

REGULAR MEETING

October 19, 2006

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 19, 2006 at 7:00 PM.

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

Others identified: PO Barone-(CPD), William McDowell, Tomasa Mandes

POLICE REPORTS – Submitted for review. Officer Barone presented the recent Nu-Metrics Traffic Analyzer Study conducted 9/25/06 @ 6am through 9/28/06 @ 10am on Old Mountain Rd. between N. Midland and N. Broadway which the Board discussed. Mr. McDowell, 121 Old Mt. Rd., asked for increased enforcement on that road and for the possibility of having an officer and car use radar. PO Barone will speak to the Traffic enforcement officers to see if it is possible.

Officer Barone also noted that an arrest had been made related to recent car break-ins. PO Barone was also able to get the names of two Nyack HS students who may be involved with the recent graffiti in the village. The school resource officer was alerted.

JUSTICE REPORT - Read and noted.

MINUTES –Trustee Morgan motioned to accept the minutes of the **9/21/06 Regular meeting**, seconded by Trustee Tarapata and so moved

VOTE: AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata.

NOES: None

7:30 PM PUBLIC HEARINGS:Local Laws 8, 9 & 10 of 2006

Proposed Local Law #8 of 2006

The Clerk read the public hearing notice for proposed local law # 8 of 2006.

Mayor Esmay noted the reason for considering this law was to simplify enforcement of parking regulations and that the Board will revisit in 6 months. The proposed law would eliminate on-street parking between the hours of 3 AM and 6 AM.

Mayor Esmay then opened the hearing to the public. The only question was why not start at 2 am? After a brief discussion, the Board agreed to keep the proposed time from 3 AM until 6AM.

Trustee Tarapata made a motion to close the public hearing, seconded by Trustee Morgan and it was so moved.

With no further discussion, Trustee Tarapata motioned to amend Ordinance 2.2 Parking of Vehicles and replacing with a new Section a., of the 1965 Code of General Ordinances, seconded by Trustee Anderson and so moved and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Proposed Local Law #9 of 2006

The Clerk read the public hearing notice.

Mayor Esmay asked Trustee Morgan to explain the Board's decision to consider this law. Trustee Morgan noted that it came to the attention of the Board that they may need to amend the zoning ordinance with regards to places of assembly. Currently no provision exists in the Comprehensive Plan. Zoning is a tool to implement the Comprehensive Plan therefore the Plan needs to be amended prior to amending the zoning ordinance.

In the section under Planning Goals, the Board proposes to add a new paragraph, letter M. It would read as follows:

- M. "Provision should be made in the Zoning Ordinance to accommodate places of assembly, such as places of worship, private schools, not-for-profit clubs, by Special Permit in appropriate zones and at a scale appropriate to the village infrastructure."

Trustee Morgan inquired of the village attorney whether this is an action where SEQRA review would be required. After discussion, it was the consensus of the village attorney and the board that it would not require SEQRA review.

Trustee Tarapata made a motion to close the public hearing, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata.

NOES: None

Trustee Morgan made a motion that,

WHEREAS places of assembly exist in the village today and,

WHEREAS no mention is made of such uses in the Comprehensive Plan and

WHEREAS such uses should be included so that they may be regulated under the zoning ordinance,

THEREFORE a provision should be made in the Comprehensive Plan, Paragraph II, Planning Goals with an additional item M. "Provision should be made in the Zoning Ordinance to accommodate places of assembly, such as places of worship, private schools, not-for-profit clubs, by Special Permit in appropriate zones and at a scale appropriate to the village infrastructure.",

seconded by Trustee Tarapata and with no further discussion and a call for a vote:

AYES: Mayor Esmay, Trustee Anderson, Malcolm, Morgan and Tarapata.

Proposed Local Law #10 of 2006

Amending Article V, Section 16:74(b) of the 1962 Zoning Ordinance of the Village of Upper Nyack to increase the maximum fine from \$500 to \$1000.

The Clerk read the public hearing notice.

Mayor Esmay opened the hearing to the public.

There were no comments from the public.

Trustee Anderson made a motion to close the public hearing regarding local law #10 of 2006, seconded by Trustee Tarapata and so moved.

Discussion by Board: Trustee Anderson wondered if the Board should go higher than \$1000? Mayor Esmay noted it may affect the average person more. After the discussion, the Board considered and decided to raise the maximum to \$2000.

