Two suspicious persons calls, one on 9w, person was gone before officers arrived, and one on North Broadway involving trespassing and stolen motorcycle, suspect was arrested. School, area, cultural, and religious checks are ongoing. County-wide overdoses: 278 YTD, resulting in 48 deaths (230 survived). Town of Clarkstown overdoses: 86 YTD, resulting in

14 deaths (72 survived). CPD working with the Mayor and Board to prevent trucks traveling through the village.

Harry Vetter, Village Resident asked Officer Davies if there have been any repeat offenders of the sound law being fined. Officer Davies clarified that if there are repeat offenders, it would be up to the Village and Code Enforcement Officer to issue fines.

TREASURER'S REPORT– Treasurer Richard D. Fortunato reviewed the Village's Year End Financials and Bond schedules. Village surplus in 2020 was \$150,000 that brought the total Village surplus to \$1.4 million. The Village's AUD was filed with the State of New York and accepted by the Comptroller's office on August 27, 2021.

Trustee Epstein made a motion to accept the cost of new tax software from Edmunds GovTech with the initial cost of \$15,000, with an additional \$2,275 for the first year for support services, seconded by Trustee Rothchild and so approved.

On call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

As of the date of this meeting there were 16 delinquent tax payers are remaining for a total of \$35,187 in delinquent Village taxes. The Treasurer also reviewed the monthly financial statement, highlighting the only significant change for the monthly expenses was the \$119,000 paving bill, all other expenses were typical month-to-month expenses.

Bond refinance resolution:

REFUNDING BOND RESOLUTION OF THE VILLAGE
OF UPPER NYACK, NEW YORK, ADOPTED
SEPTEMBER 23, 2021, AUTHORIZING THE
REFUNDING OF CERTAIN OUTSTANDING BONDS
OF SAID VILLAGE, STATING THE PLAN OF

REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$2,000,000 FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,000,000 TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN OTHER DETERMINATIONS RELATIVE THERETO

Recitals

WHEREAS, the Village of Upper Nyack, in the County of Rockland, New York (herein called the “Village”), has heretofore issued on June 10, 2010 its \$1,305,000 Public Works Building Serial Bonds-2010 (the “2010 Bonds”), which are currently outstanding in the principal amount of \$705,000 (the “Outstanding 2010 Bonds”); and

WHEREAS, the 2010 Bonds maturing on or after May 1, 2019 are subject to redemption prior to maturity, at the option of the Village, on May 1, 2018 and thereafter on any date, in whole or in part, and if in part, in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at par, plus accrued interest to the date of redemption; and

WHEREAS, the Village has heretofore issued on July 17, 2013 its \$1,995,000 Public Improvement Serial Bonds-2013 (the “2013 Bonds”), which are currently outstanding in the principal amount of \$1,110,000 (the “Outstanding 2013 Bonds,” and together with the Outstanding 2010 Bonds, the “Outstanding Bonds”); and

WHEREAS, the 2013 Bonds maturing on January 15, 2022 and thereafter will be subject to redemption prior to maturity, at the option of the Village, in whole or in

part, and if in part, in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), on any date on or after January 15, 2021, at par plus accrued interest to the date of redemption; and

WHEREAS, Sections 90.00 and 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), authorize the Village to refund all or a portion of the outstanding unredeemed maturities of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Village, and the Board of Trustees has determined that it may be advantageous to refund all or a portion of the Outstanding Bonds;

NOW, THEREFORE, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK, NEW YORK (by the favorable vote of at least two-thirds of all the members of said Board of Trustees), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- (a) “Bond To Be Refunded” or “Bonds To Be Refunded” means all or any portion of the aggregate Outstanding Bonds, as shall be determined in accordance with Section 8 hereof.
- (b) “Escrow Contract” means the contract to be entered into by and between the Village and the Escrow Holder pursuant to Section 10 hereof.
- (c) “Escrow Holder” means the bank or trust company designated as such pursuant to Section 10 hereof.
- (d) “Outstanding Bonds” shall mean the aggregate Outstanding 2010 Bonds and the Outstanding 2013 Bonds, being the outstanding unredeemed maturities of the 2010 Bonds and the 2013 Bonds.

