

**REGULAR MEETING  
SOUTH NYACK BOARD OF TRUSTEES  
WEDNESDAY, MARCH 22, 2017**

**PRESENT:** Mayor Bonnie Christian  
Deputy Mayor Alain Leinbach  
Trustee Andrew Goodwillie  
Trustee Charles Boone

**ALSO PRESENT:** Village Clerk Jill Schwarz  
SNGV Police Chief Brent Newbury  
Village Special Counsel Dennis Lynch  
Task Force Member Nancy Willen  
Village Residents

**ABSENT:** Trustee Catherine McCue

Following the Pledge of Allegiance, the Village Clerk congratulated Mayor Bonnie Christian, Trustee Catherine McCue and Trustee Nancy Willen for winning the Village election. She noted that 44 ballots referenced the voters' support for Concept F Refined.

Mayor Christian called the open session to order at 7:40pm. James Riley, pro bono counsel for Preserve South Nyack (PSN), stated PSN's concerns including the following:

- New York State Thruway Authority's eminent domain procedure was defective (under sections 202 and 204 C-1 of the law).
- NYSTA does not have legal right to proceed with the construction on the Esposito Trail or any other Village property with the absence of an appropriate condemnation procedure.
- PSN believes that refined Concept F is the appropriate plan for the Shared Use Path.

There was a discussion about what is jurisdictional.

Laura Steinberger read aloud her email to the Village Board on March 20<sup>th</sup> regarding questions about the proposed sidewalk project along a section of Route 9W which is attached to and part of these minutes.

There was a discussion about a proposed project to repair a section of the sidewalk along Route 9W from Road F north to Longview Court and the New York Metropolitan Transportation Council's notice of comment period for this project.

Mayor Christian closed the open session at 8:08pm.

Special Counsel Dennis Lynch discussed concerns related to the NYSTA's procedures including the following:

- There is documentary evidence that shows that the Village owns the relevant portions of the Esposito Trail related to the Shared Use Path project.
- To date the NYSTA has not provided proof to show that they have been in full compliance with the eminent domain procedure law.
- Special Counsel recommended that the Village make a resolution to notify the NYSTA that they have 30 days from the date of the resolution to submit proof of compliance related to the eminent domain procedure.

Mayor Christian re-opened the open session at 8:24pm.

Jim Riley asked if the proposed resolution would give the Village the authority to prevent the NYSTA from moving forward with alterations to the Esposito Trail until the matter of eminent domain has been resolved.

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

Deputy Mayor Leinbach made a motion at 8:26pm to go into executive session to discuss potential litigation with legal counsel. This was seconded by Trustee Boone and carried.

Deputy Mayor Leinbach made a motion to close the executive session at 8:35pm. This was seconded by Trustee Boone and carried.

**SHARED USE PATH:** Mayor Christian moved as follows:

A Meeting of the Village Board of Trustees for the Village of South Nyack, New York was convened on March 22, 2017 at 7:40 p.m.

The following Resolution was duly offered and seconded to wit:

### **RESOLUTION REGARDING NEW YORK STATE THRUWAY AUTHORITY ACTION**

WHEREAS, within the Village of South Nyack, New York (“Village”) there is a need to raise certain issues with other municipal governments or municipal entities to provide for the protection of the health, safety and welfare of Village Residents; and

WHEREAS, the South Nyack Village Board of Trustees (“Village Board”) has been advised of certain issues regarding recent activities of the New York State Thruway Authority (“NYSTA”) and the condemnation process undertaken with concerning property owned by the Village; and

WHEREAS, the Village Board having received legal advice with regard to NYSTA condemnation activities believes that NYSTA must demonstrate full compliance with all notice and other provisions of the Eminent Domain Proceeding Law (“EDPL”) so that the condemnation process undertaken by the NYSTA can be properly completed and recorded at this time with the Village reserving all of its rights under appropriate provisions of the EDPL with regard to that process; and

WHEREAS, the expenditure of Village taxpayer’s funds for any litigation should be minimized to the extent possible and where NYSTA will address to the satisfaction of all Village Residents all concerns about impacts from related issues, including but not limited to the Shared Use Path (“SUP”) as well as other impacts that may occur from plans by the NYSTA or the New York State Department of Transportation (“DOT”) that involve Village property and Village Residents; and

WHEREAS, the Village Board has previously provided NYSTA with such concerns and needs a more definitive, concrete and direct response and prompt resolution of those concerns in a way that demonstrates to all Village Residents that the health, safety and welfare of Village Residents is fully recognized at all times and will be protected by the NYSTA in its activities within or about the Village; and

WHEREAS, the Village Board is enacting this Resolution to be forwarded to the NYSTA for a detailed and appropriate response to demonstrate full compliance with all EDPL requirements and provisions as well as otherwise to address all appropriate and relevant health, safety and welfare concerns of all Village Residents; and

WHEREAS, the Village by enacting this Resolution does not waive any of its rights with regard to actions taken by NYSTA or DOT or otherwise concerning the EDPL process and related activities involving NYSTA and the Village expressly confirms that it has enacted this Resolution to provide a basis for the NYSTA to prevent any further prejudice to the Village; and

WHEREAS, by enacting this Resolution the Village Board expressly confirms all of its rights to ownership on all Village Property, including but not limited to, the Property known as the “Esposito Trail” and the Village does not permit anyone to undertake any activities on Village Property without the express formal written permission by the Village in the form of a Resolution duly adopted by the Village Board.

