

**Minutes of the regular meeting of the Village of Nyack Board of Trustees held at 7:30pm on Thursday, May 23<sup>rd</sup>, 2013 at Nyack Village Hall, 9 N. Broadway, Nyack New York**

Hon. Jen Laird-White:

PRESENT:	Jen Laird-White	Mayor
	Don Hammond	Trustee
	Doug Foster	Trustee
	Louise Parker	Trustee
	Marie Lorenzini	Trustee

ALSO PRESENT:	Walter Sevastian	Village Attorney
	Jim Politi	Village Administrator
	Mary E. White	Village Clerk

***PLEDGE OF ALLEGIANCE***

***NYACK THANKS.....***

***ADOPTION OF MINUTES***

Regular meeting –May 9<sup>th</sup>, 2013

*Moved by Trustee Hammond, seconded by Trustee Parker to approve minutes as presented.*

*Motion passed by unanimous vote.*

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

**Action Items:**

**Resolution No. 2013-21** Resolution to award administration of Camp Nyack 2013 based on RFP submission(s).

*Motion made by Trustee Parker, seconded by Trustee Foster to adopt as presented. Motion passed by unanimous vote.*

**Resolution No. 2013-22** Resolution to enter into an agreement with the County of Rockland, acting on behalf of the Youth Bureau/Rockland County Americorps, for Summer Member program.

*Moved by Trustee Parker, seconded by Trustee Hammond to adopt. Motion passed unanimously.*

**Resolution No. 2013-23** Resolution authorizing the formation of a “Land Use Administration and Review Technical Advisory Committee”

*Moved by Trustee Lorenzini, seconded by Trustee Foster to adopt. Motion passed unanimously.*

**Resolution No. 2013-24** Resolution entering into an agreement with Nyack Hospital’s Employee Assistance Program.

*Motion made by Trustee Hammond, seconded by Trustee Lorenzini to adopt as presented. Motion passed by unanimous vote.*

**Resolution No. 2013-25** Resolution to execute a settlement agreement with Cablevision relative to a Franchise fee audit. *Moved by Trustee Hammond, seconded by Trustee Lorenzini to adopt. Motion passed unanimously.*

**Resolution No. 2013-26** Resolution to schedule a Public Hearing on the renewal of the Cablevision of Rockland/Ramapo, LLC Franchise agreement.  
*Motion made by Trustee Parker, seconded by Trustee Lorenzini to adopt as presented. Motion passed by unanimous vote.*

**Resolution No. 2013-27** Resolution approving the OCADA Community party in Memorial Park-June 8<sup>th</sup>, 2013.  
*Moved by Trustee Parker, seconded by Trustee Hammond to adopt. Motion passed unanimously.*

**Resolution No. 2013-28** Resolution approving Yogathon for Autism on September 8, 2013. *Motion made by Trustee Lorenzini, seconded by Trustee Foster to adopt as presented. Motion passed by unanimous vote.*

**Resolution No. 2013-29** Resolution approving Tribute event for Jesses Yanko in Memorial Park on June 8, 2013.  
*Moved by Trustee Hammond, seconded by Trustee Foster to adopt. Motion passed as follows: Yea – Mayor Laird-White, Trustees Parker, Hammond, Foster; Nay – Trustee Lorenzini.*

**Resolution No. 2013-30** Resolution approving free parking request for Artwalk 2013 –Artopee lot on June 15<sup>th</sup>.  
*Deferred to 6/13/2013 for adoption.*

**Public Hearing(s):**

**Old Business**

**Department Reports to the Board**

- Orangetown Police Department
- Village Administrator

*Reports were given on the following:*

*Americorp Summer program*

*Employee Assistance program*

*EcoDock*

*Fair Housing meeting (Monday, 5/13/13 @ 7pm)*

*Emergency Operations Committee*

*At 8:00pm, Trustee Parker moved to approve request to hold an Executive session to discuss a matter of personnel. Trustee Foster seconded the motion and it passed unanimously.*

- Village Attorney

*NYLO Hotel report*

- Village Clerk

-2013 Stormwater II Education Program Agreement (Cornell Cooperative)

-Status Post-filming report ("Twisted")

**Communications:**

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

**Comments from the Board of Trustees**

-Mayor Laird-White spoke on the TZ Bridge Transit meeting

**Executive Session (if any)**

At 8:42pm, Trustee Parker moved to go into Executive Session to discuss matter of personnel.

Trustee Lorenzini seconded the motion and it passed unanimously.

At 8:52pm, it was moved by Mayor Laird-White, seconded by Trustee Lorenzini to come out of Executive Session. Motion passed unanimously

**Adjournment.**

There being no further business, nor anyone present wishing to be heard, Trustee Hammond moved to close the regular meeting. Trustee Foster seconded the motion and it was passed unanimously at 8:59pm

Respectfully submitted.

Mary E. White,  
Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

Regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:  
Resolution No. 2013-21

**RESOLUTION OF THE NYACK VILLAGE BOARD  
TO AWARD THE CAMP NYACK CONTRACT**

WHEREAS, the Village of Nyack has previously advertized for public bid, pursuant to the intent and requirements of General Municipal Law 103 et. seq., the professional services associated with running the children’s summer camp program (“Camp Nyack”) offered to Village residents, and

WHEREAS, the bids were opened on April 30, 2013;

WHEREAS, the sole bidder on the Camp Nyack program was Nyack Center, Inc., 58 Depew Avenue, Nyack, NY 10960 (the “Vendor”) (with a total bid of \$125,000.00), and

WHEREAS, the Vendor has run the Camp Nyack program for the last two (2) years to the satisfaction of the Board of Trustees; the bid submitted by the Vendor is responsive to the specifications; and the Village Board hereby finds that the Vendor appears to be the lowest responsible bidder on the program.

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

That the Nyack Village Board hereby awards the contract for Camp Nyack to the sole bidder, Nyack Center, Inc., in the amount of **\$125,000.00**, and

BE IT FURTHER RESOLVED

That the Mayor is authorized to execute the contract for the Summer Camp program referenced herein.

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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**Resolution No. 2013-22**

**AUTHORIZING THE VILLAGE OF NYACK, NEW YORK, TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND, ACTING ON BEHALF OF THE YOUTH BUREAU/ROCKLAND COUNTY AMERICORPS, FOR SUMMER MEMBER PROGRAM SERVICES**

**WHEREAS**, one of the programs through which the Rockland County Youth Bureau coordinates community service is through AmeriCorps, the federally created program administered by the Corporation for National and Community Services; and

**WHEREAS**, AmeriCorps members participate in a service-oriented, educational and environmentally beneficial program of community service to improve life in Rockland County; and

**WHEREAS**, the County has proposed to provide the services of these AmeriCorps members to the Village during the summer season 2013, to provide environmental education and outreach and work related to the collection of data related to the storm water collection system; and

**WHEREAS**, the Village has been greatly benefitted by the services of AmeriCorps members in previous summers, most recently during the summer season 2010, and again needs their assistance with data collection of the Village's storm water collection system; and

**WHEREAS**, the Village Board of Trustees will appropriate funding for this program from its Contingency funds; and

**WHEREAS**, AmeriCorps members would receive a minimal stipend while participating in the program, to be funded in part by the Village; and now therefore be it

**RESOLVED**, that the Village has determined to enter into an agreement with the County of Rockland, acting on behalf of the Youth Bureau/Rockland County AmeriCorps, for the provision of one AmeriCorps member services through August 31, 2013; and be it further

**RESOLVED**, that the Village Mayor is hereby authorized to execute an agreement in a form approved by General Counsel, to provide for the services of not more than one AmeriCorps member, for a program total not to exceed 250 service hours for each member, at a cost not to exceed \$1,500.

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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk  
May 23, 2013

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

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

Resolution No. 2013-23

**TO AUTHORIZE THE FORMATION OF A “LAND USE ADMINISTRATION AND REVIEW PROCESS TECHNICAL ADVISORY COMMITTEE”**

WHEREAS, the Village Board of Trustees is desirous of forming a Committee to assess and study the mechanics and procedures of land use administration and review processes in the Village of Nyack,

WHEREAS, the Village Board believes that it is in the best interests of the residents of the Village, the Building Department, and the public accessing the land use boards to improve efficiency in the land use review process, (including the internal administration of the land use process), wherever it is possible to do so, and

WHEREAS, Village Law section 4-412(1)(a) grants the Village Board the power to form such a Committee, and to vest it with delegable authority designed to assess the functionality of the land use administration and review processes, and

WHEREAS, the Village Board has determined that such a Committee should consist of the Building Inspector, two (2) Board of Trustee Members, the Village Planner, the Village Administrator; and the Village’s Special Counsel, and

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

That the Nyack Village Board hereby authorizes the formation of the Land Use Administration and Review Process Technical Advisory Committee, and

BE IT FURTHER RESOLVED that the Committee shall consist of Building Inspector, two (2) Board of Trustee Members, the Village Planner, the Village Administrator; and the Village’s Special Counsel and

BE IT FURTHER RESOLVED that the Committee shall prepare a report of recommendations to the Village Board outlining potential changes, if any, to the land use administration and review processes as currently exist in the Village, which the Committee believes will further the goals set forth hereinabove.

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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**Resolution No. 2013-24**

**AUTHORIZING THE VILLAGE OF NYACK, NEW YORK,  
TO ENTER INTO AN AGREEMENT WITH NYACK HOSPITAL'S  
EMPLOYEE ASSISTANCE PROGRAM FOR USE BY VILLAGE EMPLOYEES AND  
THEIR FAMILIES**

**WHEREAS**, one of the programs available to employers through Nyack Hospital is the Employee Assistance Program; and

**WHEREAS**, the Employee Assistance Program offers professional and confidential services for personal problems that may affect Village employees; and

**WHEREAS**, it is the intention of the Village to provide such services to its employees and their family members; and

**WHEREAS**, it is the desire of Nyack Hospital and the Village to agree on the terms pursuant to which Nyack Hospital will provide the services of its Employee Assistance Program as outlined in its Professional Services Contract; now therefore be it

**RESOLVED**, that the Village has determined to enter into an agreement with Nyack Hospital, for services provided through its Employee Assistance Program, for the period of May 18<sup>th</sup>, 2013, through May 17<sup>th</sup>, 2014; and be it further

**RESOLVED**, that the Village Mayor is hereby authorized to execute an agreement in form approved by General Counsel, to provide for the services for a total not to exceed \$3,250.00.

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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

May 23, 2013

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

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

Resolution No. 2013-25

**RESOLUTION OF THE NYACK VILLAGE BOARD  
TO EXECUTE A SETTLEMENT AGREEMENT WITH CABLEVISION  
RELATIVE TO A FRANCHISE FEE AUDIT**

WHEREAS, the Village of Nyack has previously retained the firm of Troy & Banks to audit the Franchise Fee payments made by Cablevision to the Village of Nyack under an existing Franchise Agreement, and

WHEREAS, the Village Treasurer has negotiated a settlement with Cablevision of the figures reflected in the audit, and

WHEREAS, the Cablevision intends to tender a Settlement Agreement to the Village Attorney to encompass the terms of the settlement, and

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

That the Nyack Village Board hereby authorizes the Mayor to execute and implement the Settlement Agreement with Cablevision in connection with the Franchise Fee audit, subject to its review and approval by the Village Attorney.

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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

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

Resolution No. 2013-26  
**RESOLUTION OF THE NYACK VILLAGE BOARD  
TO SCHEDULE A PUBLIC HEARING ON THE CABLEVISION FRANCHISE  
RENEWAL APPLICATION**

WHEREAS, Cablevision of Rockland/Ramapo, LLC has applied for a renewal of its nonexclusive franchise to construct, install, maintain, extend and operate a cable system in the Village of Nyack , and

WHEREAS, a Public Hearing on the proposed Franchise Agreement is required by law, and

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

That the Nyack Village Board hereby schedules a Public Hearing on the renewal of the Cablevision of Rockland/Ramapo, LLC Franchise Agreement for June 13, 2013 at 7:45p.m.

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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

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

Resolution No. 2013-27

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING THE OCADA COMMUNITY PARTY FOR JUNE 1, 2013**

WHEREAS, the Family Resource Center at the Nyack School District has organized its OCADA (“Our Community Against Drug Abuse)” Community Party for June 1, 2013 and

WHEREAS, the OCADA has requested that the Village of Nyack participate in the event by designating a portion of Memorial Park for use by participants in the event; and

WHEREAS, the Village Board of Trustees is desirous of supporting OCADA’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 commends the efforts of OCADA for organizing the Community Party.

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

BE IT FURTHER RESOLVED that the Village Clerk is directed to advise OCADA that Memorial Park 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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:  
Resolution No. 2013-28

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING THE HANDLE INSTITUTE FUNDRAISER FOR AUTISM ON  
SEPTEMBER 8, 2013**

WHEREAS, the 501-c-3 not-for-profit HANDLE Institute has organized its annual Autism Fundraiser for September 8, 2013, and

WHEREAS, the HANDLE Institute has requested that the Village of Nyack participate in the event by designating a portion of the upper level of Memorial Park for use by participants in the event, and

WHEREAS, the Village Board of Trustees is desirous of supporting the HANDLE Institute’s fundraising 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 commends the efforts of the HANDLE Institute for organizing the fundraising event.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to interface with the HANDLE Institute 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 HANDLE Institute that Memorial Park 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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board was convened on May 23, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:  
Resolution No. 2013-29

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING THE TRIBUTE EVENT FOR JESSE YANKO FOR JUNE 8, 2013**

WHEREAS, a group of Nyack residents (the “Applicants”) have approached the Village Board with a request to hold a tribute event to memorialize a former Village resident Jesse Yanko, and

WHEREAS, the residents have requested that the Village of Nyack participate in the event by designating a portion of the lower level of Memorial Park for use by participants in the event, and

WHEREAS, the Village Board of Trustees is desirous of supporting the tribute 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, subject to strict compliance with the following conditions:

1. The hours of the event shall be limited to 6:00 pm through 9:00 pm on June 8, 2013.
2. An Insurance Certificate meeting the Village’s standards must be submitted to the Village Clerk for review and approval no later than seven (7) days prior to the event.
3. The noise from the event must not exceed the levels contained in the Village Noise Ordinance.
4. The Applicant’s shall deliver written notice to all neighbors abutting the Part of the date and time of the event (a copy of the notice shall be approved by the Village Clerk prior to being delivered to the neighbors).

BE IT FURTHER RESOLVED that the Village Clerk is directed to advise the Applicants that Memorial Park 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>
Mayor Laird-White	[ x ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ x ]	[ ]	[ ]	[ ]
Trustee Parker	[ x ]	[ ]	[ ]	[ ]
Trustee Hammond	[ x ]	[ ]	[ ]	[ ]
Trustee Foster	[ x ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

