

REGULAR MEETING

August 18, 2005

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, August 18, 2005 at 7:00 PM.

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

Others identified: PO Barone (CPD), Edna Bosworth, Dorina Margliona, Joseph Maragliano, Jerome Muhlenberg, Joseph Heider, Daphna Stern, Ronen Stern, Stella Kuster, Rose Ann Collins, Bonnie Fletcher, Michael Chung, Regina Rawdink, Olaf Quoohs, Walter Lee, Marsha Keller, Robert Helmke, Emilie Spaulding (Cablevision), Darcy Castelerio

POLICE REPORTS – Read and noted. PO Barone submitted a new format report which included a list of all V&T (tickets), Incidents and Case Reports and Selective Enforcement.

The Board asked that PO Barone point out selective incidents like accidents and larcenies for the Board.

JUSTICE REPORT - Read and noted.

MINUTES –Trustee Tarapata motioned to approve with corrections the minutes of 7/21/05 regular meeting, seconded by Trustee Morgan and so moved. On a call for a vote:

AYES: Trustees Anderson, Malcolm, Morgan & Tarapata NOES: None

ABSTAIN: Mayor Esmay

TREASURER'S REPORT – Treasurer MacCartney submitted the report which was read and noted. The Board discussed the Orangetown Sewer bill and authorized the payment of \$220,000 not the \$250,000 that was billed. The Village of Upper Nyack may not be participating in the Orangetown Sewer District. The Village is pursuing a discussion with the Town.

VOUCHERS – Read and approved for payment.

7:30 PM Public Hearing - LOCAL LAW #3 OF 2005

The Mayor opened the public hearing and the clerk read the public hearing notice. Mayor Esmay noted that the proposal was brought to the Board by Trustee Anderson and the residents of School Street. The Mayor turned over the discussion over to Trustee Anderson who noted that the Board was

responding to a petition from the residents of School Street. The Board will be considering the following items: 1) changing status of street from 2 way to 1 way 2) providing relief for residents noted parking area 3) safety of the children on the street by lowering the speed limit. The Board also considered formal and informal comments from Regular Trustee meetings of 3/17/05, 5/19/05, 6/16/05 & 7/21/05.

Mayor Esmay asked for any additional comments by the Board.

The Mayor opened the hearing to the public;

Those who spoke: Joseph Maragliano, Dorina Maragliano, Regina Roddick, Roseann Collins, Trustee Anderson, Joseph Heider, Olaf Quoohs, Ronan Stern

The residents who spoke were concerned with the direction of the “one way” although all were in favor of a one way street, not wanting lines painted to designate parking spaces, a provision for parking for the residents of that street only, an informal way that spots can be numbered and curbing moved back to create safer parking at the end of the parking section.

Mayor Esmay noted that there should be some sort of designation that keeps the Heider driveway clear and that the law does not designate that lines have to be painted.

Mayor Esmay asked if anyone else from the public had any additional comments and as there were none he asked for a motion to close the public hearing.

Trustee Tarapata made a motion to close the public hearing, seconded by Trustee Malcolm and so moved. All were in favor.

The Board moved to discussion of the local law and noted the following: No objection to 15 mph speed limit, No objection to the one way street-Board had discussed at previous meetings and feels it is safer to come from Highmount to N. Broadway, Should try it and see how it works.

The Mayor asked if there were any additional comments and receiving none asked for a resolution to adopt local law #3 of 2005.

Trustee Anderson made the following motion:

WHEREAS the resident of School Street have petitioned the Upper Nyack Village Board to make particular changes to parking and traffic on School Street and,

WHEREAS the petition has asked the Village to make School Street a one way street and,

WHEREAS the Village, in response to the safety concerns expressed by the residents and,

WHEREAS a public hearing was held after notice being published in the official local newspaper,

NOW THEREFORE, I make the following:

MOTION to adopt Local Law # 3 of 2005, amending Chapter 2 Regulation of Vehicles of the 1965 Code of General Ordinances by changing the existing sub-paragraph 2.1(d) to 2.1(e) and adding a new Section 2.1(d) and adding a new Section 2.8 thereby reducing the speed limit on School Street to 15 mph and changing School Street to a one way street, seconded by Trustee Tarapata and so moved.

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

NOES: None

REVIEW OF BID DOCUMENTS –

1) Modification to Construction-Larchdale Drainage Improvements

This project was to correct the previous work done and restore the swale along the roadway. The Board requested HDR-LMS to review the project and make recommendations. Their findings were that a hard piped system would be better than the original swale design.

Trustee Tarapata made a motion to accept the bid by Cal Mart Enterprises Inc. for \$51,115.00 for Modification to Construction-Larchdale Ave. Drainage Improvement, seconded by Trustee Morgan and so moved.

