

REGULAR MEETING

December 21, 2006

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 21, 2006 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Malcolm & Morgan, Trustee Tarapata(absent)

Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis (absent), Village Treasurer Barry MacCartney

Others identified: Lt Donaldson (CPD), Officer Silver (CPD), Laurie Dodge De Camp, William McDowell

POLICE REPORTS – PO Barone was unable to attend due to an emergency in the Town of Clarkstown. Lt. Donaldson, Head of Traffic and Officer Silver attended to discuss traffic problems in the Village. Residents on lower Old Mountain Rd., as noted by resident William McDowell, are concerned with the number of cars as well as the speed of those cars that have been traveling down Old Mountain Rd..

Mr. McDowell spoke and noted that with the studies done in May, July and Sept. that there were approximately 297 more cars between the hours of 9:30 & 10:00 am each day traveling down Old Mountain Rd. The residents would like speed traps set up and let drivers know they will be ticketed. The residents are looking for help from the police to enforce the speed limits.

Lt. Donaldson stated that the extreme volume of residential traffic comes from drivers trying to avoid traffic backups on the Thruway, increased traffic on routes 303 & 59, to avoid mall traffic and the increase of population in the area has increased the number of cars driving in and around Rockland county. Lt. Donaldson noted that he has 4 traffic officers to cover all of Clarkstown . Lt. Donaldson noted the following:

- speed counters are not used during the winter
- new speed trailer in Clarkstown won't be used until spring
- solutions in one area can create problems in another
- stop signs on North Midland cause drivers to detour down Old Mountain Rd.
- Lt. Donaldson has been in his job for 25 years and has resided in the county for 50 years
- temporary reductions occur when enforcement is used in specific areas (grants for seatbelt and aggressive driving enforcement; education)
- NYS Rules & Regulations prohibit speed bumps in the public street
- Traffic control devices cannot be used to control speed (stop signs are for safety)
- Car 216 is the car assigned to Upper Nyack
- Shift change occurs bt. 7 & 9 am.
- Officer can be pulled to cover school crossing if needed

William McDowell believes drivers can be trained that they will be ticketed. If the officers move cars around they can't get used to the police being in one place.

Trustee Anderson asked if changes are made, can the CPD come initially and then on a random ongoing basis?

Lt. Donaldson suggested that a full traffic study of all roads in the village and retention of counsel knowledgeable in NYS DMV codes would be helpful.

The Board thanked Lt. Donaldson and Officer Silver for their time and helpful discussion on traffic issues in the village.

JUSTICE REPORT - Read and noted.

7:30 PM- Public Hearing-Local Laws # 11, 12, & 13 of 2006- Extension of Moratorium for Wireless Communications (LL#11of 2006) Places of Worship (LL#12of 2006) and Private Schools & Clubs(LL#13of 2006)

The Village Clerk read the public hearing notice.

Mayor Esmay asked Trustee Morgan to speak about the reason behind extending the moratorium.

Trustee Morgan noted that the Board of Trustees were working on revisions to the zoning code regarding places of assembly, private schools and clubs and there was more work to be done and it couldn't be accomplished within the time frame. Language has been changed in the Comprehensive Plan. The Board is still obtaining baseline numbers for churches and schools.

Mayor Esmay opened the hearing to the public.

Laurie Dodge, 349 North Broadway, has concerns about the Old Stone Church and wondered if this was the time to bring that up.

Mayor Esmay asked Ms. Dodge to wait until after the public hearing and the Board would address her concerns

With no further comment from the public, Trustee Morgan made a motion to close the public hearing, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm and Morgan

NOES: None

ABSENT: Trustee Tarapata

With no further discussion by the Board the following motion was put forth:

Trustee Morgan made a motion that the Board of Trustees agree to extend the moratorium for a period of six(6) months from the state filing date on the construction of Wireless Communication Facilities, also known as Local Law #11 of 2006, Places of Worship also known as Local Law # 12 of 2006 and Private Schools and Clubs, also known as Local Law # 13 of 2006, in a commercial or residential zone pending review and amendment of the comprehensive plan and zoning code pertaining to said subject matters, seconded by Trustee Anderson and so moved.

