

**INCORPORATED VILLAGE OF PIERMONT  
BOARD OF TRUSTEES MEETING  
December 4, 2018**

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

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

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

Trustee Mitchell made a motion to approve the minutes for November 20, 2018. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

**Item #2 – Approval of Warrant**

Deputy Mayor Blomquist made a motion to approve Warrant #120418 in the amount of \$794,374.00. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

**Item #3 – Department Reports**

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

**Police Department** – Chief Michael O’Shea thanked the Clerk’s office, Tahlaad and the supportive Mayor for their assistance with the holiday baskets. We helped about 50 families this year. We worked with St. John’s for the food and Officer Rolon’s wife was able to secure 30 meals from Hanaford for those families. He stated in 4 weeks we have had 12 DWIs. It is becoming a problem, either drugs or alcohol. The rollover on 9W last night was an intoxicated person. It is important for us to be out there during the Holidays. Officer Boutros arrested someone a couple nights ago with a loaded needle in his arm in front of the Piermont Landing Swimming Pool. These are not street level amounts, these are large amounts. We need to do more intervention and more prevention by getting in the schools and helping people get clean and staying clean. He is working with the County Narcotics Committee and the Behavioral Response Team. They are trying to get people into long term care. The traffic committee is going really well and the Trustee Alpert is going to meet with DOT and they are going to expand the study. He encouraged residents to call the Police so they can do directed patrols. The email is [piermontpolice@rcpin.net](mailto:piermontpolice@rcpin.net). He also warned residents to be alerted while shopping during the holidays. He introduced Officer Troy to the Board as he is a community police officer and the lead traffic officer and he made the arrest with the 5 pounds. He further thanked the Board for the truck that they have used to get to areas they usually could not get to.

Tahlaad spoke on behalf of the PAL and advised the Board that everything is going well. The boxers have been training with Coach Bill and they have been getting a lot of enrollment online. They have been getting several inquiries about basketball. They are transitioning between coaches and once they confirm coaches for the program, they will put that information onto the website. The kids program is going well. The soccer nets have been brought inside, giving the kids more things to do and keep them active.

**Building Department** - Building Inspector Charles Schaub will hand in his report at the next meeting. Everything else in his Department is status quo.

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 2 of 14**

**Parks Department** – Mayor Tucker stated Dan Sherman could not attend the meeting tonight, but he wanted to thank him and his Parks Commission volunteers for doing the potted flowers around the Village for the Holiday Festival, they did an amazing job.

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

**Item #4 - Old Business**

Village Clerk-Treasurer had no old business to discuss.

Village Attorney had no old business to discuss.

Mayor Tucker stated, in regard to the Colazoul report for the Sparkill Creek Pond Study, we received the original signed report and he is going to forward same to Jim Dean in Orangetown. He is going to request that he remove whatever materials they have brought into the pond as he doesn't see this going anywhere.

Deputy Mayor Blomquist had no old business to discuss.

Trustee Alpert had no old business to discuss.

Trustee Burns had no old business to discuss.

Trustee Mitchell had no old business to discuss.

**Item# 5 New Business**

Village Clerk-Treasurer had no new business to discuss.

Village Attorney had no new business to discuss.

Trustee Burns had no new business to discuss.

Mayor Tucker had no new business to discuss.

Village Attorney

Trustee Alpert had no new business to discuss.

Deputy Mayor Blomquist, on behalf of Chief Don Hardy, asked if it was possible to change the sign on Kinney Street behind the Fire Department from saying “No Parking 2-6” to No Parking Unless you are Piermont Fire Department Personnel (as we had on Tate). Apparently, there have been a number of people parking there and it has been difficult getting members cars in there. Trustee Alpert asked if people who live on that street use those spots? Deputy Mayor Blomquist stated they just started using them and it has become a problem. Mayor Tucker stated he doesn't see a problem with it. The rest of the Board agreed. Deputy Mayor Blomquist stated he will speak to Tom Temple regarding same. Village Attorney stated we have a section in our code regarding Fireman only fire zones, which we will need to add Kinney Street to if we do this as Tate Avenue is only listed. It will require a public hearing to amend. Trustee Mitchell made a motion to schedule a public hearing on December 18, 2018 at 7:30pm to amend section 190-40.1 of Parking Regulations. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee Mitchell had no new business to discuss.

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

None.

**Item #7 Request from LWY Productions/Netflix to film at The Overlook**

Matthew Bernstein, location Manager for a Netflix show called “Living with Yourself”. A week from Wednesday they are looking to film from until about 2:00am at The Overlook at 2106 Overlook Circle. They have permission from the property manager to be on the property and their filming is all interior at the end of the night and will not be in public spaces or lights shining or disrupting neighbors. They will be providing notifications to all residents via letters as well starting tomorrow, pending approval of proposed hours. Their big trucks and trailers will be off-site in Tallman State Park. He anticipates filming will be done by midnight, per his agreements with The Overlook, but he is requesting 2am to be safe.

Mayor Tucker asked if the Chief has approved this?

Chief O’Shea stated their only issue was going over the time limit. The neighbors will be given a cell phone number of a contact at Netflix and if there is any issue of noise, they will take care of it. They are also doing a driving scene from 12p-4pm, which Chief states will not be an issue.

Mr. Bernstein stated the driving scene is two cars, width of the regular road, camera in the front car, actors in the back car, driving around 9W and maybe some of the downtown area. They will not be disrupting traffic.

Trustee Burns made a motion to approve their request and waive the 8pm time limit to stop. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

**Item #8 Public Hearing for The Overlook to add nine (9) additional units**

Trustee Burns made a motion to open the public hearing at 7:50pm. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

**Nick Mehaj**, manager at The Overlook, reminded the Board they are requesting to convert the old gym into a new gym, only for the tenants, a community room, only for tenants, and 9 additional units. He believes this is the best thing in the community. Will save water, will help them out with the parking lot. He had looked into another gym to open up in that space, but they don’t have the parking.

Trustee Burns made a motion to close the public hearing at 7:52pm. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Village Attorney stated this is an application for an amendment to their existing special permit to construct additional units. It was referred to the Planning Board, as required by our code, with the particular view on traffic and increased density. It was the opinion of the Planning Board that it wouldn’t have any effect on that since the attendance at the gym was probably bigger than it would be at the 9 units and switching a smaller facility for use of the residents would mitigate any impact that it may have. If the Board feels that this special permits standards in the code have been met, mainly that the structures are readily available for fire and police protection, that the use is in a location, size and character, that it is in harmony with the development district and traffic is not an issue, there is no impact on the health, welfare and citizenry of the public.

Trustee Mitchell made a motion to approve and further, to direct Building Inspector to amend the special permit accordingly. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

**Item #9 Review Pier survey and set schedule of “no” car Sundays on the Piermont Pier for 2019**

Mayor Tucker reminded residents and the Board that the Pier was closed to motorized vehicles last summer from Memorial Day to Labor Day. It seemed to be a very successful endeavor and he received a lot of emails and texts thanking him and the Board for doing this. The Board put out a survey on September 30, 2018, which was live for 2 weeks, to see what people thought about it. We had 172 responses. Amongst the highlights of responses to “Do you think the Village should continue to close the Piermont Pier to motorized vehicles on Sundays?” 91% responded yes. When asked further, “Do you think that next year the Village should close the Piermont Pier to motorized vehicles more Sundays or less Sundays?” 73% responded more Sundays. 89% voted for “Same amount of days or more”. For the people who responded to the survey, they like the fact that we are closing the Pier one day a week to allow people to walk, jog, cycle and not have to worry about getting hit by a car. He is now proposing that we tie in the Pier closings on Sundays with the recently scheduled North Walkway schedule. During Standard Time, the North Walkway closes at 5:30pm, once we get to daylight savings time and the North Walkway goes back to 8:00pm, that we close the Pier every Sunday to motorized vehicles, until we go back to standard time.

Deputy Mayor Blomquist stated he doesn't believe it is a good idea to close it on Sundays during the Striper migrations, which would mean extending it to mid-October. He would not want to offend anymore of the fisherman than we have to. Maybe keep it a little shorter than daylight savings time?

Mayor Tucker stated if we want to start working around the summer months and expand, we would go back to the beginning of May to the end of September.

Deputy Mayor Blomquist reiterated that he would like to not have a prohibition after mid-October when the fish are migrating, we are still expanding the time frame from what it was last year.

Mayor Tucker asked about May?

Deputy Mayor Blomquist stated the migration is generally done by the end of April.

Trustee Burns suggested May 1, 2010 to September 30, 2019 as they expansion of Sunday “no” car days. The Board was in agreement.

