

REGULAR MEETING
SOUTH NYACK BOARD OF TRUSTEES
TUESDAY, SEPTEMBER 22, 2020
Via: Zoom

PRESENT: Mayor Bonnie Christian
Deputy Mayor Alain Leinbach
Trustee Catherine McCue
Trustee Andrew Goodwillie
Trustee Michael Lockett

ALSO PRESENT: Village Clerk Jill Schwarz
Village Attorney James Birnbaum
DPW Superintendent James Johnson
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 7:31pm.

Comments from the public included:

- Kevin Klesh: Commented that land use special permits for the Nyack College property were historically approved individually. If the new owners apply for new permits, he requested that the Village carefully review the impacts of the proposed new uses.
- Sharon Bailey: Requested that the agenda be read aloud. Spoke about the invasive trees on the mountainside and requested that a permit not be required in this instance.

Deputy Mayor Leinbach responded that his concern is if no permit is required to remove invasive species then there is no mechanism in place to ensure that people are properly identifying these trees.

The Village Clerk stated that the Deputy Village Clerk keeps tree contractors' license and insurance on file and only requires them to submit those documents if their current paperwork is not on file.

- T. Paul Bailey: Commented that if a property owner removes a tree that should have had an approved permit then the Village can prosecute them. He inquired about what the dissolution consultants are doing and how. He commented that citizens should be involved in the process, and that if the referendum passes, the Village will remain until any contracts have expired.
- Jeffrey Hirsch: Inquired if the Mayor contacted the potential buyer of the Nyack College property regarding mutually beneficial development. Also asked the status of - parking legislation, Shared Use Path planting maintenance, construction at exit 10, road repair needed due to the construction of the Shared Use Path, truck traffic being redirected away from Clinton Avenue, and the Village's interest in the Living Christ Church riverfront property.
- Vicki Schwaid: Requested a time stamp placed on the agenda each time it is updated and that a task force be formed to work with the dissolution consultants.

Mayor Christian stated that the consultant will be creating a Village website so that the public can stay abreast of their work. She commented that she thought truck traffic was supposed to use Route 9W.

- Janice Falcicchio: Inquired about the Mayor's thoughts about whether the Village should dissolve, about whether the South Nyack/Grand View Police Dept. is full or part time, and what role the Orangetown Police Dept. plays in the Village of South Nyack.

Police Chief Wilson stated that the Orangetown Police Department provides dispatch services – if the public calls 911 from a landline it will connect to the Orangetown Police Dept., who then dispatches the South Nyack/Grand View Police Dept. (SNGVPD). If the public calls 911 from a cell phone it will connect to the Sheriff’s Dept., who then dispatches the SNGVPD.

Police Chief Wilson clarified that it is rare for an Orangetown Police Officer to handle a case in South Nyack. The Orangetown Police Department sometimes assists with dispatching a call to a South Nyack/Grand View Police Officer.

- Grand View Mayor Larry Lynn: Commented that over the years he has worked with 4 Nyack Mayors and they have all expressed disappointment with the police coverage that the Village of Nyack receives from the Orangetown Police Department.
- Kendol Leader: Inquired if the Village has taken ownership of the traffic light at the intersection of Clinton Avenue & S. Franklin Street and expressed concern over the tractor trailer truck traffic that is using Clinton Avenue.

Mayor Christian responded that the Village will be taking ownership of that traffic light.

Deputy Mayor Leinbach suggested that a sign directing truck traffic to Route 9W should be installed so that trucks do not accidentally end up on S. Franklin Street.

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

Mayor Christian read the agenda for the September 22, 2020 Board of Trustees meeting.

MINUTES: Upon a motion by Trustee Goodwillie, seconded by Trustee Lockett, the minutes of the Regular BOT meeting of September 8, 2020 were adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
Catherine McCue – Aye
Andrew Goodwillie – Aye
Alain Leinbach – Aye
Michael Lockett - Aye

TREASURER REPORT: Village Treasurer Baietti stated that the Treasurer report and abstracts were emailed to the Board and reported that a \$50,000 BAN payment was made, and the BAN was renewed with final payment being due in September 2021.

OLD BUSINESS:

VILLAGE STREET USE: Glen Byron Avenue Block Party – Request for new date – September 26, 2020 (rain date Sept. 27th): Trustee Goodwillie moved as follows:

#42 RESOLVED, to approve the request of Becky Holt Fine to change the date of the Glen Byron Avenue block party (south of Edgewater Avenue) from September 19th to Saturday, September 26, 2020 with a rain date of Sunday, September 27, 2020 from 10:00am – 10:00pm and to suspend the open container law at that location during that time.

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

Bonnie Christian – Aye
Catherine McCue – Aye
Andrew Goodwillie – Aye
Alain Leinbach – Aye
Michael Lockett - Aye

COMMUNITY CHOICE AGGREGATION (CCA): RENEWABLE ELECTRICITY:

Trustee Goodwillie reported that the CCA program is expected to begin on November 1, 2020. He also noted - Constellation New Energy will be our provider of 100% renewable energy, a 2-year fixed rate of 7.167 cents/KWh was secured, resident letters will be mailed shortly and that no action is required from residents to participate, and that participants will continue to receive one utility bill from O & R, showing the supplier as Constellation New Energy.

Trustee Lockett inquired if Nyack College is counted in the aggregation for this program and how dissolution may affect the Village's role in this.

Trustee Goodwillie stated the contract is between Joule, Constellation, and the Village; and noted that the Town of Orangetown chose not to go with 100% renewable energy.

TREE PURCHASE: Trustee McCue reported that 20 new trees will be planted in the Village this fall.

INVASIVE SPECIES – Village Code: A discussion took place about invasive species and what procedure the Village will require to remove a tree in this category. This will be continued at the next BOT meeting.

NEW BUSINESS:

Mayor Christian noted that CGR, dissolution consultants, expect to have a report on or about November 9, followed by a public presentation the week of November 16.

Trustee Lockett suggested that the public contact the offices of Assemblywoman Jaffee and Senator Carlucci's offices to inquire about the status of the Village of South Nyack parking bill.

REFERENDUM: Calling for and Establishing a Date for a Referendum Regarding the Proposed Dissolution of the Village of South Nyack

Village Attorney Birnbaum read the proposed dissolution referendum resolution aloud.

Mayor Christian moved as follows:

WHEREAS, on August 14, 2020, certain Electors of the Village of South Nyack ("the Village") filed with the Village Clerk a Petition for the dissolution of the Village;

WHEREAS, on August 24, 2020, the Village Clerk certified the Petition as having the necessary number of signatories to require a referendum on the dissolution of the Village;

WHEREAS, as a result of the certification of the said Petition, and pursuant to the requirements of the General Municipal Law, the Board of Trustees of the Village of South Nyack must call for a referendum on the dissolution of the Village and must set a date for a referendum, which shall be held within ninety (90) days of the date of this Resolution;

WHEREAS, the Board of Trustees of the Village of South Nyack has determined that December 17, 2020 is an appropriate day for holding the said referendum, at a site within the metes and bounds of the Village;

WHEREAS, the Board of Trustees of the Village of South Nyack must cause notice of the dissolution referendum to be published in a newspaper having a general circulation within the Village at least once a week for four consecutive weeks immediately prior to the referendum on dissolution;

WHEREAS, the Board of Trustees has determined that notice of the dissolution referendum shall be published in the Rockland Journal-News;

WHEREAS, the said notice to be published shall meet all legal requirements for such a notice, including, without limitation, the time and place at which the referendum shall be held on December 17, 2020;

#43 NOW, THEREFORE, BE IT RESOLVED,

That the Board of Trustees of the Village of South Nyack calls for a referendum on the dissolution of the Village of South Nyack; and,

That a referendum shall be held within the metes and bounds of the Village of South Nyack on December 17, 2020, on which date Village electors will decide whether the Village of South Nyack shall dissolve; and,

That the Board of Trustees of the Village of South Nyack directs the Village Clerk of the Village of South Nyack to cause notice of the dissolution referendum by arranging for the publishing of such notice in the Rockland Journal-News at least once a week for four consecutive weeks immediately prior to the referendum on dissolution, and,

That the notice for the referendum shall include, without limitation, information regarding the time and place where the referendum on the dissolution of the Village of South Nyack shall be held on December 17, 2020.

