

**Regular meeting of the Board of Trustees held at 7:30pm on Thursday, May 14<sup>th</sup>, 2009 at Village Hall, 9 North Broadway, Nyack NY.**

Hon. Louise Parker presiding:

PRESENT:            John H Shields            Mayor (arrived 8:15pm)  
                         Denise Hogan            Trustee  
                         Louise Parker            Trustee  
                         Richard Kavesh           Trustee  
                         Marie Lorenzini           Trustee

ALSO PRESENT:    Walter R. Sevastian      Village Attorney  
                         John J Cincotta          Village Treasurer  
                         Mary E White            Village Clerk

**Pledge of Allegiance**

**Adoption of Minutes:**

Adoption of minutes for Regular meeting of April 23<sup>rd</sup>, 2009 approved with any necessary corrections by a motion from Tr. Hogan, seconded by Tr. Kavesh. Motion passed by unanimous vote.

**Public Comment**

**Gary Harper (Depew Manor) – Buses**

*Not present. Issue has since been resolved and buses re-located.*

**C. Pelligrino (Amazing Grace Circus) -**

*Status/updates given to the Board regarding this upcoming event.*

*Mr. Pelligrino was advised that if any other vendors will be used, they must purchase a daily permit for the time (\$10/day).*

*No action on request use of tent for special events which involve alcohol consumption.*

*Insurance certificate provided which will be sent to J. Trupin for review.*

**S. Rahim (Project Self-Help) – “No Trespassing”**

*Not present. After discussion, it was decided that code should be amended regarding Veteran’s Memorial Park. Public Hearing scheduled for 6/11 @ 8pm.*

**C. Lynn (126 Main St) – Loading Zone**

*Not present*

**C. Henny (River Rowing Assoc) – BBQ**

*J. Gautreau made presentation to the Board. Tr. Lorenzini made a motion to approve request for BBQ (5/25 @ 11am-1pm) at the Marina. Tr. Kavesh seconded the motion subject to necessary insurance. Motion passed unanimously.*

**B. Rodi (128 Fifth Ave) – Subdivision fee**

*Tr. Lorenzini moved, Tr. Hogan seconded motion to adopt resolution to waive \$25,000 fee for payment in lieu of park land. Motion passed by unanimous vote and this matter was referred to Planning Board.*

**J. Bey (Nyack Plaza) – Fundraiser**

*Not present*

**N. Gunderson/D. Darbonne – Quadricentennial Event**  
*Not present*

**Reports to the Board**

***Treasurer:***

- The Treasurer read the financial report. Tr. Kavesh made a motion to accept the financial report. Tr. Hogan seconded that motion which passed by unanimous vote.
  - Tr. Lorenzini moved, Tr. Hogan seconded approval of proposal for engineering services from Brooker Engineering (2009 MS-4). Motion passed by unanimous vote.
  - Tr. Lorenzini moved, Tr. Hogan seconded approval of proposal for professional services from Brooker Engineering (Mill St. Drainage improvements) fee of \$13,790. Motion passed by unanimous vote.
- Preliminary construction budget for this project is \$103,000.  
The Village Attorney suggested that if the Village is being responsible for repair as a safety precaution, there should also be a maintenance agreement drawn up with property owners who abut this area or close off street.
- Workshop has been scheduled to discuss replacement for the Village Accountant position (5/21 @6pm).
  - Tr. Lorenzini made a motion to adopt resolution offering Worker's Compensation benefits for volunteers. Tr. Hogan seconded the motion and it passed by unanimous vote.

***Village Attorney:***

- Tr. Hogan made a motion to waive the required 30 day wait period for on premises liquor license application under the name of DK DEVIN LLC dba Wasabi located at 110 Main Street, Nyack NY. Tr. Kavesh seconded the motion and it passed by unanimous vote.
- Status report given to the board on Zoning Code revision review.