Trustee Burns made a motion that we change the “no” car Sunday from May 1, 2019 to September 30, 2019. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

**Item #10 Review Local Law for Absentee Landlord and the Sunshine Law**

Village Attorney stated under State Law and as a matter of course, the Village inspects multi-family dwellings each year for safety purposes and fire inspection reasons. One or two families to do not get inspected at all. If the properties are rented out, they have no idea what is going on. This law requires that if you are going to rent the property out, you have to register with the Village and the Building Inspector can go in and check it out once a year. The Building Department will also have a point of contact with this registry as well. This requires some administrative time as people will register and there will be a list maintained.

Mayor Tucker asked if this could be done online?

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 5 of 14**

Village Attorney stated it could be depending how the format is done and it may be easier in Piermont as it is smaller. Notices will have to be sent out to landlords to get people to register.

Trustee Alpert asked if this applied to short term rentals, such as Airbnb?

Village Attorney stated this doesn't cover Airbnb. Under the code, if you aren't living there and not renting it out, you need to register.

Trustee Burns stated, from a safety point of view, it is a good idea to expand it to a two family and he doesn't see why it starts at a three-family, not two.

Village Attorney stated that is what the State requires. He asked the Board to review this draft and we can schedule a public hearing at the next meeting, if the Board is interested in this Law.

Mayor Tucker stated he is interested in this law and suggested we schedule the public hearing.

Trustee Burns made a motion for a public hearing on January 22, 2019 for the Rental Registry Law. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

**Item #11 Review Down to Earth Farmers Market Special Permit and discuss complaints made against the Farmers Market**

Mayor Tucker read the following into the record:

Complaint #1 - Letter dated November 8, 2018 to the Market:

There have been complaints regarding the lack of bathroom facilities for the Market. Town merchants advise that patrons are being directed by market staff and vendors to use bathrooms in local shops, which merchants are finding untenable due to the volume of use. Additionally, it does not appear that the Village is willing to have a port-a-john installed in the downtown area for the summer months that the market operates, particularly on public property.

Complaint #2

The placement of temporary advertising sign throughout the Village in the public right of way are problematic, particularly since the signage is not being removed by your staff.

Complaint #3 – Leslie Morales, 530 Piermont Avenue

To Whom It May Concern,

I want to express my concerns and file a complaint about the Down to Earth Market. I live directly across the street from the M&T Bank, which is where the Down to Earth Market arrives every Sunday for around 6 months of the year. I have been living at this address for well over 6 years and have owned the building for 15 years and have been a resident of Rockland County for 45 years. I have expressed my complaints with the Chief of Police and have followed his instructions regarding calling the police when the noise is disruptive. Calling every weekend if not a solution. Here are a few facts: 1. Down to Earth vendors arrive to unload trucks, which are beeping for safety reasons, from anytime between 4am to 6am at the latest on a Sunday. 2. Down to Earth vendors can be heard speaking, listening to their radios while unloading boxes, tables, chairs and supplies. It echoes, we hear it. 3. The noise from the music played during the day doesn't allow for napping or resting, even with the windows closed. On a beautiful day, you shouldn't have to have the windows closed. 4. You can't keep the windows open on a Saturday night because you know the DTE vendors are coming on Sunday. 5. I have a son with a TBI and the noise upsets him because it is loud enough to wake him up. Tenants have approached the

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 6 of 14**

food vendor who arrives the earliest and there were unpleasant words that were spoke on more than one occasion. I called the police immediately. I pay quite a bit of taxes to live here. I pay for my garbage to get picked up, I get tickets if I forget to call and park on the street outside my home. Do I really need to have to hear vendors at the wee hours of a Sunday morning when nothing is given back to the Village of Piermont. If you have any questions, please reach out, sincerely, Leslie Morales.

Village Attorney stated in the Business B zoning district the Board has review of the issuance of special permits and a retail use is a subject is an issue that the Board deals with in special permits. This is not a typical special permit, such as 701 or other restaurants which have a formal special permit application with seating plans and parking plans and a special permit is granted and our code covers renewal. This one is different and has it evolved over time. This is setting up a retail use in a parking lot and brings up other issues. Essentially, the owner of the property would consent to the use of the parking lot, on a temporary basis, for part of the year in the interest of providing a service of the farmers market to its residents routinely granted the special permit through the building department. The factors of the special permit deal with several factors as mentioned previously in regard to The Overlook. The Board looks at these every year and it is not an automatic renewal. Some complaints have come in and the Board is now wondering if this is the best place to have the Farmers Market and are looking at alternatives that would be open to everybody on a fair basis. Many times in the past, during the course of Village life, Village Boards do things to foster community and when complaints come in, things change and they need to be looked at and perhaps regulated differently going forward.

Mayor Tucker stated when he was running for Mayor, one of the things he always said was, he didn't want to keep doing things because that's the way we have always been doing them. It should never be that way. Maybe if these complaints had never happened, maybe we would have just kept doing it. Now that these complaints have been brought up, it forced us to take a look at what do we have and is this the best thing for the Village at this point. He believes it is a much better solution is to move the farmers market out of the M&T parking lot and put out an RFP to bid on having it at the Goswick Pavilion. This allows for expansion of the market. There is plenty of room to spread out. When it is inclement weather, you can set up in the Pavilion and still have the market. We are going to be closing the Pier to all motorized vehicle from May 1<sup>st</sup> to September 30<sup>th</sup>. This would coincide very nicely with having the market at the Goswick Pavilion when we expect a lot of people walking the Pier on Sundays to take advantage of the market. There is more parking over there, not only for visitors to the market, but for the trucks as well. Lot D and parking along the fence. And, there are bathrooms. There is even a kitchen that we can consider opening up. This opens it up to a multitude of making it a much better, larger market. More of a destination combined with the walking of the Pier and still within 3 minutes walking distance of downtown. He sees this as a win/win and certainly resolves some of the issues that were subject of the complaints. The RFP would be open to everyone, including Down to Earth Market. We are not going to give it away, we have to maintain the bathroom facilities and the pavilion afterwards. We rent the pavilion on a short-term basis now and part of the fee is the clean up afterwards. It will not be free but gives the potential to solve a multitude of issues here.

**Dakota, Marketing and Communications at Down to Earth Market, Ossining, New York** asked for some clarification. They received the November 8<sup>th</sup> letter and heard the noise complaint of yesterday. They have been in Piermont for 14 seasons. They have been running farmers markets as a family run company for 27 years. They are a professional management company, which means they provide consistency and the security of knowing that they know the rules and abide by them. They are taking this very seriously. She stated they have not had these presented to them before in 14 seasons and they would like the opportunity to respond. If she is looking at the code under special use permit, they would be notified by the Village and would be able to respond. One of the issues was the bathroom use, which she understands. She asked if there we specific complaints where this was addressed as this is the first time this has come up in 14 seasons. They have terrific relationships with most of their local neighbors and should their vendors need facilities they can go in and use their bathrooms. Shoppers, their customers, they do not direct people specifically to other businesses.

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 7 of 14**

If people are in the Village of Piermont, they tell consumers what places would be likely to have a bathroom. She wanted to know what pressure was put on what businesses so that can be addressed in the future.

Mayor Tucker stated they are requesting a copy of a letter that their organization received. Dakota stated they did not receive the noise complaint or the bathroom complaint, she would like copies of both complaints.

Village Attorney stated the bathroom complaint was at the last meeting when the owner of the Community Market came before the Board, which is in the minutes, as he was having long lines in his store and it was indicated to him by the people in line for the bathroom that they were instructed by the farmers market to go to his bathrooms and they were not coming in patronize his shop, only use his facilities, which he thought was a problem.

Dakota stated this is the first they have heard of it and if they would have known, they would have responded in a timely manner. They pride themselves on being very responsible. They would have responded if he would have gone to them directly and said he didn't want them doing that. It is not their policy to send people to the Community Market as it is a new business in town.

Village Attorney stated the Board received complaints about noise, the bathrooms and their thinking as a better solution for it and would be fair to everybody to be able to bid on running a market in the Village and they are not inclined to move forward with this special permit. You only heard that from one board member and he is not sure what the rest of the Board is thinking. The Board is looking for the best place for a market in our downtown where none of these things would be an issue and tie into something else being done on the Pier. She is entitled to any document that is filed in the Village and she can make any argument she wants, but if she wants to get the special permit, assuming that the owner says they can keep it going on their property.

Dakota stated they want to understand the scope of the complaints. There is one noise complaint and one bathroom complaint from a local business.

Chief O'Shea stated the noise complaints are a regular thing and the workers do drop the pallets at 4 or 5am, they play music and there have been verbal confrontations. The other issue that comes up is the trucks. Sunday is the busiest day in the Village. We have many people and produce trucks parking and that is a busy intersection. They try to give verbal warnings as the market is here every Sunday, but it is a problem. As the Mayor said, the other location is safer because that intersection gets clogged and we get accidents and we have to put additional staffing on because that clogs the intersection up.