On a call for a vote:

Local Law #11 of 2006: AYES: Mayor Esmay, Trustees Anderson, Malcolm & Morgan
NOES: None ABSENT: Trustee Tarapata

Local Law #12 of 2006: AYES: Mayor Esmay, Trustees Anderson, Malcolm & Morgan
NOES: None ABSENT: Trustee Tarapata

Local Law #13 of 2006: AYES: Mayor Esmay, Trustees Anderson, Malcolm & Morgan
NOES: None ABSENT: Trustee Tarapata

Complaint Re: Old Stone Church- Laurie Dodge of 349 North Broadway, came before the Board to complain about the use of the Old Stone Church building. She and her husband have been complaining for months about the activity taking place at the church. There appears to be various groups using the building each night and on weekends and they are very noisy. When the police are called the noise stops as soon as the police arrive.

The Village Attorney informed Ms. Dodge that the village owns the building and the group would be out soon.

Ms. Dodge thanked the village for getting that accomplished and will be relieved once the groups are out.

MINUTES –Trustee Malcolm motioned to approve the minutes of the **11/16/06 Regular meeting**, seconded by Trustee Anderson and so approved.
AYES: Mayor Esmay, Trustees Anderson, Malcolm and Morgan
NOES: None

TREASURER’S REPORT – Treasurer MacCartney submitted a new type of report that gives the information in a condensed form. Treasurer MacCartney asked to be allowed to make some adjustments to the budget.

Trustee Malcolm made a motion that the Treasurer be allowed to make the following adjustments within the confines of the budget,

\$4,000 from A1990 Contingency to A1325 Finance

\$15,000 from A1990 Contingency to A5110 Highway Dept.

\$425 from A9700 BAN to A9040 Workers Compensation

Seconded by Trustee Morgan and with no further discussion and a call for a vote:

AYES: Mayor Esmay, Trustee Anderson, Malcolm and Morgan

NOES: None ABSENT: Trustee Tarapata

VOUCHERS – Read and approved for payment.

VILLAGE ELECTION:

No Registration Day - Trustee Morgan made a motion that there will be no separate registration day in 2007, Election Law §15-118(3), seconded by Trustee Anderson and so moved.

Polling Place & Hours - Trustee Morgan made a motion that the Village of Upper Nyack, Village Election, will be held in the Village Hall on Tuesday, March 20, 2007 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Malcolm and so moved.

Inspectors of Election – Trustee Morgan made a motion to appoint the following Inspectors of Election for the March 20, 2007 Village Election per Election Law §15-116(1) and to pay them \$12.00 per hour : Beatrice Wanamaker, Anne Donzella, Dorina Maragliano and Isobel Weiner, seconded by Trustee Anderson and so approved. On a call for a vote on all three motions:
AYES: Mayor Esmay, Trustees Anderson, Malcolm & Morgan
NOES: None

REQUESTS FOR APPROVAL-

The Village of Upper Nyack received requests for approval to use village streets by the following organizations:

1. Light the Night- Saturday, October 13, 2007
2. George Washington Bridge Challenge- Sunday, June 6, 2007
3. Genesis Adventures- Saturday, May 12, 2007

Trustee Anderson made a motion that the Board approve each event and that each provide a Certificate of Insurance and that the Clarkstown Police be notified, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm and Morgan
NOES: None ABSENT: Trustee Anderson

Trustee Morgan made a motion that the Board of Trustees change the date of the next Regular Meeting from January 18, 2007 to January 11, 2007 at 7:00 PM, and that the Village Clerk publish a notice stating this, seconded by Trustee Anderson and so moved.
AYES: Mayor Esmay, Trustees Anderson, Malcolm and Morgan
NOES: None

Trustee Morgan made a motion to adjourn seconded by Trustee Malcolm and so moved.
The meeting was adjourned at 9:08 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk