

REGULAR MEETING

May 21, 2020

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held Thursday, May 21, 2020 at 7:00 PM. In accordance with the Executive Order 202.1, this meeting was held by video/teleconference. The meeting was recorded and transcribed.

Board members participating: Mayor Tarapata, Trustees Diamond, Dodge, Esmay (signed on at 7:04 pm) & Rothchild

Village Officials: Village Clerk Carol G. Brotherhood, Village Treasurer-Richard D. Fortunato Village Attorney Robert P. Lewis

MINUTES

March 19, 2020 Regular meeting as amended

Motion to accept: Trustee Rothchild

Second: Trustee Dodge and it was so moved.

Vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge & Rothchild

NOES: None

April 2, 2020 Special meeting as amended

Motion to accept: Trustee Dodge

Second: Trustee Rothchild and it was so moved.

Vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

April 16, 2020 Regular meeting as amended

Motion to accept: Trustee Dodge

Second: Trustee Rothchild and it was so moved.

Vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

POLICE REPORT – Officer Kennedy appeared to present the monthly report.

Discussion: Officer Kennedy informed the Board that there were 162 calls for service, 1 motor vehicles accidents, 13 alarms, 27 medical calls, 3 area checks at houses of worship and schools, 1 overnight parking ticket on Bexman Green and a V&T for speeding on Rt. 9W.

The Board began a discussion with PO Kennedy about parking issues on Locust Drive. PO Kennedy suggested the Mayor and the Board send an email to Lt. Smith and request no parking on the street. Where signs are to be placed and duration. The Board questioned the enforcement of temporary signs and PO Kennedy assured them they are enforceable.

TREASURER'S REPORT – Treasurer Fortunato submitted financial statements to the Board via email for their review. Treasurer Fortunato spoke to Mayor Tarapata regarding potential budget cuts from the State. Discretionary funding from the State to the Village may not happen.

Tax bills will be mailed out by June 1, 2020.

June bond payment was approved by resolution at the April meeting. The May bond payment has been paid.

Tax bills will include a message to the public as to how to sign up for e-alerts from the Village and notice regarding the extended grace period as a result of the executive order by Governor Cuomo.

The Treasurer and Board also discussed drainage and paving work to be scheduled for Palmer and Kuyper.

VOUCHERS – Read and approved for payment.

SCHEDULE OF FEES – The Board discussed the need to add an item to the schedule of fees with the addition of the Wireless Facilities Law and fees associated with the new law.

Motion to accept additions to the fee schedule: Trustee Dodge

Second: Trustee Rothchild and it was so moved.

Vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge & Rothchild

NOES: None

RESOLUTION-ROCKLAND COUNTY INTERMUNICIPAL SHARED SERVICES AGREEMENT- After a brief discussion, Trustee Rothchild made a motion that the Village of Upper Nyack enter into the agreement with Rockland County and approve the signing of said agreement by the Mayor, seconded by Trustee Dodge and so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

RESOLUTION / Cornell Cooperative Extension Stormwater Education Agreement
2020 Stormwater II Education Program Agreement

Trustee Esmay made a motion that the Village of Upper Nyack renew its participation in the Cornell University Cooperative Extension 2020 Stormwater Education Program and with the signing by the Mayor, authorize payment of the \$1250.00 annual fee, seconded by Trustee Dodge and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

BIDS-PAINTING OF VILLAGE HALL EXTERIOR

Trustee Esmay noted that 6 bids were received (#7 was submitted too late)
Lowest bid was \$27,475.00 and the highest was \$64,880.00.

Trustee Esmay spoke with the representative of the company that submitted the lowest bid. The company works mostly with municipalities and understands Prevailing Wage schedule. Trustee Esmay also noted he spoke to one of the references and they are highly recommended and are the lowest responsible bidder.