Dakota stated this is the first time this was brought to them at this level. The load-in for the farmers market requires trucks. It is a shame it wasn't brought to their attention sooner and they could've worked with the Village on that. They want to be good neighbors.

Mayor Tucker stated he hopes they will participate in the RFP as well.

Dakota stated she hopes so as well. Further, moving a market that has been there for 14 seasons means you are starting from scratch. The farmers market in Piermont will be brand new, essentially, with moving it. A vision of a large farmers market is great, but that is an uphill battle, regardless of who operates it. You have to be aggressive in advertising it and make sure there is signage. People get into shopping patterns and like to be able to walk the sidewalk from one business to another. When you pull it out of that convenient downtown shopping area, you will have people drop off because it is not convenient to their routine anymore. The communication is challenging.

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 8 of 14**

Mayor Tucker stated it is not that large of a Village. Just like last year when he first proposed closing the Pier on Sundays, when he made the proposal he said if it doesn't work, we will go back to the way it was. He is willing to take a chance on a season. If it doesn't work, maybe we will go back to the way it was.

Dakota stated when you are talking about small businesses and artisans, they don't have the luxury of time. You're asking somebody to take a change on their livelihood and you will find it's challenging to them and to the people who want to patronize the market. She is not saying it will not work, you will just be starting from scratch. She apologized for the signage. They had some signs where they should not have been. They like to leave their spaces cleaner than they found them, and that includes the signage. They want to be respectful of the Village sign rules and will follow those rules going forward. Should the Village consider moving the Market, we will have to think about where we are directing people from the center of the Village into a slightly more outlying area.

Village Attorney stated when you do a request for a proposal for something like this, if there is any interest in running a farmer's market, the interested party would submit their business plan and how they would propose to draw people to it, signage, etc. The Village doesn't have to pick the proposal that offers the most money to cover the cost of the clean-up, you have to pick the one that you think would operate best for the Village. Someone who is savvy at running these and has done it for 14 years would certainly be able to make a good case and RFP that that experience should be of consideration when the Board reviews the proposals.

Dakota stated if they will be in a position to do that if they find the location they are proposing is suitable for a farmers market. She understands that a few locations have been looked at around the Village and it is a challenge.

Mayor Tucker stated maybe in the past it was a challenge, but things have changed. When it was first proposed maybe it didn't make sense, and maybe now it does.

Trustee Burns asked what their suggestion is as far as bathrooms and noise at that hour in the morning and about parking of vehicles?

Dakota stated the vendor vehicles need to be moved back out of the street after the unloading. If that is not happening, then they need to hear about that and address that with the vendors directly. There is a noise issue certainly in having trucks come into the Village and into an otherwise business district, it is not such a sensitive issue. But, they can go back to their vendors and tell them how they need to accommodate the neighbors to make sure they are being respectful. While they can't take away the truck traffic, they can talk to them about the radio noise.

Trustee Burns asked if they have to come in that early to set up?

Dakota stated it is possible that they do. They do not need to come in at 4:00am. Their markets that start at 9 have set up at 7. Farms that are driving in to do multiple markets in the area and continuing on to another area may be starting earlier. They can have a conversation about the timing and they would definitely have a conversation with their vendors about being respectful about the space at that time.

Trustee Burns asked about the bathrooms. Someone had suggested that the library could make their facilities available, but they are not willing to do it. What would her suggestion be about taking care of the bathroom problem?

Dakota stated they have spoken to other businesses who are happy to have the foot traffic.

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 9 of 14**

Mayor Tucker stated they have workers who are running the stands and maybe she should have brought her manager, maybe she would know this answer, but where do they go the bathroom? Do they have washing facilities? They are handling food.

Dakota stated they have a good relationship with the Piermont Bike Shop and they go in there at the beginning of every season. Mayor Tucker asked if they have a written agreement? Dakota stated no, they have a verbal agreement. They go every year and ask if it is okay if their vendors use their bathrooms? They always say yes and are very gracious to them.

Mayor Tucker asked, if that is the case, why would this particular business (he also received a second complaint from another restaurant close by there) complain and why were people going to his place if people were being instructed to use the Bike Shop?

Dakota asked which people? If it is shoppers, they don't direct them.

Mayor Tucker stated, and it is on the record from two meetings ago, the gentleman stated he was told they people were directed to go to his place from the Market to use the bathroom.

Dakota stated that is a unique situation and she has never heard of that.

Mayor Tucker stated, maybe Kate would know?

Village Attorney stated if someone wanted to come in and do a retail operation in the Business B District and they didn't have lavatory facilities or parking, the Board would probably tell them to take a hike. But that is not what happened 14 years ago, for good reason because they wanted to encourage a farmer's market downtown. Things change, and now that people have complained about it, the Board is thinking maybe there is a better place for this, maybe they are right, maybe they are wrong. It is hard for the Board to balance the needs of all the residents, patrons and applicants.

Dakota stated they don't provide bathroom facilities to their markets anywhere, this is unique to Piermont. They never heard from another business telling them that they had a problem with the use of their bathroom facilities before this. They are taking this very seriously and they value the Piermont Farmer's Market very seriously. They are not thrilled with the idea of seeing it go away. Mayor Tucker stated it is not going away. Dakota stated it will be difficult moving it and there has been a big investment in this market.

**Joe Serra, The Souk Farmer's Market** – He believes the location suggestion could work. They had proposed it a couple years ago and never moved forward with it for various reasons. He believes the ability to expand and make a really nice size farmers market is the most appealing thing about moving it. It is really limiting at M&T, they have been a very small market, which you can't do much about because of the size. He doesn't think it will be an issue for people to find it. People find them down on Ferdon. Tarrytown changed operators a few years ago and now they are thriving. Down to Earth has a great business model. They come in and do a nice job, but they don't pay any rent to the Village. After 14 years, he doesn't think they should be entitled to come back every year with a free pass. Others should get the opportunity. He would like to get the opportunity, they live in Piermont, have a business in Piermont and pay Village taxes and he thinks they should have an opportunity to have access to those same customers.

**Dan Spitzer, resident**, - speaking as a physician on this matter, he has patronized the market for many years with his wife and daughter. Recently he has become cognoscente of the fact that there are certain public health concerns here and certainly the health code requires that somebody that handles food have the ability to wash their hands after they do so. He is not concerned about the customers having a place to go to the bathroom when they are at the market for 10-15 minutes, but when somebody who works there shows up at 6am and leaves at 3pm, they are going to need the facilities. They need to wash their hands after going to the restroom. He believes having an informal agreement with a store a couple hundred yards away may or may not

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 7 of 14**

be sufficient. He believes that whatever site is chose, whether it is where it is now with a port-a-potty or at the pavilion, have a sanitary facility which allows the workers to wash their hands, as required by code.

**Joan Gussow, resident** – There seems to be a new problem of needing the bathroom after 14 years that this problem has never come up before. You really don't have to drink that much water, you don't have to carry a water bottle at all times. She believes there is no reason not to do an RFP, no reason not to try and have a market out on the Pier, she just doesn't think it is a good business. Farmer's markets are not very profitable. Her concern is that if you put this one out of business, and try and get another one, we may not have one in two years. It may start and then not happen. You can't just pick it up and put it down.

Trustee Alpert asked Dakota if they would be willing to provide a port-a-potty and change it every weekend? Dakota stated they would bring a port-a-potty in for the season, getting permission from the Board to put it down someplace, have it maintained and removed at the end of the season. The manager in charge of the market space would be in charge of maintaining that and keeping it clean.

Village Attorney stated the Board needs to come to a consensus on what they would like to see. Either a continuation of what is happening, because there is an application to continue it in the spot where it is. Or, if they would like to issue an RFP and try to move it.

Mayor Tucker stated he would like to put forth a motion to prepare an RFP to move the market to Goswick Pavilion.

Trustee Alpert asked about Flywheel Park? Mayor Tucker stated we don't own it. Trustee Alpert asked if Phil would be willing? Mayor Tucker stated he would not. He was approached two years ago to put it into Flywheel Park and he got extreme kickback from one of the restaurants in Flywheel Park and it was a battle that, from what he understands he did see any advantage in fighting. He said she is certainly willing to approach him again, but we do not own Flywheel Park.

Village Attorney stated he can do an RFP, a general statement of what the Board is looking for, asking the applicant to describe what they would to and how they would do it. Then the Board would shuffle through that and figure out which one is the best. He can provide that to the Board.

Mayor Tucker asked Village Attorney to prepare a draft RFP and the Board will revisit it at the December 18, 2018 meeting.

**Item #12 Review Village Board meeting schedule for 2019**

Trustee Burns made a motion to approve the Village Board meeting schedule for 2019. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Village Attorney instructed Village Clerk-Treasurer to send the schedule to LoHud along with the Planning and Zoning.

**Item #13 Review Village Fines and Fees for 2019**

Chief O'Shea stated they had an increase last year and they are at a good level now, no need to raise this year.

Mayor Tucker stated the Pavilion rental fees have been at \$300 (resident) and \$500 (non-resident) for quite a while, did we want to raise those fees?

**Village of Piermont Board of Trustee Minutes  
December 4, 2018  
Page 11 of 14**

Resident asked if they have considered a special fee for 501(3)(c)? Mayor Tucker stated no. They asked if they would consider it?

Mayor Tucker suggested \$350 for resident rental and \$600 for non-resident rental.

Trustee Burns stated he would be inclined to leave the resident rental fee at \$300 as it is a Village place and they are Village residents who are already taxed. He doesn't have any objection raising the non-resident rental fee.

Trustee Alpert agreed with Trustee Burns.

Mayor Tucker stated currently the overnight parking permit fee is \$16 a month. We plow the lots. He proposed raising that fee to \$17 a month.

The Board agreed.

Mayor Tucker stated the Fee In Lieu of Parking has been \$240 for over 10 years. He suggests raising it to \$250.

The Board agreed.

Mayor Tucker asked Building Inspector to bring up the Special Permit fee and a possible increase at the December 18, 2018 meeting.

Trustee Burns made a motion to accept the 2019 Fines and Fees with the changes adopted tonight. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

**Item #14 Approve Tax Assessment reductions for eight (8) units in Paradise Harbor**

Village Attorney stated there was a Tax Certiorari filed for 82 Units at Paradise Harbor, which is a physical lawsuit against the Village alleging that the properties are over assessed. There was some negotiations with the attorney who filed it, the tax assessor and his office and they are proposing to settle the filing to reduce the assessment on 8 units as set forth in the resolution provided. It is a total of \$1, 930.00 and a refund for everybody combined. It does help us because it prevents Tax Certioraris from being filed for two years going forward. These are lawsuits and cost money to defend and, in this case, he thinks this is a good result based upon the number of units contained in the original filing.

Trustee Burns made a motion to accept the eight (8) reassessments as set forth in the resolution. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

**Item #15 Review May 31, 2018 Financial Audit**

Deputy Mayor Blomquist reviewed the audit and stated when you are analyzing the audits you have to look at the change in dollars raised by the property taxes because if you try and base and changes on the assessment, it doesn't work because the assessment changes every year. In terms on revenue, we budgeted over \$5.6 million and took in \$5.9 million. We had more revenues coming in than we budgeted, which was primarily due to \$105,000 more revenue in insurance recoveries, \$132,000 in unclassified revenue and \$41,000 in State and Local Aid than we thought we were going to get. On the expenditure side, we budgeted about \$5.7 million and only spent about \$5.4 million, which is about 5% less than we budgeted. This was principally due to about \$100,000 less in debt service we had budgeted for, \$58,000 less in home and community services we had budgeted for and \$40,000 less in general government support and an additional \$72,000

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 12 of 14**

less in transportation and employee benefits than budgeted for. Therefore, at the end of the year, we had a surplus of almost \$400,000 more in our fund balance. Last year we ended the year with about \$1.2 million in our fund balance. Over the course of the year, the General Accounting Standards Board insisted the Village start using this new statement 73 to account for the liability involved from the Fire Department's LOSAP program and that is really complicated. They indicated we should have been more aggressive and therefore, when you adopt this statement, we have to restate the fund balance and instead of being \$1.2 million, it is \$2.2 million and with the surplus, the year ended with \$2.6 million dollars. The good thing about the fund balance being high is that it allows you to borrow at lower rates, but we have doubled this in a year.

Mayor Tucker stated the auditor told him even though it is \$2.6, he told him to hold back \$1.1 million against pension liability.

Deputy Mayor Blomquist stated, that may be the case, he didn't see that in the report.

Trustee Burns asked if we had \$1.2 million that we could use and now we have \$2.6 million that is actually there to be tapped?

Deputy Mayor Blomquist stated yes, but as the Mayor indicated our auditor stated, he recommended being careful with some of that because the GASB can be really aggressive or not aggressive enough with this stuff.

Mayor Tucker stated he suggested a reserve of \$1.1 million against that retirement. The final number he had is \$1.5 million. We still increased the fund balance. He will double check with the auditor. It is still very good news. He further reminded the Board, before he came on, the BOT put \$300,000 in restricted fund balance.

Deputy Mayor Blomquist stated this gives us a lot of leeway with tax increases. With that much of an increase in the overall fund balance, if it comes to the point in March we think we might have to raise taxes, we can probably go into this fund balance and keep it flat.

Trustee Burns asked where the fund balance is kept?

Deputy Mayor Blomquist stated we paid the debt down a bit during that fiscal year. Overall it is down about 15%. It fluctuates. We are down this year, but next year it might be up again. It want to try and keep it relatively flat. Overall, it seems like the Village is in great shape there as well. We have a debt limit of \$47 million and we are only using 4.5% of that.

**Item #16 Public Comment**

**Robert Hoening** – He came to express his and his wife's anger at the direction of the solar panels that were put out by the bridge. They were away for a week and they came back to the panels. He gave the Board photos of his view before and after the panels. Now, instead of looking out their window for the last 40 years at one of the most beautiful views in Piermont, they look at solar panels. Over the years, he has watched people come there for wedding photos, people come there to paint the scenes that are there and now there are these ugly solar panels to light the bridge. When he talked to Dan Sherman about this many years ago, he wasn't thrilled about the lighting of the bridge, but if there could be some restraints on the time schedule the lights were on so there wouldn't be beer parties out in front of his house because the lights were on the bridge and people wanted to hang around all night. When he asked about how it was going to be powered, he was told there was going to be one solar panel that was located on the telephone pole located by the other bridge. When he saw men out there building concrete footings for these panels, he went over and asked what they were doing and they told him the panels were going there. When he expressed his concern to Dan Sherman, he told him maybe he should buy some window shades. His wife and him believe this is totally unacceptable.

**Village of Piermont Board of Trustee Minutes**  
**December 4, 2018**  
**Page 13 of 14**

He cannot believe they would take such a beautiful view and wreck it with solar panels. He has practiced architecture in this Village for over 40 years and for 40 years he has lived on that street corner. If he ever came in with a proposal for something like that in front of the Planning or Architectural Review Boards, it would be thrown out. There can be no justification for something like this. He cannot believe that Dan Sherman, as a licensed landscape architect would recommend something like this.

Trustee Burns asked Mr. Hoening if he discuss with Dan Sherman, other than his remark, about where they could be moved to?

Mr. Hoenig stated they didn't want to discuss it. He was told he was being grouchy. The only reason he never complained about this before the Board prior to this about the bridge lighting, which he was never thrilled with, he doesn't want to look out his window and see the Tappan Zee Bridge or GW Bridge lit up at night time. It was supposed to be low intensity lighting until 9pm. This panel is not what he was told it would be. He now has to look at a lighted up bridge and a solar farm outside his property. They could've powered the lights from the telephone pole to power the lighting of the bridge, they didn't need this.

Trustee Burns asked Mr. Hoenig to give the Board an opportunity to speak to Dan Sherman and we will see what we can work out.

Chief O'Shea introduced two people who requested to do a peaceful protest for animal rights in the Village, which he doesn't see a problem with. They understand the rules and they are requesting low music to be played. They cannot block the sidewalk and need to go South of the building so the building isn't blocked. They can pass out pamphlets, but they can't force people to take them.

**Andres and Jamie - 641 Main Street, Sparkill** – They are requesting to hold a demonstration to inform the public about inhumane treatment of animals throughout various industries throughout the world. This is going to be peaceful. The idea is to initiate conversation with people who approach them and seem interest and enter an education dialog with information and resources. They will have a square formation of 8 people holding signs and screens of imaging showing how animals are treated. They plan to do this on ***December 22, 2018 from 6-9pm*** on the sidewalk South of Village Hall. They would like to have low ambient, calm music on a speaker played from an iPod.

Trustee Alpert is fine with this.

Dan Spitzer, from the Planning Board standpoint, with ambient music downtown, when a restaurant seeks approval for ambient music, that music cannot be audible outside the confines of the property line. This goes again the intent of that.

Village Attorney stated this is a First Amendment issue. Right of Assembly is something we have and protect in this country. He doesn't think you have a right to play ambient music in a way that disturbs other people, but for a three-hour window with a public assembly, he doesn't think it is an issue for the Board. And if it got overwhelming, the Chief would ask them to turn it down. This is not an everyday event and he doesn't see a problem with it.

Trustee Burns made a motion to grant the use of ambient music, with the restriction that if there is any complaint on the music complaint, they be cautious. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

**Item #17 Adjournment**

Trustee Burns made a motion at 9:14pm to adjourn. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Respectfully submitted,

Jennifer DeYorgi  
Clerk-Treasurer