Trustee Anderson made a motion that the Board adopt local law #10 of 2006, amending Article V, Section 16:74(b) to a maximum of \$2000, seconded by Trustee Tarapata and so moved and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

William McDowell, 121 Old Mountain Rd, came before the Board to discuss traffic and the stream on Old Mountain Rd. and possible installation of a sidewalk on lower Birchwood.

Old Mountain Rd. - Mr. McDowell was concerned that the traffic counters placed on Old Mt Rd. showed many drivers were driving over the speed limit. After discussion with the Board, Mr. McDowell suggested a workshop meeting with the residents of Old Mt. Rd. (possible dates 10/26/06 or 11/9/06). Mr. McDowell will contact his neighbors and then contact the village clerk to coordinate the meeting

Old Mountain Stream – Mr. McDowell was following up on a discussion from last month and his health concerns re: the sewage backup into the stream that occurred over the summer. Trustee Tarapata and the Mayor informed Mr. McDowell that when the Board moves forward with a contract with the Town of Orangetown Sewer District that the system will be repaired to prevent further mishaps.

Sidewalk- Lower Birchwood – Since Mr. McDowell now walks his children to school he has observed a large number of walkers going down Birchwood Ave. He urged the Village Board to consider the installation of a sidewalk. The Board agreed it may be necessary and discussed which side of the street might work and Trustee Tarapata mentioned obtaining GIS maps of Birchwood from the county.

Mr. McDowell also discussed village infrastructure (gabions under the Midland Avenue roadway) that were placed on his property around 1986, prior to him owning the property. No easement seems to exist and his family has never been compensated in any way but they pay taxes on that property. Would like the Board to look into it.

Mayor and Board agreed to research the situation, discuss with the Village Attorney and get back to Mr. McDowell.

Tomasa Mandes of 211 Birchwood came before the Board regarding a drainage problem on upper Birchwood that affects her driveway and property. The Board knows this is an issue and has been looking at this issue to determine when this project may be able to proceed, and certainly not before the spring or in the next budget cycle.

TREASURER'S REPORT – Submitted for review. 2005 Financial Report has been filed

with the State.

VOUCHERS – Read and approved for payment.

Salary Increase- Dept. of Public Works- the Board discussed the issue of paying below market rates for DPW employees. There was a possibility of losing an employee just prior to snow plowing season. The Board agreed to increase the salaries of Bryan Westervelt and William Fay to put them on par with other county salary rates.

Trustee Tarapata made a motion that the Board agrees to increase the salary of Brian Westervelt to \$41,000 per year and William Fay to \$46,100 per year, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Trustee Tarapata made a motion to move \$14,000 from Contingency to payroll to cover salary increases, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Domestic Partner- Discussion- The Board continued its discussion of extending eligibility for coverage under the health insurance plan. The discussion centered around the cost that may be incurred by the employee and the village. The increase would be the difference between a family plan and an individual plan and how the contribution would be handled. Further information needed. To be discussed next month.

STORM WATER CONSORTIUM - Trustee Tarapata explained the the village could join this informal collective, organized to seek out grants and with no financial obligation to the village.

Trustee Anderson made a motion that the village agree to join the collective and the Mayor be allowed to sign the agreement, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Trustee Anderson made a motion that the village surplus the computer of the Planning Board Secretary and any additional monitors no longer needed due to purchase of new equipment, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

RESOLUTION-ORANGETOWN SEWER DISTRICT

After numerous discussions and meetings with the Town of Orangetown Sewer District committee, the Board of Trustees made the following motion:

Trustee Tarapata made a motion that the Board of Trustees of the Village of

Upper Nyack authorize Mayor Michael Esmay to execute an Inter-municipal Agreement with the Town of Orangetown to allow the Orangetown Sewer district to provide sanitary sewer service to the Village of Upper Nyack in exchange for monies to be paid by the Village to the Town covering a forty year period from the full execution of this agreement by both parties and also transfer ownership of the sewer system including pipes and pump stations located in the Village of Upper Nyack to the Town of Orangetown who will thereafter be responsible for the repair and maintenance of the sewer system located in the Village of Upper Nyack in the future pursuant to a copy of said agreement which is attached and made a part of these minutes, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Trustee Tarapata made a motion to adjourn seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk