

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
June 5, 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 Alpert made a motion to approve the minutes for May 15, 2018. The motion was seconded by Trustee Burns 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 #052118 in the amount of \$250,000.00, Warrant #052418 in the amount of \$43,291.04, Warrant #052518 in the amount of \$254,275.88 and Warrant #060518 in the amount of \$20,133.26 for a total of \$567,700.18. 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. He did submit his monthly report for May 2018.

Police Department – Chief O’Shea was not present.

Building Department - Building Inspector Charles Schaub was not present.

Parks Department – Dan Sherman, Chairman of the Parks Department was not present.

Fire Department – Chief Don Hardy was not present.

Item #4 - Old Business

Village Clerk-Treasurer stated every year Clearwater docks at the Pier. The Board did approve them to dock at the Pier in August. They sent an email now requesting to dock on Saturday, June 9th to pick up 20 people, doctors and scientists, take them out on the Hudson for 3 hours and then drop them off at 12pm. They will park in parking lot D and walk down the Pier. Trustee Burns asked if we charge them any fees? Village Clerk-Treasurer stated as it is for educational purposes, we never charge them. Trustee Burns made a motion to approve Clearwater to dock on the Pier on June 9th. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays. Village Clerk-Treasurer stated the draft financial audit was completed last week, she submitted it to Moody’s and they will be doing a press release on the rating and Dave Wemmer said the final will be done within the next two weeks. Deputy Mayor Blomquist asked if we could have it for the next meeting? Village Clerk-Treasurer stated we should have it for the next meeting. We will also be rolling into the next audit now as everything is up to date, we are just waiting for the May bank statements.

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Deputy Mayor Blomquist stated if we get the final at the next meeting he will put together the report card and put it on the agenda for the next meeting.

Mayor Tucker had no old business to discuss

Trustee DeFeciani stated she had asked Village Clerk-Treasurer about mailing labels for residents in the Village. Village Clerk-Treasurer stated we do not have a database in the office with emails or addresses as we receive our tax program from the Town of Orangetown and then the printer. She emailed Brian Kenney to see if they could generate, even if it is the printing company, if they could generate some type of labels, and he is waiting to hear back. Bob Samuels stated their newsletter gets mailed out to all Piermont residents. Trustee DeFeciani will touch base with Mr. Samuels.

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

Village Clerk-Treasurer stated she forwarded the Board an email from Simon Alexander, a photographer. He is looking to set up a back drop and do portraits.

Eve Mancuso asked that we setup a public hearing date for the MS4 report. Village Attorney stated it is a motion to set a public hearing date, she will provide us with the report and at the end of the public hearing you will pass a resolution approving it and authorizing it to be sent to the State.

Trustee DeFeciani made a motion to schedule a public hearing for the MS4 report on July 10, 2018. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee DeFeciani had no new business to discuss.

Mayor Tucker had no new business to discuss.

Trustee Alpert had no new business to discuss.

Deputy Mayor Blomquist stated on June 16, 2018 the Fire Department is going to be having a drill with 5 other departments on the Pier. It is a simulated airplane crash and they will have 4 or 5 dive teams from across Westchester County, putting out fires, several EMS companies. It starts at 9am and if people want to check it out, especially if they have kids, they are welcome to watch.

Trustee Burns had no new business to discuss.

Item #6 Other Non-Agenda Items:

None.

Item #7 7:45pm Continuation of Public Hearing for the LWRP

Mr. Bob Galvin, principal of Monarch Planning Group, was before the Board to discuss the LWRP, which they have been working on for over a year.

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Greg of Monarch Planning Group spoke to the Board of the revisions to the report. Transportation and Economy sections were added in response to Rockland County comments. They thought that because Piermont doesn't have a comprehensive plan, this LWRP will function as a master plan for the land use.

Robert Galvin stated the first thing to do is to look at the consistency determination. Then look at the resolution and if the Board passes that and accepts it, then they can authorize them to send it up to the DOS.

Village Attorney stated once the Board accepts the LWRP as amended, it gets referred to NYS DOS under a particular section in the Executive Law. The resolution prepared for the Board takes into account the previous meeting the Board reviewed environmental assessment forms and issued a Neg Dec under SEQR and also, the Board has previously reviewed the coastal assessment form that was dated May 4, 2018 and taken into account the recommendation of the Planning Board finds tonight that the project would be fully consistent with the policies of the LWRP, Chapter 198 of the Village Code. He thinks the appropriate resertations are in this resolution and if it is moved and adopted, it would be a constituted adoption of the LWRP be referred out to the State for review and comment.

Trustee DeFeciani made a motion to accept the LWRP with referral the State. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Village Attorney stated for the zoning amendments, it needs to go through the same process of GML referral SEQR determination to implement what is contained in the LWRP update.

Public Comment

NONE

Item #8 8:00pm Continuation Public Hearing Application to amend existing Special Permit for Pier 701 Restaurant to allow ambient music outdoors

Mayor Tucker stated we were anticipating the report from the sound engineer. Village Attorney stated we do not have the report. Mayor Tucker stated we will move this to the June 19, 2018 agenda.

