

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
January 23, 2018

Present: Mayor Bruce Tucker, Deputy Mayor Mark Blomquist, Trustee Ivanya Alpert, Trustee Rob Burns, Trustee Lisa DeFeciani, 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 DeFeciani made a motion to approve the minutes for January 9, 2018. The motion was seconded by Trustee Blomquist 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 #012318 in the amount of \$67,503.03. 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 stated he met with Suez water engineers. They want to replace a water main on Hudson Terrace. They are going to give him their shop drawings and bid specs so our Village Engineer can review and that way can set a start date for them as well. They say it should last 8-10 weeks. They want to start earlier than later. In regards to the clean energy information for the street light audit. On his end everything is complete for the audit. He has to get with Carla Castillo from the Hudson Valley Regional Counsel to see what the next step is. Their auction for their 4 surplus trucks, the front-loader they were looking to get between \$14,000 and \$17,000 for the estimated numbers right now are \$31,000 they brought in for that truck. In total, it is at \$51,000 for all the trucks. Mayor Tucker asked for an update on the Village road re-surfacing. Highway Superintendent stated that the re-surfacing that was supposed to be happening in the Fall, they now plan on starting in the Spring. In the next fiscal budget, they are also going to apply for more road re-surfacing in the Fall. They have CHIPS money from last year, which they will allocate toward the Spring paving and the new CHIPS funding that comes in late March, early April, they will allocate to the Fall paving. Mayor Tucker asked when does he think they will begin the Spring paving? Tom Temple stated they hope to begin as soon as the blacktop plants open, so April, hopefully. Mayor Bruce Tucker told the Board Tom Temple and DPW redid the outside bulletin board with new cork, lights and new plexy glass. He thanked Tom Temple for a great job.

Building Department – Building Inspector Charles Schaub submitted his monthly report. Mayor Tucker asked if the gas station on 9W sold? Building Inspector Schaub stated the CO search went out, so hopefully that will go.

Police Department – Chief O’Shea stated the DAS office kicked off a program today, a crime fighting tip line that will work via text. It is a really good program that is anonymous. He hopes to get a lot of tips. He handed out the brochures. Seizure money paid for this, he believes it was \$17,000 for the equipment and he expects good things from it. Next month they are going to bring in two officers who did a really great job, Officer Dowd and Detective Hurley saves a young man who overdosed on heroin. They had to use the Narcan 4 times and on the 4th time, it worked. They just got all new Narcan, it is a great tool saving people.

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Tahlaad stated the basketball clinic has begun at PAL with a full house. Martial arts and meditation has been added. They are starting children's Akito tomorrow. Sunday is breathing and meditation that is open to the parents and adults. The children's group wanted to do volleyball and tennis and he believes that would be great. They also got a request to get picnic tables at the community center. He said it is great to see people donating and getting involved. Trustee Burns asked how many kids are involved at the program? Tahlaad stated it varies based on different activities, but he said it would fall within about 200 kids. Chief O'Shea stated basketball, baseball and golf are the big ones. Chief O'Shea stated we will do the Labor Day concert this year and he will request that from the Board at a later time.

Parks Department – Dan Sherman, Chairman of the Parks Department informed the Board on January 15 they filed for the grant from the Green Mountain Sun Club to try and get the money for the solar power for the historic bridge lighting. They qualified in every criteria and the Mayor wrote a letter of support. He and Carol Cameron met at Half-Moon Park and reviewed some ideas to simplify the look of it and make it easier to maintain. They will come to the Board and show some ideas when they have more specifics. He also met with Walter Cain to discuss the park idea at Rockland Road Bridge. They met with a masonry contractor and looked at Trudeau property and believes they can get all the materials they need from that site that was excavated.

Fire Department – Chief Don Hardy was not present.

Item #4 - Old Business

Village Attorney reminded the Board at the last meeting they discussed the ability of serving contractors with violations of stop work orders. In looking at our code, we have the ability to do that as our code is written right now. He just has to give Charlie Schaub an updated form to fill out when he does that in terms of charging people and bringing it to Court. Typically, it would be a good idea to charge both the owner and the contractor. Additionally, he was reading and doing some legislation on Airbnb. In late 2016, NYC started thinking about regulating Airbnb's that was mostly in multiple residences. Their law targets advertising on Airbnb to have units in multiple residences that are otherwise regulated by the cities multiple residences law for being advertised for being less than 30-day rentals. That is in litigation and is a big mess. We have a bed and breakfast law, which allows short term stays, if the structure complies with the law. If the Board wants him to look further into regulating Airbnb, we would make sure that is someone was really going to do an Airbnb, they at least can meet the requirements under the Bed and Breakfast law, which is not easy. Municipalities have mixed reviews. Trustee Burns asked if we could piggy back the Airbnb onto the Bed and Breakfast law? Village Attorney stated the problem is, if they comply with the B & B law, that is short-term rental and that's really what Airbnb is all about. He can look into some modifications to the language in the law that would essentially require it to be a B&B to utilize Airbnb. He asked if the Board wants him to look into it he can. Trustee Burns is interested and would rather have regulations for Airbnb if we have it for B&B. Village Attorney stated he will keep this open and report back to the Board. He further stated he has been researching, but not finished, the Village providing limited services to some private property if the Village uses it for some purpose. If the Village uses the property, with the consent of the owner, for say emergency services, what can we do on that property. He is looking into that and will report back. Mayor Tucker stated there is one area where both the Police and Fire Departments have approached him on, claiming they use a private road for emergency access on Piermont Ave. that typically floods, Buena Vista. As long as we are not breaking any laws, if we need that for emergency access, he thinks we should keep that clear. Village Attorney stated he is working on that.

Mayor Tucker had no old business to discuss.

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Trustee DeFeciani reminded Village Attorney that last year the Board adopted a resolution to adopt the Unified Solar Permit. She stated someone went to look for it on the State and it was not updated there yet and she asked how the new form gets updated. Village Attorney stated our resolution states we are part of that process, so if they file the State permit and pay our fee, then they are expedited and can put their panels on, as long as they comply with the State regs. He is unsure why there is no permit form on line at the Department of State, he will look at it with Charlie. Village Attorney stated he also did the contract for the Sustainability Contractor and she may have to review some of the terms.

Trustee Blomquist had no old business to discuss.

Trustee Alpert had no old business to discuss.

Trustee Burns had no old business to discuss.

Item# 5 New Business

Mayor Tucker stated Brooker Engineering sent their new fee structure for this year. He went over it. In general, most of the fees went up about 3%, 3 ½ % except for the Engineering Partner, which would be probably the one we use the most, they increased it 10.3%, which he believes is a little outrageous. He asked, if the Board doesn't mind, he would like to go back to Brooker and negotiate that. Village Attorney stated a resolution will have to be passed retaining them as Village Engineering terms are met. Mayor Tucker stated to put on the February 6, 2018 agenda. Another issue is one of the streets around Flywheel Park. He spoke to Chief O'Shea, Tom Temple and Phil Griffin. The street that runs West by the Gazebo, some maps call it Hudson Way or Beach street. Everyone thinks it's a two-way street because there is no sign indication. He would like the DPW to install One-Way signs on that road. According to the code, it is already a one-way street. The only thing missing are the signs. Tom Temple stated it is in the code, but it is still on private property. Mayor Bruce Tucker stated he spoke to Phil, who said he put signs up at some point and that they were taken down. Village Attorney stated we will need something in writing from Phil. Trustee Burns stated we will also need one coming off of Shad Row and coming off of the parking lot near the library to show that it is a One-way street and do not enter signs. Village Attorney told Tom Temple we could come up with a sign plan and go over it with Phil Griffin and go from there.

Village Clerk-Treasurer stated every year the Town of Ramapo Police Firing Range sends out an agreement for the Mayor to sign off on. It is a standard agreement that we sign off on every year and we provide them with a certificate of insurance. Village Attorney stated we need a motion for same. Deputy Mayor Blomquist made a motion to approve our annual agreement for police access to the firing range. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays. Village Clerk-Treasurer stated the Piermont Fire Department Floating Dock bids came in, she did the bid opening January 19th. There were 8 bids in total and she informed the Board that day of the bids. The highest was \$1,183,000 and the lowest being \$332,000. There are \$250,000 in grant money for the floating dock and she needs to know if the Board wants her to send all of the proposals to BlueShore for review, they were asking to have them sent. Trustee Burns asked if, when they review them he assumed that is billable and can we agree that certain ones that are triple everybody else's? Mayor Tucker asked how much was have incurred in engineering fees at this point? Village Clerk-Treasurer stated she believes it was about \$30,000, which was also to check the structural integrity of the actual Pier itself, not just for the Floating Dock project. Mayor Tucker stated they received a grant for \$250,000 and the lowest bid is \$332,000. If we send it over to BlueShore, they may not even qualify that bid, the next one is \$348,000. Deputy Mayor Blomquist stated he was involved with getting those funds from Senator Jaffe and Carlucci's office, it is early enough in the budget that he is asking to go back to them and try to get the additional amounts that they didn't get for those. Deputy Mayor

