

## REGULAR MEETING

July 18, 2013

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, July 18, 2013 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Hindin & Sarna

Village Clerk Carol G. Brotherhood, Village Attorney Lewis

**Absent:** Trustees Diamond & Morgan; Treasurer MacCartney

**Other's identified:** PO Hodges, Robert Hoch-Counsel-Cablevision;  
Theodore Kozcynski, Jennifer Granich

POLICE REPORT – PO Hodges appeared. Reports for May & June submitted for review. Discussed: runaway (resolved), called to a home where son had ingested an unknown drug and was violent (drug ordered online, 3 other youths ingested same drug, all treated at local hosp.) lottery scam; landlord/tenant dispute. In response to a complaint, PO Hodges checked parking on Bexman Green (no parking is allowed) and suggested a sign be installed at the top of the street near the turn around and the existing signs be replaced by the Dept. of Public Works.

MINUTES – Trustee Sarna motioned that the Board accept the minutes of the Regular meeting of June 20, 2013, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Hindin & Sarna

NOES: None

ABSENT: Trustees Diamond & Morgan

TREASURER'S REPORT – Not available

VOUCHERS – Read and approved for payment.

### **7:30 pm Public Hearing** CABLEVISION- Franchise Agreement

Discussion: Proposed Franchise Agreement is for 15 yrs. The franchise agreement covers the incorporated village only. Provided will be video at four locations and internet at village hall at no cost to the village. The village would also have access to PEG (Public Educational & Gov't Access channel) Content can be produced and submitted for approval to Cablevision for airing on the access channel. Compensation to the village will be 5% of gross revenues from subscribers (installations, equip.) who reside in the

village. The village will also receive a share of non-subscribers revenue of videos purchased. Payment to the village will be made quarterly.

At 7:35 the Mayor asked the Village Clerk to read the public hearing notice. The Mayor opened the hearing to the public for comment.

Theodore Koczynski, 239 Birchwood Ave., spoke and inquired if the money given to the village was actually collected from customers and was it a tax? Robert Hoch, Counsel for Local Government Affairs for Cablevision noted that it was collected from revenues from customers but it was not a tax. The 5% is set by Federal law.

As discussion with the Board had already taken place and there were no more questions or comments from the public, the Mayor asked for a motion to close the public hearing.

Trustee Sarna motioned to close the public hearing, seconded by Trustee Hindin and it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Hindin & Sarna

NOES: None      Absent: Trustees Diamond & Morgan

Trustee Sarna made a motion that the Board approve the Cable Franchise agreement, with changes to Exhibit A providing free cable service to the Upper Nyack Village Hall, Upper Nyack Dept. of Public Works, Old Stone Meeting Place and the Upper Nyack Elementary School and the agreement is to coincide with the end of the Verizon agreement, changing in Section 2.3 from 15 years to 10 years, seconded by Trustee Hindin and so moved. With no further discussion and a call for a vote:

AYES: Mayor Esmay, Trustees Hindin & Sarna

NOES: None      Absent: Trustees Diamond & Morgan

Theodore Koczynski and Jennifer Granich, 239 Birchwood Avenue, asked to speak to the Board regarding a recent Planning Board meeting where one of the lots in the Riverton subdivision was reviewed and they were not notified. Village Attorney Lewis noted that the lot in question was more than 200 ft. from Mr. Koczynski's property and notification was not required. Mr. Koczynski also inquired about building heights and was concerned that the house being erected in the Riverton subdivision on the lot behind his property was possibly more than the allowed height of 35 ft. Mr. Koczynski was instructed to go to the village hall office and review the approved plans for the house and if he had further questions they could be addressed to the building inspector. Mr. Koczynski agreed he would and thanked the Board.

Motion to adjourn by Trustee Sarna, seconded by Trustee Hindin and so moved. The meeting was adjourned at 7:50 PM

AYES: Mayor Esmay, Trustees Hindin & Sarna

NOES: None

ABSENT: Trustees Diamond & Morgan

Respectfully submitted,

Carol G. Brotherhood

Village Clerk