

**Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at
7:00 pm on Thursday, December 14th, 2023 held as a hybrid meeting.**

PRESENT	Karen Tarapata Alison Crowther Michael Esmay Jeffrey Epstein Kennon Rothchild III	Mayor Trustee Deputy Mayor Trustee Trustee
ALSO PRESENT	Georgia Grandstaff PO Niles Davies Richard Fortunato Michael Nolan	Village Clerk Clarkstown Police Village Treasurer Code Enforcement

ABSENT -

Meeting called to order at 7:00 pm.

- **Happy 100th Birthday to Village resident Geraldine Goumas! (see recording)**
- **Police Report (see recording).**
- **Code Enforcement Officer Report (see recording).**
- **Resident Concerns.**

Discussion: Resident Kim Coons expressed her wishes for the Village to appeal the ruling in a Village court case concerning the North River Shipyard. The mayor explained that the Board needed to discuss the matter in executive session and still needed to make a decision, but acknowledged the residents' concerns.

- **Treasurer Report (see attached).**

Discussion: Village financials are looking good and the Village is awaiting grant reimbursement for 2022 projects.

Motion to increase Medicare Part B reimbursement for Village of Upper Nyack retirees to \$174.77 beginning January 1st made by Trustee Epstein, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Approval of minutes from November 9, 2023 regular meeting of the Board of Trustees**

Motion to accept the minutes from the November 9, 2023 regular meeting of the Board of Trustees made by Trustee Crowther, seconded by Trustee Esmay, and so accepted.

On Call for a Vote:

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

NOES:

Abstain: Rothchild

- **Event approval for the 11th annual Snowflake Run on December 31, 2023.**

Motion to approve the Nyack Ambulance Corps Snowflake Run on December 31, 2023 made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Approval of 2024 Village Hall Holiday dates.**

Motion to approve the 2024 Village Hall Holiday dates made by Trustee Esmay, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Resolutions of approval for 2024 Village elections.**

Motion that there will be no separate registration day for the Village Elections as per Election Law §15-118(3), made by Trustee Crowther, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Motion that the polling place and time for the Village of Upper Nyack 2024 Election, will be at the Old Stone Meeting House, 347 North Broadway, Upper Nyack, New York on Tuesday, March 19th, 2024 from 12 noon to 9:00 PM as per Election Law §15-104(3), made by Trustee Epstein, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Discussion of resolution for funding match for TAP grant (see attached resolution).**

Discussion: The Village is applying for a transportation grant to put a sidewalk on lower Birchwood Avenue to help increase safety for children and parents walking to school. The grant would give us 80% of the cost (total cost for project is estimated at \$694,284.00). A sidewalk on lower Birchwood is part of the Village Comprehensive plan. The Board of Trustees must agree to commit to match 20% of the funds from the

grant. The NY Department of Transportation has submitted comments on the draft of the application and has asked that the Village commit to a larger amount (\$175,000.00).

Motion to approve resolution to match grant-funds up to 20% for the TAP grant, made by Trustee Esmay, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Motion to approve resolution approving a higher grant-matching amount up to \$175,000.00, made by Trustee Epstein, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Executive Session.**

Motion to enter into executive session at 7:30 pm to discuss pending legal matters, made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Motion to exit executive session at 8:05, made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Resolution to proceed in Village legal case.**

Motion to retain Hocherman, Tortorella & Wekstein to represent the Village of Upper Nyack in North River Shipyard v Village of Upper Nyack (035433/2022) and file a notice of appeal and to prepare and file a motion for re-argument as authorized by the Mayor, made by Trustee Crowther, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Riverhook Policy Discussion.**

Discussion: The Mayor discussed the need for a policy for the use of the River Hook preserve (either by the Friends of River Hook or the public). The mayor distributed a draft policy and adjourned the matter until the January meeting.

- **Mayor's Comments.**

Discussion: The mayor reviewed the list of tasks that the Board had wished to accomplish in 2023 and reported that almost all of them had been completed.

