

**REGULAR MEETING**  
**SOUTH NYACK BOARD OF TRUSTEES**  
**TUESDAY, JUNE 23, 2020**  
**Via: RingCentral Meetings/Zoom Client**

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

**ALSO PRESENT:** Village Clerk Jill Schwarz  
Village Attorney James Birnbaum  
Police Chief Daniel Wilson

Members of the Public

Mayor Christian called the regular meeting to order at 7:32pm.

Village Attorney Birnbaum stated that Nyack College is a private entity and that the Village Board has no legal authority to determine who Nyack College sells to. If a land use application comes before the Village Board, the Board will abide by the law when making any determinations and will keep the health and safety of village residents in mind when making determinations.

Mayor Christian commented on the June 22<sup>nd</sup> opening of the Shared Use Path and expressed concern about the safety of the residents. In response to letters that the Mayor sent to Assemblywoman Jaffee and Senator Carlucci requesting State legislative approval for a paid parking exemption in the Village, a bill has been proposed and is waiting for the Legislature to resume. Pedestrian safety concerns at the intersection of South Franklin Street and Clinton Avenue will be reviewed. Temporary No Parking signs have been installed around the immediate area of the path. An electronic sign has been placed at this intersection near the Esposito Trail which states that the Shared Use Path ends at Clinton Avenue. The enforcement of two-hour parking is being reviewed.

Mayor Christian read aloud a letter to the Mayor from Mark Dery urging Village Officials to respond to public comments/questions during the public comment session of the Board meetings, and expressing the need for increased transparency and communication from the Village Officials.

Mayor Christian called the open session to order at 7:40pm.

Trustee Willen read aloud an email from Colleen Werkheiser, dated June 23, 2020, which notes four questions related to the Nyack College property.

Comments from the public included:

- Stan Wayne: Expressed his concern about who is purchasing Nyack College.
- Sharon Bailey: Expressed her concern about the invasive trees on the mountainside.
- Jeffrey Hirsch: Expressed his concern that there is not a village parking plan in place and feels that trucks should not be allowed to travel on Village streets.
- Mark Dery: Expressed that the Board should offer a forum where residents can receive responses to their questions/concerns.
- Kristy Leader: Expressed her concern that efforts need to be made to make residents feel safe now that the Shared Use Path is open, that the intersection of Clinton Avenue and Franklin Street is not safe, that public input should be considered when developing the village parking plan, and that State Troopers who patrol the new path need to integrate with our community in a positive way.
- Noreen Cordaro: Would like the two-hour parking to be enforced and inquired about the operating hours of the Shared Use Path.

- Susanna Styron: Requested a forum where the public can interact with the Board.
- Faith Fusillo: Inquired about the sale of Nyack College.
- Maryann Slattery: Inquired about eminent domain in relation to Nyack College.

Village Attorney Birnbaum clarified that the Board had adopted a resolution regarding eminent domain to empower the Village Board to explore the option of acquiring property from Nyack College and to determine if that action would be in the best interest of the Village. An appraisal would have to be done.

- Matthew Richmond: Inquired if the request that was sent to the State Legislature related to village parking differs from the recommendations of the parking committee.

Trustee Willen responded that it does not differ. The committee recommended a paid parking program which would allow residents to be exempt from paid parking.

- Peter Smolin: Inquired about when additional directional signage for the Shared Use Path will be put in place and why are the Shared Use Path lights on beyond 10:00pm.
- Rick Tannenbaum: Inquired if Nyack College's special permit can be posted for public viewing.
- Patrick Bulla: Inquired if Nyack College had reached out to Mayor Christian to discuss a development option.
- Vicki Schwaid: Inquired if Dennis Lynch will be doing additional work for the Village related to Nyack College and expressed her concern about people not wearing masks on the Shared Use Path during the COVID-19 crisis.

Mayor Christian stated that if anyone did not have an opportunity to speak during the open session, they may submit their comment/question via email.

Mayor Christian closed the open session at 8:27pm.

**MINUTES:** Upon a motion by Trustee Goodwillie, seconded by Trustee Willen, the minutes of the Regular BOT meeting of June 9, 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

The Village Clerk stated that the Village Treasurer was not able to attend the June 23<sup>rd</sup> meeting.

**OLD BUSINESS:**

**LEAF BLOWERS:** Margot Mifflin shared information supporting her proposal for restrictions on leaf blowers which included:

- Threat to residents' quality of life, environment, and personal health.
- Gas powered leaf blowers produce carbon monoxide.
- Hazardous to the user.
- Village can impose restrictions.

Deputy Mayor Leinbach expressed that it is more of a noise and pollution issue rather than addressing only leaf blowers. The village code does have noise restrictions in place.

Trustee McCue proposed that the Board consider not allowing the use of power equipment on Sundays to help address the quality of life impact.

Trustee Willen was not in support of imposing restrictions on homeowners who maintain their property using power equipment.

Mayor Christian read aloud a statement from DPW Superintendent Johnson regarding the proposed leaf blower ban, which noted that input should be received from all residents and that the DPW uses leaf blowers when cleaning up the village.

Discussion about this item will be continued at a later meeting.

**STREET LIGHT PURCHASE:** Village Attorney Birnbaum stated that the Village closed on the Street Light Purchase with Orange & Rockland on June 19, 2020.

**CLIMATE SMART TASK FORCE:** Trustee Goodwillie reported that the Climate Smart Task Force has continued to meet monthly and gave an update on their work.

**NEW BUSINESS:**

**COMPREHENSIVE PLAN:** Trustee Goodwillie reported that Bill Pfaff worked on the Comprehensive Plan for Upper Nyack and he has offered his consultation services to our Village to assist with updating our plan. The Board agreed to explore this opportunity.

Village Attorney Birnbaum thanked Village Treasurer Baietti for her assistance with the Street Light Purchase.

The Village Clerk reported that Governor Cuomo signed Executive Order No. 202.43 which allowed our Village to extend by twenty-one days the period for paying the 2020 village property taxes without interest or penalty.

Deputy Mayor Leinbach reported that Pavion will mill Cedar Hill Avenue on June 29<sup>th</sup> and pave on July 1<sup>st</sup>. The road will be fully closed for this project.

Deputy Mayor Leinbach expressed that a tree removal permit should be required to remove an invasive species tree, however the criteria to receive permission should be less than for a non-invasive tree.

Trustee McCue reported that New York State does provide a list of species that they have deemed invasive. A list will be drafted specific to South Nyack.

There was a discussion about ordering signs to remind the public to comply with the recommendations to stop the spread of COVID-19. These signs will be placed in the parks and on the Esposito Trail.

Mayor Christian thanked the Department of Public Works for the work they did to improve the children's playground in Franklin Street Park.

Trustee Goodwillie recognized Bardyl Tirana, Kerry Green and Mary Hagan for their work on the grant that funded the new playground equipment and shade structures and the resurfacing of the tennis court.

**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 21-02– General Fund - \$9,908.40  
No. B 21-02 – Police - \$6,472.94

At 9:25pm, 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