

REGULAR MEETING

August 20, 2020

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held Thursday, August 20, 2020 at 7:00 PM. In accordance with the Executive Order 202.48, this meeting was held by video/teleconference. The meeting was recorded and transcribed.

Village Officials in attendance: Mayor Tarapata, Trustees Diamond, Dodge, Esmay, Rothchild,
Village Clerk Carol G. Brotherhood, Treasurer Richard D. Fortunato,

POLICE REPORTS – PO Chris Kelly represented the CPD in place of community Police Officer Kennedy.

Report of July 17th-Aug 20th 2020

96 calls for service: MV accident at 9W and Christian Herald Rd. without injury; 2 burglar & fire alarms, 3 medical; 2 domestic/verbal; 32 area checks with 22 religious and cultural; No larcenies; 3 calls of Juveniles reported at UNES & Marydell; No V&T to report.

Overdoses: Year to date: Rockland County 146, 25 deaths, 121 survived

Town of Clarkstown: 45, 8 deaths, 37 survived

On Friday morning the No Parking signs will be moved to the opposite side of Lexow and Locust.

Mayor Tarapata noted that the electronic signboard could be returned to Clarkstown and thanked the CPD for lending it to the village.

TREASURER'S REPORT –Treasurer Fortunato presented the monthly report.

The reimbursement for the sidewalk grant has been applied for. The year-end audit will be done at the end of October. The firm doing the audit may need to spend one day in the Village hall office.

Have not yet received the bulk pick up reimbursement from Clarkstown. Sales tax revenue will be down this year. Overtime is up due to paving and the recent storm. 19 delinquent property tax payers.

VOUCHERS – Read and approved for payment

Bid # DR-01-2020 PALMER/KUYPER UNDERDRAIN

The Village Clerk read the public bid notice and description of the work. The work is being done under a State Multi-Modal grant that the Village received. The bid was opened and noted as follows:

**Bid Opening: Bid # DR-01-2020
Palmer / Kuyper Underdrain
August 18, 2020 : 11:00 AM**

Village of Upper Nyack, Upper Nyack, NY

Those present: Carol G. Brotherhood; Village Clerk; Mayor Tarapata;

Others identified: No one from the public attended.

The Village Clerk read the public Notice to Bidders.

Two (2) sealed bid(s) were (was) received, opened and read aloud as follows:

Bidders

Bids

Belleville Landscaping Inc.
84 N. Rte 9W-Suite D
Congers, NY 10920

Base: \$66,838.00
Alternate: \$15,480.00

Amity Construction Corp.
24 Haviland Road
Poughkeepsie, NY 12601

Base: \$71,985.00
Alternate: \$19,214.00

Bidding was closed at 11:05 AM

Respectfully submitted, Carol G. Brotherhood, Village Clerk

Trustee Esmay made a motion that the Board accept the proposal of Belleville Landscaping Inc., for Bid # DR-01-2020, Palmer /Kuyper Underdrain for \$66,838.00 with the alternate of \$15,480.00, seconded by Trustee Rothchild and so moved.

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

NOES: None

FRIENDS OF RIVER HOOK INC.

The group was formed to support enhancements to the River Hook Preserve property. Paul Curley, President of FRH Inc. sent a letter to the Board (inserted below)

Dear Mayor Tarapata and Board of Trustees:

As you may know, earlier this year a group of Upper Nyack residents formed Friends of River Hook, Inc., a not-for-profit corporation.

FRH's mission is to support the Village of Upper Nyack to improve and maintain the natural landscape and the public buildings located within the River Hook Preserve, and to encourage an appreciation of the ecology, architecture and history of the Preserve.

In furtherance of this mission, FRH is pleased to offer a gift to the Village, consisting of general clean-up and revitalization of the grounds and structures within the Preserve, having a value of up to \$4,000. Specifically, this would include some or all of the following activities:

- Removal of vines and other vegetation from the main building (Haring House)
- Removal of certain poison ivy vines near the walkway
- Removal of one or more dead trees near the walkway

- Pruning of certain trees

These services would be carried out by O'Sullivan Tree Care (or such other licensed tree care company as may be mutually agreed by FRH and the Village). The scope and timing of the work would be as determined by the Village.

To the extent that only some of the services can be accomplished within the \$4,000 budget, our view is that the Village should prioritize (1) removal of vines/vegetation from Haring House and (2) removal of dead trees.

We hope that this gift is accepted by the Village, and that we will have many additional opportunities to support the development of River Hook in the future.

Please feel free to contact me at 917-583-8767 or pauljcurley@aol.com with any questions. Thanks,

Paul Curley, President, Friends of River Hook, Inc.

The Board discussed projects, new and as remediation with the FRH Inc. Trustee Rothchild wanted to ensure that nothing would be done without a decision of the Board of Trustees. Those who spoke: Paul Curley, Allison Crowther

7:30 PM Public Hearing

Extending a Temporary Moratorium on Commercial or Residential Land Use Applications for property located in the Office Business (OB) District, Laboratory Office (LO) and R-4 Residential district that abuts Route 9W corridor in the Village. Temporary Moratorium Law for the 9W corridor in the OB, LO and R-4 Zones, adding to the 1962 Zoning Ordinance

The Clerk read the public hearing notice.

Trustee Dodge made a motion to open the public hearing, seconded by Trustee Esmay and it was so moved.

On a call for a vote:

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

NOES: None

Discussion: Mayor Tarapata noted the Board was working diligently to complete the Comprehensive Plan and related zoning and adopt them. Currently the Board is addressing all comments of the Rockland County Planning Board and updating some maps.

No one from the public commented.

The Mayor asked for a motion to close.

Trustee Esmay made a motion to close the public hearing, seconded by Trustee Rothchild and so moved.

