

**Minutes of the special meeting of the Village of Upper Nyack Board of Trustees held at
7:00 pm on Thursday, June 8th, 2023 held as a hybrid meeting.**

PRESENT	Karen Tarapata Michael Esmay Alison Crowther	Mayor Deputy Mayor Trustee
ALSO PRESENT	Georgia Grandstaff Noelle Wolfson	Village Clerk Village Attorney
ABSENT -	Jeffrey Epstein Kennon Rothchild III	Trustee Trustee

Meeting called to order at 7:00 pm.

- **Public Hearing to Accept Dedication of Badi Drive as a Village Street.**

Discussion: The Village Clerk read the Public Hearing Notice.

Motion to open the public hearing to accept dedication of Badi Drive as a Village Street made by Trustee Crowther, seconded by Trustee Esmay so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

Discussion: David Asher, attorney for Badi Developments, LLC spoke about the process they have gone through before dedicating the road. The road has been brought up to the Village Standards and approved by the Village Engineer. Adam Budgor, Village resident, inquired if the Village did analysis about drainage and catch basins and whether or not maintenance of the new street would be a burden on current tax payers. The mayor explained that the dedication of the road will allow lot owners to build houses which will increase tax base. A current resident of Badi drive inquired if the Village planned on making the street no parking and

the Mayor explained that we could update the Village Parking Law to do so and that it would be considered.

Motion to end public hearing to accept dedication of Badi Drive as a Village Street made by Trustee Crowther, seconded by Trustee Esmay, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

Discussion: The Village Attorney read the resolution for the board to approve the dedication.

Motion to accept dedication of Badi Drive as a Village Street made by Trustee Esmay, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

- **Acceptance of annual MS4 Stormwater Report.**

Motion to accept 2023 MS4 Stormwater Report made by Trustee Crowther, seconded by Trustee Esmay, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther, Esmay

NOES:

Abstain:

- **Introduce proposed Local Law #6 of 2023.**

Discussion: The mayor explained that the proposed Local Law will allow the Village to have more control over its procurement procedures.

Motion to set public hearing for proposed Local Law #6 of 2023 a Local Law to allow for the use of best value procurement within the Village of Upper Nyack for July 20th, 2023 made by Trustee Esmay, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

- **Other Business - Resident Discussion (see recording).**

Discussion: There was a long discussion with residents of the Van Houten neighborhood regarding the ongoing lawsuit between the Village of Upper Nyack and the North River Shipyard.

Adam Budgor - Resident Adam Budgor expressed concern that the Village is not currently issuing violations to the North River Shipyard in response to Special Permit violations. Village Attorney Noelle Wolfson explained that the Village's current State Court Action against the Shipyard addresses these violations. Budgor again asked why the Village is not issuing violations and why the Village has not also pursued criminal penalties with the Shipyard.

Mort Korn - Resident Mort Korn asked to whom he should report different types of violations regarding the Shipyard. He was told he can report violations to the Code Enforcement Officer or the Village Zoning Inspector.

Kim Coons - Resident Kim asked what happens to these reports. Mayor Tarapata explained that they are filed in Village Hall and the Village is awaiting resolution of its current cases to act on these documentations.

Richard James - Resident Richard James asked what confidence the residents can have that the Village will act on their complaints. The mayor explained that the Village now has a Code Enforcement Officer and Zoning Inspector to file reports and that the Village is involved in lawsuits.

Adam Budgor - Resident Adam Budgor expressed his desire for the Village to continue to write violations to the Shipyard and that he does not think that the Village/Trustees are doing everything in their power to expedite the resolution of this matter.

Richard James and Adam Budgor - Residents James and Budgor again asked why the Village is not pursuing criminal penalties from the Shipyard in addition to the two current lawsuits. The mayor said that is not the Village's legal strategy.

Adam Budgor - Asked if the Village has been contacted by the army core of engineers about the Shipyard's dredging permit. The mayor explained that the Village has not yet been contacted by the Army Core of Engineers. He also asked why the Village does not have jurisdiction over the barge/crane at the Shipyard if the barge touches Village land. He asked that the Trustees and Village Attorney look and see that the crane is touching Village Land and is therefore in our jurisdiction. He also expressed his wish for the Board of Trustees to respond formally and publicly about their complaints separately from the public Board of Trustees meeting.

- **Executive Session.**

Motion to go into executive session to discuss pending legal matters made by Trustee Esmay, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

Motion to end executive session made by Trustee Esmay, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

Motion to adjourn the Special Meeting of the Board of Trustees made by Trustee Esmay, seconded by Trustee Crowther, and so accepted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Crowther and Esmay

NOES:

Abstain:

Meeting Adjourned at 8:26 pm.