**#19 NOW THEREFORE**, it is resolved by the Village Board as follows:

1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full herein.

2. This Resolution shall be immediately forwarded by the Village Clerk to the NYSTA and its Legal Counsel. Should a satisfactory response not be received within thirty (30) days from the date of this Resolution, the Village Board reserves its right to undertake appropriate action including but not limited to litigation as required to protect the health, safety and welfare of Village Residents without further notice to the NYSTA.

3. This Resolution shall be effective immediately.

This resolution was seconded by Trustee Boone.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Bonnie Christian	[ x ]	[ ]	[ ]	[ ]
Deputy Mayor Alain Leinbach	[ x ]	[ ]	[ ]	[ ]
Trustee Charles Boone	[ x ]	[ ]	[ ]	[ ]
Trustee Catherine McCue	[ ]	[ ]	[ ]	[ x ]
Trustee Andrew Goodwillie	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

A note that the video recording microphone had been accidentally pulled out part-way through the meeting. The meeting was stopped, the recording was stopped and the microphone was re-attached and a second recording was started. Any lost audio was repeated at the start of the second file.

Mayor Christian noted that on March 28, 2017 there will be a Public Hearing held at 6:30pm for the 2017-2018 proposed village budget followed by a regular Board of Trustees meeting at 7:30pm. A special Board of Trustees meeting will be held on March 29, 2017 at village hall regarding the Shared Use Path.

**MINUTES:** Upon a motion by Trustee Goodwillie, seconded by Deputy Mayor Leinbach, the corrected minutes of the regular Board of Trustees meeting of February 28, 2017 were adopted with a 3-0 vote. Trustee Boone abstained because he was absent for the February 28<sup>th</sup> meeting.

Upon a motion by Deputy Mayor Leinbach, seconded by Trustee Goodwillie, the minutes of the special Board of Trustees meeting of March 3, 2017 were adopted with a 3-0 vote. Trustee Boone abstained because he was absent for the March 3rd meeting.

**REPORTS:**

**POLICE:** Chief Newbury presented the February, 2017 police report. \$55.00 in fines were collected.

**DPW:** The February, 2017 report was reviewed.

**BLDG/CODE/FIRE INSPECTOR:** February, 2017 report was reviewed. \$535.00 in fees were collected.

**VILLAGE JUSTICE:** \$10,386.00 in fines were collected in February, 2017.

**OLD BUSINESS:**

**STREET LIGHT BUY-BACK:** Trustee Goodwillie gave an update on the street light buyback program including his recommendation that the Village first move forward with buying back the street lights. Converting to LED lighting can be considered at a later date.

**HISTORICAL SIGNS:** Deputy Mayor Leinbach moved as follows:

**#20 RESOLVED,** the Board of Trustees authorized the purchase of one additional sign for the Erie Railroad Greenway Trail sign project with a cost of \$516.00.

This resolution was seconded by Trustee Boone and unanimously adopted.

**WATERFRONT ZONING COMMITTEE:** Trustee Goodwillie gave a meeting update.

**NEW BUSINESS:**

Mayor Christian noted that she and Police Chief Newbury recently attended a meeting with members of the New NY Bridge team to discuss the removal of the existing Tappan Zee Bridge. Also in attendance were Nyack's Mayor White and Grandview's Mayor Lynn.

Mayor Christian reported that there is a new committee currently made up of Deputy Mayor Leinbach, Don McMahan, Jerry Howite and soon to be added Nancy Willen. This committee will report on the Technical Advisory Committee meetings pertaining to the Lower Hudson Transportation Link. Deputy Mayor Leinbach stated that the LHTL would like the procedural requirements needed to work in our Village. There was a discussion about this committee.

**2015-2016 BUDGET MODIFICATIONS:** Budget modifications will be postponed to the next Board of Trustees meeting.

The Village Clerk noted that the owner of **Key Maintenance**, our building maintenance company, will be retiring and the manager will be taking over the business.

**VILLAGE STREET USE:** Trustee Goodwillie moved as follows:

**#21 RESOLVED,** to approve the request of Gran Fondo New York to use Piermont Avenue in South Nyack from approximately 7:30 – 9:30am on Sunday, May 21, 2017 and to hang a banner over Piermont Avenue.

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

There was a discussion about the banners which the Living Christ Church posts several times a year on their property to promote events.

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

Abstract #A17-19 – General Fund - \$58,435.43

Abstract #B17-19 – Police - \$36,183.62

At 9:30pm, upon motion made by Mayor Christian, seconded by Trustee Boone and carried, the meeting was adjourned.

Respectfully submitted,

Jill Schwarz  
Village Clerk

**Letter from Laura Steinberger - Emailed – March 20, 2017**

Hello Mayor and Trustees,

Would you please clarify the details of this sidewalk project, so that the public can comment before the March 24th deadline.

Several questions are not addressed in the TIP amendment:

- Is this sidewalk a new addition to the TIP since September 2016?
- How does this new sidewalk fit with plans for the LHTL, the SUP, the New Bridge commuter pathway?
- How does the sidewalk link to the pedestrian pathways for the SUP?
- How does it address traffic and safety issues? Crossing of 9W?
- Is the land owned by the State or the Village? Will land be acquired?
- Why doesn't the sidewalk go from Route 59 all the way to Shadyside?
- Will the sidewalk configuration allow for future bus stops on 9W if transit links change?
- Who is responsible for snow removal on these sidewalks?

I'm sure other people have questions, too. We don't have much time before the deadline.

Thank you,

Laura