Discussion: Trustee Diamond noted some repairs needed to be done before the painting happens. Trustee Esmay said the company will do the repairs also under a change order. Attorney Lewis agreed the Village can use the lowest responsible bidder. Trustee Rothchild noted that change orders are an acceptable practice. Motion to accept the of A & J Construction of NY Inc. to paint the exterior of Village Hall for \$27,275.00, with any necessary change orders, seconded by Trustee Esmay and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

DRAFT COMPREHENSIVE PLAN UPDATE – JUNE 25, 2020

Trustee Esmay made a motion that the Board set a virtual public hearing on the draft comprehensive plan update, to be held on June 25, 2020 at 7:00 pm, via ZOOM, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

It was noted that the limit on the # of participants for the ZOOM meeting is 300.

RESOLUTION– Attorney Robert P. Lewis Jr. Engagement Letter

Mayor Tarapata noted that having this letter on file is a requirement of the State. Mayor Tarapata stated the date of the engagement is from April 1, 2020 to March 31, 2021. The Mayor requested the Board to ratify.

Trustee Rothchild made a motion the Board ratify and agree to the Mayor signing

the engagement letter.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Attorney Lewis told the Board he had been working with the Village since the 70's and had worked with Mayors Jewett, Nee, Cardona, Reilly, Deyrup, Esmay, Hindin and Tarapata.

ARCHITECTURAL REVIEW BOARD -

Accept the resignation of Chair Martin C. Wortendyke.

Appoint Michael Williams as Chair.

Appoint Eileen McCabe Sares as Member.

Trustee Dodge spoke on behalf of Ms. Sares and her background and that she had met with Marty and attended an ARB meeting.

The Mayor accepted the resignation, with regret, and asked the Board to ratify the appointments.

Trustee Dodge made a motion to ratify the appointments, seconded by Trustee Diamond and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

The Mayor will invite Marty to receive a proclamation from the Board at the June meeting.

LOCUST DRIVE – PARKING ISSUE

Mayor Tarapata read letters into the record from the following residents:

Connie Coker, Jose Acevedo and Dierdre McClary.

The Mayor noted that the parking on Locust Drive, especially on weekends, has become intolerable to the residents and dangerous to the safety of those residents.

With the parking at the State park limited at this time hikers and visitors to the park are picking the 1st street where parking is allowed and filling it up. The Board discussed with the public that Temporary No Parking on one side of the street might offer immediate relief. With expected budget shortfalls, the State may not be able to repair the retaining wall and road into the park until next year or longer. The Mayor also noted that in other areas of the Village, we have had the DPW paint the curb 4 feet on either side of the driveways so cars don't park up too close.

THOSE WHO SPOKE:

Guy Gebbia, Jeffrey Epstein, Shirley Lasker-Fox

The residents noted that this was becoming a dangerous situation. Mail trucks, and emergency vehicles could not get through. The idea that this could be temporary and then when the State opens the parking and if it does not improve, make the no parking a permanent solution. This is a valid subject to be addressed.

Also noted was that if there were no parking anywhere, how would people park if they wanted to enjoy the park, as their taxes pay for the use of the park. And if parking is taken away, people will just move to the next street.

Mayor Tarapata noted there is some parking at the plateau and you can park by the elementary school and walk to the park

Mayor Tarapata will speak with the DPW and PO Kennedy to try and solve this problem temporarily.

Trustee Rothchild and Attorney Lewis believe the Village would have to pass a local law to make it enforceable. PO Kennedy said no. Temporary no parking signs are enforceable.

Community Choice Aggregation (CCA) Solar Promotion Request

Mayor Tarapata explained to the Board that she received a request from CCA to have the Village send out information to the public. After a brief discussion, Attorney Lewis noted it is not appropriate to have the Village promote for a private business. The Board was in agreement to turn them down to promote solar.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Judy Ryan, Green Committee Environmental Outreach Group, noted their agreement to complete the CCA and not confuse the public at this time.

COVID -19 PANDEMIC RE-OPENING PROTOCOLS

Mayor Tarapata noted this is an internal document for the Villages employees and asked the Board if they minded that this item be moved to the end of the agenda? The Board agreed.