Blomquist stated if they split the difference it's not that much more money for each of them. Trustee Alpert asked if we could see if there was more money available before sending it back to the Engineers. Village Attorney stated maybe a note should be sent to the bidders asking how long they could hold their bid open. Village Clerk-Treasurer stated originally, the bid was going to be awarded on February 6. The idea was that BlueShore would have from January 19th to beginning of February to review, so we will have to change that to award the bid February 20th? Village Attorney stated we are going to need a lot more time than that to secure funding from the State. Deputy Mayor Blomquist stated if he had another month he thinks he could secure informal funding from them, it is early enough in the year that it shouldn't be an issue and if it is an issue, he will find that out very quickly. Village Attorney stated if you are going to try and secure more funding to keep the project alive, you have to write to the bidders and ask if they can keep their bids open until the end of February. That way if they do secure the funding, it will give BlueShore enough time to look for the lowest qualified bidder. Mayor Tucker put this on the February 23, 2018 agenda for a status update. Trustee Burns asked whether we get more funding or not, don't we still need to send it to BlueShore for review? Mayor Tucker stated we can spend the money to get an opinion, which might come back and say the most qualified bidder at the lowest level could be \$493,000, which in that case securing another \$100,000 wouldn't do it, but it does mean incurring additional charges from BlueShore. Mayor Tucker and the Board agreed to hold off sending to BlueShore. Village Clerk-Treasurer will contact the bidders and ask if they are willing to keep their price for 90 days.

Village Clerk-Treasurer informed the Board of the SEQRA Negative Declaration for Ferry Road that Ken DeGennaro put out to the Village Attorney. The Ferry Road project is out to bid now and the bid opening is February 2nd. She is not sure if this needs to be done before that. Village Attorney stated this should be on the February 6, 2018 agenda.

Trustee Alpert had no new business to discuss.

Trustee DeFeciani had no new business to discuss.

Deputy Mayor Blomquist had no new business to discuss.

Trustee Burns stated there have been some preliminary discussions with Orange and Rockland and with residents of The Landing to take down the telephone poles and the unsightly wires from the gate to the dogleg and the owners of the townhouses are going to fund about \$100,000 to have it done. It really works for the benefit of beautifying Ferry Road and getting rid of all that and at the same time, making them happy. He also met preliminarily with Daniel Spitzer. There is a transformer on The Landing, they would take that transformer, utilize that, and go across Village property, across Ferry Road and connect to a telephone pole that has another transformer on it. At a certain point, they will have to come before the Village Board to get an easement and go before the Planning Board. It is just at the preliminary stages right now, but he believes it enhances, especially with raising that roadway and getting rid of poles and wires. He believes that of all the poles wires, only one is being used.

Item #6 Other Non-Agenda Items:

None.

Item #7 Presentation of Outgoing Fire Chief Badge to Daniel Goswick

Mayor Tucker presented Daniel Goswick with the Outgoing Fire Chief Badge and thanked him for his service to the Village.

Item #8 Piermont Fire Department presentation of Mayor's Badge

Don Hardy presented Mayor Tucker with a Mayor's badge on behalf of the Piermont Fire Department.

Item #9 Review Engineers report of the pond study

Village Attorney reminded the Board that Town of Orangetown proposed some work on one of the walls on the skating pond, it went to Planning Board. The Village Board held Site Plan Review over this item and there was engineering work done on this project by the Village's engineer on behalf of the Town of Orangetown. We asked the Town of Orangetown to provide escrow monies to fund a third-party review to make sure it had no negative impact on the Village, but the Village Board went ahead with consideration with approving this project. Mr. Colazoul has now done a review of this project and is here to report his findings.