- (e) “Present Value Savings” means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the agreed upon price including estimated accrued interest.
- (f) “Redemption Dates” means any payment date with respect to the Outstanding Bonds, as shall be determined by the Village Treasurer, as chief fiscal officer, pursuant to Section 8 hereof.
- (g) “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$2,000,000 Refunding Serial Bonds-2021 of the Village of Upper Nyack, authorized to be issued pursuant to Section 2 hereof.
- (h) “Refunding Bond Amount Limitation” means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded, to and including the applicable Redemption Date, plus redemption premiums, if any, payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The Board of Trustees of the Village (herein called the “Board of Trustees”), hereby authorizes the refunding of the Bonds To Be Refunded, and appropriates an amount not to exceed \$2,000,000 to accomplish such refunding. The plan of financing said appropriation includes the issuance of the Refunding Bonds in the principal amount of not to exceed \$2,000,000 and the levy and collection of a tax upon all the taxable real property within the Village to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Village in the maximum principal amount of \$2,000,000 and designated substantially as “Refunding

Serial Bonds-2021” are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as **Exhibit A** (the “Refunding Financial Plan”) prepared for the Village by its Financial Advisor, Capital Markets Advisors, LLC, and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the Village in connection with said refunding from such proceeds and, to the extent required, the investment of a portion of such proceeds by the Escrow Holder in certain obligations. The principal of and interest on such investments, together with the balance of such proceeds to be held uninvested, if any, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (ii) the principal of and premium, if any, on the Bonds To Be Refunded which are to be called for redemption prior to maturity on any such Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are all or a portion of the Outstanding Bonds issued pursuant to various bond resolutions duly adopted by the Board of Trustees on their respective dates, authorizing the issuance of bonds of the Village to finance and refinance various purposes of the Village. In accordance with the Refunding Financial Plan, the Refunding Bonds authorized in the aggregate principal amount of not to exceed \$2,000,000 shall mature in amounts and at dates to be determined. The Village Treasurer, the chief fiscal officer of the Village, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The Refunding Bonds shall mature not later than the maximum period of probable usefulness (“PPU”) permitted by law at the time of original issuance of the Bonds to be Refunded, as set forth in **Exhibit B** annexed hereto and hereby made a part hereof, for the object(s) or purpose(s) financed with the proceeds of the Bonds to be Refunded, commencing at the date of issuance of the first bond or bond anticipation note issued in anticipation of the sale of such bonds.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed Refunding Financial Plan attached hereto as **Exhibit A**, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law. Said Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount, and will mature, be of such terms and bear such interest as set forth therein. The Board of Trustees recognizes that the principal amount of the Refunding Bonds, the maturities, terms and interest rates, the provisions, if any, for the redemption thereof prior to maturity, and whether or not any or all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the Refunding Financial Plan may vary from that attached hereto as **Exhibit A**.

Section 6. The Refunding Bonds may be sold at public or private sale.

(a) If the Bonds are sold at private sale, the Village Treasurer, as the chief fiscal officer of the Village, is hereby authorized to execute a purchase contract on behalf of the Village for the sale of said Refunding Bonds.

(b) In the event that the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Village Treasurer is hereby authorized and directed to prepare or cause to be prepared a Notice of Sale, a summary of which shall be published at least once in (a) "The Bond Buyer," published in the City of New York and (b) the official newspaper(s) of the Village having general circulation within said Village, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the Village is located, or, if only one bank is located in such County, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "The Bond Buyer," 1 State Street Plaza, New York, New York 10004; and (4) at least ten (10) bond dealers.