Village Attorney stated the idea behind getting an escrow and retaining a sound engineer and the public was at the meeting when that happened, was to set up sound monitoring, not only at the premises in question, but nearby in other locations where residents indicated that they heard noise emanating from this particular special permit use. To measure what noise is there all the time and the noise, if any, would change and the level of noise resulted from the kind of music the applicant wants. It was an important part of the review for him to familiarize himself with the setting and come up with an actual plan to make sure it stays on the setting so the Board could have an accurate idea of what was happening when they entertained this. They can set these sound monitors into fire alarm settings so that if the sound exceeds a certain level, it can set off the fire alarm and shut everything down. When he spoke to them last Friday, they had been monitoring sound for a couple weeks and they would have a report this week.

Trustee Burns made a motion to adjourn the continuation of the Public Hearing to amend existing Special Permit for Pier 701 Restaurant to allow ambient music outdoors to the June 19, 2018 agenda. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #9 Review and approve specifications for new Police vehicle

Village Attorney stated every year the Village gets a share of forfeiture monies from Rockland County and that money is earmarked for police equipment and the police department makes a determination on what equipment would be most useful to them. This year, it appears to be a police vehicle on State bid that the police department intends to use the forfeiture money on. He doesn't have the specifications of the vehicle, but he prepared a general resolution approving the purchase as long as the expenditure did not exceed the monies received by the Village.

Trustee DeFeciani made a motion to accept the resolution as drafted as long as the purchase doesn't exceed the amount of money we received. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Item #10 Review and discuss the Landing HOA agreement

Village Attorney stated there is a seawall north of the Northshore Walkway and reasonable people have disagreed over who has ownership and/or maintenance responsibility over the seawall and what, if any documentation would determine that issue. Also, sometimes, the Municipality has the opportunity to apply for grants even on property it may not own and he believes the walkway was an example of that when Sandy came and washed out some areas of the walkway. They were able to get money from the State. That was a cooperative effort with the property owners and the Village. They had a meeting with the attorney for the HOA about the potential for the Village trying to access bigger pots of money than is reasonable for a private HOA to access and there was some concern expressed that if the Village undertook that type of action, it would sort of be "held against us". We thought that if we could agree that if either side either performed or solicited monies for grants or for other monies, used for repair of the maintenance of that sea wall that neither party would use that in litigation, arbitration or proceeding to establish a legal obligation with respect to owner, maintenance and/or control of the area. That raises a host of questions, but he thinks it would just be a letter agreement on file to everybody with an interest that neither party would use that going forward if people put money into it or the Village is able to secure some grant funding and we would put a term on the agreement to automatically renew unless it was terminated. These are difficult questions as it is an expensive proposition. In speaking with the Mayor, the idea that the Village Board should try and help all Village resident is paramount. Up for discussion tonight is if the Board would be willing to enter into an agreement, essentially saying if either side either took action or solicited funds and did repairs, it wouldn't be used by the other side against them for doing so. If that is the case, he is working on some language to do so. It also means they are maintaining a status quo while all of this is happening.

Mayor Tucker stated when he was running for Mayor, he said he would be Mayor for all the residents for Piermont, not just those in the Village or on the hill or on the north end or on the creek. He thinks if we can help, we should try to help. We have equipment. It will probably cost the Village something. We have the ability to do things that they don't have the equipment for. If we can help the residents, we should help. The problem up until now has been since the Village has touched anything along that wall is to see if the Village owns that wall.

Village Attorney stated municipalities typically want to help all residents, but at the same time, you don't want to take the liability on all residents that may not be proper for everybody. This is a very complicated issue and, in his opinion, not a small part of that is the approval process for what was built out there is different than if it was done today. It was lacking in some type of detail that might be helpful.

Trustee DeFeciani asked if we are ever going to figure out, legally, who owns it.

Trustee Burns stated to do that, if you listen to both sides, they both present a good legal argument and the only way it would be determined would be in a Court of Law a trial with

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experts on both sides with LWRPs, the builders, etc. The purpose of this agreement is to leave everything status quo. The major thing that he sees from this agreement in the short run, that if you walk the Northshore walkway in the last year or two, it is a jungle from the vegetation. Once the initial clean-up is done, they could go over it every two-three weeks to keep it down.

Village Attorney stated there could be more opportunity for funding in the broader sense to address real issues with the sea wall and he is not sure that a private entity has the ability to access that.

Trustee DeFeciani stated we are running into the same issue in Bogertown. Residents need real help to raise their homes to save their homes from water. And the Patch. There are several areas in the Village that need our help and because they are private property we can't do it and Sylvia can't get grants.

Village Attorney stated this is stating we can try and this is a little different because we have the Northshore walkway there that we do have a responsibility to. While the agreement is still in effect to keep it open to maintain the walkway itself.

Mayor Tucker stated this is more of a maintenance issue than a repair issue. The whole idea of possibly being able to get grants for the sea wall. We maintain their walkway, but we won't go over their fence.

Trustee Burns stated historically, the Village has acknowledged that they are responsible for repairs to the railing and they are responsible to the extent that vegetation grows on the railing or through the railing. The only thing this is changing is getting rid of the shrubbery and weeds on the other side of the railing.

Deputy Mayor Blomquist stated at this point this is more of a discussion than a commitment.

Mayor Tucker asked Village Attorney to write up the proposal including the renewals and terms and they will circulate it and continue this at the June 19, 2018 meeting.

Item #11 Discuss to adopt a Village motto

Mayor Tucker stated with Trustee Alpert in the lead, they asked for input on Facebook for a Village motto. We are trying to get more of a branding for Piermont.

Village Clerk-Treasurer read her email that the unofficial motto has always been "Last Stop USA", "Pride of the Hudson", "Last Stop USA; Pride of the Hudson", "Beermont" "First Village of Piermont", "Jewel of the Hudson" Gem of the Hudson" "Little Village with Big Roots", "Piermont's the Place" "Hudson's Gateway to the World", "A Perfect Point of View", "Oasis on the Hudson", "Hamlet of Hospitality", "The Most Beautiful Place and People on Earth" "It's Paradise".

Trustee Burns suggestion is "Piermont Park of the Hudson". Deputy Mark Blomquist stated his suggestion is "Piermont: We're all out of paper".

Mayor Tucker stated the one submitted the most was "Last Stop USA" speaking to the history, the stature in Kennedy Park saying Last Stop USA.

Trustee Burns asked how far and wide these solicitations came?

Mayor Tucker stated it was put on the Village Facebook page and the Piermont Community Facebook page.

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Steve Silverberg stated all of us in Piermont understand “Last Stop USA” and it is meaningful to us, but if it is being used as motto to attract people, he wonders if it would attract people to the Village to say “Last Stop USA”.

Mayor Tucker stated it depends on how you tie it into the history of the Village.

Trustee DeFeciani states she is open to leaving it as an unofficial motto but leave the Chamber and business to have their own branding how they wish. She is not seeing the purpose of having an official motto.

Mayor Tucker stated he is just trying to tie in history with why people should come here with the whole Pier.

Village Attorney stated in Nyack, they did an RFP and a gentleman came in with an idea of “Art and Soul on the Hudson”, what they did with the RFP on the light poles in town. They licensed him to come up with a logo they approved and they licensed him to use that space. Some of them have a musical note, restaurant, etc. Some have a removal tab that have local businesses and he got money for it and the Village got money for it and spent it on advertising. The idea was come up with branding to generate actual funding to be put into advertising space.

Mayor Tucker stated he will go to the Piermont Historical Society, Chamber of Commerce and Civic Association and tell them what we are thinking in terms of information we collected and he will come back with a report of what the three agencies think about it.

Item #12 Resolution to authorize the Mayor to enter into an agreement with the Community Benefits Program/NYS Thruway Authority to purchase speed display boards for the Village

Mayor Tucker explained this agreement is with NYS Thruway Authority Community Benefits program which grants funds to the Villages and towns for various projects. This agreement is for a \$5,000 grant to purchase three traffic sign boards.

Trustee Burns made a motion for the Mayor to enter into an agreement with the Community Benefits Program/NYS Thruway Authority to obtain a \$5,000 grant to purchase three (3) traffic control signs. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays

Item #13 Public Comment

Ann Putko 28 Bay Street – informed the Board that last 4th of July a homeowner on Hudson Terrace (north of Bay Street) set off what appeared to be professional grade fireworks. The fireworks went off simultaneously with fireworks from across the Hudson river and continued for a least a half hour. The burning embers of the fireworks were blown around by the breeze, they went into trees and you could hear the crackling of the embers. Ms. Putko feared something bad would happen. Ms. Putko spoke with Chief O’Shea the next day and he confirmed that several people had called in to complain about the fireworks.

She wants to make sure that this does not happen again this year. Ms. Putko believes this poses a serious fire hazard and is very concerned. Village Attorney Sevastian stated he believes there are provisions in the penal law and Village code that talk about fireworks and he does not believe they are allowed.

Miscellaneous

Village Attorney stated he should have informed the Board during old business that he received a communication from the Chairman of the Planning Board. The Planning Board made some recommendations for modifications to the Zoning code, the first one deals with floor/area ratio. The State has changed its code, you can now design a new house with a 7Ft. 5inch ceilings and that wouldn't count towards FAR. The Planning board is considering changing its code to account for the purposes of floor to area ratio and any space built over 7ft. tall. The second communication from the Planning Board is regarding chain stores in the town. The Village Attorney will work on a memo to the Board regarding the Planning Boards recommendations.

Village Attorney Sevastian requested an Executive Session on a police disciplinary proceedings matter

Executive Session

Deputy Mayor Blomquist made a motion to enter Executive Session at 8:27pm. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee Burns made a motion to exit Executive Session at 8:36pm. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

No action was taken in Executive Session

Trustee Burns made a motion to approve the resolution appointing Hon. William E. Sherwood (Ret.) to preside as the hearing officer for a Police disciplinary proceeding.

Item #14 Adjournment

Trustee Alpert made a motion at 8:37pm 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