

**REGULAR MEETING
SOUTH NYACK BOARD OF TRUSTEES
TUESDAY, AUGUST 8, 2017
VILLAGE HALL**

PRESENT: Mayor Bonnie R. Christian
Deputy Mayor Alain Leinbach
Trustee Andrew Goodwillie
Trustee Nancy Willen

ALSO PRESENT: Village Clerk Jill Schwarz
Village Attorney James Birnbaum
Police Chief Brent Newbury
DPW Superintendent James Johnson

Member of the public

ABSENT: Trustee Catherine McCue

NEW BUSINESS:

LOCAL LAW #1 OF 2017 – HOUSEHOLD TRASH: Following the Public Hearing,
Mayor Christian moved as follows:

#63 RESOLVED, be it enacted that Chapter 48 of the Code of the Village of South Nyack is hereby amended as follows:

Section 1. Name of Local Law: This law shall be known as the “Household Trash Law”.

Section 2. Legislative Findings and Intent:
The Village provides trash and recycling receptacles in parks and in various curbside locations. These receptacles are intended for use by pedestrians and commuters. They are not intended to be used by the owners of properties and tenants of properties of properties in the village for general household trash dumping or recycling. Accordingly, the purpose of this Local Law is to prohibit the dumping of general household trash, debris or recyclables in Village-owned receptacles that are intended to be used only by pedestrians and commuters.

Section 3. Restrictions:
No person shall use Village-owned trash or recycling receptacles for the dumping of their general household trash, debris and recycling.

Section 4. Penalty:
Any person found to be using Village-owned trash or recycling receptacles for the dumping of general household trash, debris and recycling shall be subject to a civil penalty of \$250.00 per violation.

Section 5. Effective Date:
This law shall take effect immediately upon filing with the Secretary of State.

This is a Type 2 SEQRA action with no potential for negative environmental impact.

This resolution was seconded by Deputy Mayor Leinbach and unanimously adopted.

Mayor Christian called the open session to order at 7:37pm. There were no comments from the public and the Mayor closed the open session at 7:38pm.

NEW BUSINESS:

PICKLEBALL: Melody Partrick, Village of Nyack Recreation Director, reported that the Pickleball event held on July 15th at the Franklin Street Park was a great success. She requested that Pickle Ball court lines be permanently placed on the tennis court to allow people to play this sport during scheduled days/hours. The tennis court will be refurbished at a later date and Ms. Partrick wanted the Board to consider this request for the existing tennis court while waiting for

this project to begin. Following a discussion, the Board postponed making a decision until they can discuss this request with DPW Superintendent Johnson.

MINUTES:

Upon a motion by Deputy Mayor Leinbach, seconded by Trustee Willen, the corrected minutes of the July 25, 2017 regular BOT meeting were unanimously accepted.

REPORTS:

POLICE: Chief Newbury presented the July report which included that \$15.00 in fees were collected.

DPW: The July DPW report was reviewed.

BLDG/CODE/FIRE INSPECTOR: The June report was reviewed. \$1,700.00 in fees were collected.

VILLAGE JUSTICE: July fines totaled \$17,495.00. Of the \$17,088.00 collected in June, \$7,279.00 went to the state and \$9,809.00 was retained by the Village.

OLD BUSINESS:

VIDEO RECORDING LAND USE BOARDS: Decision was postponed until the next meeting when Trustee McCue will be back. Mayor Christian stated that she has mixed feelings about video recording the Land Use Boards but is leaning towards leaving the decision up to the Chair of each Board.

PIERMONT AVE. DRAINAGE – ZUGIBE CONTRACT: Deputy Mayor Leinbach moved as follows:

#64 RESOLVED, to authorize the Mayor to sign the Victor P. Zugibe, Inc. contract for the Piermont Avenue Road & Drainage Improvement project.

This resolution was seconded by Trustee Goodwillie and unanimously adopted.

The following resolution was offered by Mayor Christian, who moved its adoption, seconded by Deputy Mayor Leinbach, to-wit:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SOUTH NYACK, ROCKLAND COUNTY, NEW YORK (THE “VILLAGE”) AUTHORIZING THE ISSUANCE OF \$200,000 IN SERIAL BONDS OF THE VILLAGE OR BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION THEREOF TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

WHEREAS, the Board of Trustees of the Village of South Nyack (the “Village”) proposes to authorize the issuance of \$200,000 in serial bonds of the Village to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

#65 RESOLVED, NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF SOUTH NYACK, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Village is hereby authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the “Law”) to finance (i) a portion of the cost of a surface drainage improvement project along Piermont Avenue in the Village consisting of the reconstruction and replacement of surface drainage sewer lines, including the installation of new manholes, excavation and restoration of roadways, sidewalks, and curbs, landscaping, all necessary equipment and machinery, (ii) the paving of the parking lot for the Justice Court located at 90 Depot Place, and (iii) all ancillary, related and incidental improvements, costs and expenses related to the foregoing. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$200,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$200,000 in serial bonds of the Village authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or

purposes is five (5) years, pursuant to subdivisions 3., 4., 20(f). and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 3. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 4. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the Board of Trustees, then the power of the Board of Trustees to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village.

SECTION 5. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 6. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 7. The Board of Trustees hereby determines that the projects authorized herein, the financing thereof as authorized by this resolution, and the adoption of this resolution, collectively constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and that no further action under SEQRA with respect to any of said projects need be taken by the Board of Trustees as a condition precedent to the adoption of this resolution.

SECTION 8. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board of Trustees.

SECTION 9. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 10. This resolution shall take effect immediately and the Village Clerk is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Village (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

The following vote was taken and recorded in the public or open session of said meeting:

Board Vote:

Mayor Bonnie R. Christian	Aye
Deputy Mayor Alain Leinbach	Aye
Trustee Andrew Goodwillie	Aye
Trustee Nancy Willen	Aye

Motion approved 4-0

At 8:08pm, upon motion made by Mayor Christian, seconded by Deputy Mayor Leinbach and carried, the Board went into Executive Session to discuss a personnel matter.

At 8:23pm, upon motion made by Mayor Christian, seconded by Trustee Goodwillie and carried, the Executive Session was closed.

Mayor Christian moved as follows:

#66 RESOLVED, to authorize a 2% pay increase for the Village's two part-time Clerks (positions currently held by Sally Seiler and Carol Drummond) and part-time Assistant Building Inspector/Code Enforcement Officer (position currently held by David McLeod) retroactive to June 1, 2017.

This resolution was seconded by Trustee Willen and unanimously adopted.

NEW BUSINESS CONTINUED:

ELLEN JAFFEE GRANT: There was a discussion about capital project ideas that the Village can submit to the Assembly State and Municipal Facilities Grant Program (SAM) and the Multi-Modal Grant Program.

VILLAGE STREET USE: Gesner Avenue Block Party – September 9, 2017: Deputy Mayor Leinbach moved as follows:

#67 RESOLVED, to approve the request of Leslie DuBeau to close Gesner Avenue for a block party on September 9, 2017 from 3:00pm – 10:00pm and to suspend the Open Container Law at that location during that time.

This resolution was seconded by Trustee Goodwillie and unanimously adopted.

CORNELL COOPERATIVE EXTENSION – Stormwater II Education Program Agreement:

Deputy Mayor Leinbach moved as follows:

#68 RESOLVED, to authorize the Mayor to sign the renewal of the Cornell University Cooperative Extension Rockland County 2017 Stormwater II Education Program Agreement and submit \$1,000.00 to fund this project.

This resolution was seconded by Trustee Goodwillie and unanimously accepted.

2017-2017 VILLAGE TAXES: \$2,419,977.69 in Village taxes/penalties have been collected to date.

Mayor Christian noted that the Village will soon receive the completed title search regarding the Esposito Trail.

Trustee Willen noted that the “Our Town” newspaper reported that the Town of Orangetown will be receiving \$40,000 through the Tappan Zee Bridge Community Benefits Fund for a bike program study.

Trustee Willen noted that the Village is part of a Rockland County Shared Service Panel and that there will be an upcoming meeting to vote on the report that was submitted to the Rockland County Legislature.

Trustee Willen noted that BOCES offers competitive printing services to municipalities and schools.

Trustee Goodwillie discussed possibly sharing a street light maintenance contract for the existing street lights (not LED) with the Town of Orangetown or the Village of Nyack.

Trustee Goodwillie made reference to the two recently received letters from Troy & Banks regarding the Village utility audit.

Trustee Willen reported that the Village of Upper Nyack completed their LED street light conversion.

Trustee Goodwillie gave an update on the Historical Signage Project and the purchase of copies of the Sanborn maps.

It was noted that the Franklin Street Park concert held on July 30th was well attended.

There was a discussion about new signs for the Franklin Street Park.

PAYMENT OF ABSTRACTS: Upon a motion made by Mayor Christian, seconded by Deputy Mayor Leinbach and carried, the following abstracts of audited vouchers were approved for payment:

No. A 18-05– General Fund - \$34,801.00

No. B 18-05 – Police - \$9,864.47

Upon motion made by Mayor Christian, seconded by Trustee Goodwillie and carried, the meeting was adjourned at 9:03pm.

Respectfully submitted,

Jill Schwarz
Village Clerk