

**REGULAR MEETING  
SOUTH NYACK BOARD OF TRUSTEES  
TUESDAY, JUNE 25, 2019  
VILLAGE HALL**

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

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

Members of the Public

Mayor Christian called the open session of the regular meeting to order at 7:54pm. Sharon Bailey inquired when Nyack College will be holding a public meeting about the sale of their property. Mayor Christian responded that CBRE, the real estate company handling the sale, received approximately 150 different offers that are being reviewed and there is no meeting scheduled at this time. Mayor Christian closed the open session at 7:55pm.

**MINUTES:**

Upon a motion by Trustee Goodwillie, seconded by Trustee Willen the minutes of the regular Board of Trustees meeting of June 11, 2019 were unanimously adopted.

**JUSTICE COURT:**

- Of the \$10,297 in May, 2019 fines collected, \$7,154 remained in the Village and \$3,143 went to the State.

**OLD BUSINESS:**

**TREE COMMITTEE:** Trustee McCue requested that moving forward the Tree Committee will be called the Tree & Park Conservancy. Financing ideas were reviewed and discussed.

Trustee McCue moved as follows:

**#48 RESOLVED**, the Board of Trustees authorized the Tree Committee to change its name to the Tree & Park Conservancy.

This resolution was seconded by Trustee Willen and unanimously adopted.

There was a discussion about amending the project in the children's playground at the Franklin Street Park. The plan to add a separate shade structure over an existing piece of equipment will be replaced with the purchase and installation of a new piece of children's play equipment that includes a built-in shade structure.

**UPDATED SOUTH NYACK VILLAGE CODE:** Mayor Christian moved to enact Local Law No. 3 of 2019 as follows:

**WHEREAS** a public hearing was held the 25th day of June, 2019 by the Board of Trustees of the Village of South Nyack, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

**WHEREAS** at said public hearing the Board of Trustees considered the enactment of proposed Local Law No. 3 - 2019, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF SOUTH NYACK INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF SOUTH NYACK";  
and

**WHEREAS** all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

**#49 NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 3 - 2019 be enacted as follows:

**ARTICLE I**  
**Adoption of Code**

**§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws of the Village of South Nyack, as codified by General Code, and consisting of Chapters 1 through 330, together with an Appendix, shall be known collectively as the “Code of the Village of South Nyack,” hereafter termed the “Code.” Wherever reference is made in any of the local laws contained in the “Code of the Village of South Nyack” to any other local law appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law had been formally amended to so read.

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of South Nyack, and it is the intention of said Board of Trustees that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

**§ 1-3. Repealer.**

Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws or parts of such local laws inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of South Nyack which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

**§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of South Nyack prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of South Nyack or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of South Nyack.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of South Nyack.

- E. Any enactment of the Village of South Nyack providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of South Nyack or any portion thereof.
- F. Any enactment of the Village of South Nyack appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of South Nyack or other instruments or evidence of the Village's indebtedness.
- G. Any enactment authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any enactment relating to salaries and compensation.
- K. Any enactment amending the Zoning Map.
- L. Any enactment relating to or establishing a pension plan or pension fund for Village employees.
- M. Any enactment establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law adopted subsequent to January 9, 2019.

**§ 1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of South Nyack and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk of the Village of South Nyack by impressing thereon the Seal of the Village of South Nyack, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws known collectively as the "Code of the Village of South Nyack" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Village to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be published and, as provided hereunder, inserted in the Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law contained herein, and such local laws may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§ 1-8. Code to be kept up-to-date.**

It shall be the duty of the Village Clerk to keep up-to-date the Code of the Village of South Nyack required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board of Trustees to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code, at which time such supplements shall be included therein.

**§ 1-9. Sale of Code; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§ 1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Village of South Nyack in any manner whatsoever which will cause the legislation of the Village of South Nyack to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to Type A penalty as set forth in § 1-15 of the Village Code.

**§ 1-11. Changes in previously adopted legislation; new provisions.**

- A. In compiling and preparing the local laws for publication as the Code of the Village of South Nyack, no changes in the meaning or intent of such local laws have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws as they have been renumbered and appear in the Code.)

**§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of South Nyack, such local law to be entitled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

**§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

This resolution was seconded by Trustee Goodwillie and voted on as follows:

**VOTE OF BOARD OF TRUSTEES**

Trustee Goodwille:	Aye
Trustee Willen:	Aye
Deputy Mayor Leinbach	Aye
Trustee McCue:	Aye
Mayor Christian:	Aye

**NEW BUSINESS:**

**TREE PERMITS/LICENSED LANDSCAPERS:** A discussion took place about the requirement of landscapers to be licensed and insured. Also discussed was the possibility of charging an application fee for tree permits. Village Attorney Birnbaum will determine the DPW Superintendent's power of enforcement related to the compliance of the Village Code.

**CLIMATE SMART TASK FORCE:** Trustee Goodwillie moved as follows:

**#50 RESOLVED**, that the Village of South Nyack establishes a Climate Smart Task Force to help guide and implement actions under the Climate Smart Communities (CSC) program. The Climate Smart Task Force will act as a central oversight and advisory body that promotes, supports, and coordinates the local implementation of the goals of that program.

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

**#51 RESOLVED**, that the Village of South Nyack appoints Andrew Goodwillie as the Climate Smart Communities (CSC) Coordinator to serve as a point of contact and facilitator for the CSC program and to serve as chair of the Village of South Nyack Climate Smart Task Force.

This resolution was seconded by Trustee Willen and adopted on a 4-0 vote. Trustee Goodwillie recused himself from the vote.

Mayor Christian moved as follows:

**#52 RESOLVED**, to empower the Chair of the Climate Smart Task Force to appoint members to the Task Force.

This resolution was seconded by Deputy Mayor Leinbach and adopted on a 4-0 vote. Trustee Goodwillie recused himself from the vote.

Trustee Goodwillie noted that the Task Force meetings will be videotaped.

**BOARD OF TRUSTEES (B.O.T.) LONG-TERM BUDGET WORKSHOP:** Deputy Mayor Leinbach reported on the workshop held on June 18<sup>th</sup>. The next budget workshop will be held on July 9, 2019 at 6:30pm at Village Hall.

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

**#53 RESOLVED**, to approve the application from ARK for Christ to use the Franklin Street Park Monday, July 8 through Friday, July 12, 2018 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 may be used for a maximum of two hours.

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

Chief Wilson reported on the filming project that took place in the Village on June 24<sup>th</sup>.

The Board denied a request from Eve on Vox for an increase of pay for her scheduled summer concert performance on July 28<sup>th</sup>.

Following a discussion about a necessary repair to the fire alarm panel at Village Hall, the Board agreed that DPW Superintendent should facilitate this repair.

**JUNE 11, 2019 BOT MEETING - PAYMENT OF ABSTRACTS:** Upon a motion made by Trustee Willen, seconded by Trustee McCue and carried, the following abstracts of audited vouchers from the June 11, 2019 BOT meeting were corrected as follows:

No. A 20-01 – General Fund - \$114,339.09  
No. B 20-01 – Police Fund - \$28,482.94

**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 20-02 – General Fund - \$120,543.96  
No. B 20-02 – Police Fund - \$34,042.18

At 9:47pm, upon motion made by Mayor Christian, seconded by Trustee McCue and carried, the meeting was adjourned.

Respectfully submitted,

Jill Schwarz  
Village Clerk