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

NOES: None

With the public hearing closed and no further discussion,

Trustee Rothchild motioned the Board adopt Local Law #4 of 2020, seconded by Trustee Dodge and so moved.

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

NOES: None

7:45 PM Public Hearing

Extending Temporary Moratorium on Commercial or Residential land Use Applications requiring new special use permits and special use permit renewal.

The Clerk read the public hearing notice.

The Clerk also read the referral letter from Rockland County Planning.

Trustee Dodge made a motion to open the public hearing, seconded by Trustee Esmay and so moved.

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

NOES: None

Mayor Tarapata opened the public hearing and invited anyone who wished to speak on the matter.

Maeve Toohar of Toohar & Barone, representing Goosetown Environmental Action (GEA), urged the Board to not pass the law and allow the renewals to go forward, specifically the North River Shipyard, who original renewal date was April 14, 2020. The activities of the shipyard continue to impact the quality of life of her clients. Ms. Toohar also suggested the Village also consider a LWRP with scenic overlay showing the Marine Business District. Ms. Toohar feels that there is no clarification of the conditions that the shipyard must abide by. The historic district, view shed, noise, odor and traffic and ongoing issues that negatively impact the community and Ms. Toohar again asked that the temporary moratorium not be extended.

No one else from the public spoke.

Trustee Dodge motioned to close the public hearing, seconded by Trustee Esmay and it was so moved.

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

NOES: None

Discussion: The Board discussed passing part of the law, such as new special permits but not renewals? Noelle Wolfson, Council representing the Village, noted the Board would have to revise and recirculate to Rockland County and other agencies. Ms. Wolfson also noted that the law expires on September 3, 2020. Ms. Toohar noted that since Rockland County had noted there was No Impact it would not have to go back to RC Planning but Ms. Wolfson disagreed and that the law would have to be revised and sent back to RC Planning.

Trustee Rothchild did not think the Village should let the law lapse.

Trustee Esmay motioned to adopt Local Law # 5 of 2020, extending a Temporary Moratorium on commercial and residential land use applications requiring new special permits as set forth in section 15:88 of the 1962 Zoning Ordinance of the Village of Upper Nyack, seconded by Trustee Dodge and it was so moved.

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

NOES: None

FRIENDS OF RIVER HOOK INC. continuation

Trustee Rothchild noted he was appreciative and in favor of the gift and would like to be informed in advance of work to be done on the preserve and would also like the FRH Inc. to provide a report to the Board of Trustees.

It was agreed that would happen going forward.

Paul Curley noted their Board meets twice a month to discuss what can be offered.

There is no master plan in place and they would only like to take care of the clean-up of vines, basically maintenance type projects to improve the look of the property.

Mayor Tarapata noted that at the workshop of 8/27/20 the Board will discuss the soil testing at the preserve to be able to proceed with the repairs to the barn.

Trustee Rothchild made a motion that the Board accept the gift of FRH Inc. with a value up to \$4,000 for landscaping and the remediation of the circle by the main house and that with all future projects, two weeks advance notice will be given, seconded by Trustee Diamond and it was so moved.

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

NOES: None

VILLAGE ELECTION:

No Registration Day – Trustee Esmay made a motion that there will be no separate registration day in 2020, Election Law §15-118(3), seconded by Trustee and so moved.

Polling Place & Hours - Trustee Dodge made a motion that the Village of Upper Nyack, Village Election, will be held in the Old Stone Meeting House (OSMH) on Tuesday, September 15, 2020 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Esmay and so moved.

Inspectors of Election – Trustee Rothchild made a motion to appoint the following Inspectors of Election for the September 15, 2020 Village Election per Election Law §15-116(1) and to pay them \$14.00 per hour: Dorina Maragliano, Carol Curto, Martha Desir, seconded by Trustee Dodge and so approved.

Carol Curto will serve as the Chairperson of the Inspectors.

On a call for a vote on the motions:

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

NOES: None

SCHEDULE OF FEES- After a brief discussion, Trustee Dodge made a motion that the Board increase the fee for an application 1. Tree Maintenance and Management Operations Permit, from \$50 to \$60, seconded by Trustee Rothchild and so moved.
AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild
NOES: None

MINUTES – Trustee Dodge motioned to approve, with corrections, the minutes of the **0716/2020 Regular meeting**, seconded by Trustee Rothchild and so approved.
On a call for a vote:
AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild
NOES: None

DISCUSSION - The Mayor was approached by a choral group that would like to rehearse on the preserve property. After a brief discussion the Board agreed as long as the group will follow all CDC protocols for Covid-19.

UN Logo – The Board has discussed and reviewed a logo for Upper Nyack at several previous meetings. The latest revision is satisfactory to all Board members. Trustee Dodge made a motion to accept the logo for Village purposes, seconded by Trustee Diamond and so moved.
AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild
NOES: None

Mayor Tarapata noted that the RFP for the Community Choice Aggregation will be received by them on September 3, 2020.

Mayor Tarapata also had a discussion with Supervisor Hoehmann regarding the annexation of property from Clarkstown to Upper Nyack. Moving forward the property owners must sign a petition to the Town of Clarkstown to allow the property to be annexed. The tax loss implication to Clarkstown is approximately \$400. The Village will meet with all owners to discuss the benefits to the property owners and the Village for drainage and better use of the property to the owners. The Village will be responsible for obtaining a survey of the property to be annexed.

FRIENDS OF RIVER HOOK web site-

The Board discussed what may be included on the site such as history of the property, history of the purchase, information gathering etc.

Trustee Dodge made a motion to adjourn, seconded by Trustee Rothchild and so moved. The meeting was adjourned at 8:51 pm.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay and Rothchild
NOES: None

Respectfully submitted, Carol G. Brotherhood, Village Clerk