

## REGULAR MEETING

October 16, 2014

The Regular monthly meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 16, 2014 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Diamond, Hindin, Morgan & Tarapata (arrived at 7:10)

Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis

**Absent:** Village Treasurer Barry MacCartney

**Others identified:** Lt. Steve Morgan (CPD); Robert Hoch-Cablevision

MINUTES - Trustee Morgan made a motion to accept the minutes of the **regular meeting of 9/18/2014**, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin & Morgan

NOES: None                      ABSENT: Tarapata (arrive at 7:10 pm) ABSTAIN: None

### RESOLUTION-VILLAGE JUSTICE COURT AUDIT

Trustee Hindin made a motion that the Board review the report and to accept the Justice Court Audit as prepared by Marvin Nyman & Company for the fiscal year June 1, 2013 -May 31, 2014 and further that said Audit and resolution in the minutes be forwarded to the NYS Court Administration, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, & Morgan

NOES: None                      ABSENT: Tarapata (arrived at 7:10 pm)

### REQUEST FOR ADDITIONAL STREET LIGHTING

The Board discussed the request from Mary I. Mavromatis of 131 Highmount Ave. for the Board to consider additional street lighting, possibly on the poll in front of 134 Highmount Avenue. The Board decided that it would be best to survey the area at night and also Lt. Morgan of the Clarkstown Police offered that the police could check the area and note what would be appropriate for security and safety. THE CPD will contact the homeowner.

The Village Clerk was instructed to write a response to the homeowner informing her of this.

TREASURER'S REPORT- Submitted for review. Treasurer unable to attend.

VOUCHERS - Read and approved for payment.

Mayor Esmay, Trustee Tarapata and Donna Albert, Court Clerk, will be meeting at the Town of Clarkstown with Supervisor Gromack, Town Attorney Miele, Candace Draper-Town Court Clerk to discuss the transition of the closing of the Upper Nyack Court to

Clarkstown. They will discuss absorbing our Court Clerk into their Court system temporarily to help close out open cases.

**7:30 PM Public Hearing-Renewal of Franchise of Cablevision of Rockland/ Ramapo LLC**

The Mayor opened the public hearing and asked the Village Clerk to read the public hearing notice.

Mr. Robert Hoch, Counsel for and representing Cablevision of Rockland/Ramapo LLC to correct an administrative error on the part of Cablevision to send the renewal to the Public Service Commission within one year of the Boards approval of the agreement which was approved at a public hearing held on July 18, 2013. The public hearing is being held tonight to reconsider that same agreement. During the discussion, Mr. Hoch noted the addition of language regarding "level playing field." Cablevision provides service and Verizon provides grant money in lieu of service.

Mayor Esmay opened the public hearing to the public. With no one from the public in attendance, there were no comments.

After a brief discussion and with the testimony presented tonight Mayor Esmay and the Board were in agreement that the Board should approve the renewal.

**7:50 pm** Trustee Hindin motioned to close the public hearing, seconded by Trustee Tarapata and so moved.

Trustee Hindin motioned to adopt the resolution (attached), seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Tarapata

NOES: None

POLICE REPORT – Lt. Morgan attended in place of the Community Policing Officer Paul Valerio who was ill and unable to attend. Lt Morgan noted there were not a lot of incidents in the Village. He also noted that the CPD is looking to be more responsive to community needs. They are retooling how they look at traffic, using enforcement and calming effects. Mayor Esmay inquired if recommendations would be made to the Board and Lt. Morgan affirmed there would be.

Lt Morgan also noted that CPD would provide support during Halloween celebration. Auxillary Police will be provided and use of reverse 911 calls to alert residents of street closings during the event.

Trustee Hindin made a motion that the Board approve the closure of North Broadway from the north side of Highmount Ave. to the south end of Birchwood Ave. and Castle Heights Ave. from North Midland Ave. to North Broadway during the Halloween activities around Village Hall and the Firehouse, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Tarapata

NOES: None

Trustee Morgan motioned to adjourn, seconded by Trustee Hindin and so moved.  
The meeting was adjourned at 8:45 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Tarapata

NOES: None

ABSENT:

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk

**MARVIN NYMAN, CPA**  
*CERTIFIED PUBLIC ACCOUNTANTS*  
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**HAVERSTRAW, NY 10927**

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Village of Upper Nyack  
328 North Broadway  
Upper Nyack, NY 10960  
Attn: Village Board

September 18, 2014

Dear Village Board:

Section 2019-a of the Uniform Justice Court Act requires that village justices annually provide their court records and dockets to their village auditing board (Village Board), and such records then be examined or audited and that fact be entered into the minutes of the board's proceedings.

In accordance with the requirements of the above paragraph, I have analyzed the records of the Village of Upper Nyack's Justice Court to determine adherence to court procedures and compile relevant operating data. Attached please find an analysis of the Court's operating data for the fiscal year June 1, 2013 – May 31, 2014.

In summary the Village's Justice Court collected fines totaling \$41,971. Of that amount the State of New York determined its share to be \$16,925. The Rockland County share of fines amounted to \$1,680. The remaining balance totaling \$23,366 represents the Village's share of fine income for the fiscal year.

I hereby recommend that the Village Board examine this report, and lacking any further comment, accept same as a complete accounting of the Village of Upper Nyack Justice Court for the fiscal year June 1, 2013 – May 31, 2014. Please contact me should you have any questions or require further information.

Please note that as of May 31, 2014 the Court Bail bank account held the amount of \$300 in escrow.

Upon approval of this report by an entrance into the minutes during a Village Board proceeding, please forward this report and a copy of the Board's resolution acknowledging that the required examination was conducted to Joan Cavazza, NYS Office of Court Administration, 2500 Pond View-Suite LL01, Castleton On Hudson, N Y 12033.

Very truly yours;



*Marvin Nyman, CPA*

VILLAGE OF UPPER NYACK  
 JUSTICE COURT OPERATIONS  
 PER COMPUTERIZED REPORT TO STATE  
 OPERATING RESULTS FOR FISCAL YEAR  
 JUNE 2013- MAY 2014

	JUDGE INGRAM	JUDGE DEDYO	JUDGE SARNA	VILLAGE TOTAL	VILLAGE INCOME	STATE INCOME	COUNTY INCOME	TOTAL
	GROSS FINE INCOME			INCOME DISTRIBUTION				
<b>2013</b>								
June	-	3,980	-	3,980	2,790.00	1,190.00	-	3,980
July	-	1,070	-	1,070	890.00	180.00	-	1,070
August	-	1,480	-	1,480	900.00	580.00	-	1,480
September	-	1,445	-	1,445	1,025.00	420.00	-	1,445
October	-	5,922	-	5,922	2,615.00	3,307.00	-	5,922
November	-	2,456	-	2,456	1,625.00	831.00	-	2,456
December	-	3,025	-	3,025	1,895.00	1,130.00	-	3,025
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<b>2014</b>								
January	-	2,458	-	2,458	1,468.00	1,000.00	(10.00)	2,458
February	-	5,687	-	5,687	2,025.00	2,662.00	1,000.00	5,687
March	-	5,092	-	5,092	2,768.00	2,334.00	(10.00)	5,092
April	-	3,293	-	3,293	2,225.00	1,068.00	-	3,293
May	5,503	-	560	6,063	3,140.00	2,223.00	700.00	6,063
	<b>5,503</b>	<b>35,908</b>	<b>560</b>	<b>41,971</b>	<b>23,366</b>	<b>16,925</b>	<b>1,680</b>	<b>41,971</b>