

VILLAGE OF NYACK
BOARD OF TRUSTEES
PUBLIC MEETING AGENDA

June 13th, 2013
7:30 pm
9 North Broadway
Nyack, New York 10960

Pledge of Allegiance.

'Nyack thanks....'

Adoption of Minutes – Regular meeting May 23, 2013.

Public Comment: (discussion of Agenda Items only – 3 minute time limit)

Action Items:

Resolution No. 2013-30 Resolution approving free parking request for Artwalk 2013 –Artopee lot on June 15th.

Resolution No. 2013-31 Resolution authorizing agreement with Rockland County Youth Bureau (Summer Employment).

Resolution No. 2013-32 Resolution to renew contract with Cornell Cooperative (Storm Water Education program)

Resolution No. 2013-33 Resolution approving implementation and funding of NYS Multi-modal Aid program (Polhemus St).

Resolution No. 2013-34 Resolution requesting an issues conference be coordinated by NYSDEC pertaining to United Water's proposed Desalination Plan.

Resolution No. 2013-35 Resolution entering in to an agreement with William A. McDermott to perform a telephone service audit for the Village.

Resolution No. 2013-36 Resolution approving the Nyack Art Collective event (July 5, 2013 between 5:00pm and 8:00pm).

Public Comment: *(Open Public Discussion/any topic – 3 minute time limit)*

Public Hearing(s):

7:45pm - Public Hearing on the renewal of the Cablevision of Rockland/Ramapo, LLC Franchise agreement.

Resolution No. 2013-37 Resolution renewing a non-exclusive Cable Television franchise agreement with Cablevision of Rockland/Ramapo, LLC.

Old Business

Department Reports to the Board

- Orangetown Police Department
- Village Administrator
- Village Treasurer
- Village Attorney
- Village Clerk

Communications

- 8 North Broadway Restaurant – *NYSLA 30-day waiver request*

New Business

Public Comment: *(Open Public Discussion/any topic – 3 minute time limit)*

Comments from the Board of Trustees

Juneteenth Proclamation (June 15, 2013)

Executive Session (if any)

Adjournment.

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

**Resolution No. 2013-30
APPROVING THE PARKING FOR ART WALK**

WHEREAS, the 501-c-3 not-for-profit Friends of the Nyacks has organized the 8th annual Art Walk in the Village of Nyack for June 15, 2013, and

WHEREAS, the Friends of the Nyacks have requested that the Village of Nyack participate in the event by designating free parking in the Artopee Lot for use by participants in the event, and

WHEREAS, the Village Board of Trustees is desirous of supporting the Art Walk event;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the suspension of parking fees in the Artopee Parking Lot for June 15, 2013.

BE IT FURTHER RESOLVED that the Village Board directs the Village Administrator to interface with the Friends of the Nyacks to secure all necessary signage associated with this approval.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk

Resolution No. 2013-31

**AUTHORIZING THE VILLAGE OF NYACK, NEW YORK,
TO ENTER INTO AN AGREEMENT WITH THE ROCKLAND COUNTY YOUTH
BUREAU FOR ITS SUMMER EMPLOYMENT PROGRAM**

WHEREAS, the Rockland County Youth Bureau coordinates a 50/50 grant summer employment program for economically qualified students; and

WHEREAS, five Village Departments have expressed an interest in participating in the program which would have five (5) students work 25 hours per week in various Village Departments; and

WHEREAS, the cost to the Village would be \$3.63 dollars per hour, deducted from the appropriate departmental budgetary lines; and

WHEREAS, the program is slated to start on July 8, 2013, and end on August 23, 2013.

RESOLVED, that the Village Board approves entering into an Agreement with the County of Rockland, on behalf of the Youth Bureau, for the provision of summer employment student services through August 23, 2013; and be it further

RESOLVED, that the Village Mayor is hereby authorized to execute an agreement, in a form approved by the Village Attorney, to provide for the services of five (5) summer employees through the Youth Bureau program.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk
June 13, 2013

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

**Resolution No. 2013-32
TO RENEW THE CONTRACT WITH CORNELL COOPERATIVE
EXTENSION**

WHEREAS, the Village of Nyack has previously contracted with Cornell University Cooperative Extension of Rockland County (“the Vendor”) to provide Public Education and Outreach Programs for the Village in connection with the Municipal Separate Storm Sewer Systems (MS4s) regulations; and

WHEREAS, the Vendor has proposed to renew the contract for April 1, 2013 – March 31, 2104; and

WHEREAS, the Village Attorney has reviewed the contract for form and content, and has approved the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby renews the contract with Cornell University Cooperative Extension of Rockland County to provide Public Education and Outreach Programs in connection with the State MS4 regulations, and that a copy of said contract be attached to this resolution and made part of the minutes of the regular meeting of the Nyack Village Board held on June 13, 2013.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2013-33

**AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE
STATE MULTI-MODAL AID PROGRAM (POLHEMUS STREET
RECONSTRUCTION AND REPAVING PIN S4168B)**

WHEREAS, a Project for the Polhemus Street Reconstruction and Repaving, PIN S4168B (the "Project") is eligible for funding under Title 23 US Code, as amended, and under New York State's Multi-Modal Program administered by the New York State Department of Transportation ("NYSDOT"), and

WHEREAS, the Village of Nyack desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the project, and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the above mentioned Project, and

BE IT FURTHER RESOLVED that the Village Board hereby authorizes the Village of Nyack to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof, and

BE IT FURTHER RESOLVED that the sum of \$85,000.00 is hereby appropriated as a Capital expenditure and made available to cover the cost of participation in the above phase of the project, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Nyack Village Board shall convene as soon as possible to appropriate such excess amount immediately upon the notification by the Village Administrator thereof, and

BE IT FURTHER RESOLVED that the Village Administrator of the Village of Nyack is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the Village of Nyack with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the project costs and

permanent funding of the local share of federal aid and all Project costs that are not so eligible, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching to any required and/or appropriate Agreements executed in connection with the Project between the Village of Nyack and State of New York, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2013-34

REQUESTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO REQUIRE AN ISSUES CONFERENCE IN CONNECTION WITH THE DESALINATION PLAN PROPOSED BY UNITED WATER OF NEW YORK, INC.

WHEREAS, United Water New York (UWNY) is the primary provider of drinking water to most of Rockland County; and

WHEREAS, UWNY has developed a proposal, known as the "Haverstraw Water Supply Project" (the "Project"), which seeks to draw water from the Hudson River for use, after desalination treatment, as drinking water in Rockland County; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has assumed the status of lead agency for review of environmental impacts of the proposed project, issued a Positive Declaration under State Environmental Quality Review Act SEQRA dated April 2, 2009, and is now reviewing the Draft Environmental Impact Statement prepared by United Water New York; and

WHEREAS, an Issues Conference may be held under the rules of the New York State DEC to determine if there are disputed issues ripe for adjudication pursuant to 16 NYCRR Section 624; and

WHEREAS, many communities who are serviced by United Water of New York, Inc. have requested that the Village of Nyack entertain a resolution requesting the New York State DEC to require an Issues Conference to review, inter alia, all relevant environmental issues surrounding the Project,

NOW THEREFORE, BE IT RESOLVED that the Village Board of the Village of Nyack urges the New York State DEC require an Issues Conference so that the disparities and competing conclusions regarding data, assumptions and analyses submitted by stakeholders concerning the permit application can be identified and adjudicated, and a well-reasoned decision reached.

	Yea	Nay	Abstain	Absent
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2013-35

**TO APPROVE THE AGREEMENT WITH
“WALTER A. MCDERMOTT TELEPHONE AUDITING SERVICES”**

WHEREAS, the Village Administrator has received a proposal to conduct telephone auditing services for “Walter A. McDermott Telephone Auditing Services” (“the Vendor”) to provide auditing services for the Village in connection with the Village’s service and equipment charges on its monthly telephone bill; and

WHEREAS, the Vendor has proposed an Agreement dated May 3, 2013; and

WHEREAS, the Village Attorney has reviewed the Agreement for form and content, and has approved the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the Agreement with “Walter A. McDermott Telephone Auditing Services” to conduct telephone auditing services for the Village in connection with the Village’s service and equipment charges on its monthly telephone bill, and that a copy of said Agreement be attached to this resolution and made part of the minutes of the regular meeting of the Nyack Village Board held on June 13, 2013.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2013-36

RENEWING A NONEXCLUSIVE CABLE TELEVISION FRANCHISE WITH CABLEVISION OF ROCKLAND/RAMAPO, LLC, TO PROVIDE CABLE SERVICE TO THE VILLAGE OF NYACK

WHEREAS, the Village of Nyack (“the Village”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934 (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the “Cable Laws”); and

WHEREAS, THE Village executed a Franchise Renewal Agreement with Cablevision of Rockland/Ramapo, LLC (“Cablevision”) on September 17, 2002, which was thereafter confirmed by the Commission in November of 2002; and

WHEREAS, Cablevision has submitted a proposed Franchise Renewal Agreement to continue to operate a cable system within the Village; and

WHEREAS, after negotiation, the Village and Cablevision have mutually agreed to the terms of the Franchise Renewal Agreement; and

WHEREAS, the Village has determined that Cablevision is and has been in substantial compliance with the terms/provisions of its existing Franchise and applicable laws; and

WHEREAS, the Village believes that Cablevision has the requisite legal, technical, and financial capabilities to operate a cable system within the Village, and that Cablevision’s proposal for a renewal of the franchise meets the cable related needs of the community; and

WHEREAS, a duly noticed public hearing, affording an opportunity for all those interested parties within the Village to be heard on the Proposed Franchise Renewal Agreement was held

by the Board of trustees of the Village of Nyack on June 13, 2013, and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF NYACK FINDS AND RESOLVES AS FOLLOWS:

That after reviewing the record, the proposed Franchise Agreement, and after hearing the comments of interested parties at the Public Hearing, and after considering the applicable provisions of the Cable Laws, the Village Board hereby determines that it serves the public interest to approve the Cablevision application, and to authorize the Mayor to execute the proposed Franchise Renewal Agreement,, and

BE IT FURTHER RESOLVED, that the Village concludes that although the terms of the proposed Cablevision Franchise Renewal Agreement are not identical to those of the existing franchise agreement with Verizon, that the terms of both agreements are reasonably comparable in their totality, thereby neither agreement provides either franchisee with any unfair competitive advantage, or subjects either franchisee to any unfair competitive disadvantage, and

BE IT FURTHER RESOLVED, that the proposed Cablevision Franchise Renewal Agreement is approved, and the Mayor is authorized to execute it on behalf of the Village, and to execute any other documents and take all actions necessary to effectuate the granting and administration of the franchise renewal on behalf of the Village of Nyack. The Village Clerk is directed to retain a copy of the Cablevision Franchise Renewal Agreement for the purpose of public inspection.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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Mary E. White, Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on June 13, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2013-37
**APPROVING THE NYACK ART COLLECTIVE EVENT FOR JULY 5,
2013 BETWEEN 5:00 AND 8:00 PM**

WHEREAS, the Nyack Art Collective has planned a community based arts event for July 5, 2013; and

WHEREAS, the Nyack Art Collective has requested permission of the Village Board to use the gazebo at Veteran’s Park between the hours of 5:00 pm and 8:00 pm on July 5, 2013; and

WHEREAS, the Village Board of Trustees is desirous of supporting the Nyack Art Collective’s community event;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby approves the event and the use of the gazebo at the aforementioned date and time, and commends the efforts of the Nyack Arts Collective.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to interface with the Nyack Arts Collective to secure all necessary permits and insurance certificates associated with this approval.

BE IT FURTHER RESOLVED that the Village Clerk is directed to advise the Nyack Arts Collective that Veterans Park located on Main Street is an open public forum such that they will be non-exclusive users of the Park on the date of their event.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
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Mary E. White, Village Clerk

PROCLAMATION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on April 11, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:
Proclamation No. 2013-1

**DESIGNATING JUNE 19, 2013 "JUNETEENTH DAY"
IN THE VILLAGE OF NYACK**

WHEREAS, "Juneteenth" is an annual observance to remember when Union soldiers enforced the Emancipation Proclamation and freed all remaining slaves in the state of Texas on June 19, 1865, and

WHEREAS, the Nyack Village Board wishes to recognize this celebration of freedom and equal rights in the United States;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby declares June 19, 2013 "Juneteenth Day" in the Village of Nyack, and

BE IT FURTHER RESOLVED that the Village Clerk is directed to post acknowledgment of "Juneteenth Day" on the entrance to Village Hall to help raise awareness of the event.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]
_____	[]	[]	[]	[]

Mary E. White, Village Clerk