(c) In connection with the sale of the Refunding Bonds, the Village authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is distributed. The Village Treasurer is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Village in connection with said refunding, including the preparation of the Refunding Financial Plan referred to in Section 2 hereof.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest

by a general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the Village for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 of the Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to determining the amount of Bonds To Be Refunded, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and executing a tax certificate relative thereto, and as to executing the Escrow Contract described in Section 10, the Official Statement referred to in Section 6 and any contracts for credit enhancements in connection with the issuance of the Refunding Bonds and any other certificates and agreements, as to making elections to call in and redeem all or a portion of the Bonds to be Refunded, and as to any determinations relating to the investment of the proceeds of the Refunding Bonds, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. Prior to the issuance of the Refunding Bonds, the Village shall contract with a bank or trust company located and authorized to do business in New York State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. Such Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Village, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and costs and expenses relating to the execution and performance of the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Village the notice of redemption authorized to be given pursuant to Section 13 hereof, and (d) to invest the monies held by it consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt shall be placed in escrow by the Village with

the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder, if invested, shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the Village and shall be applied by the Village only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys which is not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion or series thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow

Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 of the Law, the Board of Trustees hereby elects to call in and redeem all or a portion of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date, as shall be determined by the Village Treasurer in accordance with Section 8 hereof. The sum to be paid therefor on the applicable Redemption Date shall be the par value thereof, the accrued interest to such Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the Village by mailing such notice at least thirty (30) days prior to such Redemption Date, and in accordance with the terms appearing in the Bonds to be Refunded, to the registered holders of the Bonds To Be Refunded which are to be called in and redeemed. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are to be called in and redeemed in accordance herewith and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper of said Village.

Trustee Esmay motioned the adoption of the foregoing resolution was seconded by Trustee Rothchild and duly put to a vote on roll call, which resulted as follows:

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

NOES: None

ABSENT: Trustee Dodge

The resolution was declared adopted.

DISCUSSION: PARKING AND TRAFFIC ON NORTH BROADWAY –

The Mayor acknowledged the frustration of residents regarding Local Law #7 of 2020, Amending, Ordinance 2.2, Chapter 2, Regulation of Vehicles of the 1965 Code of General Ordinances, to extend no parking on North Broadway. The Mayor recognized the need for parking near Upper Nyack Elementary School.

Jen Marraccino, Village Resident – thanked the Board and the Mayor and Village Board for their work. Jen expressed her frustrations regarding the limited parking on North Broadway, and the need for parents of Upper Nyack Elementary School students to be able to park on both east & west side of the street.

Jillana Sinnott, Village Resident – stated that the removal of parking from

North Broadway would cause more parking on Birchwood Avenue.

Mayor Tarapata asked the Board to set a Public Hearing. Trustee Rothchild asked why parents cannot drop off their children from their cars in front of the school.

Jen Marraccino responded to Trustee Rothchild's question, that kindergarteners must be walked from the school with a parent or guardian, and traffic would dramatically increase if parents drop off directly in front of the school. Cars sitting on the line to drop off would be idling and contribute to poor air quality.

Trustee Esmay asked if the school district has tried anything to mitigate this problem. Jen Marraccino stated there was a discussion of a circular driveway for drop off but the land space around the school would make that difficult. Jen provided the names of the school crossing guards for the Mayor and Board to reach out to for more information regarding parking issues around pickup and drop-off times.

Mayor Tarapata recommended amending the parking regulation, and the Board will take another look at the matter.

Trustee Epstein motioned to set a public hearing regarding the no parking law for the next Regular Meeting on October 21, 2021. Trustee Esmay seconded the motion, and so moved.

On call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

7:30 PM PUBLIC HEARING – PROPOSED LOCAL LAW # 8 OF 2021, EXTENSION OF TEMPORARY MORATORIUM ON COMMERCIAL OR RESIDENTIAL LAND USE APPLICATIONS FOR PROPERTY LOCATED IN THE OFFICE BUSINESS (OB) DISTRICT, LABORATORY OFFICE (LO) DISTRICT AND THE R-4 RESIDENTIAL DISTRICT THAT ABUTS THE 9W CORRIDOR – The Village Clerk read the public hearing notice.

Mayor Tarapata read the referral from Rockland County Planning. Trustee Esmay made a motion to open the public hearing. Trustee seconded and so opened.

On call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

Marc Hamila – Has had his properties in his family for over 30 years and the property was changed in error to LO status that exists today. Attended planning board regarding this matter, cleaned up the properties. Asked if it would be until April 2022 until these changes.

