

**REGULAR MEETING
SOUTH NYACK BOARD OF TRUSTEES
TUESDAY, JULY 14, 2020
VIA ZOOM**

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

ALSO PRESENT: Village Clerk Jill Schwarz
Village Attorney James Birnbaum
DPW Superintendent James Johnson
Police Chief Daniel Wilson

Members of the public

Mayor Christian called the regular meeting to order at 7:33pm.

Joseph Siegel and Hans Erdenberger from ENV NJ, an architectural/interior design firm, gave a presentation on a preliminary development plan they had prepared for the Nyack College property. This firm was hired 2 1/5 years ago by Procida Funding, LLC, Nyack College's lender, to evaluate existing infrastructure and buildings located on this property and prepare a report of the findings. This plan includes a town square, apartment buildings, town homes, cottages, condominiums, and a trolley that would travel to the Village of Nyack. The public can reach out to ENV NJ with any questions/comments regarding this presentation.

OPEN SESSION: Mayor Christian called the open session to order at 7:53pm.

Comments from the public included:

- Jennifer Rothschild:
 - Inquired if the new Village Hall referenced in the presentation would be funded by the developer or by the Village.
 - Suggested that the intersection of Cornelison Avenue and South Broadway be changed to a three-way stop.
 - Expressed her appreciation to the Village for getting the community through the pandemic and through the opening of the Shared Use Path.
 - Expressed thanks to Trustee Andrew Goodwillie and resident Michael Lockett for their part in the rail trail sign project and suggested a ceremony after the signs are installed on the Esposito trail.
- Janice Falcicchio: Inquired if the Mayor had reached out to Nyack College on behalf of the community back in 2018 when they announced that they are selling their property located in South Nyack.
- Mark Dery: Commented that Village Officials could have reached out to the community and solicited public opinion about ways to acquire the college property back in 2018.
- Police Chief Dan Wilson: Reminded everyone that they should conduct their self appropriately during the Board of Trustees meeting which is a public meeting.
- Frank Devita: Inquired about the significance of the ENV NJ development plan that was presented, how the public should respond to this plan at this time, and if anyone else has seen this presentation.
- Hans Erdenberger: Commented that any developer who purchases this property may be able to provide benefits to the Village at no cost to the tax payers if a tax PILOT program was in place or with zoning criteria concessions that are not too egregious. The presentation was meant to start the conversation. He noted that this is the first time that ENV NJ is making this presentation.
- Faith Fusillo: Inquired if this presentation should be made to Nyack College.
- Jill Ofer: Inquired about touring the Nyack College property.
- Matthew Chapman: Commented that what happens to this property is important to the residents because the tax revenue is needed to benefit the community.

- Roger Seiler: Commented that any development on the college campus must begin with the zoning code, default zoning law takes over if the college leaves, the Village Board can change the zoning laws or variances can be given. He also noted that Nyack College pays monthly payments in lieu of taxes.
- Frank Devita: Inquired if, from a legal aspect, incentives to a developer, such as tax breaks, are allowable.
- Janice Falcicchio: Expressed that she feels that the Village Officials should have tried to do something and urged the Mayor to clear up the rumors about the sale of this property.
- Vicki Schwaid: Inquired how long ENV NJ will be working on this project.
- Mark Dery: Noted that he appreciates the Mayor's responsiveness to more transparency and interactivity regarding the public's concerns. Inquired if it was correct that Special Counsel Dennis Lynch donated his time as opposed to charging a discounted fee as originally planned. He also inquired about hearing that the College's special use permit has not been located.

Mayor Christian confirmed that Mr. Lynch donated his time to the Village.

Village Attorney Birnbaum stated that although a specific document has not been located, there is a general acceptance and understanding that Nyack College is operating under a special permit and it may have been established through a resolution that can be found in historical minutes.

- Roger Seiler: Shared an experience that occurred in 2005 when the zoning board was working on updating the zoning code.

Mayor Christian closed the open session at 8:40pm.

NEW BUSINESS:

APPROVAL OF MINUTES: Upon a motion by Trustee Goodwillie, seconded by Deputy Mayor Leinbach, the minutes of the regular Board of Trustees meeting of June 23, 2020 were adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
 Nancy Willen – Aye
 Catherine McCue – Aye
 Andrew Goodwillie– Aye
 Alain Leinbach – Aye

Upon a motion by Deputy Mayor Leinbach, seconded by Trustee Goodwillie, the minutes of the Special Board of Trustees meeting of July 1, 2020 were adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
 Nancy Willen – Aye
 Catherine McCue – Aye
 Andrew Goodwillie– Aye
 Alain Leinbach – Aye

Upon a motion by Trustee Goodwillie, seconded by Deputy Mayor Leinbach, the minutes of the Special Board of Trustees meeting of July 8, 2020 were adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
 Nancy Willen – Aye
 Catherine McCue – Aye
 Andrew Goodwillie– Aye
 Alain Leinbach – Aye

REPORTS:

POLICE: Police Chief Wilson presented the June report. \$35.00 in fees were collected. Chief Wilson expressed that the Elected Officials in South Nyack are dedicated, hardworking, and always have the best interest of the Village in mind. He noted that the public should reach out to him or the Elected Officials with any concerns related to the Shared Use Path.