DISCUSSION- SEASONAL BAN ON LEAF BLOWERS

Mayor Tarapata read emails and records into the record that she had received in response to a seasonal ban on leaf blowers. The Mayor also noted that nothing has been proposed and this is only a gathering of residents to hear opinions. The Mayor stated she was trying for collaboration and not going in one direction or another.

THOSE WHO SPOKE:

Aaron Gould, Martin Shulman, Judy Ryan, Fred Sinnott, Robert Helmke, Shirley Lasker-Fox, Diana McWilliams, Loreen Gallo, Robert Picardi.

The residents of the Village are somewhat divided about the use or ban of seasonal leaf blowers. Some residents noted the worry of noise and pollution and science behind those worries. Children are affected by the noise and pollution. That use of the blowers impinges on other's lives and other communities have instituted bans. Some residents would like to see time of day or day of the week restrictions. Other

concerns were that other uses of leaf blowers by contractors or homeowners needing to clear driveways, gutters, large properties would be difficult. And the fact that there are other machines that use two stroke engines like chain saws, concrete saws, back pack blowers and string trimmers. Some residents felt it could be difficult to enforce. It was also noted that not every resident who submitted an email wanted it read into the record.

At the end of the discussion Mayor Tarapata thought the support was for days and hours restrictions. The Board is more informed. As there were no other comments the Mayor noted the topic will continue and the Board may have a proposal by next month. The Mayor and Board are looking to find common ground. The Mayor also noted that 35 people had participated. The Mayor asked that residents continue to send in letters. Going forward, the Mayor will check with the author of the email or letter to ask if they want their letter read into the record.

COVID -19 PANDEMIC RE-OPENING PROTOCOLS

Mayor Tarapata consulted with the State DOH, Cornell Local Roads Program, NYMIR, NYCOM, Comp Alliance and CLG Insurance to create a document for the Village.

The Mayor read the document aloud. The Board members thought it sounded like a well thought-out and reasonable document. The Board discussed taking temperatures and wondered if there were HIPA regulations that may not allow that and also who would take and track those temperatures. There are cases of COVID where the person has no fever so it may not be the best indication.

Motion to ratify the Upper Nyack Pandemic Protocols: Trustee Esmay

Seconded and so moved: Trustee Rothchild

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Jillana Sinnott told the Board she appreciates written protocols and the guidance it gives the employees.

UPPER NYACK LOGO – Postponed for discussion at a workshop

EXECUTIVE SESSION

9:25 pm Trustee Rothchild made a motion that the Board enter into executive session, seconded by Trustee Dodge and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Discussion took place regarding lease and pending legal matters

9:51 pm Trustee Dodge made a motion that the Board exit executive session, seconded by Trustee Rothchild and on a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Motion to adjourn by Trustee Dodge and seconded by Trustee Rothchild and so moved. The meeting was adjourned at 9:52 PM

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

Bid Opening
April 14th, 2020
11:00 AM
Painting of the Upper Nyack Village Hall
Village of Upper Nyack
Upper Nyack, NY

Those present: Karen Tarapata-Mayor; Jillana Sinnott-Board Secretary;
Carol G. Brotherhood-Village Clerk (via phone conference)
Others identified: Salvana Veleski, Roman Marcovic

The public Notice to Bidders was read at 11:05 am.
Six (6) sealed bid(s) were (was) received, opened and read aloud as follows:

<u>Bidders</u>	<u>Bids</u>
Prestige Services Group	\$35,281.35
Ward Painting Inc.	\$61,000.00
A&J Construction of NY Inc.	\$27,475.00
Premier Building & Construction Mgmt.	\$48,800.00
Suburban Restoration Inc.	\$64,880.00
Balanikas Painting	\$45,320.00

Bidding was closed at 11:20 AM

Respectfully submitted,

Carol G. Brotherhood
Village Clerk