

INCORPORATED VILLAGE OF PIERMONT  
BOARD OF TRUSTEES MEETING  
May 1, 2018

Present: Mayor Bruce Tucker, Deputy Mayor Mark Blomquist, Trustee Ivanya Alpert, Trustee Rob Burns, Trustee Lisa DeFeciani, Walter Sevastian, Esq. -Village Attorney and Hannah Ross, Deputy 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 Burns made a motion to approve the minutes for April 17, 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 #050118 in the amount of \$94,913.32. 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 advised the Board he will turn in his monthly report at the next Board meeting. The Pier road project has started. They mobilized Monday and started today. The project is expected to take three weeks, if we have gorgeous weather, it will be quicker. The road will be closed to vehicle traffic for the duration of the project, but emergency access will always be maintained. Northshore is always open for pedestrians to walk.

Trustee DeFeciani asked if Marcy Denker reached out to him about the Sustainability Task Force? They are trying to get more recycle bins throughout the Village like the wooden one in front of Bunbury. They did a walk through the Village and we have a lot more trash cans than recycle bins and we want to try and get more recycle bins put throughout the Village. She asked Tom is he could map that out and see what is feasible. He agreed. She will email Tom Temple and Marcy about same.

**Police Department** – Chief O’Shea stated his report was given to the Board. The PTS grant has started, they have had a successful week for speeding dangerous driving and the report reflects that. Trustee DeFeciani asked if they have been able to get the needed report from the Court? Chief O’Shea stated no, and they need their dispositions and he is not sure why they are not receiving them. Village Attorney stated to ask the judge. Trustee DeFeciani stated she will speak to John. Chief O’Shea stated this report is important for evidence, closing out cases and they can’t destroy drugs and weapons until they receive it. Trustee DeFeciani reminded the Board, for the longest time, the Board was getting a certain type of report from the Village Court and that suddenly stopped when our new Court Clerk was hired with an excuse that they legally weren’t allowed to give a report to the Police Department. Chief O’Shea stated they give the information to the Court and they have a program to create a report. Trustee DeFeciani stated this is not private information, this is information the Police are giving to the Court and this needs to be looked into.

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**Building Department** - Building Inspector Charles Schaub stated he will hand in his report the next meeting and it is getting busier, a lot of permits.

**Parks Department** – Dan Sherman was not present.

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

**Item #4 - Old Business**

Village Clerk Treasurer had no old business to discuss.

Village Attorney stated he is waiting on a written proposal to measure sound from Pier 701. To have the individual restaurant owner play his ambient music at “x” level, the sound engineer would set up monitoring devices between 5 and 7 locations to first monitor the ambient noise prior to the introduction of music, then monitor when the music is turned on and see what, if any, difference there is and report the findings to the Board. That will be paid for by an escrow. Additionally, he received communication from NYCOM regarding establishing a charitable gift reserve fund for potentially paying taxes into the Village via this fund that would enable it to be deducted under Federal tax return so that the IRS approve it. It is not going to happen in the month of May. There is not enough information in the Governors legislation to authorize it. New York State is trying to find a way around it, but he doesn’t think there is enough detail in the State legislation for him to try and implement it in the Village this month. Lastly, a resident came in and asked him to contact her insurance company about an accident. He called them three times and did not get a response.

Mayor Tucker had no old business to discuss.

Trustee DeFeciani asked Mayor Tucker if he got the letter from Ken DeGennaro about the community rating system? Deputy Clerk-Treasurer indicated Mayor Tucker signed same, she emailed it back to Ken and she mailed the original. Trustee DeFeciani stated this will help reduce flood insurance premiums for residents in the Village.

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**

Deputy Clerk-Treasurer stated we received the base proportions and adjusted base proportions, which Village Clerk-Treasurer emailed the Board last week. They need to be approved by resolution this evening. Village Attorney stated these are the tax rates supplied by the Assessor. Trustee Blomquist made a motion to approve the tax rate supplied by the Assessor’s office. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Trustee Burns had no new business to discuss.

Trustee DeFeciani had no new business to discuss.

Mayor Tucker had no new business to discuss.

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Trustee Alpert stated New Planet Energy is going to be trucking garbage from New York City to Stony Point where it gets gasified and brought back. It is unclear if it is still happening. Orangetown and Nyack have both passed resolutions opposing it because it is going to bring 400 trucks and all the smog. It sounds like it is going to go across the bridge and exit at exit 11, so it will not actually be in Piermont, although that is still to be determined. She asked Village Attorney to draft something up if we are willing to do that? Village Attorney stated he would be happy to and has a format he used for Nyack, the effects would be different on Piermont, but it is a regional issue. Village Attorney will have a resolution next week.

Deputy Mayor Blomquist had no new business to discuss.

Trustee Burns had no new business to discuss.

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

None.

**Item #7 Resolution to Close Piermont Pier Park to motorizes vehicles every weekend from June 30<sup>th</sup> – September 4, 2018**

Mayor Bruce Tucker read a statement:

We are Piermonters. We love our Pier. It helps define us as residents, and as a Village. Sticking out almost a mile into the Hudson River, it is a marvel of 19th century technology. From its completion in 1838, it is the reason our Village went from the name "Tappan Landing" to become "Pier-mont".

When I moved here 28 years ago, the rules were simple: if you wanted to drive out onto the Pier, you needed a Pier Permit. These permits were free for Piermont residents, while non-Piermont residents had to pay. Nobody was allowed to drive past the front gate unless you had a Pier Permit. This system kept the number of vehicles driving out onto the Pier to a minimum.

Then roughly 13 years ago, a resident from Orangetown changed everything. He complained to the New York State Department of Environmental Conservation that he had the right to drive out to the end of the Pier to access one of the 12 parking spots owned by the DEC. They agreed with him, and forced Piermont to change their rules for driving onto the Pier. They stated that we could no longer give preference to Piermont residents only. If the Pier was open to Piermont residents, (and those that purchased Pier Permits), then we also had to allow access to any car that wanted to drive to the end of the Pier and park in one of the 12 parking spots. Suddenly, any car from any state could drive out onto the Pier without a Pier Permit!

But now our Pier is under assault. Over the years since the Piermont Pier Park was opened to all vehicular traffic, the volume of cars driving out to the end of the Pier has increased dramatically, especially during summer weekends. We are seeing an unprecedented number of cars, particularly out-of-state vehicles, resulting in traffic jams of cars on the Pier in both directions. Some weekends it almost requires the presence of a police officer to help direct the traffic! Besides having two-way traffic on the narrow road, the autos must also maneuver around the parked cars of the fishermen and the myriad of pedestrians walking in both directions. The probability of a car hitting a pedestrian has increased dramatically. Add in the multitude of cyclists weaving between the cars and the walkers to this mix, and you realize that it is an absolute miracle that nobody has gotten hurt to date. We must act now before anyone, especially a child, gets hurt or killed. Let us be proactive and address this weekend safety threat. Again – Safety!

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I received a letter from one concerned citizen where they pointed out to me the following:

“In this modern day, where vehicles are being used to do mass harm to innocent people, cities across our nation are taking the necessary steps to insure safety measures are being placed to protect their pedestrians on walking paths. It would not be too far fetched for somebody to drive down the end of the Pier on a crowded day, turn around, and gun the car back up the road, taking out as many people as possible”. Again – Safety!

Besides the safety issue, all this traffic causes excessive pollution and erosion on our beautiful and environmentally sensitive Pier. Our DPW is constantly out there patching pot holes or replacing rock on the north side of the road to prevent sediments flowing into the River. The south side of the Pier, owned by the NY DEC, is eroding away. The parking area owned by the NY DEC has multiple cracks in the pavement and the parking lines are being obliterated. The last handicapped parking spot has cracked and faded to the point it is hardly recognizable! To date the DEC has not shown any interest in repairing and restoring our Pier. Put simply, the Pier is under serious threat with these environmental stresses, and will not be around for future generations. We must act now to preserve the beauty of our Pier, especially during the summer weekends when we have the highest number of visitors. Let us experience the “park” aspect of our beautiful Pier instead of a scarred parking lot! Again – Sustainability!

I am delighted to note that I have received tremendous positive feedback and support from many Piermont residents. They cite to me that the trend today in New York State, (and the rest of the Country), is to design and refigure parks to be safer for walking and greener with less for driving. Some beautiful and successful examples are Walkway Over the Hudson in Poughkeepsie, and the High Line in New York City. New York City even closed Prospect Park in Brooklyn to all vehicular traffic the beginning of this year, and has recently announced that starting June 21<sup>st</sup>, Central Park will be closed to autos permanently!

So, how did we get here? It is obvious that it is not the fault of the fishermen, nor the residents who just want to walk, jog, bike or play on the Pier. This all started because a disgruntled individual from outside of Piermont forced the hand of the DEC. On this past March 28<sup>th</sup>, Trustee Rob Burns, Tom Temple from the DPW and I met with the DEC. We showed them how their side of the Pier is falling into the river. We showed them how their 12 parking spots are deteriorating. We asked them to come up with money to help repair and restore the Pier. We are still waiting on an answer. Lastly, I asked them to transfer ownership of their area to the Village of Piermont, thusly restoring full control of the Pier once again. All I can say is, they did not flatly turn me down! My plan is to push them on this issue.

So Piermonters, and I do mean my fellow Piermonters, where do we go from here? Here is my idea:

For this summer we will do a test. As you all know, my first suggestion was that we close the Pier to autos every weekend in July, August, and Labor Day weekend. However, after posting my initial announcement last Wednesday, I received emails and calls from many concerned citizens about closing the Pier to autos the entire weekend. Some of them cited fishing concerns. Some of them cited disabled concerns. I am here tonight to tell you that the Board hears the concerns of our residents, and have chosen to make an adjustment in the car-free days this summer. Our proposal is as follows: We will do a test for this summer and The Piermont Pier Park will be car-free every Sunday from Memorial Day weekend through Labor Day weekend. This will leave Saturdays available for fishermen and those that wish to drive onto the Pier for whatever reason. This will now allow for the

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Hudson River Fishing Association Catfish Contest to take place on Saturday, August 18<sup>th</sup>. The Board, as well as our Police and Fire Departments believe that this is a fair compromise. We also have the full support of the DEC, and the endorsement of RiverKeeper. This will insure that every Sunday this summer, families can go out onto the Pier with their children and not worry about them getting hit by cars. They and their children will be able to safely ride their bicycles or scooters, jog, fly a kite, fish or whatever they wish, and be able to breathe in clean air without exhaust fumes. Who can possibly argue with that? On those days The Pier itself will be relieved of taking the brunt of autos pounding and eroding the roadway into the river.

This will lower the total car-free days from the original proposed 21 days down to 15 days this summer, or from 5.7% to 4% of the total days of the year. Think about that...4%! This leaves 350 days of the rest of the year for people to drive out onto our Pier. Again, who can possibly argue with that? I know this will disappoint those that were looking for more days, but this is still an increase over what has been the past 6 summers.

After the summer the Board, working in conjunction with the Police and Fire Departments, will evaluate the results of the test. We will invite the public to offer their opinions as well. After, we will report the findings back to our citizens at a Board meeting before the end of the year. This way we can evaluate before the new year what the plan will be for the following year.

Phase two of our proposal is to start looking at next summer where we will attempt to incorporate some sort of shuttle that can ferry people and equipment out onto the Pier, then continue on a loop through downtown and beyond so that fishermen will be able to get their equipment onto the Pier without having to drive and park. The shuttle could then ferry people out to the end of the Pier, then continue on a loop through our downtown business district to encourage visitors to enjoy our shops and restaurants without having to get back into their cars. This is the future of Village transportation on busy weekends in the summer.

Lastly, and possibly most important, phase three of our proposal will be to continue our approach to the New York D.E.C. to entice them to give back their portion of the Pier and return control of the autos allowed out on the Pier to the Citizens of Piermont. As I pointed out, I have already started dialogue with the D.E.C. on this matter, and as many of you are learning, I can be very persuasive!

So that is our plan, and we, the Board of Trustees, will be voting on our Resolution tonight. If, after hearing the new proposals presented to you, you still feel the need to express your viewpoint, we will be taking a total of 20 speakers – 10 who approve of our plan, and 10 who oppose our plan. There are sign-up sheets at the entrance. There will be a limit of three minutes per person to speak.

In conclusion, I wish to read an email that I received – unsolicited – back in February while we were formulating our plan for the summer. If you recall, on Wednesday, February 21<sup>st</sup>, we had a freak 80 degree & sunny day. The next day I received the following email:

*Dear Mr. Mayor,*

*The Pier at Piermont is one of the town's crown jewels, and a delight to walk down. I emphasize "walk", because yesterday, as the weather was warm, I took my 8 year old grandson with his bike for a walk on the pier... I should have known better! It was like trying to walk down the FDR drive with the amount of traffic trying to push through pedestrians, and impatient drivers tooting their horns because progress*

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*wasn't fast enough. Needless to say, I was concerned for my grandson's safety as he is a learner and a bit wobbly at the best of times!*

*What happened to the peaceful pier that we used to know? Cars used to not be permitted unless they had a permit. Would it be possible to reinstate these restrictions?*

*Thank you*  
*Patrick Moore*

What kind of Community are we becoming that a grandfather can't take his grandson out onto the Pier to ride a bike? Let's do this test and evaluate the result in the Fall.

**SAFETY, SUSTAINABILITY, & QUALITY OF LIFE!**

Thank you.

Village Attorney stated Mayor Tucker contacted him and expressed that he had been getting inquiries regarding this proposed program and whether it complied with the American with Disabilities Act. The Village understands and takes very seriously its responsibility to keep Village owned parcels of land, included the Piermont Pier Park, free and accessible to all citizens, including those, who by reason of disability may be excluded by programming and certain area in the Village. He researched it and accessibility issues are heavily litigated and are difficult because they require a balancing of programming, including the Pier itself in its physical condition, against the rights of everybody free and unfettered access to the Pier. His opinion is this 15-day car free program does not deny disabled individuals access to the Park or deny them access to Village owned public lands. In the first instance, the park is accessible to individuals with mobility impairment disabilities. It is a one-mile long roadway finished with a surface suitable for wheelchair access and grated to a slope suitable for wheelchair access. That is very difficult to maintain and the Village does it to the best degree humanly possible, given its circumstances and the roadway itself. It is not perfect, but it is more accessible than most parks anywhere else and the Village expends substantial resources to do that. One of the main reasons the Mayor talked about the program is to reduce motor-vehicle traffic on days when the counts are the highest. It is degrading the surface of the roadway to the point a municipality the size of Piermont cannot singly bare the cost of maintaining it in a fully accessible condition. Secondly, the 15-day program specifically exempt motorized devices utilized as modes of transportation by persons with mobility impairment disabilities other than car and trucks. Wheelchairs are not now and never have been and never will be banned from the Pier. Other devices that are used for people with mobility impairment disabilities will be allowed throughout the course of this program, so there is access to the Pier. Thirdly, the Village Board is installing additional handicap parking spaces at the entrance to the Ferry Road portion of the Pier Park to ensure that people with mobility and impairment disabilities are able to use motorized transport to get out to the furthest and closest point to the entrance of the Ferry Roadway and that will be maintained. That will require a re-work at that entrance to provide more parking, but that is something the Board is doing to foster continued accessibility. The Village has installed and has maintained an accessible lavatory facility on Ferry Road and they are looking at potentially upgrading that. The main reason for adopting the program is to protect all users of the Piermont Park, including persons with disabilities from that heavy motor vehicle traffic. As the Mayor pointed out, this program is a pilot program, it is not permanent, it is something that gets implemented and is evaluated on a going forward basis and believes the Village does have the ability to adopt programs and test them to see if they work. The 15-day program represents 4% of the total days that the park is open to motor vehicle traffic. At that same time, it understandable, not every day of the year is a day that people can drive out there or access the park if you have a mobility impairment disability, probably December through February. Nevertheless, his opinion is the program itself is not unduly burdensome. Overall, when you are considering accessibility and compliance with the ADA, these things require efforts by the municipality to do the best they can

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with the circumstances they have and a balancing between the idea of maintaining the place as something that is usable for everybody at all times against issues with disabled access can get exacerbated in the event that the roadway continues to degrade. In his opinion this program doesn't run afoul to the ADA, looking at all the factors, he thinks that his conclusion has a basis in the law.

**Steve Palkovic, 66 Ash Street, Piermont** - He has lived in town his whole life and so has his family. He usually sees things in town that bother him and he doesn't say anything, but this got him in the kidney shot. He stated what you are doing is favoring one thing. There is a big sign down at the Pier that says the Pier was given to the people of Piermont, which is not true. The Pier was given to everybody and there is such an easy fix to this problem. He saw it on Channel 12 and it was like the McCoy's and Hatfield's are back at it again, you are acting like a bunch of kids. He asked the Mayor, there was no problem with the way the Pier was with just the fisherman on the Pier with permits? Mayor Tucker stated there was no problem when Piermont had control, when you had to be either be a Piermont resident or purchase a pier permit to get past the front gate. Mr. Palkovic stated a permit is needed to go down the Pier and if someone wants to go down to the 12 spots at the end of Pier, go to the Village Hall, get a day permit and you are allowed. This way you will have total control on the cars that go down there. Mayor Tucker stated the DEC will not allow us to do that. Mr. Palkovic asked why not, if it is a safety issue? Mayor Tucker stated the DEC will not allow us to restrict access to their 12 spots. Mr. Palkovic stated they are limiting it for safety, not restricting it. Mayor Tucker told Mr. Palkovic he hasn't said anything other than what they are going through with the DEC. Mr. Palkovic stated the problem isn't people going down there with their cars, it's all the people coming in and out of the Village and the only way they should be allowed to go down there is to get a day pass from Village Hall and go down to the DEC spot. Mayor Tucker asked how does that solve the problem if people come to Village Hall on Saturday and Sunday to get a Pier Pass when we are closed. Mr. Palkovic asked how many people do they think are going to go get a pass? Mayor Tucker asked who is going to enforce it? Mr. Palkovic stated the Police Department. Trustee Burns stated we would need a police officer at the gate to let each of those people in. Mr. Palkovic stated police officers go down there enough times a day and see that there is no permit there. Trustee DeFeciani stated the permit is only to park, anyone can drive back and forth, this doesn't limit how many people drive back and forth, only how many people park. Mr. Palkovic stated he walks and drives down the Pier and feels like they are slamming in this in their faces. In the summertime when the road is 100 degrees, do they expect old women to walk down the road because they can't drive down anymore? Mayor Tucker stated they are talking about Sundays only, from Memorial Day to Labor Day. Mr. Palkovic stated to be fair to the walker, fisherman, and other people who need to drive down there as well as the DEC.