Steve Colazoul, Engineer, was asked to review Brooker Engineer's study for the Pond. He drafted a report November 21 for this Board and sent same to Building Inspector Schaub. Late last week Building Inspector asked him to attend tonight's meeting and make a presentation. The property in question is in Piermont and the Sparkill Creek passes through along the Ferdon Pond and drains into the Hudson River. A big portion of the Sparkill Creek emanates from the Town of Orangetown. Town of Orangetown did some studies in the late '90s on some of the improvements that would happen outside of the Village of Piermont. Following that was the Tropical Storm Floyd which created an inundated situation in that neighborhood of the Ferdon Pond and the culvert on Valentine Avenue has been replaced. The engineers report creates modeling in the computer and evaluates the changes that are proposed to see what the effects are going to be and that is what the report purports to show. Essential, what the report is showing is the 5 things that are going to take place. 1. Is lowering the spillway at the channel, which is right below the 9W viaduct 2. Is to widen the existing the channel 5 feet, 10 feet or 15 feet. 3. Remove a section of the damn which is beneath the viaduct, approximately 14 feet. The purpose of the report is not show as to why it was done and it was done in the Village of Piermont. We were asked by Building Inspector Schaub to do this report and submitted a proposal to do so and have generated this report. Their report indicates that there is little effect upstream and that goes up to Oak Tree Road. Widening the channel doesn't make any difference and no effect on the study. Lowering the spillway does appear to have an effect downstream, which has not been studied as a part of this study. The downstream effects implementing the lowering of the spillway have not really been studies for the Mill Pond and those properties down there. There is also a 14-foot section that is to be removed as well. However, since that time, DOT has changed the Viaduct and the terrain by the piers and he doesn't believe what is existing is what is on the model and report. He made personal observations by visiting the site in the Summer and Fall and has pictures. The effect of removing the 14-foot section might have some erosion results that have not been demonstrated in the report. It doesn't appear that there is any benefit to the Village of Piermont to have this work implemented, nor is there any discussion who is paying for it.

Village Attorney asked if he had any contact with Brooker about their report and the genesis of what they are trying to accomplish and what, if any, look has been done downstream. He stated there is no look at any effect at properties in Piermont? Colazoul agreed and he had no contact with Brooker. Village Attorney stated a lot of time when a site development application is made and applicants come and bring in engineers that disagree, the professionals talk and work out a solution or they don't. That is important for the reviewing Board to know in reaching a determination over whether the project has an effect. Particularly in this one with the effects in drainage go right to the heart of the Boards environmental review of the project. At some point, the engineers are going to have to get together and come up with reasons and solutions why this isn't going to have a negative effect on Piermont.

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Mayor Tucker asked if this was work to be done in Piermont by the Town of Orangetown? Village Attorney agreed. Mayor Tucker asked if this went before the Planning Board at the time? Village Attorney stated it did and has a long history of a couple of phases to the project, maybe it was permitted, maybe it wasn't. He believes phase 2 of the project, this work, came on the table, the Village advised the Town that the work needed a permit. The Town came to the Planning Board and presented the project with their engineer and at that time, the Town arranged to have an escrow posted for the Village to have an engineer look at the project and that's why they are here. This seems to him that this report indicates that there may be some increased flood flows downstream in the Village and that needs to be addressed.

Steve Colazoul reiterated that there does not appear to be any benefit to the Village by this work being done.

Mayor Tucker stated that the point was that we weren't going to necessarily benefit from it, but if we could help our neighbor without being affected, then why not. But, if no one can definitively tell me that it will not have a negative effect on flooding of homes downstream from 9W, then how could we even consider approving this?

Deputy Mayor Blomquist agreed with Mayor Tucker.

Trustee Alpert asked what the reason Orangetown gave for wanting the work done?

Steve Colazoul stated there is no reason given in the report.

Village Attorney stated there is no reason in the report, but he believes they felt it is going to help upstream matters.

Steve Colazoul stated the report indicates there is very little improvement to the water surface far upstream as far as Oak Tree Road.

Mayor Tucker stated if they are willing to do the work and they feel think that they're going to have a benefit by doing the work upstream, it is fine, their business. But if they can't tell us this will not affect any homes in Piermont below that viaduct, then we are stuck.

Village Attorney stated the thing to do is to direct the engineer to communicate with the project engineer and come back to the Board with some type of indication of whether this will have an adverse effect on any properties in the Village of Piermont.

The Board and Mayor agreed.

Steve Colazoul stated he should be able to get with DeGennaro and come back with an update February 20th.

Mayor Tucker put this on the February 20th, 2018 agenda. He also stated the other issue is if this will affect the pond as far as skating and putting the fountains in.

Bob Samuels stated he was under the impression that the purpose of removing the wall was to circulate the water in the pond and get rid of the pond scum. Mayor Tucker stated when the engineers speak and come back, to come back and let us know what effect it would on the pond itself, could it be beneficial to the pond to clean out the silt.

Margaret Grace reminded the Board that the Town of Orangetown dumped earth and stones in order to make this temporary road, which is still sitting there. And hopefully that will be removed when this is resolved. Mayor Tucker spoke with Town of Orangetown Highway Superintendent Jim Dean today and he assured him that should they ultimately decide to not go ahead with the work, the next day he will start removing it.

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Howard Dean stated the work he is reviewing is totally wrong, he looked at the wrong proposal. There are a lot of benefits that can happen here. The bridge that the water goes under right before it reaches the pond and the bridge right before that is about 30-32 feet wide. When the water reaches these piers that hold up 9W, they are placed right in the middle of the stream. That 32-foot-wide channel is squeezed into 9 or 10 feet, like a funnel. If you pour water into a funnel, it backs up and the Firehouse gets flooded out completely. The immediate benefit would be to the firehouse. The second benefit is the allowable water, the silt in the pond to get out quicker. That is not lowering the level of the pond walls, not at all, just going to a few inches above the pond walls. The NYDOT rebuilt 9W, for some reason they decided to raise the walls along the stream and to rebuild the alleged damn walls, which at one time, was a lumber mill and an ice pond holding. They rebuilt it for no reason whatsoever.

Trustee DeFeciani suggested that since this is not a public hearing that the engineers discuss this, since the Board is not engineers, and once they discuss and he has the appropriate plan we can come back and put them on an agenda and have him come up and present.

Mr. Dean stated he would like to be present at the meeting with the engineers. In his letter it was stated if you would like to meet with him, give him a call and he did and he said it was not allowed.

Howard Dean stated he has been here during the storms, when it was flooding and has pictures of everything, so he can back it up with pictures. He is a resident of Piermont and an interested party.

Village Attorney stated nobody is disputing they would like to help, but we have to look at what is going to happen in the Village of Piermont. It is not going to do the Village of Piermont any good to offer a hand and then have people downstream flooding.

Trustee Burns stated who will be present at the meeting with the engineers is up to the engineers. The Board doesn't direct them as to who they are going to meet.

Larry Vail, Chair of the Sparkill Creek Watershed Alliance stated they are concerned about all the environmental aspects of the creek and particularly in Piermont where it forms such a central part of the Village and is one of the real assets. He has seen this project for a couple years and he cannot figure out why they are doing it. The report he said, in terms of flooding, this will have zero effect on the Oak Tree Road area. As far as flooding for Piermont, just logical sense, if you make something lower and bigger, it isn't going to keep the water back from downstream. He fails to understand what the advantage is. However, he encouraged the Board to look at a couple of things that go beyond flooding. The effect of the wetland area just below stream from this whole project, previously the Brookside Nature Conservancy. He encouraged them to ask Town of Orangetown to do SEQR study and look into this. Ask them about Mill Pond. Long term these questions are very important.

Item #10 8:00pm Public Hearing T-Mobile

Trustee Burns made a motion to open the Public Hearing at 8:30pm. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

PUBLIC HEARING MINUTES WERE RECORDED BY A COURT STENOGRAPHER.

Trustee DeFeciani made a motion to keep the Public Hearing open until the February 20, 2018 Village Board meeting. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays. 10:21pm

Item #11 Discussion on NorthShore Walkway time schedule

Mayor Tucker reminded the Board they were previously discussing closing the Walkway at 8:30pm during the Eastern Daylight Time and 5:30pm Eastern Standard Time.

Village Attorney asked Chief O'Shea if he was on board with those times?

Chief O'Shea stated the issues with the Northshore Walkway is they get people when there are weddings and they have some people who are noisy and there is a residential neighborhood out there. His issue with it is this, he is fine with it is the Board is, but there is an agreement that they have to find and they have to get that agreement which says the walkway was given to the people for these hours.

Village Attorney stated he has the agreement. They did a license agreement with the property owner and if they agree, he thinks we are okay. It might be problematic to close it down if someone is having a wedding.

Trustee Burns stated the wedding portion is not in the gated area.

Village Attorney stated if we agree with Mr. Silverstein, who is the attorney for the HOA.

Trustee Burns can represent that he has spoken to the President of the Piermont Landing Association who is also the President of Paradise Harbor and they are in agreement with it.

Chief O'Shea stated it will be 8:30pm in the Spring and 5:30pm in the winter. The Pier will remain the same.

Trustee DeFeciani asked if we need something in writing.

Village Attorney stated yes, he will reach out to the Attorney and put on his old business list.

Item #12 Review proposed summer "no vehicle days" on the Pier

Mayor Tucker stated ever since we have been directed we have to allow all vehicles on the Pier, whether Piermont residents or not, the amount of vehicular traffic on the Pier in the summer has increased every year to the point that you walk out on a summer weekend and there are traffic jams. It has gotten to a critical point. In terms of safety issue, it is amazing that nobody has gotten hit out there. More than that, he has walked the Pier the three Sundays in the summer when we don't have cars on the Pier and walking and not having to worry about dodging cars is a different experience than when there are cars on the Pier. By shutting down all vehicles to the Pier and making it just a walking park for a limited amount of time during the course of the year, it really makes it a tourist destination, a reason for people to come to Piermont, like the Walkway over the Hudson or walked the Highline in Manhattan. To tell people they can come here and walk a mile out into the river, view the new Mario Cuomo Bridge and experience nature it is almost like you are walking on water when there are no cars there. He thinks the word will get out and this will help Piermont over all. The last component overall and something no one wants to think about, but we live in a very different age today. But that is what happened on Halloween this past year when a car drove down the bike path in southern Manhattan and killed a bunch of people. What is to prevent someone from driving onto the Pier on a crowded day and plowing down to the end of the Pier. For safety reason, for aesthetic reason, for tourism reasons. The Pier was not designed to take on the amount of traffic that it is taking on now. He sees many cars coming from out of state driving to the end of the Pier, get out and look and drive back out of state without spending a dime in Piermont. We have seen no benefit from that at all. His proposal is to shut proposal down to all motorized vehicles every weekend from Memorial Day weekend

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to Labor Day weekend, including the three holidays that occur during that time and make it a true park and destination for people to come to Piermont.

Village Attorney stated on February 6, 1981 Continental Can gave deed essentially to the Pier to the Village of Piermont and that same day, the Village of Piermont gave deed to the Nature Conservancy, a portion of the Pier on the South side. It contained a clause that was not in the deed from Continental Can into Piermont and that is this clause, "Together with a permanent easement for the purposes of providing public access to the above premises. Over and along the entire length and width of the roadway known as Ferry Road, from the intersection of said Ferry Road with the public highway known as Paradise Avenue. To the parking area adjacent to the existing aforementioned Pier set in the Hudson River located at the Easterly end of Ferry Road. Said easement shall include the right to use the parking area. Said easement for public access shall also include access over and along the strip of land abutting the adjoining Ferry Road to the South and generally described as a 15 foot plus or minus strip of land between the southerly end of Ferry Road and the northerly bound of the above captioned premises, which is land further out in the River." This was in the hands of the Nature Conservancy. On November 8, 1984, for \$8,345.05, the Nature Conservancy sold that land and the right to the people of the State of New York. The address of the People of the State of New York is 21 South Putt Corners Road, New Paltz, New York, which is the DEC address. The DEC, on behalf of the State of New York, took that title and took that easement. Back in the day, you used to have to get a permit to drive on the Pier. The DEC got wind of that fact and he is not sure that anyone working in the Village knew of that easement. In 2010, the DEC contacted the Village and said they had a complaint that they are restricting access over their easement and no one knew about the easement. The last email he could find was from June 6, 2011 and Betsy Blair and Bill Rudge were on that email chain. The resolution was, they would object under the terms of the easement that they intended to enforce, the Village was not allowed to charge people to drive on the Pier, they had to give an easement for access. We were allowed to charge people to park anywhere on the Pier other than DEC parking area, which is what is referred to in the easement. There were also some other things about disabled access on a permit issued by a DEC and not interfering with fisherman with crabbers. Over the years it has been shut down for a few days here and there and it kind of creeping through without anybody noticing. But if you shut it down for the whole summer without their permission to cars, you have to ask them. An easement is an easement whether the pier was designed for that much traffic or not. The safety concerns and the burden on the Village of cost of maintenance, repair and policing can be addressed with them. His position is they need to get permission from DEC and if they don't, you have to be prepared for them to say we have to stop.

Trustee Burns asked if their easement is to get to the DEC property on the right side of Ferry Road and the parking area.

Village Attorney stated the parking area is at the end of the Pier. The spaces at the end of the pier at the only spaces you can park for free.

Bob Samuels stated the lines on the DEC spots are invisible now and they should be painted. Village Attorney stated that is not unreasonable to asked of them to be painted. Bob Samuels stated if something that has been up to now, you closed the Pier to everyone, you could close it, but to allow just Piermont residents out there, you can't discriminate. Mayor Tucker stated he agreed that you could either close it to all or none. Village Attorney stated a lot of municipalities now are doing a resident only rules. He believes it can be done if you haven't accepted any state money for improvements in your park. We are about to pave part of Ferry Road using state money.

Trustee Burns told Village Attorney the left side of Ferry Road the trees are kept nice by Village people. The right side that DEC has, there are vines and everything growing, is there some way we can make a tradeoff? Village Attorney stated everything is possible through negotiations.

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Dan Spitzer stated if there is an easement, but we are not restricting pedestrian access, we are only asking about restricting vehicular access. Trustee Burns stated it says vehicle access.

Village Attorney stated the law of easements is a difficult law. We live in an area where there is a lot of litigation over it. Courts usually defer to the available mode of transportation at the time. The old roads going up to the train stations were horse and carriage roads, now you can get your Mercedes up there is you can get up the road. When it is to access the parking area, it is pretty clear that some people are going to use a mode of transportation that is not vehicular. He is not 100% sure that they will object as the park will not be closed.

Bob Samuels stated there are a lot of walking parks now, which are very popular now. They close whole streets in New York.

Mayor Tucker stated he will give it to DEC. Bicycles would be allowed, this is for vehicles only. He also stated he is speaking with Chief O'Shea about lowering the speed limit on Ferry Road.

Deputy Mayor Blomquist stated if we are looking at doing this, you have to give all the residents notice of what is being proposed.

Mayor Tucker stated he believes there is enough there is enough support in the Village. He also wants to make sure we are servicing the needs of the residents of Piermont first, not necessarily someone outside of Piermont that has been enjoying our facilities. We certainly encourage people to come. In there are complaints, he is going to give preference to the residents of Piermont.

Deputy Mayor Blomquist stated that is another issue that he saw with this. If we sell thousands of dollars' worth of pier permits every year to non-residents and if I am buying a pier permit and I am shut down every weekend for four months of the year, I am not going to be real happy about that.

Mayor Tucker stated that was a good point and that so-far we have sold 13 non-resident pier passes, and it is not the season for selling them. There is always time to adjust the price, saying there are 33 days out of 365 that they will not be able to drive out onto the pier. He is willing to negotiate.

Deputy Mayor Blomquist stated another issue is the Fire Department trains out there on the weekends and they have to be able to accommodate that.

Mayor Tucker stated he spoke with a Fire Chief and informed him that the three Fire Chief's will have keys to the gate and he was informed they already have keys. The Police Department will have keys. This will not restrict access to emergency vehicles, training, things of those nature. Deputy Mayor Blomquist wanted to bring those issues up so no one was blindsided like last time when this happened.

Trustee Burns stated maybe we could get a weekend tram, as certain people can't walk that distance. Village Attorney stated that was one of DEC's main concerns was access for disabilities.

Bob Samuels stated it is so wonderful out there without vehicles. He also stated the Fire Department closes the pier when they have training and it is closed for the Labor Day concert.

Trustee DeFeciani stated if you sell it as a safety issue. Village Attorney stated you are not closing it, you are limiting vehicular access for a short period of time.

Item #13 Public Comment:

Matthew Smith – He asked the Board to enforce public comment rules as tonight's meeting went over 45 minutes. According to open meeting laws, not every topic is open to discussion by the audience. The Board has to set that item on an agenda that says this item is open to public comment. Mayor Tucker asked if he was referring to the public hearing? Mr. Smith stated no, he is talking about other agenda items that were not open to public comment, yet were commented on publicly, which delays meetings and the time. People come to these meetings unaware that because the Board is discussing the topic, that doesn't mean everybody here gets to comment on it. If there needs to be commentary, that is set as an agenda item, with allocated time. He would ask the Board to review public comment and open meeting laws for New York State that say that there is a confusion. Mayor Tucker stated the Board doesn't have to offer any public comment. Mr. Smith stated tonight there were two members of the audience that were allowed to publicly talk about their views regarding subject matter on an agenda item that was not an open agenda item as voted on by the Board. Mayor Tucker as which items? Mr. Smith stated regarding the Pond and Orangetown. Village Attorney stated theoretically, the only time the public comments during a business meeting of the Board of Trustees is during a Public Hearing. Many, many Boards have other rules of policy and practice because they want to interact with the public and allow the public to speak on things. He has seen many Board members shut people down saying it is not a public hearing and they are not taking public discussion on it. That rule gets bent because people are humans. Mr. Smith stated this is why people don't participate, it is now almost 11:00pm and public comment is saved for the end of the meeting. If we are going to allow anybody to comment during any agenda item, instead he would like the Board to go to the public meeting laws for New York State, there are suggested times for 3 minutes per person, per agenda item that has open discussion and it that was attached to the agenda, maybe the public will know and maybe the meetings could move on quicker. He further stated it is also common courtesy for the people that have an appointment for an 8:00pm hearing, to wait to 8:30pm. Mayor Tucker stated that is why he moved the public comment portion from the beginning of the meeting to the end. Mr. Smith stated he allowed discussion on the Pond and Orangetown topic. Mayor Tucker stated he believes he reserves that right. Mr. Smith suggested he use public comment and open meeting laws as a guideline.

Francis Brooke, Town of Orangetown resident, (Mr. Brooke read from a paper) stated that on March 22, 2017 he was in the Village of Piermont with his wife for a doctor's appointment. He stated that they had a difficult time locating the doctor, and it caused them to walk past the Piermont Police Department twice. While walking past the Police Department, Mr. Brooke stated that in his opinion Chief O'Shea, who was standing on the sidewalk, stared at them intently as they walked down the street. Mr. Brooke stated that he observed that while watching them, Chief O'Shea got on his phone and made a phone call. Mr. Brooke also stated that as they drove past him in their vehicle, he believed that Chief O'Shea continued to stare at them, while again, speaking animated on his phone. Mr. Brooke stated that because he has had past dealings in the past with Chief O'Shea that were not pleasant, he became concerned that he was now the subject of a possible police investigation. Mr. Brooke stated that based on these concerns, he made three attempts on March 24, April 4 and April 10 to FOIL any report that may contain my name. He was advised by the Village Clerk, Jennifer DeYorgi, there weren't any reports that contained his name. Mr. Brooke then stated that he then FOIL'd all police reports for March 22, 2017. He was denied reports no. 73470 and 73472. He was advised by Ms. DeYorgi and Village Attorney Walter Sevastian that these were denied due to a pending police investigation. Mr. Brooke said that this Village Board also denied him access to these reports based on the police investigation during his appeal on June 20, 2017. Mr. Brooke alleged that he has been in contact with the District Attorney's office regarding this matter in an effort to ascertain if there had been any major crimes in the Village as well as the County PBA, to determine if there were any internal investigations being conducted, which would preclude him from obtaining these reports.

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Mr. Brooke requested the Village Board to look into this matter as neither of these two criteria seem to apply and there is, in his opinion, no law enforcement investigation which would prohibit him from obtaining these reports. Mr. Brooke said that it appears as he is being denied access to these reports as Chief O'Shea is possibly uncomfortable with the content of these reports.

Mr. Brooke stated that should he continued to be denied access, he will take the next logical steps against the Village for not only denying him information for which he is entitled under the law, but also for Chief O'Shea's abuse of power. Mr. Brooke stated his belief it is unconscionable that a sworn law enforcement officer would write a suspicious incident report on a Rockland County resident for simply walking down the street in your Village. Mr. Brooke again asked the Board to look into this matter and see for themselves if there are any lawful investigations being conducted, or if this is just a case of abuse of power by Chief O'Shea infringing upon the rights of a citizen of the County.

Mr. Brooke gave copies to the Board of all the documents he was denied and his contact information.

Kathleen Puder – The Piermont Civic Association would like to donate two picnic tables for Kane Park. The picnic tables there now are falling apart. She spoke with Tom Temple and they will get something similar to what is in Goswick Pavilion. DPW will remove the old picnic tables and have the new tables sent to DPW and they will assemble and install them. Second, she is in the process of trying to sell her house. They have the house listed \$250,000 below what the bank appraised it for. She showed the Board a picture of the property across the street from her home that she believes is not helping her house sell. Mayor Tucker asked Building Inspector Schaub if a violation can be issued. Building Inspector Schaub stated a building maintenance violation can be issued. Ms. Puder stated the trees were removed at night and left on the ground. Building Inspector Schaub will issue a violation and they will have to come to Court.

Item #14 Adjournment

Trustee Burns made a motion at 11:00pm to adjourn. The motion was seconded by Trustee Blomquist and so carried with a vote of 5 ayes and 0 nays.

Executive Session

Trustee Burns made a motion at 11:00pm to enter into Executive Session. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Deputy Mayor Blomquist made a motion at 11:09pm to exit Executive Session. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

No Action was taken.

Respectfully submitted

Jennifer DeYorgi
Clerk-Treasurer