

## REGULAR MEETING

June 19, 2014

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, June 19, 2014 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Diamond, Morgan & Tarapata  
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis  
Village Treasurer Barry MacCartney

**Absent:** Trustee Hindin

**Other's identified:** PO Hodges, Clarkstown Police; Kenneth & Kimberly Graefe Jr; Lois Esmay

POLICE REPORT – PO Hodges presented his report and noted the following incidents: aggravated unlicensed operator, criminal mischief (graffiti) at Congregation Sons of Israel Temple; larceny of outdoor furniture; skeletal remains of small animals found.  
Summit School: two harassment incidents, student with self inflicted cuts transported to Nyack Hospital, scuffle between students resulting in a broken collar bone of one student

MINUTES – Trustee Morgan made a motion to accept the minutes of the Regular Meeting of May 15, 2014, with minor corrections, seconded by Trustee Tarapata and so moved.

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

**NOES:** None

**ABSENT:** Trustee Hindin

TREASURER'S REPORT – Submitted for review. Payroll OT and salt items are over budget. Tax payments are being received and processed.

VOUCHERS – Read and approved for payment.

REQUEST TO APPEAR: Kenneth Graefe Jr-Petersen's Boat Yard  
Mr. & Mrs. Graefe appeared before the Board. Mr. Graefe spoke and noted to the Board that they were looking to make some changes to the operation at Petersens Boat Yard. The pleasure boat business has been reduced by at least half. The Tappan Zee bridge building is supporting their business now and hopefully into the next 5 years. The taxes for their operation are approximately \$90,000 per year. Mr. Graefe told the Board he is looking to get a tax abatement from the State IDA and that the Village must be in

agreement in order for him to apply. They are looking to repair, inspect and service larger vessels (cruise & dinner cruise boats) in the future and towards that end have begun investing in the equipment to haul and make repairs to those types of vessels. New docks will be installed to accommodate the larger lift needed. There is no change to the work level, but they will be handling larger boats. The boat racks and trailers may be removed.

The Board of Trustees expressed their general support to Mr. & Mrs. Graefe and the operation of Petersen's Boat yard. The Board supports the Boat yard obtaining a tax abatement with the assistance of the R. C. Industrial Development Agency.

After discussion, Trustee Morgan made a motion that the Board of Trustees acknowledges the contribution the boat yard makes to the Village and moves that the Board supports Petersen's application for tax abatement through the Rockland County Industrial Development Agency, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

#### REQUEST FOR STREET CLOSING – October 25, 2014 Upper Nyack PTA

Trustee Tarapata made a motion that North Broadway be closed between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary PTA "Trunk or Treat" event from 5 pm until 7 pm on Friday, October 24, 2014 with a rain date of Saturday, October 25, 2014 from 3 pm until 5 pm, and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Morgan and so approved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

The PTA will be required to send a letter notifying the residents of North Broadway, Perry Lane and Tompkins Court and of the closing. The Clerk will also notify the Clarkstown Police liaison officer so that auxiliary police can be provided. The Village of Upper Nyack DPW will supply saw horses to block off the street.

#### RESIGNATIONS & APPOINTMENTS: Architectural Review Board

Mayor Esmay announced that he was accepting the resignation of Israel Cohen from the ARB and appointing him as alternate member to the ARB. Mayor Esmay also accepted the resignation of Laura Weintraub as alternate to the ARB and appointing her as fill member to the ARB.

Trustee Diamond made a motion that the Board ratifies and supports the Mayor's appointments of Israel Cohen and Laura Weintraub, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

MS4-SPDES REPORT- Submitted for review

MS4 Stormwater Management Program Annual Report of 2014

After having reviewed the MS4 Report on June 12, 2014, Trustee Tarapata made a motion to accept the MS4-SPDES report, as recommended by the Village Engineer, and noted that Mayor has signed and certified, and submitted the report to the NYS DEC, seconded by Trustee Morgan and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

Orangetown Sewer – Discussion re: illegal connections (Attorney Lewis)

Village Attorney Lewis noted to the Board that Rick Pakola, Deputy Town Attorney who oversees the Orangetown Sewer legal issues, met with the DEC and the Town was issued a consent order that would include a paragraph, referencing Upper Nyack, that any and all illegal connections to the sewer would be removed. The Village would assist in enforcing the rules and regulations of the Town. The Town would verify and give the list to the village and letters would be sent out to the homeowners notifying them of the illegal connections with a deadline for removing the connection.

After discussion the Board wanted a revised list from the town and to provide a report of the most recent smoke test. Village Attorney Lewis will contact the Town Attorney for this information.

RESOLUTION – Cornell Cooperative Extension Rockland County/2014 Stormwater II Education Program Agreement

Trustee Morgan made a motion that the Village of Upper Nyack renew its participation in the Cornell University Cooperative Extension 2014 Stormwater Education Program and with the signing by the Mayor,

authorize payment of the \$800 annual fee, seconded by Trustee Tarapata and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

Health Insurance- New Hire

It is the policy of the Village of Upper Nyack to make health insurance coverage available to new hires by application after completion of three months from hire.

After discussion, Trustee Tarapata made a motion that the village waive the 90 day waiting period, Trustee Morgan seconded and it was so moved.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

Trustee Diamond motioned to adjourn, seconded by Trustee Morgan and so moved.

The meeting was adjourned at 9:10 PM.

AYES: Mayor Esmay, Trustees Diamond, Morgan & Tarapata

NOES: None

ABSENT: Trustee Hindin

Respectfully submitted,

Carol G. Brotherhood, Village Clerk