**Vickie Hertz, 224 Ferdon** - She moved here 2-3 years ago and they chose Piermont for the outdoor lifestyle. She walks the Pier a lot and loves it. She thinks there is room for the fishermen, that is part of the charm. She appreciates the work they did on the compromise and she is in favor of the 15-day closure to test it and see if it works because she does care about safety and it is incredibly crowded on the weekends.

**John Francesconi, 7 Saddle Lane, New City** - The volume of traffic on the Pier has increased dramatically over the years. This has been directly due to the creation of free parking spaces at the end of the Pier and the elimination of the Pier permit requirement for Pier access. These two situation needs to be reevaluated. He would offer the following two suggestions. 1. Cars with seasonal and daily permits are the only ones to enter the Pier. 2. Cars with seasonal and daily permits only will be allowed on weekends. Cars without permits will not be allowed on weekends, but open to everyone on weekdays. He believes this would satisfy everyone's desires. The idea for closing the Pier is that safety, sustainability and quality of life are impacted negatively by traffic on the Pier. The recreation activity the Mayor described, hearing the birds and wind through the trees, communing with nature and chatting with family and friends does not diminish with the presence of cars on the Pier. Any young child on a bicycle, no matter what the location, should be supervised by an adult for obvious safety reasons. Children can get hurt

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running, climbing on the rocks or falling off their bike. It is the parent's responsibility to safeguard their children. How will handicapped individuals unable to drive on the road be accommodated? Are they expected to use a cane, wheelchair or walker as a mode of transportation? Those who fish the Pier, and he has been fishing for the last 20 years, take pride in their contribution to the sustainability of the Pier. They consider the Pier their second home and act as ambassadors by answering visitor's questions about fishing on the Pier. He wished they could see the smiles of both children and parents as they post their personal photos holding a striped bass as they themselves had caught the fish. He stated he hoped the Board would reconsider closing the Pier and let them enjoy it without restrictions. He then read a Petition: "The Piermont Pier offers the public a Unique opportunity to enjoy one of the main attractions of Piermont. Walkers, bikers, tourists, anglers and fisherman mutually appreciate what the Pier offers and should be able to do so without restriction. We, the undersigned, are concerned citizens, who are unalterably opposed to closing the Piermont Pier to vehicles on weekends. We urge Mayor Tucker and the Town [Village] Board to prevent this from happening. Mayor Tucker asked, in light of the change they made to Sundays only to Memorial Day to Labor Day, does he still want to submit the petition? Mr. Francesconi stated yes as the past few years there have been 4 day closures in the summer and that could be evaluated. Trustee DeFeciani asked how many signatures are of Piermont residents? Mr. Francesconi stated she would have to read them. It is a cross-section of walkers, bikers, Piermont and non-Piermont residents, merchants.

Village Attorney stated it used to be you needed a permit to drive out on the Pier. The DEC holds an easement for access over the Pier, specifically by any mode of transportation, either walking, motor vehicles, to get to those spaces. When there was a complaint made to them years ago, what they made clear to the Village is, we can't stop anybody from driving over the Pier if they want to go to those spaces at the end. Most of the people who drive out there probably don't even know the spaces exist, but you can't stop everyone who is going out and ask where do they want to go? Those things cannot be reinstated. When the Mayor sought to expand the several days closure, he told him to talk to the DEC, and he was surprised that the entertained this, but his reasoning persuaded them for further days of closure. The idea of going back to the old way, now you need a permit park as opposed to drive. The old way isn't going to fly with them.

Mr. Francesconi stated he believes the Village will be losing funds because they wouldn't be able to issue parking permits on those 15 days.

**Matthew Smith, on behalf of Margaret Katherine Smith, 46 Paradise Avenue,** - His family has been using the Pier for recreation for over 100 years now as residents of Piermont. When his aunt was a Board member, the Pier was given to the Village for their use, enjoyment and care. As Piermont has grown it has become more of a destination for recreation in the last years, we have also seen an increase in traffic on Ferry Road and an influx of non-residents who want to enjoy what we have all known and enjoyed. However, safety has become a concern along this road. On weekends it is filled with sightseers, fishermen, families and more. It has become so crowded with bikes, strollers, cars that his elderly relatives do not go out there on the weekends, choosing to go during the week. While there are signs, speed limits and parking, these guidelines and rules are not always followed. Another concern is first responders who have needed a clear path to get out to the end of the Pier, there is no shoulder, so cars stack up and 8-10 cars at a time are blocking access. Him and his family who have enjoyed this Pier, believe that reducing traffic on the weekends anyway they can will be helpful and safety for all to enjoy.

**Catherine McCabe, 320 Ash Street** – She appreciates that the Board dialed back the request from all weekend to just Sundays. Her family has been in Grandview and Piermont for over 30 years and they all use the Pier. Her father was a Piermont resident for a long time and suffered a spinal cord injury walking on the Pier in 2015. He walked there every day, it was a beautiful sunny day, the pavement wasn't even and he fell and got a spinal cord injury and has been in a wheelchair ever since. They take their dad to the Pier every weekend, that is one of the things he can do that makes him feel like himself. He appreciates everyone's needs. For people who have embraced this way of life for such a long time and it is such an interictal part of their life and

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have suffered a disability, illness, it takes a lot away from you. She saw on social media people were wanting to use peddy cabs or buses through the Village, which is not an option. People who have disabilities don't always get to control their schedules, it is up to other people who drive them. For her father, Sunday is half is opportunity to socialize with his family and friends. Other elderly people could also have an injury on the Pier, it is not a flat surface and that is also a concern.

**Dennis Hardy, 305 Gair Street** – He is perplexed how the DEC can find almost a million dollars to eradicate Phragmites, but they can't find a little funds to fix the end of the Pier. When he was Mayor, they did not entertain closing the pier, but over the years his position has softened for many of the reasons he has enumerated tonight he thinks it is a good compromise and he supports, the time has come.

**Daniel Goswick, 583 Piermont Avenue** – He spoke to two other attorneys about the Pier closing and to [Ms. McCabe's] point, she can't take her father out, so how are we compliant with the ADA. If somebody can't walk out there, if they have a heart condition, you are limited their access to the end of the Pier. Mayor Tucker asked, why does it need to be the end of the Pier? Dan Goswick asked Village Attorney, if you limit their access, are you in compliant with the ADA.

Village Attorney stated when you frame an issue very narrowly, you can come up with an easy answer. He spoke to two other lawyers, so he got three opinions now. Village Attorney stated overall, he thinks it is compliant. Is there a restriction and some limitation on access, there is. However, there is exemptions in the Boards resolution, obviously wheelchairs are allowed, motorized modes of transportation to utilize people with impairment is allowed, but at the same time, you have to understand that Municipalities are entitled to adopt programs for the use of their park and they have to do the best they can access wise. In his opinion, looking at the big picture, what exists out there now, what the Village has to maintain, the reasons why they are adopting this program and the access that is afforded under the program and the limited amount of time that it is in effect, he thinks on balance it does comply. He could be wrong, but he thinks it complies.

Daniel Goswick stated it was somebody that was handicapped that created this whole situation for us in the Village of Piermont that limits his access as a taxpayer, to something he pays for so people from outside of Piermont can come and walk the Pier, it's not fair.

Mayor Tucker stated it is not just people from outside of Piermont that come walk the Pier, it's people inside Piermont, who can't walk that Pier.

Daniel Goswick asked if Chief O'Shea did a comprehensive traffic study to see if there are any violations out there?

Mayor Tucker stated he didn't need a comprehensive traffic study.

Daniel Goswick stated yes, he does. The Pier wasn't given to him, it was given to the Village of Piermont, it wasn't given to Bruce Tucker, Mark Blomquist, it was given to all of us, so when something like this comes, we should have a permissive referendum so all of us could vote on it.

Mayor Tucker asked, you want to vote?

Village Attorney stated a permissive referendum is something exists under the New York State Village Law and is permissible under certain circumstances, most deal with finances, bond issuance and things. Chapter 143 of the Code deals with regulations and it says that the Board, specifically with respect to traffic, can by resolution adopt by resolution how traffic flows through parks. This is not something that the law envisions for a permissive referendum, but the

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Village Board could decide that they want to poll residents and do studies, check what everybody thinks? They can do that and that is why they have public meetings like this. It is not easy to sit up there, but they make policy decisions for everybody and not every one of them goes to vote.

Daniel Goswick stated he understands this is an issue and it has always been an issue. He was born here. It is a little difficult when you are having something taken from you. He is a fisherman, he fishes all the time.

Mayor Tucker stated he is not stopping him from fishing.

Daniel Goswick stated he is stopping him on Sundays. He asked Chief O'Shea if a traffic study on how many violations were done out there? Mayor Tucker stated he doesn't need a traffic study. Daniel Goswick stated yes, he does. Mayor Tucker stated no he doesn't.

Mayor Tucker asked should we wait until a kid gets killed and then look at it. Daniel Goswick stated he didn't want to see anybody get hurt.

Mayor Tucker stated if they want a referendum, when the Fire Department wants a new ladder truck should he put that out to the residents of Piermont and let them vote on it? Daniel Goswick stated he is not here as a fireman, he is here as a resident.

**Maureen Grahane, Cresskill, NJ** – She is a biker, hiker and walker and uses all the parks on Hudson River. She loves the Pier and comes 8-10 times a year, including Memorial Day for the watchfire. Last Monday night she came and was out on the Pier for an hour back and forth and there were 8 cars there on a Monday evening and the temperature was not that uncomfortable, but they had to listen to the cars behind them and it was unsafe. She thinks the compromise is a good start and fair.

**Joe London, 715 Blanch Drive, Norwood, NJ** - He has been using the Pier for 48 years. Riding his bike as a kid and driving as adult, he has been buying the permit as long as it has been required. He fishes a lot, he is also a cyclist and walks and hikes. What he has noticed on the Pier, and he doesn't mean to point fingers, everyone needs to compromise, parents need to be much more attentive about watching their kids. If he had a dollar for every time a dog ran out in front of him or a kid on a scooter took off from their parents, it's a safety issue. Everyone needs to compromise, there are cars, bikes and motorcycles, joggers, walkers on the Pier. He would like to see everyone be more attentive about their kids, their pets and he doesn't see any reason why a reasonable compromise can't be reached where everybody can use and enjoy the Pier. He thinks the hurricanes and Nor'easters do more damage to the infrastructure of the Pier than any automobile would do.

**Klaus Jacobs, 106 Paradise Avenue** - His comments were originally aiming at the original proposal. He is surprised compromises have been made to accommodate some concerns. The most severe is the handicap access and that needs more thinking. If people have a problem with the fees, then given them a rebate if that is important to them. He stated there is a fundamental attitude that people feel they have a right regardless of what and how it effects other people. He doesn't think it is good to make too many compromises in shortening. He would have suggested to go back to the original plan. Regardless of how many compromises you make, there will always be the argument, "we have a right to be out there". Yes, it is an inconvenience to some fishermen, but he has seen many fishermen and their kids that do not come with their cars. He doesn't think making compromises to stubbornness is very prevalent in some of the folks is not helping at all, it is not a true compromise, it is giving in. His advice was not to compromise any further and make it a full weekend, not just Sundays.