- Completed interior of the OSMH
- Completed the OSMH Plaza
- River Hook Path is half complete, parking area complete, Midland entrance is cleaned up and spring house has been restored
- General Ordinance recodification is nearly complete
- Arbor Day event at River Hook and community input meeting
- Road resurfacing
- New Sweeper truck

Meeting Adjourned at 8:15 pm.

Motion to adjourn the regular meeting of the Board of Trustees, made by Trustee Rothchild, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

VILLAGE OF UPPER NYACK

**328 NORTH BROADWAY
UPPER NYACK, NEW YORK 10960**

INCORPORATED 1872

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Resolution

**AUTHORIZING THE EXPENDITURE OF MATCHING FUNDS FOR TAP
GRANT APPLICATION**

INTRODUCED BY: Trustee Esmay

SECOND BY: Trustee Epstein

AYES: Esmay, Rothchild, Epstein, Crowther, Tarapata NAYS: None

WHEREAS, the Village of Upper Nyack Board of Trustees desires to submit a TAP grant application to secure funding for the installation of sidewalk on Lower Birchwood Ave., and


WHEREAS, the grant, under the TAP grant program has a matching funds requirement of 20%, and

WHEREAS, the Village has obtained an estimate of cost for the project in the amount of \$694,284 from the Village Engineer,

NOW THEREFORE, BE IT RESOLVED, that the Village Board authorizes the expenditure of funds in an amount of 20% of project costs, estimated at \$138,857.

I, Georgia Grandstaff, Village Clerk of the Village of Upper Nyack, do hereby certify that the above is true and an exact copy of a resolution adopted by the Village of Upper Nyack at a meeting of said board on December 14, 2023.

December 15, 2023



Georgia Grandstaff, Village Clerk

Village of Upper Nyack
Balance Sheet
As of December 14, 2023

	Dec 14, 23
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	643,000.87
NY Class-General Fund 001	1,263,833.47
Webster-General Operating 693	480,487.52
Webster-General Payroll 706	154,161.33
Webster-Trust & Agency Fund714	10,814.37
Total Checking/Savings	2,552,297.56
Total Current Assets	2,552,297.56
TOTAL ASSETS	2,552,297.56
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due To/From Other Funds	
Capital Projects Fund Payable	604,038.00
Trust & Agency Fund Payable	10,774.00
Total Due To/From Other Funds	614,812.00
Security Deposit - Rent	2,000.00
Total Other Current Liabilities	616,812.00
Total Current Liabilities	616,812.00
Total Liabilities	616,812.00
Equity	
3950 Unappropriated Fnd Balance	1,410,172.93
Net Income	525,312.63
Total Equity	1,935,485.56
TOTAL LIABILITIES & EQUITY	2,552,297.56

