

Village of Nyack

9 North Broadway, Nyack, NY 10960

Meeting of the Village Board of Trustees

June 26, 2025 7:30 pm

YouTube meeting livestream access link (public comment is in-person only):

www.nyack.link/youtube

1. **Pledge of Allegiance.**
2. **Mayor Rand's Remarks and Comments from the Village Board of Trustees**
3. **Public Comment on Any Topic (1-3 minutes depending on the quantity of speakers)**
4. **Public Hearings –**

8:00 PM - Public hearing to consider a proposed local law to amend Village Of Nyack Code §330-16(d), so as to add a new sub-paragraph 21, to erect and maintain a stop sign at the intersection of burd street and river street.

5. **Adoption of Minutes** – Minutes for 5-22-25 AND 6-5-25

6. **Action Items**

THE DRAFT RESOLUTIONS SET FORTH BELOW ARE FOR CONSIDERATION BY THE VILLAGE BOARD OF TRUSTEES ("BOARD"), WHICH RESOLUTIONS MAY BE APPROVED, OR MAY NOT BE APPROVED, OR MAY BE APPROVED WITH MODIFICATION(S), OR MAY BE TABLED WITHOUT ANY ACTION BEING TAKEN BY THE BOARD – THEIR INCLUSION IN THIS AGENDA IS NOT, IN ANY WAY, DETERMINATIVE OF A DECISION, IF ANY, TO BE MADE BY THE BOARD.

6.1 Resolution No. 2025-103 Resolution of the Nyack Village Board accepting audited voucher summary

WHEREAS, the Audited Voucher Summary was presented to the Nyack Village Board of Trustees at its regularly scheduled meeting of June 26, 2025.

RESOLVED, that General Fund Claims set forth on pages 1 through 15 in the below-listed amounts are approved for payment:

General Fund– \$ 225,074.56
Parking Fund – \$ 40,986.91
Water Fund – \$ 16,183.90
Capital Projects Fund – Water Improvements \$622,164.00
Trust and Agency Fund - \$1,607.79

6.2 Resolution No. 2025-104: Resolution of the Board of Trustees of the Village of Nyack, to Approve a Permit Application for a Floating Circus Event in Memorial Park

RESOLVED, the Board of Trustees of the Village of Nyack approves an application for the use of the Memorial Park waterfront by Jason Webley and the “Flotsam” floating circus, for a free and open to the public performance on Sunday, September 7, 2025, 6-7 PM.

6.3 Resolution No. 2025-105: Resolution of the Board of Trustees of the Village of Nyack, to Approve a Permit Application by Rivertown Films to Show a Movie in Memorial Park

RESOLVED, the Board of Trustees of the Village of Nyack approves an application for the use of the Memorial Park gazebo and great lawn by Matt Seig of Rivertown Films to show a movie, free and open to the public, Friday, August 15, 2025, dusk til 10 PM (raindate, August 22).

6.4 Resolution No. 2025-106: Resolution of the Board of Trustees of the Village of Nyack, to Approve a Permit Application by Naomi Camilleri for a Yoga Festival in Memorial Park

RESOLVED, the Board of Trustees of the Village of Nyack approves an application for the use of the Memorial Park gazebo and great lawn by Naomi Camilleri, owner of Nyack Playful Yogi Space, for the Rockland Yoga Festival, free and open to the public, Saturday, September 20, 2025, 9-5 PM (raindate, Sunday, September 21).

6.5 Resolution No. 2025-107: Resolution, of the Board of Trustees of the Village of Nyack, to authorize the Mayor and Village Attorney to sign a Tolling Agreement, with Auxo Cap LLC’s attorneys, regarding a legal dispute/threatened litigation relating to the Board’s adoption of Local Law #2 of 2025, and Auxo Cap LLC’s proposed adult-use retail (recreational) cannabis dispensary at 160 Main Street.

WHEREAS, the Village Board of Trustees (“Village Board”) received a formal notice of claim, dated 06/06/2025, from Blank Rome LLP, the attorneys representing Auxo Cap LLC (“Auxo Cap”), the latter which has had an application pending in the Village Building Department for the necessary approvals, required by the Village, to open and operate an adult-use retail (recreational) cannabis dispensary at 160 Main Street, which application was disapproved by the Chief Building Inspector, by letter dated 05/20/2025, on the basis of the Village’s Local Law #2 of 2025 adopted on 05/08/2025 (“LL #2 of 2025”).

WHEREAS, Auxo Cap’s claims include millions of dollars in damages alleged to be potentially awarded in its favor against the Village, the main thrust of which allegations are grounded upon the claimed assertion that LL #2 of 2025 is “preempted by New York State law regulating proximity requirements for State licensed cannabis dispensaries,” and, therefore, Auxo Cap’s application “should be reinstated and approved.”

WHEREAS, the Village and Auxo Cap both desire to amicably resolve the aforesaid claims without litigation, but a mutually agreeable solution may not be achievable within the statutes of limitations periods applicable to potential legal proceedings associated with this matter, thereby compelling Auxo Cap to imminently commence a lawsuit, and/or other proceedings, prior to the Village and Auxo Cap being able to reach a resolution acceptable to both parties.

WHEREAS, the Tolling Agreement does not operate as, nor can it be deemed, an admission, declaration against interest or acknowledgement by any party, either directly or by implication, of any liability, obligation or wrongdoing on its part; and neither the Tolling Agreement, nor any action taken pursuant to the Tolling Agreement, may be offered or received in evidence, or used as a prior inconsistent statement, in any action or proceeding as an admission of liability or wrongdoing by any party, or for any purpose, other than to rebut a time-based defense asserted by any party to the Tolling Agreement

NOW, THEREFORE, BE IT RESOLVED, that the Village Board authorizes the Mayor, and the Village Attorney, to sign the Tolling Agreement, previously signed on 06/18/2025 by Blank Rome LLP (as attorneys for Auxo Cap), which Tolling Agreement has the only effect of pausing (i.e., tolling) all applicable statutes of limitations periods while the Village and Auxo Cap are working at a mutually agreeable solution.

6.6 Resolution No. 25-108 Authorize the scheduling of a Public Hearing to consider a proposed Local Law that, if adopted, will amend the Zoning Code so as to establish the required minimum distance between the location of an adult-use retail (recreational) cannabis dispensary and the locations of (i) other non-medical cannabis dispensaries, (ii) elementary or secondary schools, and (iii) houses or places of worship.

The Village Board of Trustees Resolves:

(A) to consider a proposed Local Law at, and authorizes the scheduling of, a Public Hearing to be held on July 10, 2025, 8:00 PM, which Local Law will, if adopted, amend the Zoning Code so as to establish the required minimum distance between the location of an adult-use retail (recreational) cannabis dispensary and the locations of (i) other non-medical cannabis dispensaries, (ii) elementary or secondary schools, and (iii) houses or places of worship, and

(B) to send the proposed Local Law, with the Notice of Public Hearing and all related documentation, to (i) the Village Planning Board for its advisory report (i.e., recommendation) as per Village Code §360-5.6(B)(3)(a), (ii) the Rockland County Planning Department as per NYS General Municipal Law (GML) §239-m, and (iii) the Town/Village Clerks of the Town of Orangetown, Village of Upper Nyack and Town of Clarkstown, and to the Palisades Interstate Park Commission.

6.7 Resolution No. 25-109 Resolution of the Village Board of Trustees to Amend Village of Nyack Code §330-16(D), so as to Add a New Sub-Paragraph 21, to Erect and Maintain a Stop Sign at the Intersection of Burd Street and River Street

At, or soon after, 8:00 PM, during a regular meeting of the Board of Trustees of the Village of Nyack (“Village”), convened on June 26, 2025, the below-described Public Hearing was opened, or was opened at, and continued from, a prior meeting; and the following Resolution was duly offered and seconded, *to wit*:

WHEREAS, the Village Board of Trustees (“Village Board”) is the duly elected legislative body of the Village, and authorized to adopt Local Laws amending the Village Code, including amendments to the traffic regulations embodied in Chapter 330-16 (Designation of main arteries of travel and stop signs) of the Village Code.

WHEREAS, the Village Board has published a Notice of Public Hearing in the Journal News, digitally posted said Notice on the Village’s website, and physically posted the Notice on the Village’s official bulletin board, in accordance with NYS Municipal Home Rule Law §20, with regard to a proposed text amendment to the Village Code, which amendment is summarized as follows: the proposed Local Law, if adopted by the Village Board, will amend § Chapter 330-16 (Designation of main arteries of travel and stop signs), so as to require a stop signs at the intersection of River Street and Burd Street, which Local Law is appended hereto, made a part hereof and marked as “ATTACHMENT A.”

WHEREAS, following compliance with all public notice requirements as mandated by the applicable NYS statute(s) and the Village Code, and distribution of the proposed Local Law to the Village Board as per NYS Municipal Home Rule Law §20(4), the Village Board opened (or previously opened at, and continued from, a prior meeting), and held, a Public Hearing on the proposed Local Law on September 26, 2024.

BE IT RESOLVED that the Village Board hereby adopts the Local Law in the form and substance as appended hereto as “ATTACHMENT A,” and as same may have been amended “by-hand” during the Public Hearing;

6.8 Resolution No. 2025-110: Pay A Reimbursement To Marko Vucinic For Mistaken Payment Of Boat Launch Fee, Rather Than Regular Parking Meter Fee, At The Village Marina On 06/13/2025

WHEREAS, the Village Board of Trustees (“Village Board”), as per Article IV (“Parking Meter and Parking Meter Zones”) and Article V (“Municipal Parking Lots”), of Chapter 330 (“Vehicle and Traffic”), of the Village Code, is empowered and authorized to (at minimum) legislate, and fiscally administer, the rules and regulations of said Articles of Chapter 330, including reimbursement of parking meter fees, or portions thereof, that were paid in error under circumstances warranting a refund, or partial refund.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds and determines, that:

- (1) on 06/13/2025, Marko Vucinic inadvertently paid a \$25.00 Boat Launch fee at the Village Marina parking lot, rather than a regular parking meter fee, at 10:55 AM, and who did not launch a boat; and
- (2) therefore, Marko Vucinic, for the reasons aforesaid, inadvertently overpaid the Village in the amount of \$25.00, which overpayment shall be reimbursed by the Village to Marko Vucinic.

6.9 Resolution No. 2025-111: Village of Nyack Board of Trustees Resolution Approving Mayor's Appointment of Kris Burns and Bill Batson to serve as an ad hoc Public Arts Advisory Committee

WHEREAS, the arts are an essential part of Nyack's heritage, identity, and downtown revitalization strategy,

WHEREAS, the Village of Nyack Board of Trustees wishes to obtain the guidance of experienced stakeholders and more generally involve the community in planning and reviewing opportunities for public art, such as public murals, sculptures and lighting, specifically with regard to expected public murals proposals and other projects requiring Board of Trustees approval,

RESOLVED, that the Mayor's appointment of the following individuals to serve as an ad hoc Public Arts Advisory Committee, is approved:

Kris Burns, Chair
Bill Batson, Member

RESOLVED, that the Public Arts Advisory Committee shall schedule an initial public meeting, inventory both existing and potential public arts projects within Nyack, and regularly report to the Board of Trustees as to its findings.

6.10 Resolution No. 2025-112: Resolution of the Board of Trustees of the Village of Nyack, to Approve a Permit Application by Daniel Jean Gilles for an African American Day Event in Memorial Park and a Parade Through the Downtown and the Annual Back to School BBQ

RESOLVED, the Board of Trustees of the Village of Nyack approves an application for the use of Memorial Park Great Lawn and Gazebo (until 4:30 PM at the latest) for the African American Day parade festival and the Back to School BBQ, Saturday, August 23, 2025, and a street closure for the Parade, to include Depew Ave, Piermont to Franklin, Franklin to Main St, Main St to Broadway, Broadway back to Depew Ave and back into the park. No vehicles will be driven or parked on the Great Lawn.

6.11 Resolution No. 25-113 Authorize the scheduling of a Public Hearing to consider a proposed Local Law that, if adopted, will amend Chapter 250 so as to more efficaciously manage group use of village parks and recreation areas, so that their appurtenant facilities, play structures and recreational apparatuses are always available and accessible to all patrons.

The Village Board of Trustees Resolves:

(A) to consider a proposed Local Law at, and authorizes the scheduling of, a Public Hearing to be held on July 10, 2025, 8:05 PM, which Local Law will, if adopted, amend the Chapter 250 to so as to more efficaciously manage group use of village parks and recreation areas, so that their appurtenant facilities, play structures and recreational apparatuses are always available and accessible to all patrons.

(B) to send the proposed Local Law, with the Notice of Public Hearing and all related documentation, to (i) the Village Parks Commission for its advisory report (i.e., recommendation).

6.12 RESOLUTION 25-114 APPROVE PURCHASE OF ONE (1) NEW 2025 FORD MAVERICK XL AWD AND RELATED ACCESSORIES FROM PARAMUS FORD, INC. D/B/A ALL AMERICAN FORD OF PARAMUS UNDER NYS OGS CONTRACT AWARD #PC70440

WHEREAS, the Village of Nyack seeks to purchase a new 2025 Ford Maverick XL AWD vehicle, equipped with a 20" High DCU Cap (hereinafter the "Vehicle"); and

WHEREAS, pursuant to General Municipal Law § 104, a village is authorized to make purchases of commodities, materials, equipment, technology, food products or services through the NYS Office of General Services, provided such purchase shall exceed \$500.00 and the village shall accept sole responsibility for any payment due to the vendor; and

WHEREAS, in or about November 14, 2019 (thereafter revised), as part of Solicitation 23166, the NYS Office of General Services awarded contract #PC70440, Group 40440 (Statewide), to Paramus Ford, Inc. of Paramus, New Jersey d/b/a All American Ford of Paramus ("All American"), for the procurement of "Vehicles, Class 1-8", for the period November 14, 2019 through November 13, 2029, which procurement was expressly made available to political subdivisions of the state; and

WHEREAS, included among the categories and items of equipment and accessories available for purchase from All American under Award #23166 is the Vehicle required by the Village at a total cost of \$33,991.80, as set forth in a certain price quotation from All American, dated 06/24/2025; and

WHEREAS, the Village of Nyack wishes to take advantage of State's procurement contract with All American and purchase the said Vehicle at the aforesaid price, for which it is willing to assume sole responsibility for payment to the vendor,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby authorizes the purchase of one (1) new 2025 Ford Maverick XL AWD Truck with related accessories, including a 20" High DCU Cap from All American Ford of Paramus, New Jersey, at a total cost of THIRTY-THREE THOUSAND NINE HUNDRED NINETY-ONE DOLLARS AND EIGHTY CENTS (\$33,991.80), the cost of which shall be reimbursed from Parking Authority funds;

AND BE IT FURTHER RESOLVED, that the Mayor, Village Administrator and/or Treasurer is authorized to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase.

7. Department Reports to the Village Board of Trustees (based on availability).

9.1 – Orangetown Police Department

9.2 - Village Attorney

9.3 – Village Administrator

9.4 - Village Clerk

8. Old Business

8.1 Meeting of the Village of Nyack Parking Authority, 6/26/25

9. New Business

10. Communications

10.1 Joanne Thompson, Berea Church, Youth Gospel Concert, Gazebo, Memorial Park, Saturday, July 26, 3-6 PM (raindate August 2)

11. Public Comment

12. Executive Session

13. Adjournment