Mayor Tarapata clarified this moratorium is acting as a way to promote development rather than hinder it, by means of creating the business district that would give more options for development. The goal is to make a cohesive business district within the Village. Clarified if Mr. Hamila has a site plan in the interim, he can apply for relief from the moratorium from the Board of Trustees.

Village Land Use Attorney, Noelle C. Wolfson explained when the new zoning comes up for review there will be a public hearing.

Mayor Tarapata noted this public hearing will most likely take place prior to April.

There were no other comments from the public.

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

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

Trustee Esmay motioned to adopt Local Law #8 of 2021. Trustee Rothchild seconded, and so adopted.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

7:45 PM PUBLIC HEARING – PROPOSED LOCAL LAW # 9 OF 2021, EXTENSION OF DURATION OF THE TEMPORARY MORATORIUM ON COMMERCIAL OR RESIDENTIAL SPECIAL USE PERMITS AND SPECIAL USE PERMIT RENEWAL APPLICATIONS – The Village Clerk read the public hearing notice.

Mayor Tarapata read the referral from Rockland County Planning.

Trustee Epstein made a motion to open the public hearing. Trustee Rothchild seconded and so opened.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

There were no comments from the public.

Trustee Epstein made a motion to close the public hearing. Trustee Esmay seconded and so closed.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

Trustee Epstein motioned to adopt Local Law #9 of 2021. Trustee Rothchild seconded, and so adopted.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

8:00 PM PUBLIC HEARING – APPLICATION FOR A VARIANCE FROM THE TEMPORARY MORATORIUM ON THE PROCESSING OF LAND USE APPLICATIONS IN THE OFFICE BUSINESS (OB) DISTRICT. SEE LOCAL LAW #1 OF 2020 AS EXTENDED BY LOCAL LAW #1 OF 2021, SECTION IV – STEVEN AND LISA SCHMITTGALL, 20 RIVERTON DRIVE – The Village Clerk read the public hearing notice.

Trustee Rothchild made a motion to open the public hearing. Trustee Esmay seconded and so opened.

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

NOES: None

ABSENT: Trustee Dodge

Lisa Schmittgall thanked the Mayor and Board for the consideration. Lisa outlined the need for relief from the moratorium to the Board, and listed the improvements made regarding landscaping, retaining wall construction, patio, and pavilion in the backyard. To her knowledge no work was done that goes against the Village's recently passed comprehensive plan.

Trustee Esmay asked if they had submitted for a building permit, Ms. Schmittgall confirmed they did submit for one, and that it was completed.

There were no comments from the public.

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

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

Trustee Esmay motioned to grant relief from the moratorium. Trustee Rothchild seconded, and so approved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

SET PUBLIC HEARING FOR MINOR AMENDMENTS TO THE GENERAL ORDINANCE –

Trustee Esmay motioned to set the public hearing for minor amendments compilation of local laws, known as a general ordinance at the next Regular meeting of the Board of Trustees on October 21, 2021. Trustee Epstein seconded, and so adopted.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

RESOLUTION IN SUPPORT OF THE TAP GRANT – Mayor Tarapata
read the following resolution:

WHEREAS, the Village of Upper Nyack Board of Trustees understands that a 20% total project cost match is required to complete necessary multi-modal improvements in the Village of Upper Nyack and wishes to authorize the submission of an application for a grant under the Transportation Alternatives Program;

NOW THEREFORE, BE IT RESOLVED, that this resolution will serve as verification of the 20% required match for the proposed project. for the proposed project.