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1 through December 14, 2023

	Jun 1 - Dec 14, 23	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Income			
1001 Real Property Tax	2,192,121.25	2,210,000.00	-17,878.75
1090 Int./Pen. Taxes	2,993.45	5,000.00	-2,006.55
1130 Gross Utility Fees	31,144.44	64,000.00	-32,855.56
2110 Zoning Fees	400.00	1,000.00	-600.00
2115 Planning Board Fees	2,900.00	6,000.00	-3,100.00
2401 Interest Earnings	69,395.12	48,000.00	21,395.12
2410 Office Rental	15,050.00	25,800.00	-10,750.00
2555 Co & Violations Search	2,250.00	8,000.00	-5,750.00
2560 Road Opening Permit	600.00	2,000.00	-1,400.00
2590 Building Permits	16,630.38	25,000.00	-8,369.62
2591 Tree Permit	3,100.00	2,500.00	600.00
2770 Other Revenue	36,289.09	35,000.00	1,289.09
2771 Clarkstown - Bulk Pickup	0.00	38,000.00	-38,000.00
3001 State Aid	8,779.00	325,000.00	-316,221.00
3002 NYS - CHIPS	0.00	100,000.00	-100,000.00
3005 R.C. - Mortgage Tax	0.00	55,000.00	-55,000.00
3006 R.C. - Sales Tax	12,927.00	50,000.00	-37,073.00
3600 Sewer Rent	47,909.49	50,000.00	-2,090.51
4000 Transfer from Surplus	0.00	150,000.00	-150,000.00
Total Income	2,442,489.22	3,200,300.00	-757,810.78
Total Income	2,442,489.22	3,200,300.00	-757,810.78
Gross Profit	2,442,489.22	3,200,300.00	-757,810.78
Expense			
1325 FINANCE			
1325.01 Treasurer Services	25,987.56	51,975.00	-25,987.44
Total 1325 FINANCE	25,987.56	51,975.00	-25,987.44
1355 ASSESSMENT			
1355.40 Assessor Services	0.00	8,000.00	-8,000.00
Total 1355 ASSESSMENT	0.00	8,000.00	-8,000.00
1410 VILLAGE CLERK			
1410.01 Village Clerk	29,885.88	63,000.00	-33,114.12
1410.02 Village Clerk- Asstnt 2	31,500.00	63,000.00	-31,500.00
1410.03 Village Clerk- Asstnt 1	31,987.56	60,375.00	-28,387.44
1410.41 Supplies	1,511.35	8,000.00	-6,488.65
1410.43 Postage	25.41	1,000.00	-974.59
1410.44 Legal Advertizing	2,524.00	5,000.00	-2,476.00
1410.45 Public Information	0.00	1,000.00	-1,000.00
1410.47 Telephone	3,673.29	3,000.00	673.29
1410.49 Contractual Services	12,053.64	25,000.00	-12,946.36
1410.50 Meetings / Seminars	120.00	500.00	-380.00
1410.51 Promotion / Good Will	349.55	5,000.00	-4,650.45
Total 1410 VILLAGE CLERK	113,630.68	234,875.00	-121,244.32
1420 LEGAL			
1420.40 Attorney Contractual	60,105.53	100,000.00	-39,894.47
Total 1420 LEGAL	60,105.53	100,000.00	-39,894.47
1440 ENGINEERING			
1440.40 Engineer Contractual	24,977.00	48,000.00	-23,023.00
Total 1440 ENGINEERING	24,977.00	48,000.00	-23,023.00

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1 through December 14, 2023

	Jun 1 - Dec 14, 23	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	1,845.12	10,000.00	-8,154.88
1620.40 Cleaning	2,300.00	3,600.00	-1,300.00
1620.41 Heating	885.18	3,500.00	-2,614.82
1620.42 Electric	1,068.98	4,000.00	-2,931.02
1620.44 Repairs	382.49	10,000.00	-9,617.51
1620.47 Water	173.87	420.00	-246.13
Total 1620 VILLAGE HALL	6,655.64	31,520.00	-24,864.36
1630 BROADWAY GARAGE			
1630.51 Heating	150.67	500.00	-349.33
1630.52 Electricity	285.88	500.00	-214.12
1630.54 Repairs	21.97	1,500.00	-1,478.03
1630.57 Water	129.97	300.00	-170.03
Total 1630 BROADWAY GARAGE	588.49	2,800.00	-2,211.51
1640 STONE MEETING HOUSE			
1640.42 Utilities	948.42	5,000.00	-4,051.58
1640.44 Repairs & Maintenance	127,848.16	100,000.00	27,848.16
1640.56 Contractual Misc.	2,415.52	3,000.00	-584.48
Total 1640 STONE MEETING HOUSE	131,212.10	108,000.00	23,212.10
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	395.61	1,500.00	-1,104.39
1660.20 Repair and Maintenance	141,734.22	260,000.00	-118,265.78
1660.30 Supplies	1,019.48	3,000.00	-1,980.52
Total 1660 RIVER HOOK PRESERVE	143,149.31	264,500.00	-121,350.69
1910 INSURANCE			
1910.10 Insurance	53,804.08	55,000.00	-1,195.92
Total 1910 INSURANCE	53,804.08	55,000.00	-1,195.92
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	17,291.55	36,750.00	-19,458.45
3620.41 Supplies	169.66	4,000.00	-3,830.34
3620.48 Training	50.00	500.00	-450.00
Total 3620 BUILDING/CODE ENFORCEME...	17,511.21	41,250.00	-23,738.79
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	137,720.53	255,000.00	-117,279.47
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	173,579.76	160,000.00	13,579.76
5110.41 Truck Maintenance	21,734.82	25,000.00	-3,265.18
5110.42 Truck Fuel	5,407.36	12,000.00	-6,592.64
5110.43 Equip Maintenance	2,223.52	5,000.00	-2,776.48
5110.44 Road Repair/Maint.	4,501.49	25,000.00	-20,498.51
5110.45 Contr. Road Repair	124,313.49	120,000.00	4,313.49
5110.46 Building Repair	1,365.74	10,000.00	-8,634.26
5110.47 Telephone	98.51	500.00	-401.49
5110.48 Utilities	4,173.04	12,000.00	-7,826.96

