

**REGULAR MEETING
SOUTH NYACK BOARD OF TRUSTEES
TUESDAY, APRIL 25, 2017**

PRESENT: Mayor Bonnie Christian
Deputy Mayor Alain Leinbach
Trustee Andrew Goodwillie
Trustee Catherine McCue
Trustee Nancy Willen

ALSO PRESENT: Village Clerk Jill Schwarz
Village Attorney James Birnbaum
Village Treasurer Maryann Baietti
DPW Superintendent James Johnson
Police Chief Brent Newbury
Members of the Public

Following the Pledge of Allegiance, Mayor Christian called the open session to order at 7:30pm. Laura Steinberger commented about her safety concerns related to the Lower Hudson Transit Link project. Don McMahon commented about his safety concern related to dogs being walked without a leash and requested that the Village's leash law be enforced.

Mayor Christian closed the open session at 7:33pm.

OLD BUSINESS:

LOWER HUDSON TRANSIT LINK COMMITTEE (LHTL):

Don McMahon submitted and reviewed the LHTL Task Force report. He reported on the survey that was given to bus riders at the three Village bus stops on April 20, 2017. The Board will review the LHTL comments/concerns regarding the new bus stop and submit a Village response to the NYS Department of Transportation's plan.

Mayor Christian re-opened the open session at 7:58pm. There was a discussion about the bus routes. The open session was closed by Mayor Christian at 8:00pm.

Mayor Christian requested that the Board of Trustees' comments regarding the LHTL project be submitted to her by Monday, May 1st so that the Board can respond to the NYS Department of Transportation by the May 6th comment deadline.

TZ TASK FORCE: Peter Smolin submitted and reviewed the TZ Task Force's report. The New York State Thruway Authority's draft of detailed Shared Use Path Concept F plans is available for public review at Village Hall. When the plans are finalized they will be posted on the New NY Bridge website.

The Task Force recommended that the Board hold a special public workshop to discuss the details of the Shared Use Path and review the current renderings. Mayor Christian noted that if the Orangetown Fire Co. No. 1 Fire House is available to hold the next Board of Trustees meeting, May 9th, a workshop may be held on that date.

Mayor Christian re-opened the open session at 8:24pm. Dr. Robyn Goldstein of 5 Salisbury Place discussed a concern about her neighbor trimming trees located between her and her neighbor's property. The Building Inspector will be asked to inspect this property to ensure the work has been approved and in compliance with our village tree law. Mayor Christian closed the open session at 8:27pm.

MINUTES:

Upon a motion by Mayor Christian, seconded by Deputy Mayor Leinbach, the corrected minutes of the special Board of Trustees meeting of March 29, 2017 were adopted with a 4-0 vote. Trustee Willen abstained because she was not a Village Trustee at the time of the March 29th meeting.

Upon a motion by Mayor Christian, seconded by Trustee Goodwillie, the corrected minutes of the Organizational meeting of April 11, 2017 were unanimously adopted.

Upon a motion by Mayor Christian, seconded by Trustee Goodwillie, the corrected minutes of the regular BOT meeting of April 11, 2017 were unanimously adopted.

REPORTS:

TREASURER: Village Treasurer Baietti submitted her report. She noted that she is reaching out to Key Bank and Sterling Bank for Bond Anticipation Note bids.

VILLAGE JUSTICE: Of the \$21,421.00 in March, 2017 fines, \$11,748.00 went to the State and \$9,673.00 remained with the Village.

Mayor Christian noted that Trustee Goodwillie along with Inserra Supermarket volunteers cleaned up areas of South Nyack on Earth Day.

OLD BUSINESS (CONTINUED):

ROCKLAND RIVERFRONT COMMUNITIES COUNCIL: Trustee Willen gave a meeting report. She noted that she feels that it is a benefit for the Village to be involved with this group.

ANCHORAGE RESOLUTION: Mayor Christian moved as follows:

**Village of South Nyack Resolution in Support of New York State Legislation
for Tanker-Avoidance Zones**

WHEREAS, the U.S. Coast Guard is currently considering a proposal to establish new anchorage areas for commercial vessels along the Hudson River between Yonkers and Kingston; and

WHEREAS, the Village of South Nyack is a quiet residential riverside community in this proposed stretch of the Hudson River; and

WHEREAS, the value of property in the Village of South Nyack, as with other river municipalities, relates directly to the views, health and welfare of the Hudson River; and

WHEREAS, the anchoring of petroleum-bearing vessels potentially carrying large amounts of fuel is a health, safety and welfare matter with the possibilities of spillage, homeland security issues and aesthetic concerns; and

WHEREAS, the Village of South Nyack lacks the marine resources to adequately patrol and protect our waterfront from the additional threats to our health, safety and welfare caused by the U.S. Coast Guard's proposed anchorage grounds; and

WHEREAS, anchors used by commercial vessels disturb bottom sediments and can damage wildlife habitats, including those of endangered species residing in the river; and

WHEREAS, in Resolution #48 of 2016, the Village of South Nyack documented its concerns about the anchoring of petroleum-bearing vessels, including possible damage to ecological habitats and detracton from scenic beauty and quality of life along the river; and

WHEREAS, Pending New York State Assembly Bill A06825 would enable New York State agencies to consider environmental impacts in designating "tanker-avoidance zones"; and

WHEREAS, The New York State Senate has introduced the same measure as S05197; and

WHEREAS this proposal would enable New York State to take a stronger role in controlling the placement of any anchorage areas for petroleum-bearing vessels, to ensure that the needs of the Hudson River and riverfront communities are protected;

#39 NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of South Nyack expresses its strong support for New York State Assembly Bill A06825 and New York State Senate Bill S05197, which would enable New York State agencies to consider environmental impacts in designating “tanker-avoidance zones;” and

BE IT FURTHER RESOLVED that this Resolution be distributed to U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, New York State Governor Andrew Cuomo, New York State Secretary of State Rossana Rosado, New York State Senator Sue Serino, New York State Senator David Carlucci, New York State Senator William J. Larkin, Jr., New York State Assemblywoman Didi Barrett, New York State Assemblywoman Ellen Jaffee, New York State Assemblyman Kenneth Zebrowski, New York State Assemblyman Karl A. Brabenec, the New York State Conference of Mayors, the Executive Director of Scenic Hudson, the Executive Director of Riverkeeper, and any other officials and organizations that the South Nyack Village Clerk, Mayor, or its Trustees deem appropriate.

This resolution was seconded by Trustee Goodwillie and unanimously adopted as amended.

HISTORICAL SIGNS & SANBORN MAPS: Trustee Goodwillie gave an update on the historical sign project. He noted that the Historical Society of the Nyacks has agreed to contribute \$1,200.00 towards the cost of the Sanborn maps.

TROY & BANKS UTILITY BILL AUDIT: Trustee Goodwillie gave an update on the paper audit of utility bills being performed by Troy & Banks.

Trustee Goodwillie shared information regarding the on-line webinars that NYCOM offers.

NEW BUSINESS:

MS4 MAPPING GRANT: Deputy Mayor Leinbach moved to approve the following resolution and to authorize Mayor Christian to sign the **MS4 Mapping Grant Resolution:**

**RESOLUTION
FOR MUNICIPAL PARTICIPATION IN
NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’**

WHEREAS, a NYSDEC Water Quality Improvement (WQIP) Round 12 grant has been issued through the Stormwater Consortium of Rockland County (SCRC) and Cornell Cooperative Extension, Rockland County (CCE);

WHEREAS, the grant has been referenced as NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’;

WHEREAS, NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’ promotes enhanced mapping of the Municipal Separate Storm Sewer System (MS4).

WHEREAS, CCE has entered into a sub-contract with the Rockland County Soil & Water Conservation District to manage all components, absent of fiscal duties, of NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’;

WHEREAS, CCE will strive to enhance MS4 mapping components for jurisdictions within the Stormwater Consortium, who remain in good standing, who choose to participate in NYSDEC C00386GG ‘ROCKLAND COUNTY MS4 GRANT’ through incorporating business enterprises and other resources as required, available, and needed per grant requirements to assist with the collection of data.

WHEREAS, jurisdictions may choose to participate with CCE to promote enhanced mapping of the MS4 system through grant monies provided with NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’ with the commitment to fund 25% of the grant amount with Village funds or in kind services as obligated by the grant requirements;

WHEREAS, jurisdictions may opt out of participation and grant monies provided with NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’;

#40 WHEREAS, be it hereby resolved that jurisdictional participation shall be indicated below, and signature of by Chief Operating Officer or designated signee shall be provided to determine participation with CCE to promote enhanced mapping of the MS4 system through grant monies provided by NYSDEC C00386GG ‘ROCKLAND COUNTY MS4 GRANT’.

- This resolution is made and entered this day of April 25th, 2017 by and between Cornell Cooperative Extension, Rockland County and the municipal jurisdiction of Village of South Nyack. The municipal jurisdiction herein identified has **chosen to participate** with CCE in NYSDEC C00386GG ‘ROCKLAND COUNTY MS4 GRANT’

This resolution was seconded by Trustee McCue and unanimously adopted.

SIDEWALK REPAIR – 257 Piermont Avenue: Mayor Christian read aloud a letter from William & Maryann Slattery of 257 Piermont Ave. dated April 11, 2017 regarding a sidewalk safety concern. A discussion about the sidewalk followed. DPW Superintendent James Johnson will investigate the cost to repair the curb and sidewalks in this area of Piermont Avenue.

ELIZABETH PLACE DOG PARK: A discussion took place regarding a request to have mulch put down in the dog park. The Board’s decision was to not have mulch in the dog park due to sanitary reasons and the park would have to be regraded before any material was installed.

STORAGE TANK LIABILITY INSURANCE: Village Attorney James Birnbaum will reach out to the Village’s Insurance Consultants to discuss the need for this additional insurance as well as cyber liability coverage.

There was a discussion about the Village possibly hiring a traffic engineer to insure that the New NY Bridge project and the Lower Hudson Transit Link project integrate effectively. Kimley Horn was a recommended engineering firm.

Village Attorney James Birnbaum stated that the Village does not have to go out to bid for professional services.

Mayor Christian re-opened the open session at 9:42pm. Because there were no further comments made from the public, Mayor Christian closed the open session at 9:43pm.

PAYMENT OF ABSTRACTS: Upon a motion made by Trustee McCue, seconded by Trustee Goodwillie and carried, the following abstracts of audited vouchers were approved for payment:

Abstract #A17-22 – General Fund - \$28,965.59

Abstract #B17-22 – Police - \$59,599.05

At 9:44pm, upon motion made by Mayor Christian, seconded by Deputy Mayor Leinbach and carried, the Board went into executive session to discuss a personnel matter and potential litigation.

At 10:27pm, upon motion made by Trustee Goodwillie, seconded by Deputy Mayor Leinbach and carried, the Board closed the executive session.

#41 RESOLVED, that Deputy Mayor Leinbach moved to accept Mayor Christian’s recommendation to appoint Matthew Johnson to the full time Laborer position effective May 1, 2017 at the negotiated salary.

This resolution was seconded by Trustee Goodwillie and unanimously adopted.

There was a discussion about a request from Lisa Hayes of 101 S. Broadway to install pavers in the verge. Because it is Village owned property, Village Attorney James Birnbaum does not

recommend approving this project. A project like this would require Board of Trustees approval. The applicant must come before the Board with her drawings to make her request. The area must be restored to its original state for safety reasons while this matter is open.

At 10:45pm, upon motion made by Mayor Christian, seconded by Trustee McCue and carried, the meeting was adjourned.

Respectfully submitted,

Jill Schwarz
Village Clerk