

**REGULAR MEETING
SOUTH NYACK BOARD OF TRUSTEES
TUESDAY, MAY 23, 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
Assistant Village Attorney Robert Knoebel
Clerk Sally Seiler

Members of the Public

Following the Pledge of Allegiance, Mayor Christian called the open session to order at 7:30pm. Mayor Christian closed the open session at 7:31pm.

NEW BUSINESS:

VIDEO RECORDING OF LAND USE BOARDS: There was a discussion about the proposal to video record the Land Use Board meetings and the feedback from the Planning Board and Zoning Board of Appeals. Assistant Village Attorney Robert Knoebel, who represents the Land Use Boards, reported on this subject which included:

- A NYCOM attorney stated that the Village Board could mandate video recording of the land use board meetings.
- Watching a video recording is not a substitution for participating at a meeting.
- Video recording the meetings may inhibit people from the public from speaking freely about their concerns and articulating facts related to the agenda item.
- There is a right to privacy.
- A sign must be visible stating the meeting is being recorded.
- Official record of the meetings is the minutes.
- There could be a discrepancy between the minutes and the video tape.
- People may be inhibited from serving on the Boards.
- Planning Board and Zoning Board of Appeals passed motions that they did not want their meetings video recorded. They felt that the negatives outweighed the positives.
- Rules should be adopted if the Board of Trustees chooses to allow video recording of the Land Use Boards.
- Asst. Village Attorney Knoebel is opposed to video recording the meetings.
- Problems with recording a subpoenaed witness.

Trustee McCue stated that it may be helpful for applicants who were not able to attend the meeting to watch and hear the facts first hand. She was concerned about potential repercussions if a member of the public misinterpreted something they viewed on the video recording.

Deputy Mayor Leinbach stated that someone from the public may not fully express themselves at a meeting because they may feel intimidated knowing they are being recorded. A video recording of a meeting would be an archival record which people could refer back to.

Trustee Willen commented that the Town of Orangetown now video records their Planning Board meetings. The Town of Clarkstown and Rockland County do not video record their Land Use Board meetings.

Mayor Christian stated that perhaps video recording may deter people from serving on the Land Use Boards.

Trustee Goodwillie is in favor of video recording the Land Use Board meetings. Public Officer Law, section 103, states that it is allowable to video record any meeting of a public body. This item was postponed to the next Board of Trustees meeting.

PROPOSED VERGE PAVING PROJECT: Daniel Gwizdak represented Lisa Hayes.

A discussion took place about Lisa Hayes's request to install pavers in the verge in front of 101 South Broadway. The Board's concerns included the following:

- The verge is in the Village's right of way.
- There are safety and maintenance concerns.
- The verge is used to stage snow when plowing.

Deputy Mayor Leinbach suggested that Ms. Hayes request a curb cut in front of her building if she is concerned about easier handicapped access.

No action was taken.

MINUTES:

Upon a motion by Deputy Mayor Leinbach, seconded by Trustee Goodwillie, the corrected minutes of the May 4, 2017 special BOT meeting were accepted on a 4-1 vote. Trustee McCue abstained because she was absent for the May 4th meeting.

Upon a motion by Deputy Mayor Leinbach, seconded by Trustee McCue, the corrected minutes of the regular BOT meeting of May 9, 2017 (including the continuation of the May 9th BOT meeting) were unanimously adopted.

REPORTS:

TREASURER: Village Treasurer Baietti commented that she and Village Attorney Birnbaum are working on the Bond Anticipation Note bids. There was a discussion about the Village's Workers' Compensation policy.

OLD BUSINESS:

BICYCLE/PEDESTRIAN REGIONAL MASTER PLAN COMMITTEE: Deputy Mayor discussed Nyack's Bicycle/Pedestrian Regional Master Plan. He expressed that the Village should form a committee to represent South Nyack and assist with the Village of Nyack's RFP. An email will be sent out to recruit volunteers.

HISTORICAL SIGNAGE PROJECT: Trustee Goodwillie gave an update on this project.

Deputy Mayor Leinbach discussed the plan to open a "pop up park" on several different dates at Towt Park with the first one being held on July 4th.

Trustee Willen discussed the Regional Economic Development meeting held at Rockland Community College.

There was a discussion about the plan to hire a Traffic Consultant to monitor the implementation of the Lower Hudson Transit Link and the Shared Use Path projects.

Mayor Christian discussed a meeting with Ed Day that she attended with Connie Coker and Jerry Ilowite.

NEW BUSINESS CONTINUED:

VILLAGE STREET USE: South Nyack 10 Mile Run: Mike Angarola appeared to request permission to hold the 29th annual South Nyack 10 Mile Run on Sunday, September 10, 2017. Action will be postponed until after the village street use application is submitted.

ZONING BOARD OF APPEALS – Appointments: Mayor Christian recommended the appointments of Jeffrey Hirsch as member and Richard Holt as alternate member of the Zoning Board of Appeals. Deputy Mayor Leinbach moved as follows:

#51 RESOLVED, to approve Mayor Christian's appointment of Jeffrey Hirsch as member and Richard Holt as alternate member of the **Zoning Board of Appeals**.

This resolution was seconded by Trustee Willen and unanimously adopted.

SPECIAL COUNSEL – LEGAL SERVICES: Following a discussion about special counsel, Feerick, Lynch, MacCartney & Nugent’s bill for legal services, Mayor Christian moved as follows:

#52 RESOLVED, to approve the additional \$1,113.58 which exceeded the original amount of \$7,500.00 approved for **Feerick, Lynch, MacCartney & Nugent’s special counsel legal services** regarding the New NY Bridge project.

This resolution was seconded by Trustee McCue and unanimously adopted.

Mayor Christian read aloud former Village Attorney, Keith Cornell’s letter regarding his years of service with the Village.

Mayor Christian read aloud a letter thanking Detective James Coyle for his excellent service on April 11, 2017.

Mayor Christian stated that George Paschalis and Peter Harckham approved the Village’s request for \$597,209.00 for equipment needed to properly patrol and maintain the area surrounding the Shared Use Path. This request now has to be approved at the next level.

Village Attorney Birnbaum followed up on the following:

- The storage tank policy that was strongly recommended by the Village’s insurance consultants. The proposed policy will have a \$5,000.00 deductible. Decision will be reserved until the details of the policy are received and reviewed.
- Sterling National Bank’s Bond Anticipation Note documents are being drafted.
- The review of the draft of the Village Code will be moving forward in the near future.

Trustee McCue commented that she will be discussing the draft of the employee handbook at the June 13th Board of Trustees meeting.

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:

Abstract #A17-24 – General Fund - \$10,202.90

Abstract #B17-24 – Police - \$24,217.39

Mayor Christian dedicated the May 23 Board of Trustee meeting to former Village Attorney Keith Cornell for his many years of dedicated service to the Village.

At 9:05pm, upon motion made by Mayor Christian, seconded by Trustee McCue and carried, the meeting was adjourned.

Respectfully submitted,

Jill Schwarz
Village Clerk