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

NOES: None

GRANT- Solar Energy – This item is tabled until the September meeting because all information is not available.

Trustee Malcolm updated the Board on the progress of the new DPW building. Block was being installed around the building and will be done by the end of the week; Trees will be removed to allow for a storage bin. The

salt shed is anticipated to be done by the 1st week of September. HDR-LMS will provide specs for the design of the trench for water piping. The sewer line will run along 9W. The new building has a sprinkler system installed and has adequate water supply.

Item 7 on the agenda: Jerry Kunslinger- Request to the Board re: conversion to condos of 3 family dwelling at 314 North Midland Ave. – **Did not attend.**

RESOLUTION – Trustee Morgan made a motion that the Village Board of Trustees authorizes the Mayor to take the lead in the process of challenging the Lead Agency declaration made by the Dormitory Authority of the State of New York, concerning the Summit School Classroom Project under SEQRA, seconded by Trustee Tarapata and so moved.

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

NOES: None

Mayor Esmay noted that the Planning Board should be the lead agency as in other processes that come before the Board for site plan review.

Trustee Morgan noted that SEQRA has very specific procedures.

The Board has the support of Senator Morahan.

REVIEW OF BID DOCUMENTS-

2) Purchase of one (1) 19,500 GVW 4x4 Dump truck

After a brief discussion by the Board regarding purchase or lease of the truck and if there is a State contract price, the Board decided more research was needed and would re-bid the item.

Requests to the Board:

1) Leukemia & Lymphoma Society-2005 Light the Night Walk

Trustee Tarapata made a motion to allow the Leukemia & Lymphoma Society-2005 Light the Night Walk through the Village of Upper Nyack on September 30, 2005, subject to our insurance requirements and notification of the police, seconded by Trustee Anderson and so moved.

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

NOES: None

2) Volkssport Club of West Point

Trustee Tarapata made a motion to allow Volkssport Club of West Point permission to walk through Upper Nyack subject to our insurance requirements and notification of the police, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata
NOES: None

RESOLUTION – Indian Point Safe Energy Coalition-

The Board received a request from IPSEC to pass a resolution opposing a 20 year license extension for the Indian Point nuclear plant. Darcy Casteleiro, an Upper Nyack resident, appeared for the Board representing IPSEC.

Trustee Morgan made a motion that the Board of Trustees adopts the petition opposing the re-licensing of Indian Point 2 & Indian Point 3, as stated in the resolution below, which was seconded by Trustee Tarapata and after discussion it was so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata

NOES: None

ABSTAIN: Trustee Malcolm

**Opposing the Re-licensing of Indian Point
Authorizing the Village of Upper Nyack
To Join the Coalition opposing the Re-Licensing
Of Indian Point 2 and Indian Point 3**

WHEREAS, Entergy Corp., owner and operator of the Indian Point Nuclear Power Plant, has expressed its intent to apply for, and be granted operating license extensions of 20 years for IP2 and IP3, and

WHEREAS, Indian Point 2 and 3 were initially licensed based on Nuclear Regulatory Commission (NRC) regulations promulgated over 30 years ago, and if plant owners were to apply for a license to operate a nuclear power plant at the Indian Point site today, it would not likely be granted by the NRC under its current standards and regulations, specifically prohibiting the siting of nuclear power plants based on population density considerations, and

WHEREAS, taking into consideration the current NRC licensing requirements for a nuclear power plant, Indian Point's aging plants and equipment, the multiple, newer energy options available today, and the constant threat of being a prime target for an act of terrorism, it is the responsibility of this lawmaking body, in the interest of public safety, to call on the Nuclear Regulatory Commission to dismiss future applications and not grant their renewal, now, therefore be it

RESOLVED, that the Village of Upper Nyack opposes the re-licensing of Indian Point 2 and Indian Point 3 when their current licenses expire in 2013 and 2015, respectively, and that the NRC prohibit Entergy Corp.'s Indian Point 2 and 3 from being re-licensed, and to make this finding as soon as possible so that all concerned and involved parties can devote their time and resources to finding alternatives to the existing nuclear power plants, and be it further

RESOLVED, that the NRC should modify, through its GEIS process, its siting regulations to reflect current considerations including that of Terrorism, and be it further

RESOLVED, that the Clerk of the Village of Upper Nyack forward the text of this resolution to Rockland County's State and Federal delegation, so that the intent of this Honorable Board be widely known.

Emilie Spaulding, Director of Government and Public Affairs for Cablevision came to speak to the Board and provided information concerning Franchise agreements and the fact that Verizon is looking to get into the cable market. The Board thanked her for the information and indicated they would review it.

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

The meeting was adjourned at 10:26 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk