

**SPECIAL MEETING  
SOUTH NYACK BOARD OF TRUSTEES  
THURSDAY, MAY 21, 2020  
VIA RINGCENTRAL MEETINGS/ZOOM CLIENT**

**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

Members of the Public

Mayor Christian called the open session of the special meeting to order at 10:00am.  
Comments from the public included:

- Michael Hogan: Recommended that the board research outside counsel before making a final decision so that the Board is familiar with the attorney's background.
- Michelle Hamilton: Urged the Board to acquire outside counsel to assist with preserving the quality of life in South Nyack, as well as to make sure that the Nyack College property is developed in an environmentally responsible way.
- Jeff Hirsch: Inquired why the Village must hire outside counsel.
- Sharon Bailey: Stated that the Nyack College property should be dealt with as one property, and not as individual parcels.
- Vernon Hamilton: Inquired who is the potential buyer of the Nyack College property.

Mayor Christian closed the open session at 10:08am.

**NEW BUSINESS:**

Mayor Christian stated that this special meeting was called because after speaking to Village Attorney Birnbaum and Assistant Village Attorney Knoebel, it was agreed upon that it would be in the village's best interest to have outside legal counsel assist with the land use application that Nyack College has submitted to the village. Mayor Christian recommended Dennis Lynch, Esq. Mr. Lynch lives in South Nyack and land use is his area of expertise. The decision that the Board will make about the Nyack College application is an important one.

Village Attorney Birnbaum stated that the proposal is for Mr. Lynch to provide consultation services and legal counsel. Bills for these services will be capped at \$5,000.00. The hourly rate will be \$250.00 per hour.

Trustee McCue inquired if there is any information available about Mr. Lynch's experience that can be shared with the Board and the community?

Deputy Mayor Leinbach expressed that although Mr. Lynch has assisted the village in the past, perhaps the Board should be research other candidates as well.

Mayor Christian confirmed that the use of hours spent by outside legal counsel will be at the discretion of the Board.

Village Attorney Birnbaum stated that within sixty days from the date that the application was filed, the Board must either reject the application or hold a public hearing.

Mayor Christian stated that Robert Knoebel, Assistant Village Attorney, and James Birnbaum, Village Attorney, have both highly recommended Dennis Lynch for this project.

Trustee Goodwillie stated that he was very impressed with Mr. Lynch's expert counsel when he assisted the village with the Shared Use Path. Trustee Goodwillie inquired how long it would take to vet other candidates. Mayor Christian responded that she was not sure.

Village Attorney Birnbaum noted that Mr. Lynch is a South Nyack resident, he has the village's best interest at heart, and was the South Nyack Village Justice for approximately twenty years. He also noted that \$250.00 an hour with a \$5,000.00 cap is a very reasonable financial arrangement.

Trustee McCue inquired if the Board does not vote at this meeting, how will that affect the Board responding to the college within the sixty-day deadline. Village Attorney Birnbaum responded that the process of exploring other candidates would have to begin immediately.

Following discussion about the Board's consideration of the engagement of outside legal counsel for land use matters, Mayor Christian moved as follows:

**#26 RESOLVED**, that the Board engages Dennis Lynch, Esq. as special counsel to assist with providing advice and counsel with regards to the Nyack College application for an amendment to a special permit. These services will be at a rate of \$250.00 per hour and totaling no more than \$5,000.00.

This resolution was seconded by Trustee Willen.

Trustee Goodwillie expressed that hiring outside counsel to assist with the Nyack College application is part of a multi-pronged approach. The Board recognizes the importance of decisions related to Nyack College. Mr. Lynch, along with Village Attorney Birnbaum, Assistant Attorney Knoebel, the Land Use Boards, and Board of Trustees would all be part of this process to reach a decision.

Deputy Mayor Leinbach clarified that this decision would be to allow up to \$5,000. The Board can make a change later if necessary. He feels that the Board should engage Mr. Lynch for the immediate use of his expertise.

Trustee McCue expressed that the Board has trust in Mr. Lynch's expertise and the quality of his work for the village. Engaging the services of Mr. Lynch will enable the village to move forward with this process and meet the sixty-day deadline.

Following Board discussion, this resolution was adopted on a 5-0 vote as follows:

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

Trustee McCue requested that for the benefit of the village have Dennis Lynch, Esq. submit a resume so that the public can see his experience. Deputy Mayor Leinbach agreed that this is a good idea.

At 10:24m, 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