Trustee McCue inquired if the State Police has a plan to connect with our community. Police Chief Wilson responded that the planning is in the works.

DPW: DPW Superintendent Johnson presented the June report.

Mayor Christian recommended Nelson Zamora for the Department of Public Works Laborer position.

Mayor Christian moved as follows:

#35 RESOLVED, that the Board appoints Nelson Zamora to the full-time Laborer position pending the approval of the Rockland County Department of Personnel.

This resolution was seconded by Trustee Goodwillie and adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
Nancy Willen – Aye
Catherine McCue – Aye
Andrew Goodwillie– Aye
Alain Leinbach – Aye

Trustee McCue inquired when the Elizabeth Place Park project will be completed by the New York State Thruway Authority. Mayor Christian will reach out to George Paschalis.

Mayor Christian expressed to DPW Superintendent Johnson that she and the Board appreciate everything that he and his staff do for the Village.

BLDG/CODE/FIRE INSPECTOR: The June report was reviewed. \$4,499.00 in fees were collected.

VILLAGE JUSTICE: \$2,060.00 in June fines were collected.

OLD BUSINESS:

REMOVAL OF INVASIVE SPECIES OF PLANTS & TREES: Mayor Christian read aloud an email dated July 14, 2020 from Sharon Bailey related to the problem of invasive trees.

A discussion followed which included the following comments:

Deputy Mayor Leinbach: Supports a required tree removal permit for the removal of invasive species but perhaps an easier approval process. The decision should not be left to just the homeowner.

Trustee McCue: Reported that she is looking into what nearby villages are doing about invasive species. Inquired if the homeowner should be responsible for removing invasive species from their property. The Tree Committee will report back with their comments.

Trustee Goodwillie: Stated that the Village Code should align with the NYS invasive species list but does think a permit should be required. Inquired if the members of the Tree Committee have comments on this topic.

DPW Superintendent Johnson: Stated there needs to be some oversight to be sure that trees are being removed for the right reason.

VILLAGE PARKING: Trustee Willen gave an update on village parking. Discussion will continue at the next meeting.

LEAF BLOWERS: Mayor Christian read aloud an email dated July 14, 2020 from Sharon and T. Paul Bailey related to leaf blowers.

Trustee McCue shared information that she has learned from other municipalities and proposed that if there is widespread community interest, this topic should be researched and discussed further.

Deputy Mayor Leinbach expressed that he sees the problem more as a concern about air and noise pollution, not just a leaf blower issue.

Discussion will be continued at the next meeting.

Mayor Christian recommended the appointment of James Birnbaum as Village Prosecutor. Dennis Michaels recently resigned from this position and Mr. Birnbaum held this position in the past. Court is expected to resume in September.

Deputy Mayor Leinbach moved as follows:

#36 RESOLVED, that the Board approve the Mayor's appointment of James Birnbaum as Village Prosecutor at a rate of \$250.00 per hour, not to exceed four hours per month.

This resolution was seconded by Trustee McCue and adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
Nancy Willen – Aye
Catherine McCue – Aye
Andrew Goodwillie– Aye
Alain Leinbach – Aye

NEW BUSINESS:

NEW YORK STATE DOT – Traffic Light Transfer of Ownership – Application & Permit:

Following discussion, Deputy Mayor Leinbach moved as follows:

#37 RESOLVED, to empower the Mayor to sign the maintenance contract with the New York State Department of Transportation to cover the maintenance of the traffic control light at Clinton Avenue and S. Franklin Street under the current agreement pending the final approval of Department Heads and Village Counsel.

This resolution was seconded by Trustee Goodwillie. Following further discussion, this resolution was adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
Nancy Willen – Aye
Catherine McCue – Aye
Andrew Goodwillie– Aye
Alain Leinbach – Aye

A discussion took place about changing the intersection of Cornelison Avenue and South Broadway a three-way stop. Discussion will continue at the next meeting.

The Village Clerk commented that if members of the public wish to speak during the open session, they must message her through the chat feature to inform her of that.

Trustee Goodwillie gave an update on the Community Choice Aggregation Program. Resident letters are expected to be mailed in mid-September.

Trustee Goodwillie discussed the light fixtures that Orange & Rockland already switched to LED and our recent streetlight purchase.

PAYMENT OF ABSTRACTS: Upon a motion made by Mayor Christian, seconded by Trustee Goodwillie, the following abstracts of audited vouchers were approved for payment with a 5-0 vote as follows:

Bonnie Christian – Aye
Nancy Willen – Aye
Catherine McCue – Aye
Andrew Goodwillie– Aye
Alain Leinbach - Aye

No. A 21 – 03 - General Fund - \$143,540.56
No. B 21 - 03 – Police - \$65,999.73

At 9:50pm, upon motion made by Mayor Christian, seconded by Trustee Willen, the meeting was adjourned with a 5-0 vote as follows:

Bonnie Christian – Aye
Nancy Willen – Aye
Catherine McCue – Aye
Andrew Goodwillie– Aye
Alain Leinbach - Aye

Respectfully submitted,

Jill Schwarz
Village Clerk