**Christine Mooney, 1W Lawrence Park** - She uses the Pier frequently. She is fine with Sundays, but that starts to spread. There is now almost no shading at the end of the Pier, and now they need the car for shading from sun, he is 89 years old. She has been in Piermont over 20 years. He likes to look at the birds. The baby ducks are at the end of the Pier, the fishermen with the crabbing. She has taken him with a wheelchair, but the Dogleg is in terrible shape and you cannot take a wheelchair there. There is no real handicap parking where she can take the wheelchair out. She suggested planting trees for more coverage, that is why he sits in the car.

**Paul Bockner, 257 Old Mill Road, Valley Cottage, NY** – He thanked the Board for their commitment to this as it is an issue that has needed to be addressed for a long time. There is a very simple issue that no one has raised. The speed limit on the Pier is 15 mph and there is almost no signage. There are three signs on the Pier concerning speed limit and there are almost 20 signs concerning parking, a ratio of 1 to 7. The first sign for outgoing traffic is 1/10 mile past the gate and that is the only sign for outgoing traffic. He suggests speed bumps, police enforcement as people come speeding down the Pier. He asked why there were only 3 signs?

Chief O'Shea stated he met with Highway Superintendent and what they did, that was very effective, was put speed limit signs on the pavement which worked very well last year, in addition to the 3 signs. They also conducted a speed survey and the average speed is 17 with the occasional speeder. They have increased their patrols and presence, but the signs on the road are very effective to slow traffic.

Mr. Bockner stated anecdotal evidence would argue against that and he thinks there are a lot of people in the room that would argue there is a lot of speeding traffic.

Chief O'Shea stated he is not qualified to make that judgment.

Member of public asked how many days and which days (weekend or weekdays) did they do the study. Chief O'Shea stated both, they do 3 during the week and the weekend.

Mr. Bockner asked if they could get a sign at the entrance of the Pier for speed control, would it be a detriment to have as many speed signs as parking signs?

Mayor Tucker said no, he will look into it.

**Fred Devan, 213 Harbor Cove** – He has lived on the Pier for 25 years. He is hearing too many opinions of people not wanting to hear the facts, they already made up their minds. When you study a problem, you want to know the facts, you take the time and do your due diligence. To say a traffic study is not needed, if this is an important part of the problem, he would not agree with that. The road is not being destroyed by too many cars. It is being destroyed by sea level rise, by superstorms, by hurricanes, nor'easters. The road is too low based on sea level now. Due diligence, facts, not opinions.

**Judy Greenblatt, 803 Western Hwy, Blauvelt** - She thanked the Board for bringing this up again. She believes the compromise the Board came up with is extremely reasonable. She suggested adding benches along the Pier. Being asked to compromise 4% of the time or maybe 5 or 6% of the time is not a lot to ask.

**Marthe Schulwolf, 522 Gair Street** – Piermont resident of 25 years. She thinks the proposal in general is a very good one. Would it be possible to exempt vehicles that have the handicapped sticker? She thinks that is legitimate when they have the handicapped vehicle. She also thinks there are people who choose to drive when it is crowded who could walk. But there are people who are legitimately handicapped, very elderly. Could the Village recognize that, or could the Village give them some sort of exemption?

**Robyn Watts, 117 Paradise Avenue** - She represents her in-laws at 99 Paradise Avenue as well. They have lived here 20+ years raising 3 kids, who all learned to ride their bikes on the Pier. She thinks most parents are dutiful and watchful. It is stressful, you have to keep your eye on them all the time. On the other end are her in-laws who are in their 80s, her father in law walks with a cane. Her mother in law is in a wheelchair. There are people who want to go to the end of the Pier who are disabled. She stated everyone in the room is all walkers, they all love the Pier, many are Piermonters and we are all Americans. She never thought of someone driving down the Pier and hurting someone. It is close with cars a lot of time and she believes cars do speed. She would like the study made public and would like to know what days and when cars are or aren't speeding. She is hoping that everyone can come to some compromises. She believes the Mayor is off to a good start of being creative and thinking about things in a creative way.

**John Leote, 317 Ferdon Avenue**- Stated there are also signs about the water.

Trustee Burns stated this is a work in progress and a trial period. For those of you that suggested a special sticker for handicap people, if that gate is closed, the only way we could do that is have a police officer on duty the whole day to open the gate and let those cars through. They tried to see if they could do something along those lines and they are still working on this. They are listening to what people have to say and their concerns, especially about people with disabilities. They are open to any additional suggestions. They are going to reevaluate this and see if they can get a jitney type of thing that could take people with disabilities and fishermen who had more than a small amount to carry out there and people who wanted to see Piermont. But, we couldn't do it all in the period this year, so this is a trial and we hope that the compromise we have come up with now will satisfy most of you as much as we can.

Deputy Mayor Blomquist stated it is readily apparent that the principal problem here is our loss of control of the Pier in the last 12-13 years. If we hadn't had to give that up, none of us would have to be here tonight. The Board will have to endeavor to get control back whether it is the State giving the land to the Village, or some sort of fee sharing for permits. We deserve that, it's our Pier, we pay the taxes for it, other people come and enjoy it. It was never an issue with too many cars when you needed a permit to drive on the Pier and he is very committed to get back to that. This is a temporary fix to put us through.

Trustee DeFeciani stated she agrees with everyone's comments in the room. Everybody has valid points. The issue is, we as a Village do not have control of the amount of traffic or vehicles that are allowed to go on the Pier. If we had more control over that, then we could set some limits. We don't have that control and she wishes we did. We are trying to get that control back. The number of vehicles on the Pier has increased significantly and unfortunately, we are living in a day and age where people are using vehicles to mow people down and there are some safety concerns. If we could get control of the Pier back, we can then place limitations on the amount of cars that allowed to drive down and back.

Mayor Tucker stated he is going to work diligently to see if he can work with the DEC to get them to give us back the plot of land and let us get control back. He doesn't think they see any benefit in having that. It is going to take a little time.

Member of the public suggested a speed bump at the dog leg by the Scheffield Memorial as kids are at the beach while their parents are fishing and the kids run back and forth. Mayor Tucker stated he will look into it.

Mayor Tucker stated 4% of the year to try and keep our kids and people safe.

Mayor Tucker read the resolution as follows:

*WHEREAS, that the Piermont Pier Park is a Village Park, and is an important recreational resource for the residents of Piermont, and;*

*WHEREAS, that the Piermont Pier Park has experienced an extreme amount of automobile traffic during the summer months on weekends in recent years, creating dangerous conditions to pedestrians and cyclists, as well as causing an overall deterioration in the condition of the Park to the point where the sustainability of the Park is in question, and;*

*WHEREAS, the Village Board, in an attempt to preserve the character, condition, and sustainability of the Piermont Pier Park, as well as for safety reasons and a way to encourage tourism, is desirous of limiting excessive vehicular traffic on the Piermont Pier Park during the summer months, and;*

*WHEREAS, the Village Mayor has communicated and obtained the consent to the plan from the NYSDEC, who hold an easement over the Park's roadway.*

*THEREFORE BE IT RESOLVED that pursuant to Village Code section 143-3, the Piermont Pier Park shall be closed to all non-emergency vehicles with the exception of motorized devices (other than cars and trucks) utilized as modes of transportation by persons with mobility impairment disabilities, starting the Saturday evening at 9:00 PM through the following Monday morning at 6:00 AM on the following dates:*

*Saturday, May 26 – Monday, May 28  
Saturday, June 2 – Monday, June 4  
Saturday, June 9 – Monday, June 11  
Saturday, June 16 – Monday, June 18  
Saturday, June 23 – Monday, June 25  
Saturday, June 30 – Monday, July 2  
Saturday, July 7 – Monday, July 9  
Saturday, July 14 – Monday, July 16  
Saturday, July 21 – Monday, July 23  
Saturday, July 28 – Monday, July 30  
Saturday, August 4 – Monday, August 6  
Saturday, August 11 – Monday, August 13  
Saturday, August 18 – Monday, August 20  
Saturday, August 25 – Monday, August 27  
Saturday, September 1 – Monday, September 3*

*Adopted at a regular Board meeting of the Village of Piermont Board of Trustees on May 1, 2018.*

Trustee Alpert made a motion to adopt the resolution as written. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

**Item #8 8:00pm Continuation of Public Hearing T-Mobile [ON AGENDA FOR ADJOURNMENT PURPOSES ONLY, PUBLIC HEARING TO BE ADJOURNED UNTIL 5/15/18]**

This matter has been adjourned to May 15, 2018.

**Item #9 Resolution authorizing the grant of whatever Right-of Way Orange & Rockland requires to bury the utility wires along Ferry Road**

Village Attorney stated this has been a struggle to determine exactly what they want, so we determined to adopt a blanket resolution authorizing to give them what they need for the right-of-way. He has been in contact with The Landing's attorney who has been trying to interface with O&R. The purpose of the overall project, the residents are paying for the electrical to be buried and there is an area just as you leave the HOA property to get to the first pole where the Village may need to give O&R a further right-of-way. If we do, it is authorized by the resolution. If we don't, we don't have to worry about it, but at least we are in a position where we don't have to worry about it.

Trustee Burns made a motion to grant a right-of-way to Orange & Rockland over that portion of the Village property necessary to facilitate the removal of the poles along Ferry Road. The motion was seconded by Trustee Blomquist and so carried with a vote of 5 ayes and 0 nays.

**Item #10 Review Special Event application and request for Economic Development funds for the Piermont Reformed Church Plant Sale**

Mayor Tucker stated they will be selling plants and baked goods. Trustee DeFeciani asked if this is a high impact or low impact? Mayor Tucker stated this is essentially a no impact. Trustee DeFeciani asked if they are requesting funds? Mayor Tucker stated they are requesting their application fee to be waived. Village Attorney stated they are requesting Economic Development Funds in the amount of their application fee, \$250.

Trustee Blomquist made a motion to approve \$250 from Economic Development Funds for the Piermont Reformed Church Plant Sale. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

**Item #11 Review request from DVine Hospitality LLC to waive the 30-day liquor license wait period**

Trustee Burns made a motion to waive the 30-day liquor license wait period. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

**Item #12 Discussion on implementing a plastic bag ban in the Village based on the Town of New Castle, NY reusable bag law**

Mayor Tucker stated the idea came up to institute a no plastic bag zone in the Village of Piermont. They are basing it on a law that was passed about a year ago in the Town of New Castle. The general language of the law is that no business, restaurant, retail, market, would be able to distribute plastic bags in the Village. Another part of the law states if certain categories of business who would be required to charge 10 cents per bag for paper bag, which depends on the type of establishment and the volume. That particularly applies at the market. This is still in the working phase. This has been talked about at the sustainability task force. It can be adjusted and get it down to where we need to be or the Village of Piermont. The only other issue is, after we started working on this, the Governor of New York has announced that he wants to do a Statewide plastic bag ban as well, which Village Attorney confirmed would supersede any local law. However, that would still need to pass the State Assembly and Senate. Trustee Alpert stated they usually don't take anything up until budget period, which would be almost a year from now.

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Trustee DeFeciani thinks it is worth pursuing, but she would like to see businesses voluntary trying it before we impose a ban. It may be very costly for a lot of businesses. It might make it easier to ease into it if people voluntarily do it before imposing a ban. She suggested an incentive for businesses to start going it on their own. She suggested reducing FILOP fees for a year if they decide to voluntarily try it for a year?

Village Attorney stated there is a shop in Nyack, Maria Luisa, that has a ban the bag program.

Mayor Tucker stated he made a presentation to the Chamber of Commerce and it seemed well received. Presence of Piermont was concerned because she uses plastic and would get stuck with the inventory. He stated typically with this type of legislation, you give time to the residents to work that out. He also spoke to some of the restaurants and very few even use plastic bags for to-go bags.

Trustee Alpert stated the New Castle law doesn't include take-out places.

Village Attorney stated there are a lot of exceptions, nuts, candy, frozen, meat, etc.

Mayor Tucker stated we don't have a supermarket here, so a lot of those exemptions won't apply to Piermont. On the one hand this will help us get recognition and put us on the map.

Trustee Alpert asked if this gives us points?

Trustee DeFeciani stated no doesn't count towards becoming certified as a Climate Smart or Clean Energy Designation.

Mayor Tucker will further discuss with the Sustainability Task Force as well and we will bring this back at a later date.

**Item #13 Review proposal from Jay Greenwell to survey Flywheel Park and Lot D**

Village Attorney stated the problem is, we are going to have to cut up the tax lots. It will have to be a subdivision and we are going to need a metes and bounds description of what the Village is going to own. We have to get a surveyor out there.

Trustee Alpert stated, having gone through this herself with a tiny piece of land, this will be so many hours of work and if they are billing by the hour.

Mayor Tucker stated we have a flat fee. Phil Griffin suggested Bob Raunfeld, Engineers.

Village Attorney stated we would need a written proposal from him and it would have to have phase 2 as the subdivision plat, which will be an additional expense and will be cheaper to have it be the same person who does the survey. They have to prepare a physical plat which shows the big lot and what is being cut off and a note on the map any other easements of existing encumbrances on the property. Tax lot numbers have to be assigned from the Town because you are creating new lots. It has to be filed with Rockland County Drainage Agency and go through the Tax Department in Rockland County and they produced letters that the taxes were paid and these are new parcels. This takes time and money. It will have to go through the Planning Board, maybe if the Village is sponsoring the project it would be an abbreviated review, but it has to go through the Planning Board because the Planning Board chair has to sign the Plat. We have one proposal for the survey, maybe we can develop that into additionally preparing a subdivision map suitable or filing and get the other proposal and see what he says.

Trustee Alpert stated she has another name of an Engineer and will give same to Mayor Tucker.

**Item #14 Review request from Hovorka Hospitality Piermont LLC to waive the 30-day liquor license wait period**

Trustee Burns made a motion to waive the 30-day liquor license wait period. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

**Item #15 Public Comment**

**Christine Mooney, 1 W Lawrence Park Drive** – Asked if the public could get a copy of the traffic report the Chief mentioned earlier? Chief O’Shea stated he would be happy to meet with her and show her problem areas and discuss further. She asked if it is possible to put it on the website? Chief O’Shea stated some of it, yes. Trustee Alpert asked if she is looking for a police blotter? Ms. Mooney stated something to show what is going on in the Village. She also pointed out that the bikers go single file when they hit Grand View, but ignore that when they hit Piermont and take up the roadway. She wants to know how many tickets are given to cyclists? Chief O’Shea stated they do more bicycle enforcement then probably any police department in the County. Part of it is outreach and education. They have a great relationship with Rockland Cycle Club. They also have a dedicated officer for bike enforcement. Ms. Mooney also noted the clog up at the bike rack in front of Bunbury and how the bikers just stand in the road and the bikes spill out into the road.

**Margaret Grace, 22 Stevenson Street** - She works with the Piermont Marsh Alliance, an organization that has been trying to get the DEC to re-think the plan for the Piermont Marsh. She submitted a FOIL request for the comments that were made to their draft plan, because their draft plan has a section D that is a time period for the public to comment up until March 1. There were about 106 comments and she noticed that the Village of Piermont’s resolution was not in the FOIL that was given to her by the DEC and she believes this is a very important document that compiled a number of years of Village input and the Village’s position of the Piermont Pier and it was not there. She thinks we need to find out why it was not included with the other comments and we should petition the DEC to include it. She came to Village Hall and asked the Village Clerk if it was sent in time, and she said it was her understanding it was sent in a timely manner. Betsy Blair indicated that she was aware of it. If people FOIL the comments, they will not see it. Mayor Tucker stated Riverkeeper did see our comments. Margaret stated they didn’t get them from the FOIL, they could’ve been forwarded from someone else. Trustee DeFeciani stated we should reach out to the DEC. Trustee Alpert asked if there were any individual comments that she noticed of people she know that commented? Margaret stated no, and there are a whole range of comments from organizations, individuals, universities, etc. She asked that the Board could see to it that the comments are included.

Mayor Tucker stated he will reach out to Betsy Blair and ask her why it wasn’t included.

Margaret stated it is important for the whole scope of how the region feels about the project.

Village Attorney stated because they didn’t release it in FOIL doesn’t mean they don’t have it on file and it needs to be with everything else and located.

**Daniel Spitzer, 505 Gair Street** – He heard a lot of talk this evening about the Pier and he would like to give some facts they can use when people approach them. 1. He did an informal survey and it is 200 individuals an hour walking the Northshore walkway on a sunny afternoon last summer and that was not counting the Pier itself, just the Northshore walkway. 2. Chief has done a survey of the number of cars and it is a lot of cars. 3. Chief set up a speed camera radar system last summer. 17 mph is the average speed, meaning half the cars are higher and half the cars are lower. He was in practice in 30 years and he had calls that made his blood curdle. The first was pedestrian struck and the other was biker struck by a car. People die at 17 mph. If a

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pedestrian is hit at 17 mph there is a good likelihood they will end up injured and a significant likelihood they will end up dead. By 30 mph it is 50% chance of death. We are extremely lucky we have not had any fatalities or injuries out there. When the Mayor talks about safety, that is a paramount concern to all of us and really needs to be stressed.

**Item #12 Adjournment**

Trustee Burns made a motion at 9:45 pm to adjourn. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Respectfully submitted,

Hannah Ross  
Deputy Clerk-Treasurer