This resolution was seconded by Trustee McCue.

Trustee Goodwillie commented that the Trustees are trying their best to help the residents be better informed about this referendum within the short time frame that must be followed which is why the consultant was hired.

Trustee McCue commented that it is important to have an impartial consultant provide information and a clear understanding about dissolution to our residents.

Trustee Goodwillie added that this is the most monumental decision that the Village has faced in more than 140 years.

This resolution was adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
Catherine McCue – Aye
Andrew Goodwillie – Aye
Alain Leinbach – Aye
Michael Lockett - Aye

CLERK/TYPIST (P/T): Appointment: Mayor Christian recommended the appointment of David Majewski for the Clerk/Typist P/T position at Village Hall. He formerly held a Clerk/Typist P/T position for the Police Department but to be part of the New York State Retirement System he must be a Village employee.

Trustee Goodwillie moved as follows:

#44 RESOLVED, to accept Mayor Christian's appointment of David Majewski to the Clerk/Typist P/T position at Village Hall.

This resolution was seconded by Deputy Mayor Leinbach and adopted with a 5-0 vote as follows:

Bonnie Christian – Aye
Catherine McCue – Aye
Andrew Goodwillie – Aye
Alain Leinbach – Aye
Michael Lockett - Aye

COOPER DRIVE – Proposal to rename in honor of Dr. Frances Pratt: A discussion took place about the request from Legislator Toney L. Earl to rename Cooper Drive in honor of Dr. Frances Pratt. Deputy Mayor Leinbach suggested installing a second honorary sign instead of renaming the street. Mayor Christian will invite Legislator Earl to the next BOT meeting to further discuss this request. Trustee Goodwillie noted that Cooper Drive is named after a former Mayor of South Nyack in the 1950's.

PLANNING BOARD – Appointment: Mayor Christian recommended that Matthew Richmond be moved from the Planning Board Alternate Member to Planning Board Member.

Deputy Mayor Leinbach moved as follows:

#45 RESOLVED, to accept Mayor Christian's appointment of Matthew Richmond from Planning Board Alternate Member to Planning Board Member.

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

Bonnie Christian – Aye
Catherine McCue – Aye
Andrew Goodwillie – Aye
Alain Leinbach – Aye
Michael Lockett – Aye

Mayor Christian stated that the Village will have to take ownership of the traffic light at the intersection of Clinton Avenue and S. Franklin Street and will contact the NYSDOT to get the required paperwork to make this happen.

Trustee Goodwillie suggested that bollards should be installed to protect the electrical boxes that were installed for this traffic light.

Mayor Christian reported that she received a letter from a resident, Mrs. Thomas, expressing her concerns about the curb and road conditions of Brookside Avenue. DPW Superintendent Johnson reported that he took care of some of the patching.

Trustee Goodwillie gave an update on the streetlight purchase and LED conversion project.

Village Attorney Birnbaum reported that court is back in session and expressed his appreciation to Police Chief Wilson for making sure that the fire house was COVID-19 compliant.

The Village Clerk reported that \$153,275.01 in Village property taxes remains outstanding and \$2,714,034.54 has been collected through August 31, 2020 plus \$2,892.44 in late penalties.

There was a discussion about an email from Laura Dent from the Living Christ Church about several upcoming public events that are scheduled. The Board was concerned about an outdoor movie night that was listed due to the Village noise ordinance and restrictions related to amplified sound. The Village Clerk will notify Laura Dent about this concern.

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 4-0 vote (Trustee McCue was not present for the vote.) as follows:

Bonnie Christian – Aye
Michael Lockett – Aye
Andrew Goodwillie– Aye
Alain Leinbach – Aye

No. A 21-08– General Fund - \$85,141.09
No. B 21-08 – Police - \$43,146.99

At 9:33pm, upon motion made by Mayor Christian, seconded by Trustee Lockett, the meeting was adjourned with a 4-0 vote (Trustee McCue was not present for the vote) as follows.

Bonnie Christian – Aye
Michael Lockett – Aye
Andrew Goodwillie– Aye
Alain Leinbach – Aye

Respectfully submitted,

Jill Schwarz
Village Clerk