Trustee Epstein motioned to approve the resolution with service verification of the required match the amount of no more than \$700,000 for the proposed project. Trustee Esmay seconded, and so adopted.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

OLD STONE MEETING HOUSE: SEQRA REVIEW–

Mayor Tarapata read the following resolution:

RESOLUTION FINDING THAT THE PROPOSED MODIFICATIONS TO
THE OLD STONE MEETING HOUSE CONSTITUTE A TYPE II
ACTION UNDER SEQRA REQUIRING NO ADDITIONAL SEQRA
REVIEW

WHEREAS, the Village of Upper Nyack is the owner of the Property located at 347 North Broadway, which is improved with the Old Stone Meeting House, the oldest place of assembly in Rockland County; and WHEREAS, the Old Stone Meeting House was built of locally quarried sandstone in 1813 and is listed on the National Register of Historic Places;

and

WHEREAS, Upper Nyack was incorporated as a Village in September of 1872 and as a part of its 150th Anniversary celebration recognizing the Village's history, the Village is planning to make modest renovations to the Old Stone Meeting House which will allow it to be used for official meetings of the Village Boards and to also be available to residents for meetings, events, and concerts; and

WHEREAS, the renovations include a minor expansion (approximately 25 square feet) to provide an Americans with Disabilities Act ("ADA") compliant restroom; replacement of the entrance door with an ADA compliant door; modest interior renovations; and improvements to the HVAC system to ensure its compliance with New York State Code requirements; and

WHEREAS, The New York State Department of Environmental Conservation State Environmental Quality Review Act ("SEQRA") regulations provide that "maintenance or repair involving no substantial changes in an existing structure or facility" and "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, unless such action meets or exceeds any SEQRA Type I threshold" are Type II actions under SEQRA requiring no further SEQRA review. See 6 NYCRR 617.5(a), (c)(1), (2); and

WHEREAS, the proposed work at the Old Stone Meeting House is a Type II action under SEQRA because it does not include any substantial changes to the existing building, nor does it exceed any Type I threshold.

NOW THEREFORE BE IT RESOLVED, that based on the foregoing, the Board of Trustees hereby classifies the work to be undertaken at the Old Stone Meeting House as a Type II action and, in light of that classification, the proposed work is not subject to SEQRA and no further SEQRA review of the action is required. See 6 NYCRR 617.5(a).

Trustee Esmay motioned to approve the resolution in support finding that the proposed modifications to the Old Stone Meeting House constitute a type II action under SEQRA requiring no additional SEQRA review Grant. Trustee Epstein seconded and so approved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

SURPLUS OFFICE FURNITURE –

Mayor Tarapata noted there are four old desks and miscellaneous office furniture to be surplus and replaced with new office furniture

Trustee Rothchild motioned to surplus the Village Hall office furniture.

Trustee Epstein seconded and so moved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

KUYPER DRIVE EMERGENCY PIPE REPAIR–

Mayor Tarapata noted Kuyper Drive was being milled for paving when Hurricane Ida hit the area. The storm caused 240 feet of pipe to collapse. 240 feet of pipe that has to be collapsed cement pipe and installing new 18-inch HTPPE pipe, that will not degrade in the way the prior pipe did. The cost is \$30,960 for the emergency repair. The Village will be submitting to FEMA for possible reimbursement due to the storm.

Trustee Epstein made a motion to accept the \$30,960 for the emergency pipe repair on Kuyper Drive. Trustee Rothchild seconded and so approved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

UPPER NYACK PTA “TRUNK OR TREAT” OCTOBER EVENT - UNES

PTA requested to close N. Broadway, from Castle Heights Ave to Birchwood Ave, on Friday, October 29, 2021 from 4:00 pm until 9:00 pm for the annual “Trunk or Treat/Fall Fest”

Trustee Rothchild made a motion to approve the closure, and that they provide a certificate of insurance and notify the affected property owners along North Broadway, seconded by Trustee Epstein and it was so moved.

With no further discussion it was approved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

EXECUTIVE SESSION

Trustee Epstein moved to go into Executive Session to discuss legal matters.

Trustee Esmay seconded the motion, and so moved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

Trustee Esmay moved to end the Executive Session. Trustee Rothchild seconded the motion, and so moved.

On a call for a vote:

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

NOES: None

ABSENT: Trustee Dodge

Trustee Epstein motioned to close the meeting. Trustee Esmay seconded and so it was accepted.

On call for a vote:

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

NOES: None

The meeting was adjourned at 9:27 PM

Respectfully submitted,

Heather Candella
Village Clerk