

INCORPORATED VILLAGE OF PIERMONT  
BOARD OF TRUSTEES MEETING  
April 3, 2018

Present: Mayor Bruce Tucker, Deputy Mayor Mark Blomquist, Trustee Rob Burns, Trustee Lisa DeFeciani, Walter Sevastian, Esq. -Village Attorney and Jennifer DeYorgi-Village Clerk-Treasurer.

Not Present: Trustee Ivanya Alpert

Mayor Tucker called the meeting to order and led everyone in the Pledge of Allegiance.

**Item #1 – Approval of Meeting Minutes**

Deputy Mayor Blomquist made a motion to approve the minutes for March 20, 2018. The motion was seconded by Trustee Burns and so carried with a vote of 3 ayes and 0 nays. Trustee DeFeciani abstained.

**Item #2 – Approval of Warrant**

Deputy Mayor Blomquist made a motion to approve Warrant #040318 in the amount of \$43,551.58. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

**Item #3 – Department Reports**

**Department of Public Works** - Highway Superintendent Tom Temple was not present.

**Building Department** – Building Inspector Charles Schaub handed in his monthly report

**Police Department** – Chief O’Shea stated they are very happy to be kicking off a 4-1-1 tip line that everyone can call. It is in the app store, reports are anonymous. It is a County program they are very proud of and happy to have up and running. They are getting new software from the County at no cost from the seizure money. They are going to begin the training and this saves them a lot of money. All 11 Police Departments will be on one system now, which is a great tool.

**Parks Department** – Dan Sherman, Chairman of the Parks Department informed the Board he is still working on putting the grant together for the, proposed, \$100,000. One thing he wanted to explore, besides the lighting on the bridge, he wanted to consider putting illuminated tubular handrails through Half-Moon Park. He suggested ripping out the wood hand rails and rip out the two overlooks and fashion some steps so there is no wood. Placing a LED handrail with a light strip underneath going down through the park. He is exploring the cost. He is also exploring solar panels by the basketball fence and wouldn’t need the battery back-up here as it can be backed up to the power in the park. Trustee Burns asked if there is grant money available for this? Mayor Tucker stated this is part of the grant that ties in with the drawbridge and solar for municipal buildings, which all ties into one grant with one company. Dan Sherman stated he is still getting quotes for solar for buildings. The Boat House, with a NYSERDA deduction, was only \$17,000 to put solar panels. He is targeting about \$50,000-\$60,000 for this grant, which is permitting and install. Community Center was \$20,000 and Firehouse was \$24,000. The Boathouse will save \$1,1000 a year.

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**Fire Department** – Chief Don Hardy was not present.

**Item #4 - Old Business**

Village Clerk Treasurer stated BlueShore re-forwarded an outstanding invoice that is owed to them for \$7,425.92. At the October 17, 2017 meeting, the Board approved an amount and what is left to be paid out of the approved amount is \$3,101.73. She asked if the Board would approve the money that was already approved to be paid towards this invoice. In October, there were several invoices which the Board was picking and pulling pieces off each invoice. We paid that other invoice that had most of those items on there. There are still some items on there, they may not total \$3,101.73, but that was approved and what is left over. Trustee DeFeciani stated at the October meeting the Board asked BlueShore exactly how much money this was going to cost and they told the Board and the Board approved up to that amount. The Board also said if there was going to be any extra costs, they needed to get approved before they said yes. Village Clerk Treasurer stated she is not looking to pay over what was approved in October. The amount left from the approved amount is \$3,101.73, that is what is remaining from the approved monies. Mayor Tucker stated she doesn't need the Board's approval then, it is already approved. Trustee DeFeciani stated there will still be an outstanding balance. Trustee DeFeciani asked why we owe them money? Deputy Mayor Blomquist stated let's pay them what was approved and he will call Rich and see what happened. Village Clerk-Treasurer attached the meeting minutes as well and will put the \$3,131.73 in the next warrant and wait for approval of the remainder. Trustee DeFeciani stated she does not believe we should pay this invoice until they explain why it is over what was approved. Village Clerk-Treasurer stated the \$3,101.73 was part of what was approved, we just didn't pay it. Village Clerk-Treasurer stated the way they did their billing, they weren't going to pick things off of their different invoices. There was an amount of \$7,782.00 that was approved to be paid, we paid the first invoice, now we are left with a balance that is still approved, but there is nothing left, but how do you apply it to this? Based on what was already approved and what is still owed is the \$3,101.73, which is what the Board did approve back in October. Deputy Mayor Blomquist stated he will call Richard Gilbert tomorrow to go over this with him tomorrow.

Mayor Tucker had no old business to discuss.

Trustee DeFeciani had no old business to discuss.

Trustee Blomquist had no old business to discuss.

Trustee Alpert was not present.

Trustee Burns had no old business to discuss.

**Item# 5 New Business**

Village Clerk-Treasurer had no new business to discuss.

Trustee DeFeciani had no new business to discuss.

Mayor Tucker had no new business to discuss.

Trustee Alpert was not present.

Deputy Mayor Blomquist had no new business to discuss.

Trustee Burns had no new business to discuss.

**Item #6 Other Non-Agenda Items:**

None.

**Item #7 7:45pm Public Hearing – Renewal of Franchise Agreement between the Village of Piermont and Cablevision of Rockland/Ramapo, LLC**

Trustee DeFeciani made a motion at 7:43pm to open the Public Hearing. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 4 ayes and 0 nays.

John Delahan, representative of Altice, parent company of Optimum. They are entering into a 10-year agreement, which is the same as prior years. They are giving free cable service to Village Hall, DPW, Firehouse, Police Department and schools and libraries in the Village, also providing the Village Hall free internet service. In addition, they continue to give 5% gross receipts earned within the Village, that are customers in Village boundaries.

Village Attorney stated cable franchise agreements are heavily regulated by the government and one of the key factors is, municipalities are supposed to give a level playing field to all providers that come and seek permission to operate within Village of Piermont or any municipality. We have Verizon here already, and this agreement is essentially the same agreement that we have with Verizon with a couple minor, negotiated modifications. As their representative indicated, municipalities do charge a franchise fee, the maximum it could be is what the Village charges and that covers cable services and when the nature of cable services changes, the language in the agreement tries to take that into account so that those are covered by the fees. This provider has been in the Village a long time and part of the findings of the Board in reviewing these types of things is, they are capable of providing this service in a competent manner to the residents.

Mayor Tucker asked if we received a percentage of their revenue.

Village Attorney stated we get a percentage of what they bill for services that are defined under the agreement.

Trustee Burns asked how long the agreement runs? 10 years.

Trustee DeFeciani made a motion at 7:48pm to close the Public Hearing. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 4 ayes and 0 nays.

Trustee Burns made a motion to approve the resolution as drafted by the Village Attorney. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 4 ayes and 0 nays.

**Item #8 8:00pm Public Hearing Pier 701 Restaurant for renewal of existing Special Permit**

The Public Hearing has been postponed until April 17, 2018 at the request of Pier 701.

**Item #9 Review request for permission to remove electric poses from Ferry Road**

The Village Attorney stated the utility believes they already have the right to run the land from the last pole on HOA property to the first pole that exists on Village property. He understood that talking with their representative but offered to give them any type of right of way agreement that we have.

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Trustee Burns stated the only question now is between the 10 homeowners and The Landing, they wanted to do things extremely informally. In order to properly protect the Homeowners Association, they believe that there has to be a written easement that has to be filed so that if anyone in the future is looking at that roadway, they know there are electrical wires going underneath. That just has to be resolved, but everything is moving forward.

Village Attorney stated he will bring up a status during Old Business at the next meeting.

**Item #10 Review request for additional seating at the Community Market**

Mr. Shane Hovorka of the Community Market was before the Board to request 5 extra parking spots in addition to the 3 additional seats they have, for a total of 24 seats. He showed the Board a drawing.

Village Attorney stated this is a use on Piermont Avenue and whether it is a Market or restaurant, those uses are permitted in that zoning district and when you try to add additional seats, our FILOP Law says if you cannot provide them onsite or in the next distance, you must essentially pay a Fee in Lieu of providing those parking spaces and the way you do that is by getting a special permit from the Village Board of Trustees, which requires a public hearing. Tonight, the idea is being presented, a public hearing can be scheduled, and it has to be referred to the Planning Board.

Trustee DeFeciani asked Building Inspector Schaub if we have 5 additional spots left?

Building Inspector Schaub stated yes and there is a Planning Board meeting this upcoming monday.

Mayor Tucker asked if they need to go to Planning Board?

Village Attorney stated our special permit law requires it and we will get the Planning Board to wave it if they give us a recommendation.

Building Inspector Schaub stated it should be able to go on Mondays Planning Board meeting as it is just a recommendation, it doesn't have to go out for public notice.

Village Attorney asked, if everything went according to plan, when would they open?

Mr. Hvorka stated they are hoping for the first or second week of May.

Trustee DeFeciani made a motion to refer them to the Planning Board and schedule a Public Hearing for April 17, 2018 at 8:15pm. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

**Item #11 Lighthouse update by Ray Lennon**

Mr. Lennon was before the Board to give an update on the Lighthouse. Over the course of the last three years, in conjunction with Deputy Mayor Blomquist as liaison for both the Village and the Fire Department, they originally made a proposal to replace the fire siren tower with a lighthouse as a concealment project and incorporate a new equipment for the Fire Department inside of the Lighthouse. They would remain in the same footprint of the same lay of the land. He showed the Board some photos. They flew a drone to get an overall footprint for what they are dealing with. With the help of Dan Sherman, made a rendering of what they proposed and what they are replacing. They are not proposing to extend any further into the River. There has been some discussion with T-Mobile about their cell phone tower and they felt it was appropriate

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to come in and reintroduce their plan and reintroduce a line of communication with the Village and, if and when, there was any progress with the site in terms of T-Mobile removing their equipment. They wanted to strike while the iron is hot. With T-Mobile removing their equipment, that leaves only Village equipment, the siren tower and it is being fed from a light post in Parelli Park. He suggested if that line could be brought back out to the street, it might be more aesthetically pleasing, if it were feasible.

Trustee Burns asked what the lighthouse is constructed out of?

Mr. Lennon stated it is a prefabricated steel structure. The individual who they have been dealing with has done this for many municipalities, primarily in Troy, Ohio, which is similar to what they are proposing here. Their lighthouse is located on the River itself. He spoke with the Village of Troy and they have been very helpful with sharing information with him, their engineering specifications, soil samples, etc. He also put a call into Ken DeGennaro and he was very helpful, saying we would be able to facilitate the geotechnical survey from the library because it has been completed in the last 10 years and nothing has changed with the lay of the land and he doesn't see any reason why we shouldn't be able to go with their specifications.

Mayor Tucker asked if it will be the same height as what is there now?

Mr. Lennon stated when they were flying their drone, it was determined it was 55 feet. It all depends on the Fire Department and their siren equipment. Whatever equipment that needs to fit at the top will dictate how tall it will be. They are proposing 28-40 feet maximum.

Deputy Mayor Blomquist stated the Fire Department still has to have a meeting with Goosetown to work out the what height the siren has to be.

Trustee DeFeciani stated the only reason it was getting higher and higher was because of the cell phone tower.

Mr. Lennon stated 40 feet is the maximum and should more than efficient for what they need to house for the siren. He stated the siren is a mandated primary source of notification for the Fire Department. The Fire Department has an app on their phone and pagers as well. There are three notification services before the siren tower is deemed absolutely necessary. If all three were to fail, the siren tower would be the fall safe.

Trustee DeFeciani asked if there was any permitting required from the DEC?

Mr. Lennon stated not from his involvement with this project. Where they proposed to place it is set back from the riverbank and where the tower exists it doesn't intrude very much with the actual riverbank. He asked McClaren Engineering about DEC permits a couple years ago and they said it is a Catch 22, it depends on what is being proposed. For the footprint they are using, it is not going to create much of an obstacle. The only involvement the DEC might get a little picky on is their proposal to wrap the boardwalk to connect Parelli Park to the origin of the Northshore Walkway, there would be a couple footings.

Mayor Tucker stated Ken DeGennaro stated that construction would also help to prevent that low point in the wall.

Mr. Lennon agreed.

Dan Sherman asked if the Rowing Club equipment is able to be accommodated with this proposal?

Mr. Lennon stated they have budgeted either for a utility shed off to side where the equipment is now housed or, if necessary, they can relocate it to where they store their boats and reroute their wash down area. Their storage is limited right now and he believes the shed would help address

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the issue of aesthetics and also give them an opportunity to store some of the more valuable belongings.

Trustee Burns asked if the tree in the area has to be clipped back so the lighthouse will stand out?

Mr. Lennon doesn't believe so. Dan Sherman agreed.

Village Attorney stated from the beginning the Foundation would be paying for the installation. If the Board supports the idea, it will need to be engineered and presented to the Village and if the project went forward, if it is workable as far as permitting, etc., then the Village would facilitate it if the Village would take it as a Village project and solicit proposals for its installation and get the money to pay for it so the Village would be insulated from cost. If it is truly a donation to the Village, he advised having the Village professional review the design on the applicant's dime and the money for the installation be donated to the Village and the Village pay the actual bill.

Mayor Tucker asked if they need to put in an application with the Building Department?

Village Attorney stated not necessarily, if it is a Village project. The engineer will have to look at it and the Board must decide. When the Village undertakes a project, it doesn't necessarily have to go through land use boards. It does have an impact and you might want public input. He believes the engineer is going to drive exactly where it is an exactly what it is going to look like. If it is an outside project proposed on private land, the Planning Board would probably seek renderings to see how it would look from various points on land. The initial determination is, if the Village supports the project, the Village wants to take it in as a Village project, even though the applicant is driving the design and ideas, it really is a Village project and we have to make sure it is designed correctly and we get the money to pay the professionals to make sure it doesn't run away from us.

Mayor Tucker asked if they have the funding to do all of this?

Mr. Lennon stated, in their budget they have the funding to provide for a maximum 40-foot tower and depending on when they meet with Goosetown and get their size, they can down scale it and outsource. They had visions of a clock face and the Village seal. They have partnered with the Rockland Community Foundation and they have allowed them to get a 501(c)(3) charity status under their umbrella. With doing so, they are providing all of the financial oversight and professional services regarding tax filings. Mrs. Lennon stated the money is held by them and they are funded under their umbrella and any funds to go out have to be authorized and used for public benefit. There are certain requirements for any withdrawals.

Village Attorney stated Engineering is the first step and proposals will come in and payment will be required. He asked if it is a feasible concept?

Mrs. Lennon stated yes, Rockland Community Foundation is very supportive of the project.

Village Attorney gave an example of the Nyack Skate Park. He asked if this would be built off-site?

Mr. Lennon stated up to a certain point, it would be built in Canton and freighted from there. He stated the foundation and excavation is the hardest part. The company has had multiple of these up to 45 feet installed, lit and operating the same day.

Village Attorney stated if a proposal comes in and the funding source isn't there, the Village will not award the proposal. But, the flip side is, this could go out to public bid and anybody can bid on it. The Village is taking on this project, when the bill comes in and if it can be paid, the project goes forward. If it can't then then it doesn't go forward.

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Trustee Burns stated having been here the last couple times Mr. Lennon presented the proposal, he is very impressed with the design on it now. That area has been a sore spot where the benches on one side and the North Walkway come together and it doesn't look very nice. The way they have it planned with going around the lighthouse, he believes it is very attractive. If they can get engineering plans that are satisfactory to the Village, he would be in favor of saying, on behalf of the Board, that he would favor going ahead with it.

Deputy Mayor Blomquist stated they have been working on this for a couple of years, so they know he is behind it.

Trustee DeFeciani reminded everyone that other than looking very nice, another benefit to the Village would be the new fire siren. We have been talking about this with the Waterfront Resiliency Commission, an updated siren that would be able to generate voice dialogue to the Village in the event there is flooding so residents can get notified in case of emergency.

Trustee Burns made a resolution supporting the project, subject to the solicitation of engineering and actual metal to be installed at the site and the cost provided by the Foundation working with whatever partners that they have. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 4 ayes and 0 nays.

**Item #12 Review and accept resolution to enter into contract with the Realterm Energy for LED Street Light Conversion**

Mayor Tucker asked what we postpone this until the **April 17, 2018**.

Mayor Tucker stated we are waiting for the numbers from Orange and Rockland on what it would cost to purchase the lights and one more proposal.

**Item #13 Public Comment**

**Margaret Grace** – She was away during the last meeting and the terrible Nor'easter did all the damage on the Pier, which to her very much reinforces the question of, is it prudent for us to build a dock out there for our emergency water vehicles? If it was out there, then we probably would no longer have it. She believes it is not prudent to build it. It is a hazard to the Village and to our emergency workers to locate a dock out there. She hopes the Board look into an alternative way to solve the problem of getting our emergency water vehicles into the water and out into the areas they need to serve and please consider other ways and areas of doing this. As she has previously suggested to the Board, we need to look into dredging so they leave from a safe harbor and go out in a channel and that dredged channel can benefit the whole use of the waterfront by other parts of the community, recreation, businesses. She asked the Board to please not overlook dredging as they go forward and look for a solution.

**Francis Brooke** – Two weeks ago he came before this Village Board to request the release of, what he believes, is a false report written against him by Chief Michael O'Shea. Following that appearance, Mayor Tucker, why did you go to my employer, the County of Rockland, to have me removed from doing any consulting work within in the Village of Piermont? Are Town of Orangetown residents not afforded constitutional protections in the Village of Piermont at a public forum? What happened to my First Amendment Rights in Piermont? Are you trying to send a message that if anyone challenges or questions the Mayor or Chief O'Shea, this Village will use its power and influence to come after that person? How do you think this sort of retaliation will be seen by United States District Court Sidler and my Federal Whistler Blower Lawsuit, currently being deliberated in White Plains where you are the Defendant.

**Item #14 Executive Session**

Trustee Burns made a motion at 8:25pm to enter into Executive Session. The motion was seconded by Trustee DeFeciani and so carried with a vote of 4 ayes and 0 nays.

Trustee Burns made a motion at 8:58pm to exit Executive Session. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 4 ayes and 0 nays.

No Action was taken

**Item #15 Adjournment**

Trustee DeFeciani made a motion at 8:58pm to adjourn. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

Respectfully submitted,

Jennifer DeYorgi  
Clerk-Treasurer