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1 through December 14, 2023

	Jun 1 - Dec 14, 23	Budget	\$ Over Budget
5110.49 Training	0.00	1,000.00	-1,000.00
5110.52 Tree Safety	9,700.00	10,000.00	-300.00
5110.53 Supplies	1,563.09	6,000.00	-4,436.91
5110.57 Catch Basin Repair	544.52	10,000.00	-9,455.48
5110.59 Cablevision	417.19	1,000.00	-582.81
5110.61 Contr. Service	6,751.13	12,000.00	-5,248.87
Total 5110 HIGHWAY DEPARTMENT	494,094.19	714,500.00	-220,405.81
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	23,238.97	50,000.00	-26,761.03
6567 Unemployment	238.94	2,000.00	-1,761.06
6569 Payroll Service	2,702.50	3,800.00	-1,097.50
9010 State Retirement	71,152.00	68,000.00	3,152.00
9040 Workers Compensation	13,197.50	20,000.00	-6,802.50
9060 Health Insurance	103,151.35	180,000.00	-76,848.65
9061 Medicare Reimbursement	3,214.40	9,000.00	-5,785.60
Total 6560 PAYROLL EXPENSES	216,895.66	332,800.00	-115,904.34
8020 PLANNING / ARB			
8020.10 Planning Personnel	28,627.54	56,280.00	-27,652.46
8020.40 Planning Contractual	1,350.00	4,000.00	-2,650.00
Total 8020 PLANNING / ARB	29,977.54	60,280.00	-30,302.46
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	1,462.88	4,000.00	-2,537.12
8120.44 Repair & Maint.	0.00	50,000.00	-50,000.00
8120.60 Treatment	252,608.12	400,000.00	-147,391.88
8120.70 Pump Station Debt Svc	16,147.82	28,000.00	-11,852.18
Total 8120 SEWER SYSTEM	270,218.82	482,000.00	-211,781.18
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	145,650.00	292,000.00	-146,350.00
Total 8130 REFUSE COLLECTION	145,650.00	292,000.00	-146,350.00
9600 BONDS & BANS			
9614 Open Space Bond - Prin	95,000.00	95,000.00	0.00
9615 Open Space Bond - Interest	64,068.78	65,000.00	-931.22
9616 Refunding Bond - Principle	0.00	165,000.00	-165,000.00
9617 Refunding Bond - Interest	23,650.00	47,300.00	-23,650.00
Total 9600 BONDS & BANS	182,718.78	372,300.00	-189,581.22
Total Expense	1,917,176.59	3,200,300.00	-1,283,123.41
Net Ordinary Income	525,312.63	0.00	525,312.63
Net Income	525,312.63	0.00	525,312.63