

**Minutes of the regular meeting of the Village of Nyack Board of Trustees held at 7:30pm on Thursday, February 11<sup>th</sup>, 2010 at Nyack Village Hall, 9 North Broadway, Nyack New York**

Hon. Richard Kavesh presiding:

PRESENT:	Richard Kavesh	Mayor
	Doug Foster	Trustee
	Jen Laird-White	Trustee
	Steve Knowlton	Trustee
ABSENT:	Louise Parker	Trustee
ALSO PRESENT:	Walter Sevastian	Village Attorney
	John Cincotta	Village Treasurer
	Sgt. Chris Strattner	Orangetown Police Department
	Mary E. White	Village Clerk

**Pledge of Allegiance**

Led by Miss Avery McNelis

**\*\*Special Presentation – DOWNTOWN STREETScape (Michael Hakim/Eve Mancuso)**

Trustee Knowlton moved, Mayor Kavesh seconded motion to accept Streetscape plan and authorized Engineer to go out to bid. Public was given opportunity to comment and ask questions. The following was discussed/commented on: curb cuts, traffic calming, pedestrian traffic, vegetation/trees, hedges, planters, sidewalks, crosswalks, and benches, loitering, scope of plan (Franklin St. to Broadway). Eve Mancuso of Brooker Engineering advised that other items to still be considered are vendors for street poles, and specifications for electric (source of light).

**\*\*Special report – Environmental Committee (Deborah Turner)**

Mayor Kavesh made a motion naming Deborah Turner Chair of Village's Environmental Committee, Trustee Laird-White seconded the motion and it passed unanimously. Mrs. Turner was thanked for her desire to serve the Village in this capacity.

Mayor Kavesh will serve as primary liaison and will meet with Mrs. Turner to review any résumés received. Trustee Laird-White will serve as secondary liaison.

**Adoption of Minutes:**

Adoption of minutes for regular meeting of January 28, 2010 were approved as presented with a motion by Mayor Kavesh. Motion seconded by Trustee Laird-White and passed with a unanimous vote.

**Public Comment**

**R. Cohen (3 Main St) – Quality of life/Street safety issues**

Mr. Cohen made a presentation to the Board on various issues/complaints from residents of the Clermont condominiums about the Riviera Steakhouse, including noise, violence, and multiple code violations. Mr. Cohen asked the Board to intervene. Village Attorney Sevastian informed Mr. Cohen that the establishment is in compliance with Zoning for

the Village and that code enforcement is what the Village can do. Other issues must be addressed with the Orangetown Police.

Sgt. Strattner spoke on this matter, stating that the owners of the Riviera have been compliant with all suggestions/demands of the OPD and that more importantly, he personally witnessed incidents of false complaints against them.

Sgt. Strattner offered, once again to mediate a meeting with the Riviera and the residents of the Clermont. He received no calls to accept his previous offer to meet.

Peter Sherry, Arnold Roufa, Carmel Rosenthal, Romaine McNelis, Valerie LaVelle, and Riviera owner Jean Volcy also commented on this matter.

The following persons signed up to speak during the **additional public comment** session:

**-Marianne Olive** made a presentation to the Board regarding upcoming 'Earth Week' events to take place (4/18-4/25). After discussion of proposal, it was decided that this matter will be further discussed a later date.

### **Reports to the Board**

Orangetown Police Department

-Brief report given to the Board.

Village Treasurer

- The Treasurer read the financial report. Mayor Kavesh made a motion to accept the financial report. Trustee Knowlton seconded that motion which passed by unanimous vote.

-Financial reports on Parking Authority, Water Department, and Village (expenditure/revenues) also presented to the Board for review.

-Mayor Kavesh made a motion to approve renewal of NYCOM membership in the amount of \$3,250. Trustee Knowlton seconded the motion and it passed unanimously.

-No action on proposal revision from Silarski & Co., requesting increase in fee from \$8,000 to \$22,000 for bus shelter architectural services.

-Mayor Kavesh moved to approve 2010 engineering rates submitted by Brooker Engineering, PLLC. Trustee Knowlton seconded the motion and it passed by unanimous vote.

-Trustee Knowlton made a motion to approve the recommendation by Treasurer Cincotta to hire Troy & Banks Consultants, LLC for audit of Village's utilities (telephone, Franchise fees, and electric). Trustee Laird-White seconded the motion and was passed unanimously.

Village Attorney

-Mayor Kavesh moved, Trustee Knowlton seconded the dedication of Water St. Motion passed by unanimous vote.

-Village Attorney Sevastian requested an Executive Session to discuss matters of pending litigation. Mayor Kavesh made a motion to approve, seconded by Trustee Laird-White and passed unanimously.

Village Clerk

-Mayor Kavesh moved to approve request from Leukemia & Lymphoma Society to have "Light the Night Walk-2010" on Saturday, October 24<sup>th</sup>, 2010 (commencing approximately at 5pm). The event will start at Memorial Park and will include a Fireworks display. Trustee Knowlton seconded the motion subject to insurance requirement, coordination with Village Fire Inspector and Orangetown Police. Motion passed by unanimous vote.

-Mayor Kavesh moved, Trustee Knowlton seconded motion to renew Village's 2010 Stormwater II Education Program Agreement with Cornell Cooperative Extension (Eve Mancuso will be named Village's representative). Motion passed unanimously.

## **Public Hearing (none)**

### **Committee Reports**

#### *Public Works & Building*

##### *Infrastructure*

-Mayor Kavesh publically commended the DPW for the excellent snow removal during and after the snow storm and thanked the DPW and the Parking Authority for their work before, during and after the storm.

-Trustee Knowlton also wished to publically thank all employees of the Village for their tireless efforts and service during the latest snow storm (2/10/10).

Jack Dunnigan spoke on this matter and asked for improved communication with the residents regarding snow emergency procedures.

##### *Economic Development*

-RFP draft for 'Superblock' to be presented at regular meeting of 2/25/10

-Trustee Foster moved to approve the submission of an application for the Village to acquire an Americorps volunteer. Mayor Kavesh seconded the motion and it passed unanimously.

##### *Information Technology*

-Trustee Foster advised those present of the upcoming changes in the Village website ([www.nyack-ny.gov](http://www.nyack-ny.gov))

##### *Residential*

##### *Housing*

##### *Inter-Governmental Relations*

Trustee Laird-White gave a brief report on:

- meetings with Nyack Hospital regarding community outreach ideas
- Upcoming meetings in Washington D.C. with Congressman Engel and Senator Gilibrand and others to discuss capital projects in the village
- Assemblywoman Ellen Jaffee was approached regarding a Member item for the bus shelter on Artopee Way.
- Report on grant for Marina/Bulkhead project
- Meeting with Tan Wax (tba)

##### *Parks & Recreation*

##### *Budget, Finance, and Administration*

Mayor Kavesh reported on:

- current interview process for Accountant.
- upcoming Budget draft due by 2/28/2010

-Mayor Kavesh spoke of a very long and pleasant conversation he had with Congressman Engel.

-Mayor Kavesh introduced Jim Willcox (newest member of the Parks Commission) to those present.

#### **Old Business**

##### ***Bus Shelter***

Mayor Kavesh made a motion to approve, as a capital item, an expenditure of \$9,380 for cost of temporary shelter. Trustee Laird-White seconded the motion and it was passed by unanimous vote.

#### **Communication**

Request from Collins Igiebor (Affinity Heath Plan) to use Village parking lot for placement of company RV as a marketing tool for their services was deferred to a later date (Trustee Knowlton will contact Mr. Igiebor).

#### **New Business**

##### ***Affordable Housing requirement***

Trustee Foster presented information for a proposed decrease of the Village's affordable housing component from 20% to 10%. This matter will be further discussed at regular meeting of 2/25/2010. Additional details to follow.

##### ***Zoning Code (banner approvals, etc.)***

After discussion on this matter, it was decided that the Village Attorney will present draft of proposed changes to the code at the next meeting (2/25/2010).

#### **Executive Session**

##### ***Pending Litigation***

At 9:58pm, Mayor Kavesh moved to go into executive session to discuss matter of personnel. Trustee Knowlton seconded the motion, passed unanimously.

At 10:07pm, Mayor Kavesh moved to come out of executive session. Trustee Laird-White seconded the motion which passed unanimously.

Trustee Knowlton made a motion to adopt resolution authorizing Mayor and Village Attorney to execute conflict waivers as necessary to retain Kimberlea Shaw Rea, Esq. as joint defense counsel in the Clarkstown Cost Recovery case (retainer agreement not to exceed \$100/hour). Trustee Laird-White seconded the motion and it was passed unanimously.

Trustee Knowlton moved, Mayor Kavesh seconded motion to accept settlement offer of \$15,000 in the Metel phone suit (breach of contract). Motion passed unanimously.

#### **Adjournment**

There being no further business, nor anyone present wishing to be heard, Mayor Kavesh moved to close the Regular meeting. Trustee Knowlton seconded the motion and it was passed unanimously at 10:17pm.

Respectfully submitted,  
Mary E. White  
Village Clerk