

VILLAGE OF NEW HEMPSTEAD  
108 OLD SCHOOLHOUSE RD.  
NEW CITY, N.Y. 10956

**BOARD OF TRUSTEES**

REGULAR MEETING  
TUESDAY  
OCTOBER 23, 2018  
7:30PM  
VILLAGE HALL

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PRESENT

MAYOR SICKER  
DEPUTY MAYOR MINTZ  
TRUSTEE SCHULGASSER  
TRUSTEE EISENSTEIN  
TRUSTEE REICH

ALSO PRESENT

CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER

**Pledge of Allegiance**

**Roll Call**

**Open Floor – Public Participation**

**PUBLIC HEARING FOR RENEWING FRANCHISE AGREEMENT WITH CABLEVISION**

Dan Ahouse, Presenter from Altease USA: Government Affairs Representative

Mr. Ahouse stated the company purchased cablevision a few years ago. They operate cable systems in the village and the franchise agreement is expired and are looking to renew. A copy of the agreement has been sent to the village for review for this Public Hearing which is required under state law for renewal.

The agreement is a standard 10 year term, which is the same as the one that has expired.

No additional construction is needed because we are already fully built out.

It contains a 5% franchise fee as the last one did. We retain a 5% fee and remit it to the village for the right of being in the public right of way. 5% payment is the maximum allowed under federal law.

Also, as a consideration for using the right of way we offer free service to municipal facilities as well as schools and libraries totaling 7 free accounts in the village that are included in this agreement.

Mayor Sicker, what is included for Village Hall in the agreement?

Mr. Ahouse- Village Hall has video included. We don't offer phone services and internet is not typically included but can accommodate one free internet account.

Mayor Sicker- Lets include it. Do you have a senior citizens exemption?

Mr. Ahouse- not anymore.

Stephen Geis- 7 Kingston

If it's the same infrastructure for cable and internet then what's the legal basis of why we don't receive 5% for each?

Mr. Ahouse- in the agreement we are granted the authority to build the cable system in the right of way and offer cable services off of that system and other services allowable under federal law of which is phone and internet services.

Carole Vazquez, Village Clerk-Treasurer

The Last agreement was for 7 years. The Public Hearing appeared in the Journal News 10-9-2018.

Deputy Mayor Mintz offered the following Motion seconded by Trustee Schulgasser:

Resolution 2018-

Resolved, that the public hearing on renewing franchise agreement with cablevision is hereby opened. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

Nancy Jacobs, 9 Dorothy Dr.

I did have a question regarding senior citizens exemption. I know you said because of triple play your company no longer offers an exemption. Other cable companies do offer a discounted rate. Triple play can't always be provided and not all seniors can afford or want triple play. Could your company provide a low cost basic service to seniors at a discount?

Mr. Ahouse

I'd be happy to take it back and find out but we don't do it now because of policy. Separate from our franchise agreement the company does offer a discounted price for broadband for Senior Citizens that are low income. There is information on that on the optimum website.

Mr. Geis, 7 Kingston

Why is the village not receiving 5% for each service?

Mr. Ahouse

Because of federal law that is being reviewed

Deputy Mayor, Mintz

The agreements should include a stipulation if the law changes.

Mayor Sicker

If it is not currently in the agreement then we would want to add it. The village attorney is going to review it and possibly make minor changes. We will approve it following modifications for 7 years with the provision added if it does not already exist.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2018-

Resolved, that the public hearing on renewing franchise agreement with cablevision is hereby closed. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Trustee Eisenstein offered the following Motion, seconded by Deputy Mayor Mintz

Resolution # BOT 2018-

Resolved, that the Village Board of Trustees authorizes the Mayor to sign the renewal franchise agreement with Cablevision based on the minor changes made by village attorney Minsky that will be worked out over the next week with Government affairs representative from Altease USA Dan Ahouse. The vote was 4-0. The resolution was adopted.

**Approval of Abstract of Audited Vouchers 2018-10**

Trustee Schulgasser offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2018-108

Resolved, that Audited Claim numbers #18213 through #18263 in the amount of \$69,058.77 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Approval of August 16 and September 17, 2018 and, 2018 BOT Minutes**

Trustee Eisenstein offered the following motion, which was seconded by Deputy Mayor Mintz:

Resolution # BOT 2018-

Resolved, that the minutes of the Board of Trustees meeting held on August 16, 2018 and September 17, 2018 are hereby approved and the reading of said minutes is hereby waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Accepting Resignation from Planning Board Member Rachel Schwartz**

Mayor Sicker accepts the resignation

**Mayor Appoints Hillel Kurzmann as Deputy Chairman to the Planning Board**

Mayor Sicker appoints Hillel Kurzmann as Deputy Chairman for the Term expiring 4/2019.

**Mayor Appoints Barbra Greenwald as Member of the Planning Board**

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

Resolution # BOT 2018-

Resolved, that the Board of Trustees approves the mayors to appointment of Barbra Greenwald as Planning Board Member to filled the unexpired term of Rachel Schwartz to expire 4/2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Authorizing Payment Dues for 2018-2019 Year for NYCOM Not to Exceed \$2664.00**

Mayor Sicker

NYCOM is the NY Conference of Mayors. They guide us and answer all legal questions on village matters and have been very useful over the years. Our annual dues are \$2,664.00

Deputy Mayor Mintz offered the following motion, seconded by Trustee Schulgasser:

Resolution # BOT 2018-

Resolved, that the village Board of Trustees authorizes payment dues for 2018-2019 year for NYCOM, not to exceed \$2664.00. Mayor Sicker called for a vote.

The vote was 4-0. The resolution was adopted.

**Resolution Accepting Warrant for Uncollected Taxes and Authorizing the Village Clerk- Treasurer to Transmit Same to the Rockland County Commissioner of Finance**

Deputy Mayor Mintz offered the following motion, seconded by Trustee Schulgasser:

Resolution # BOT 2018-

Resolved, that the Village Board accepts warrant for uncollected taxes and authorizes the Village Clerk-treasurer to transmit same to the Rockland County Commissioner of Finance. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Resolution Authoring Village Hall to be closed the Day after Thanksgiving Friday, November 23, 2018**

Deputy Mayor Mintz offered the following motion, seconded by Trustee Schulgasser:

Resolution # BOT 2018-

Resolved, that the village Board Authorizes Village Hall to be closed the Day after Thanksgiving Friday, November 23, 2018. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Resolution Accepting Dedication And Maintenance Of 0.29 Miles Of The 50 Foot Road And 150 Foot Diameter Cul-De-Sac Right Of Way Of Lori Ct. From Carole Ln. To The End.**

Village Clerk- treasurer stated that the highway does an internal count of the mileage within the village and that little spot in the Cul-de-sac was never added so now it's going to be added for CHIPS

Deputy Mayor Mintz offered the following motion, seconded by Trustee Reich:

Resolution # BOT 2018-

Resolved, that the Village Board Accepts the Road Dedication And Maintenance Of 0.29 Miles Of The 50 Foot Road And 150 Foot Diameter Cul-De-Sac Right Of Way Of Lori Ct. From Carole Ln. To The End. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Public Hearing on Tentative Budget for 2019 Calendar Year**

Mayor Sicker stated nothing has changed from the last workshop we had regarding this. Taxes will be increased by .012%

Village clerk treasurer stated this was advertised in the Journal News October 9, 2018

Deputy Mayor Mintz offered the following motion, seconded by Trustee Eisenstein:

Resolution # BOT 2018-

Resolved, that the public hearing on Tentative Budget for 2019 Calendar Year is hereby opened. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Trustee Reich offered the following motion, seconded by Trustee Schulgasser:

Resolution # BOT 2018-

Resolved, that the public hearing on Tentative Budget for 2019 Calendar Year is hereby closed. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

Deputy Mayor Mintz offered the following motion, seconded by Trustee Schulgasser:

Resolution # BOT 2018-

Resolved, that the village Board adopts the tentative Budget for the 2019 Calendar Year. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

**Resolution Authorizing Village Clerk- Treasurer To Levy Taxes Approved Pursuant To 2019 Budget.**

Deputy Mayor Mintz offered the following motion, seconded by Trustee Reich:

Resolution # BOT 2018-

Resolved, that the village Board Authorizes the Village Clerk- Treasurer to Levy Taxes Approved Pursuant to 2019 Budget Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

**Public Hearing Repealing Local Law 1 of 2017 Interim School Use**

Village Clerk Treasurer stated it was posted in the Journal News on October 9, 2018

Deputy Mayor Mintz offered the following motion, seconded by Trustee Eisenstein:

Resolution # BOT 2018-

Resolved, that the public hearing on repealing Local Law 1 of 2017 interim school use is hereby opened. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

Mayor Sicker stated the reason for this repeal is because it has caused more grief and challenges than it has done good. An applicant will be allowed to go for variances and anyone who is currently there under this local law will be allowed to finish out their term for up to 3 years but will not be allowed to file again.

Deputy Mayor Mintz offered the following motion, seconded by Trustee Schulgasser:

Resolution # BOT 2018-

Resolved, that the public hearing on repealing Local Law 1 of 2017 interim school use is hereby closed. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

Deputy Mayor Mintz offered the following motion, seconded by Trustee Eisenstein:

Resolution # BOT 2018-

Resolved, that the Village Board accepts the repeal of Local Law 1 of 2017- Interim School Use. Mayor Sicker called for a vote. Trustee Reich was opposed, the vote was 4-1. The resolution was adopted

**Discussion: Local Law 22 of 1984 Prohibiting Unreasonable Noise**

Mayor Sicker stated the village has received numerous complaints regarding noise. Because of how our zoning and Local Laws are we are not allowed to govern noise complaints any time before 11:30PM. Our intent is to not allow noise to go beyond the property line on weekends at 10PM.

Trustee Schulgasser offered the following motion, seconded by Trustee Reich:

Resolution # BOT 2018-

Resolved, that the Village Board schedules a Public Hearing amending Local Law 22 of 1984 for November 27, 2018. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

Nancy Jacobs, 9 Dorothy Dr.

Odd # on my street are New Hempstead but the even side is Ramapo will you be able to control their noise levels?

Mayor Sicker stated we can't control what they do if they are not in New Hempstead but you can go to the Town and see what they can do. Once we have a full draft we can email it to you if you provide us with an email and the Public Hearing on this is scheduled for November 27 at 7:30PM

Carle Messing, 7 Scottford St.

Regarding the Path that's leading to Ellington way.

1. What's happening with the project and what's going to happen with the nature that was destroyed?
2. What's the budget for this project? I am not an expert but maybe that money can be used for parkland
3. It is my understanding that there was a vote on this 2 years ago before I purchased. How was the project described were people fully aware of how much of the forest would be destroyed?
4. Why wasn't there a recent vote?

Mayor Sicker

About 13 years ago it was requested that this path and other paths throughout the village be paved. This is something that is going to be included in our strategic Plan and this was just a starting point. They had to make sure the machinery could get in without destroying anything. The park is also owned by the Town of Ramapo. The Village does not have park land. About 3 years ago when the resolution was done it did not affect the budget. As far as Sandy Brook Park, many people came in asking why we don't enhance it, but the people in that area don't want it and that's the only park. It has no effect of the budget. We have passed 3

budgets since this was approved and it has had 0 effect on it. Regarding nature, once the work has been complete I will try my best to make sure it gets back to the natural portion of what it is.

Attorney Minsky stated, this was originally supposed to be on one side, but it did not work so they moved it. Now the path goes through a homeowner's property. In order to do the transaction we had to arrange for a potential conservation easement to maintain it. So this is being done with the least amount of impact.

Mayor Sicker

Once the easement is complete they can complete the work.

**Mayor's report**

Grandview and Union Light: we have tentatively secured a Grant from Zebrowski's office for this pending county approval from a traffic study we submitted.

Wayne side walk should be done this week.

Trustee Reich offered the following motion, which was seconded by Deputy Mayor Mintz:

Resolution # BOT 2018-110

Resolved, that the Board of Trustees hereby adjourns the meeting held on October 23, 2018. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted