

**REGULAR MEETING
SOUTH NYACK BOARD OF TRUSTEES
TUESDAY, JUNE 13, 2017**

PRESENT: Mayor Bonnie R. Christian
Deputy Mayor Alain Leinbach
Trustee Catherine McCue
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

Following the Pledge of Allegiance at 7:30pm the Board had a phone conversation with Wade Beltramo (NYCOM General Counsel) regarding video recording Land Use Board meetings. Mr. Beltramo's comments included:

- The open meetings law allows the taping of meetings of public bodies.
- Zoning Board of Appeals (ZBA) is not a Board that is exempt per Section 108 of the Public Officers law.
- Video recording is allowable but cannot be disruptive.
- He doesn't believe there is any reason that someone subpoenaed to speak at a ZBA meeting cannot be recorded.
- People should expect their presence & participation at a public meeting to be observed. There is no obligation on the Village's part to inform the public that they are being videotaped.
- Regarding decisions resulting from a ZBA hearing, a recording is necessary because if the ZBA is sued per an Article 78 appeal a transcript can be provided using the recording.
- Minutes are the official record of action taken by a public body.
- Board of Trustees (acts as a legislative body) must follow procedures but does not have to justify a decision and are generally not subject to Article 78. The Planning Board and ZBA (act as an administrative body) do have to explain their decision if asked and are subject to Article 78 standards.
- Planning board and ZBA are quasi-independent from the local legislative body.
- The Village as an independent entity can make it the official policy to record the land use board meetings as a service to its residents and make it available on line.
- The Village's video recording of a land use board meeting would provide an accurate, unedited recording for the public to view.
- Recommended to reach out to Bob Freeman, Executive Director of Department of State Committee of Open Government, to get his opinion as well.

Mayor Christian called the open session to order at 8:04pm. Annie Hekker Weiss discussed holding one day pop up parks at Towt Park with an initial event date of Saturday, July 22nd. DPW will clean up Towt Park to prepare it for this event.

Mayor Christian closed the open session at 8:25pm.

MINUTES:

Upon a motion by Deputy Mayor Leinbach, , seconded by Trustee Willen, the minutes of the May 19, 2017 special BOT meeting were accepted on a 4-0 vote. Trustee Goodwillie abstained because he was absent for the May 19th meeting.

Upon a motion by Mayor Christian, seconded by Deputy Mayor Leinbach, the corrected minutes of the May 23, 2017 regular BOT meeting were unanimously accepted.

REPORTS:

POLICE: Chief Newbury presented the May report which included that \$10.00 in fees were collected. Chief Newbury comments included:

- A letter was received thanking Detective James Coyle for his assistance during a dispute.
- David Novick is the Village's new, part-time Police Officer. He will be the Resource Officer at the Nyack Middle School.
- The South Nyack/Grand View Police Department now consists of six full-time & nine part-time Police Officers.

DPW: DPW Superintendent Johnson presented the May report. Comments included:

- Discussion about a problem with run off coming down Shadyside Avenue from Wells Lane located in the Town of Orangetown.
- Mayor Christian thanked the DPW for cleaning up the property at 269 S. Broadway.
- A problem with graffiti showing up at Gesner Park and the Esposito Trail.
- Chief Brent Newbury commented that the Police Department is aware of the problems at Gesner Park and has been taking action.

BLDG/CODE/FIRE INSPECTOR: The May report was reviewed. \$1,150.00 in fees were collected. Trustee Willen inquired about when the multi-family home inspections will start. The Building Inspector will be contacted about this.

VILLAGE JUSTICE: May fines totaled \$18,757.00.

OLD BUSINESS:

SHARED USE PATH:

- Village comments/concerns regarding the Shared Use Path were compiled and submitted to the New York State Authority (NYSTA) on June 5, 2017.
- DPW Superintendent James Johnson and Village Engineer Steve Collazuol reviewed the NYSTA's drainage plans related to the Shared Use Path.
- The Village Engineer's concerns/comments were forwarded to the NYSTA.
- Items to be discussed within the Village were reviewed.
- Mayor Christian and Chief Brent Newbury will be meeting with the NYSTA and the State Troopers on June 29, 2017 to discuss the Shared Use Path.
- Surface should be pervious so that run-off is not a concern.

BOND ANTICIPATION NOTE (BAN): Village Attorney Birnbaum discussed the BAN that was preliminarily approved as being the Sterling National Bank bid at 2.54% for \$230,000 for one year. He had consulted with Charlie Schacter and recommended that the Village retain him for the limited purpose of helping facilitate this BAN. The Village will then be better prepared moving forward to deal with any future BAN's. Mayor Christian moved as follows:

#53 RESOLVED, that the Board approve the expenditure not to exceed \$2,000.00 to retain Charles Schachter, of Harris Beach PLLC Attorneys at Law to assist with the facilitation of the \$230,000 BAN with Sterling National Bank.

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

VIDEO RECORDING – LAND USE BOARDS: The Board discussed the video recording of the Land Use Boards including the comments below:

- Mayor Christian is in favor of video recording.
- Trustee Goodwillie is in favor of video recording. It would make discussions & decisions from previous meetings accessible to the public, show transparency, promote the open meeting law.
- Trustee Willen is in favor of video recording.
- Deputy Mayor Leinbach stated it has historic value. He is concerned about who should be responsible for video recording the meeting - the Board of Trustees (which would not alter the procedures of the Land Use Board) or the Land Use Boards.
- Trustee McCue is in favor of video recording. It would be very helpful to people that cannot attend the meeting.

Mayor Christian will reach out to Bob Freeman, Executive Director of Department of State Committee of Open Government to get his opinion.

Further discussion will be held at the July 11, 2017 Board of Trustees meeting.

STORAGE TANK LIABILITY INSURANCE: Following a discussion about adding storage tank liability insurance Mayor Christian moved as follows:

#54 RESOLVED, to authorize the Mayor to accept the additional Storage Tank Liability coverage provided by ACE American Insurance Co. to the Village's insurance policy for a 2017-2018 premium cost of \$350.00.

This resolution was seconded by Trustee Goodwillie and unanimously adopted.

NEW BUSINESS:

COMPREHENSIVE PLAN COMMITTEE: Mayor Christian recommended the appointments of Jerry Ilowite (Chair & Member), Richard Kohlhausen (Member), Lee Prisament (Member), Bruce Forrest (Member) and Laura Steinberger (Member) to the Comprehensive Planning Board for a two year term.

Deputy Mayor Leinbach moved as follows:

#55 RESOLVED, to accept Mayor Christian's appointments of Jerry Ilowite (Chair & Member), Richard Kohlhausen (Member), Lee Prisament (Member), Bruce Forrest (Member) and Laura Steinberger (Member) to the Comprehensive Planning Board for a two year term.

The resolution was seconded by Trustee Willen and adopted on a 4-0 vote; Trustee Goodwillie reclused himself from the discussion and vote.

COMMUNITY DEVELOPMENT BLOCK GRANT: Deputy Mayor Leinbach moved as follows:

#56 RESOLVED, to allow the Mayor to sign and execute the Rockland County Community Development Cooperation Agreements so that the Village of South Nyack can remain in the Rockland County Consortium pending the approval of the Village Attorney.

This resolution was seconded by Trustee Willen and unanimously adopted.

VILLAGE STREET USE:

White Avenue Block Party – August 13, 2017: Mayor Christian moved as follows:

#57 RESOLVED, to approve the request of Diana Kesselschmidt to close **White Avenue** (between Spring Street and S. Franklin Street) for a **block party** on August 13, 2017 from 3:00pm – 9:00pm and to suspend the Open Container Law at that location during that time.

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

Chief Newbury commented that there was an Elysian Ave. block party held on July 4th, 2016 and that the street closure caused a big traffic problem.

Hope Fest – August 26, 2017: Trustee McCue moved as follows:

#58, RESOLVED, to approve the request of the Iglesia la Mision to hold **Hope Fest 2017** in the Franklin Street Park on Saturday, August 26, 2017, 10:00am – 4:00pm pending the receipt of required insurance documents and with the conditions of no trucks can be parked in the park, the park must be thoroughly cleaned up after the event, no tape on the tennis courts, amplifiers may be used for a maximum of two hours and Franklin Street Park and the Esposito Trail are open to the public during this event.

This resolution was seconded by Trustee Goodwillie and unanimously adopted.

South Nyack 10 Mile Run – September 10, 2017: Deputy Mayor Leinbach moved as follows:

#59 RESOLVED, to approve the Rockland Road Runners' application for the **29th South Nyack 10 Mile Road Race** on September 10, 2017 pending receipt of the required insurance documents.

This resolution was seconded by Trustee Goodwillie and unanimously adopted.

ARK for Christ, Inc. – July 10 – 14, 2017: Mayor Christian moved as follows:

#60 RESOLVED, to approve the application for **ARK for Christ** to use the Franklin Street Park Monday, July 10 thru Friday, July 14, 2017 from 4:00pm – 7:00pm for the presentation of a children's program pending the required insurance document with the conditions that there cannot be a vehicle in the park (truck will be parked in the Fire Dept. parking lot) and amplifiers can be used for a maximum of two hours.

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

MS4 – ANNUAL DEC REPORT: Mayor Christian moved as follows:

#61 RESOLVED, that the Village of South Nyack acknowledged receipt of the **2016-2017 DEC** report prepared and submitted by Brooker Engineering. The report will be posted on the Village website and available to the public at Village Hall for thirty days.

This resolution was seconded by Trustee McCue and unanimously adopted.

EMPLOYEE HANDBOOK: Trustee McCue gave an update on the employee handbook project. There was a discussion about the next step which is a typed draft.

There was a discussion about an email dated May 8, 2017 from Glenn Sungela regarding the control of invasive plants on the Esposito Trail. Mr. Sungela will be contacted to see if he can attend the July 11th Board meeting so this subject can be discussed further.

There was a discussion about an email dated June 7, 2017 from Susan Malin requesting the Village to consider the installation of solar power. This will be discussed further at a future Board meeting.

There was a discussion about an email dated May 19, 2017 received from Manna Jo Greene, Environmental Director of Hudson River Sloop Clearwater, Inc. requesting the Village to consider passing a resolution regarding maintaining clean water and other environmental protections. The Board took no action.

There was a discussion about an email dated June 13, 2017 from Melody Partrick, Village of Nyack Recreation Director, proposing that a one day "Pickleball Demo Day" event be held at Franklin Street Park. This would be a free event open to the public but would require registration. The Village Board was in favor of allowing the use of the tennis courts for this event.

Trustee McCue commented that a Salisbury Point Coop resident, retired Architect Richard Rose, has written a detailed analysis of VHB's May 30th presentation of the Village of South Nyack Economic Sustainability Feasibility Study. He would like to meet with Mayor Christian to discuss this.

There was a discussion about public comments received in response to VHB's May 30th presentation.

Deputy Mayor Leinbach commented that he is waiting for a call back from Dave Zarnow regarding the Bicycle/Pedestrian committee.

There was a discussion about whether or not it is okay for a phone number to be made public on the video recording.

Deputy Mayor Leinbach discussed his meeting with the Town of Orangetown's Information Technology (I.T.) department to discuss shared services. The Village of South Nyack may be able to share I.T. services such as telephone and email.

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

No. A 18-01– General Fund - \$109,543.43

No. B 18-01 – Police - \$32,446.63

Upon motion made by Mayor Christian, seconded by Deputy Mayor Leinbach and carried, the meeting was adjourned at 10:25pm.

Respectfully submitted,

Jill Schwarz
Village Clerk