***Department of Public Works (J. Cincotta):***

- Report given to the board on behalf of V. Overton, various issues discussed:
    - Mill Street culvert
    - Rte 9W culvert
    - Brook wall collapse @ 240 Main Street
    - Memorial Park
    - Equipment
    - Speed sign Message board
    - Employee
- Street sweeping and maintenance – *Tr. Lorenzini moved to approve DPW's resuming weekend schedule for the downtown area and parks. Mayor Shields seconded the motion and it passed unanimously.*  
*Tr. Kavesh suggested the issue of shift negotiation be part of the next Union contract negotiations.*

***Building Department:***

- Motion made by Mayor Shields, seconded by Tr. Hogan to approve the proposed building fee increases. Changes will be effective for fees due 6/1/09. Motion passed by unanimous vote.

***Orangetown Police Department:***

-Sgt. Strattner gave a brief report to the Board.  
- Motion made by Mayor Shields, seconded by Tr. Hogan to approve Sgt. Strattner's request for two additional 'Police Parking Only' spots on the west side of Cedar Street (Friday and Saturday 10pm-6am). Motion passed unanimously. Parking Authority will be notified.

***Village Clerk:***

-There will be NO Village Board meeting on the following dates:

7/23/09, 8/27/09, 11/26/09, 12/24/09.

Mayor Shields made a motion to approve, Tr. Parker seconded motion and it passed by unanimous vote.

-At 9:12pm, the Village Clerk requested an Executive session to discuss matters of personnel and finance. Tr. Lorenzini moved to approve, Mayor Shields seconded motion which passed unanimously.

**Public Hearing**

At **8:00pm** opened the Public Hearing to amend Chapter 51A-6 of the Village Code, entitled Taxicabs and Vehicles for Hire. At 9:13pm, Tr. Lorenzini made a motion to open the Public Hearing. Tr. Hogan seconded the motion and it passed unanimously. At 9:14pm, Mayor Shields made a motion to close the Public Hearing. Tr. Lorenzini seconded the motion and it passed unanimously.

Mayor Shields made a motion to approve amendment, Tr. Hogan seconded the motion and it passed unanimously.

At **8:15pm** opened the Public Hearing to amend Chapter 55-15 of the Village Code, entitled Loading zones and limited time zones. At 9:15 pm, Tr. Hogan made a motion to open the Public Hearing. Tr. Lorenzini seconded the motion and it passed unanimously. At 9:18pm, Mayor Shields made a motion to close the Public Hearing. Tr. Hogan seconded the motion and it passed unanimously.

Mayor Shields made a motion to approve amendment, Tr. Hogan seconded the motion and it passed unanimously.

At **8:17pm** opened the Public Hearing to amend Chapter 55-10 of the Village Code, entitled Driving on sidewalks. At 9:19pm, Tr. Kavesh made a motion to open the Public Hearing. Tr. Lorenzini seconded the motion and it passed unanimously. At 9:23pm, Mayor Shields made a motion to close the Public Hearing. Tr. Hogan seconded the motion and it passed unanimously.

Mayor Shields made a motion to approve amendment, Tr. Hogan seconded the motion and it passed unanimously.

**Reports from the Board**

***Mayor Shields:***

-Mayor Shields asked for a moment of silence in honor of the passing of George Hogan and Robert Gabrielson, Sr.

-Mayor Shields reminded the Board of the vacancies on the various Land Use boards (Planning-2 alternates; Zoning-1 member; Housing Authority -1 member).

**Tr. Hogan:**

-Letter from Chief Nulty (OPD) commending Sgt. Strattner's effort in the Village was read into the minutes.

**Tr. Kavesh:**

-At 9:23pm, Tr. Kavesh motioned for an Executive session to discuss personnel matter. Mayor Shields seconded the motion which passed unanimously.

-Mayor Shields made a motion approve the cost sharing (50/50) with ACADA and the Chamber of Commerce, effective FY 2009.

**Old Business**

1. Comprehensive Master Plan/Zoning Code re-write
2. Landscape Architect – Downtown Re-Vitalization
3. Snow Ordinance
4. O'Connell/Hesse Meeting Room – *Mayor Shields moved, Tr. Hogan seconded motion to officially name this room "The Hesse-O'Connell Room". Motion passed by unanimous vote.*

**Communications**

- Tr. Hogan moved, Tr. Lorenzini seconded motion to approve request from the Birchwood Center to offer free 'Yoga in the Park' (Memorial Park July 12, 4-6pm) rain date July 19<sup>th</sup>. This approval is subject to receipt of the necessary insurance certificate. Motion passed by unanimous vote.

-Tr. Hogan made a motion to approve temporary banner application from Amazing Grace Circus. Banner will hang from 7/8/09-7/23/09 at the N. Broadway & Lydecker St. location. Tr. Kavesh seconded the motion and it passed unanimously.

-Tr. Hogan made a motion to approve temporary banner application from Chamber of Commerce for their 'Nyack Farmer's Market'. Banner will hang, as an exception to the 21 day rule, from 5/14/09-11/25/09 at the N. Broadway & Lydecker St. location. Tr. Kavesh seconded the motion and it passed unanimously. This exception applies to 2009 season only.

-Tr. Hogan made a motion to approve temporary banner application from Chamber of Commerce for their 'Septemberfest'. Banner will hang, from 8/24/09-9/14/09 at the Main & Mill St. location. Tr. Kavesh seconded the motion and it passed unanimously.

-Tr. Hogan made a motion to approve temporary banner application from Chamber of Commerce for their 'Halloween Parade'. Banner will hang from 10/5/09-10/26/09 at the S. Broadway & Hudson St. location. Tr. Kavesh seconded the motion and it passed unanimously.

-Tr. Hogan made a motion to approve temporary banner application from Orangetown Fire Company #1 for their '175<sup>th</sup> Anniversary Parade'. Banner will hang from 9/14/09-10/3/09 at the Main & Mill St. location. Tr. Lorenzini seconded the motion and it passed unanimously.

-Tr. Kavesh moved to approve request from the Nyack Church of God to hold their 'Caribbean Gospelfest' in Memorial Park (August 1, 2009 3pm-8:30pm). Mayor Shields seconded subject to compliance with insurance requirements. Motion passed unanimously.

## **New Business**

### **Open Forum**

#### **Executive Session**

At 9:48pm it was moved by Tr. Lorenzini, seconded by Mayor Shields to go into executive session. Motion passed unanimously.

At 10:18pm it was moved by Tr. Hogan, seconded by Tr. Lorenzini to come out of executive session. Motion passed unanimously.

*Moved by Tr. Hogan, Seconded by Tr. Lorenzini to approve request for subscription to the Journal News for Village Hall – to be delivered to the Village Clerk's home and brought to Village Hall (previous newspapers were being removed from the front of building). Motion passed unanimously.*

*Moved by Tr. Hogan, Seconded by Tr. Lorenzini to reimburse M. White \$192 for cost of re-purchasing the website domain ([www.nyack.org](http://www.nyack.org)) from EasyCGI. Motion passed unanimously.*

*Moved by Tr. Hogan, Seconded by Tr. Lorenzini to approve overtime hours for the Village Clerk for tax prep, etc. (8 hour maximum/week until August 15). Motion passed unanimously.*

*Moved by Tr. Kavesh, Seconded by Tr. Lorenzini to approve mandatory sensitivity training for Parking Authority employees. Motion passed unanimously.*

*Moved by Mayor Shields, seconded by Tr. Hogan for discussions to resume with VCS (P. Frank) regarding costs, etc. Motion passed unanimously.*

#### **Adjournment**

There being no further business, nor anyone present wishing to be heard, Tr. Lorenzini moved to close the Regular meeting. Tr. Hogan seconded the motion and it was passed unanimously at 10:31pm.

Respectfully submitted,  
Mary E. White  
Village Clerk