

**Minutes of the regular meeting of the Village of Nyack Board of Trustees held at 7:30 pm on Thursday, July 17<sup>th</sup>, 2014 at Nyack Village Hall, 9 N. Broadway, Nyack New York**

Hon. Jen Laird-White presiding:

PRESENT:	Jen Laird-White	Mayor
	Louise Parker	Trustee
	Don Hammond	Trustee
	Doug Foster	Trustee
ALSO PRESENT:	Jim Politi	Village Administrator
	Mary E. White	Village Clerk
ABSENT:	Marie Lorenzini	Trustee
	Walter Sevastian	Village Attorney
	Steve Knowlton	Special Counsel

***PLEDGE OF ALLEGIANCE***

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

**Adoption of Minutes –**

Regular meeting of June 26, 2014

*Minutes were approved, with the necessary corrections, by motion from Trustee Hammond, seconded by Trustee Parker. Motion passed by unanimous vote.*

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

**Resolution No. 2014-45** Resolution approving agreement with Helmke Industries, Inc  
*Moved by Trustee Hammond, seconded by Trustee Foster to adopt resolution as presented. Motion passed by unanimous vote.*

**Resolution No. 2014-46** Resolution approving River Rowing Association’s ‘Hudson River Challenge’ event.  
*Moved by Trustee Parker, seconded by Trustee Hammond to adopt resolution as presented. Motion passed by unanimous vote.*

**Resolution No. 2014-47** Resolution to approve Berea Seventh Day Church Gospel event.  
*Moved by Trustee Parker, seconded by Trustee Hammond to adopt resolution as presented. Motion passed by unanimous vote.*

**Resolution No. 2014-48** Resolution approving The Aiden and Terrence Scholarship Fund event.  
*Event location moved, request for use of Village property withdrawn.*

**Resolution No. 2014-49** Resolution to approve Leukemia & Lymphoma Society ‘Swim for Life’ event.

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

**Resolution No. 2014-50** Resolution to approve rain date for Friends of the Nyacks’ “Plays in the Park” event.

*Moved by Trustee Parker, seconded by Trustee Hammond to adopt resolution as presented. Motion passed by unanimous vote.*

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

Dylan Hopkins (13 Central Ave) - Emergency vehicle access

*Mr. Hopkins was not present. Lesly Waite (12 Central Ave.) presented a petition signed by 10 residents of Central Ave. who oppose the request to remove roadside parking spaces.*

*Village Attorney submitted a written review of the land survey of the property in question, provided by the Building Department. No further action taken.*

**Public Hearing(s):**

At 8pm, public hearing was opened with a motion from Trustee Parker, seconded by Trustee Foster. Motion passed unanimously.

After some discussion, at 8:12pm Trustee Hammond moved to close the public hearing. Trustee Parker seconded the motion and it passed unanimously.

Trustee Foster made a motion to adopt resolution #2014-51 - local law to amend section Chapter 330 of the Village Code of the Village of Nyack, entitled “Vehicles and Traffic”, amending fine schedules and adding a new section relating to the recovery of the cost of collection of delinquent parking tickets. Trustee Hammond seconded the motion and it passed by a unanimous vote.

At 8:15pm, public hearing was opened with a motion from Trustee Parker, seconded by Trustee Foster. Motion passed unanimously.

After some discussion, at 8:20pm Trustee Hammond moved to close the public hearing. Trustee Foster seconded the motion and it passed unanimously.

Trustee Hammond made a motion to adopt resolution #2014-52 - A local law to amend Section 140-15 of the Code of the Village of Nyack, entitled “Building Permit, building construction and other associated fees”, as pertains to the establishment of escrow accounts for professional consultant review of land use applications. Trustee Foster seconded the motion and it passed unanimously.

**Department Reports to the Board**

- Orangetown Police Department

*Brief report of monthly police meeting given by Mayor Laird-White*

- Village Administrator

*O&R Priority Response Group*

*High Ave. parking hours*

*Memorial Park trees/playground report*

- Village Clerk

*'Post-filming' report*

*Tax collection/Lockbox report*

**Old Business**

*Land Use Technical Committee (LUTC)*

*2014 Vendor applications/process*

**Communications**

*Village Attorney will draft resolutions for the following:*

*The New Arts Council of Rockland – 'Zombie Walk'*

*Nyack Hospital Foundation – 'Blow Away Breast Cancer' Run & Walk*

*Silver Springs Vineyard Church – 'Not Your Momma's Church Music' Festival*

*The following request was denied:*

*Berea Seventh Day Adventist Church – Event amendment request*

**New Business**

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

**Comments from the Board of Trustees**

Mayor Laird-White – Correspondence (Maria Sherry)

*The Mayor and Board of Trustees commended Victor Overton and James Politi for their service to Ms. Sherry, by retrieving eyeglasses which were dropped in a storm drain.*

**Executive Session (if any)**

**Adjournment.**

There being no further business, nor anyone present wishing to be heard, Trustee Foster moved to close the regular meeting. Trustee Hammond seconded the motion and it was passed unanimously at 8:29pm.

Respectfully submitted,

Mary E. White,

Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board convened on July 17, 2014, at 7:30 p.m.

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

Resolution No. 2014-45

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING AN AGREEMENT WITH HELMKE INDUSTRIES INC. FOR  
MEMORIAL PARK LANDSCAPING WORK**

WHEREAS, the Village of Nyack has solicited proposals for landscaping work at Memorial Park; and

WHEREAS, Helmke Industries has submitted the lowest proposal for the services, \$8,895.00;

WHEREAS, the Village Board has reviewed the proposals, and finds that Helmke Industries has submitted the lowest responsible bid in compliance with the Village’s Procurement Policy.

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

That the Nyack Village Board hereby approves a contract with Helmke Industries, Inc. for landscaping work in Memorial Park for fiscal year 2014-2015.

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 convened on July 17, 2014, at 7:30 p.m.

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

Resolution No. 2014-46

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING THE RIVER ROWING ASSOCIATION’S 25K HUDSON RIVER  
CHALLENGE EVENT FOR SEPTEMBER 20, 2014**

WHEREAS, event organizer River Rowing Association has requested permission to hold a rowing event in the Village Marina Parking Lot and Memorial Park in the early morning hours of September 20, 2014 (the Marina Parking Lot would be used for set-up from Friday September 19<sup>th</sup> until 9:30 am on September 20<sup>th</sup>; and the race launch will form Memorial Park at 7:30 am on September 20<sup>th</sup>), and

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

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

That the Nyack Village Board hereby approves the River Rowing Association’s 25k Hudson River Challenge event on September 20, 2014 (with set up in the Marina Parking lot on September 19, 2014), on the condition that the sponsor provide the Village with appropriate insurance certificates covering the event.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to inform the Parking Authority of the required set-up on September 19<sup>th</sup>, and to inform the sponsor that the Village Board has approved a Gospel concert in Memorial Park for the afternoon of September 20, 2014.

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 convened on July 17, 2014, at 7:30 p.m.

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

Resolution No. 2014-47

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING THE BEREA CHURCH GOSPEL EVENT FOR  
SEPTEMBER 20, 2014**

WHEREAS, event organizer Berea Seventh Day Adventist Church has requested permission to hold a Gospel Concert in Memorial Park on September 20, 2014, and

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

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

That the Nyack Village Board hereby approves the Berea Seventh Day Adventist Gospel Concert event from 2:00 pm through 7:00 pm on September 20, 2014, on the condition that the sponsor provide the Village with appropriate insurance certificates covering the event.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to inform the sponsor that the Village Board did not approve any street closures associated with 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>
Mayor Laird-White	[ X ]	[ ]	[ ]	[ ]
Trustee Parker	[ X ]	[ ]	[ ]	[ ]
Trustee Hammond	[ X ]	[ ]	[ ]	[ ]
Trustee Foster	[ X ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ ]	[ ]	[ ]	[ X ]

Mary E. White, Village Clerk

# **Request Withdrawn**

## **RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board convened on July 17, 2014, at 7:30 p.m.

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

Resolution No. 2014-48

### **RESOLUTION OF THE NYACK VILLAGE BOARD APPROVING THE AIDEN AND TERRANCE SCHOLARSHIP FUND EVENT**

WHEREAS, event organizers Josette Hammond and Richard Griffin, on behalf of the Alden and Terrance Scholarship Fund, have requested permission to hold a fundraising event in Memorial Park on \_\_\_\_\_ 2014, and

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

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

That the Nyack Village Board hereby approves the the Alden and Terrance Scholarship Fund event in Memorial Park on \_\_\_\_\_ 2014, on the condition that the sponsor provide the Village with appropriate insurance certificates covering the event.

BE IT FURTHER RESOLVED that the Village Board directs the Village Clerk to inform the sponsor that they shall not impair the public's access to the Park on the day 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	[ ]	[ ]	[ ]	[ ]
Trustee Parker	[ ]	[ ]	[ ]	[ ]
Trustee Hammond	[ ]	[ ]	[ ]	[ ]
Trustee Foster	[ ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ ]	[ ]	[ ]	[ ]

Mary E. White, Village Clerk

**RESOLUTION OF THE NYACK VILLAGE BOARD**

A regular meeting of the Nyack Village Board convened on July 17, 2014, at 7:30 p.m.

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

Resolution No. 2014-49

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING THE LEUKEMIA & LYMPHOMA SOCIETY EVENT FOR  
JULY 27, 2014**

WHEREAS, event organizer Leukemia & Lymphoma Society has requested permission to hold Hudson River Swim for Life event in the Nyack Marina on July 27, 2014 (the event would start at the boat launch from the marina and participants would swim from Nyack to Tarrytown), and

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

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

That the Nyack Village Board hereby approves the Leukemia & Lymphoma Society's Hudson River Swim for Life event in the Nyack Marina on July 27, 2014, on the condition that the sponsor provide the Village with appropriate insurance certificates covering 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>
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 convened on July 17, 2014 at 7:30 p.m.

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

Resolution No. 2014-50

**RESOLUTION OF THE NYACK VILLAGE BOARD  
APPROVING RAIN DATE FOR THE “PLAYS IN THE PARK” EVENT  
SPONSORED BY THE FRIENDS OF THE NYACKS**

WHEREAS, the Friends of the Nyacks have requested permission to utilize Memorial Park on July 18<sup>th</sup> and July 19<sup>th</sup> to sponsor a performance of the play “The Empress’s New Clothes”; and

WHEREAS, the Village Board of Trustees is desirous of supporting this 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 use of Memorial Park by the Friends of the Nyacks to stage performances on July 18<sup>th</sup> and July 19<sup>th</sup> (rain date of July 25).

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

BE IT FURTHER RESOLVED that the Village Clerk is directed to coordinate the closing of Memorial Park to vehicular traffic at the time 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>
Mayor Laird-White	[ X ]	[ ]	[ ]	[ ]
Trustee Parker	[ X ]	[ ]	[ ]	[ ]
Trustee Hammond	[ X ]	[ ]	[ ]	[ ]
Trustee Foster	[ X ]	[ ]	[ ]	[ ]
Trustee Lorenzini	[ ]	[ ]	[ ]	[ X ]

Mary E. White, Village Clerk

**RESOLUTION OF THE VILLAGE OF NYACK BOARD OF TRUSTEES**

STATE OF NEW YORK  
COUNTY OF ROCKLAND: VILLAGE OF NYACK

-----X

In the Matter of the amendments to Chapter 330  
of the Code of the Village of Nyack as pertains to  
the collection costs of delinquent parking tickets

RESOLUTION  
*No. 2014-51*

-----X

WHEREAS, the Village Board of the Village of Nyack has noticed a Public Hearing with regard to proposed amendments with respect to placing the cost of collecting delinquent parking tickets on the violators.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held at a regularly scheduled meeting of the Board of Trustees held on July 17, 2014,

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and found as follows:

That the proposed Village Code amendments were subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Action”.

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment had a preliminary classification as a “Type II” action under SEQRA.

5. That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

**THEREFORE BE IT RESOLVED**, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendments to the Village Code and their magnitude:

a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Code with a view to identifying potential environmental concerns, and finds that the mere amendment of the Village Code as relates to parking ticket collection costs has no effect on the environment.

**BE IT FURTHER RESOLVED**, the Village the Board of Trustees, based upon the findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the proposed amendments to the Village Code finds and determine that:

- 1) The Village Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed amendments to the Village Code.
- 2) That this action shall not have any significant impact upon the environment that can not be mitigated.
- 3) That the Nyack Village Board finds that a Village Code amendment relating to the cost of parking ticket collection is a Type II Action under SEQRA requiring no further review.

**BE IT FURTHER RESOLVED**, the Village the Board of Trustees approves the amendments to Chapter 330 of the Village Code as proposed.

This resolution was adopted by a unanimous resolution of the Board of Trustees at the regular meeting of the Board on July 17, 2014.

**RESOLUTION OF THE VILLAGE OF NYACK BOARD OF TRUSTEES**

STATE OF NEW YORK  
COUNTY OF ROCKLAND: VILLAGE OF NYACK

-----X

In the Matter of the amendments to Chapter 140-15  
of the Code of the Village of Nyack as pertains to  
the establishment of escrow accounts for consultant  
review of building permit applications

RESOLUTION  
NO. 2014-52

-----X

WHEREAS, the Village Board of the Village of Nyack has noticed a Public Hearing with regard  
to proposed amendments to the establishment of escrow accounts for consultant review of  
building permit applications.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village  
Code was held at a regularly scheduled meeting of the Board of Trustees held on July 17, 2014,

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was  
published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the  
proposed amendments and found as follows:

That the proposed Village Code amendments were subject to SEQRA (NYCRR §617.6[a][1][i])  
as an “Action”.

That the proposed Village Code amendment did not involve a Federal agency (NYCRR  
§617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies  
(NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an  
agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment had a preliminary classification as an Unlisted  
action under SEQRA.

5. That it was the intention of the Village Board of Trustees to establish itself as the Lead  
Agency for the purpose of review of the proposed action under the provisions of the State  
Environmental Quality Review Act (SEQRA);

**THEREFORE BE IT RESOLVED**, that the Village Board of Trustees hereby establishes itself  
as the Lead Agency for the purpose of review of the proposed action under the provisions of the  
State Environmental Quality Review Act (SEQRA), and makes the following findings under

NYCRR §617.7[c] with respect to the impact of the of the proposed amendments to the Village Code and their magnitude:

a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Code with a view to identifying potential environmental concerns, and determines that having an applicant fund an escrow account to pay for the review of applications by qualified professionals should have no adverse effect on the environment.

**BE IT FURTHER RESOLVED**, the Village the Board of Trustees, based upon the findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the proposed amendments to the Village Code find and determine that:

- 1) The Village Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed amendments to the Village Code.
- 2) That this action shall not have any significant impact upon the environment that can not be mitigated.
- 3) That the Nyack Village Board makes and adopts a “Negative Declaration” under the provisions of SEQRA, finding and determining that the action will have no negative effect on the environment.

**BE IT FURTHER RESOLVED**, the Village the Board of Trustees approves the amendments to Chapter 140-15 of the Village Code as proposed.