

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
May 15, 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 May 1, 2018. The motion was seconded by Deputy Mayor 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 #051518 in the amount of \$131,151.51. 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 informed the Board that the Ferry Road project is almost complete and the road is open for use, the contractors just have to do some shoulder work. In regard to the Road Resurfacing Project, the milling of South Piermont Avenue started today and they will be milling Main Street, Bay Street and a small section of Ferdon Avenue. Paving should start Thursday, starting with Main Street and Ferdon Avenue due to Gran Fondo coming through. Friday, weather permitting, they will pave Bay Street and South Piermont Avenue to hopefully complete it this week. If the rain continues, South Piermont Avenue might not get paved until Monday or Tuesday of next week. Trustee Burns asked if a bike or pedestrian lane could be put in on the new section? Tom Temple stated it's possible and he will look into it, but when you start to put in bike lanes, they need a certain amount of width for the road, but he will look into it. Mayor Tucker asked about the 2 spots close to the gate being designated as handicap spots, is that done? Tom Temple stated it will be done this week. Mayor Tucker stated he has been getting a lot of complaints about the Suez project. Tom Temple stated he had a long discussion with the engineer today and they know they are on very thin ice with Tom Temple. They know the residents are very upset, the Fire Department is upset about the hydrant issue. The engineer assured Tom that tomorrow is the last day. They have a little work at Rite street, but then they will be gone. Mayor Tucker asked if they are still within the estimated time frame? Tom Temple stated at the pre-construction meeting they estimated 8-10 weeks, so they are probably right outside their scope, but it is always weather permitting. He is not sticking up for them, but there were for Nor'easters in March. He wants to see them go as much as anybody else, it is a headache for DPW as well. Tom Temple stated with the paving and restoration for Hudson Terrace, if the Board approves, we will accept the check from Suez for \$51,500 for the rehabilitation for the road, which is scheduled for this year's road resurfacing. We would use that, as well as CHIPS money, to fund that project. If the Board approves it tonight, he will let them know and their legal team will send something over for Village Attorney to review. Trustee DeFeciani made a motion to accept the \$51,500 from Suez, subject to Village Attorney's review of documentation provided from Suez. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 2 of 14

Police Department – Chief O’Shea stated they did a commercial vehicle check this morning in Lot D. They took 5 trucks out of service that were unsafe and wrote 30 violations. He had a meeting with Tom Temple and Chief Hardy regarding the recent complaints at the hairpin turn at Ash and Hudson Terrace. They have a good plan going forward. Tom Temple is going to look into mirrors and lines at the intersection and they are going to continue enforcement and education. Education is most important to get out through Facebook and other media. He requests that we order the police car. They just received the County Sales Tax check, the sales tax pays for the car. The surplus car would get between \$12,000 and \$15,000, book value. He asked the Board to approve the purchase of the new car. Mayor Tucker stated they will work on a resolution for the next meeting. Chief O’Shea requested an Executive Session for a personnel matter.

Building Department - Building Inspector Charles Schaub turned in his monthly report. He is starting to get busy.

Parks Department – Dan Sherman, Chairman of the Parks Department informed the Board yesterday was the deadline for the Green Mountain Sun Club application and the Board meeting is on May 30th. This was the pre-screening deadline. They accepted two of the solar panels for the boat house, they have \$68,000 in for that and if they get it, it is estimated that it will save \$2,000 in electrical costs every year for the Village and the drawbridge for \$14,000. They asked that the Lighthouse application be shifted from the Civic Association as its sponsor to Rockland Community Foundation, so they weren’t ready to re-tool that, so they now have an August deadline for that and it is not restricted to the same financial amount, he is including the whole siren, installation of the siren, solar panels for the batteries and everything into that, which they are organizing through Croton Energy Group.

Fire Department – Chief Don Hardy requested permission from the Board to close the Pier on June 16, 2018 for a mass casualty incident drill from 7:30am until 1:00pm, after that the Pier can open. The Pier can be open for walking all day long, just no vehicles. There are 5 fire departments, 3 dive teams, helicopter and sheriff’s patrol. This is a big drill for them. Additionally, the new hydrants installed on Hudson Terrace do not look like any other hydrants in the Village. It is a new style. They were up there practicing on them.

Item #4 - Old Business

Village Clerk-Treasurer advised the Board this winter our snow plow hit the front porch of Piermont Resident Fred and Susan Cohen and damaged some of the concrete. She submitted a claim to the insurance company. Due to us being a municipality and it was during a snow emergency, it’s not covered. The residents were upset and came in a met with the Mayor. Mr. Cohen asked the Village if they would pay up to \$100 for damages for him to repair the porch. It is concrete steps with rot iron poles, but there is some sort of overhang above it. Mr. Cohen is going to do the repair himself. Trustee Burns asked Village Attorney if there was any problem with setting a precedent. Village Attorney stated he did not believe so. There is a body of law that says damages caused by snow plows aren’t really actionable against a municipality. But, if the damage was caused by our plow, he doesn’t think there is an issue with resolving to pay up to \$100 to assist in the repair. Village Clerk-Treasurer stated when Judge Spitzer performs wedding ceremonies, there is a \$100 fee and she gives it back to the Village, which we put in gifts and donations. There is \$100 available that is in the Village funds because Heidi Spitzer donated it. She suggested to use that money instead of using the taxpayer’s money. Trustee Burns made a motion to take \$100 from gifts & donations, the gentleman’s going to do the work himself and to assist him. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 3 of 14

Village Clerk-Treasurer stated a resident is looking into a potential mobile retail business of selling ice cream from a bicycle cart. She distributed it to the Board. She needs to respond back to the resident. Is she going to tell them to submit an application for a peddler's license and proceed from there? Village Attorney stated this is essentially a peddler's license because he is selling goods that other shops in town sell, who pay rent, they are members of the Chamber of Commerce and they can be a conflict. Although, the applicant was very clear they did not intend to sell goods near other retail shops. But, his route has other retail shops. The response should be to submit a peddler's permit application, but that type of use is difficult in a municipality that size. Trustee DeFeciani stated in the past they have denied ice cream trucks to be in the Village, why is this not the same? Village Attorney stated the application comes in, the Chief weighs in on it and this Board entertains it. Mayor Tucker feels like if they have restaurants, or in this case, the new Market, that is doing the same thing, where these people have to pay rent year-round, that we have to yield to give the restaurateurs in this Village a leg up. He is personally against it. He checked with the owner of the new market and he plans on selling ice cream. Village Clerk-Treasurer stated she believed food trucks were not allowed in the Village and wasn't sure if this was considered a food truck. Mayor Tucker asked if that is code? Village Attorney stated it is a cart. He stated maybe the Board wants to consider a concession on the Pier, that is not something you would have to put out a request for proposal. Bids would be put in and the Board would choose which best fit their idea. There is a lot of issues there also. That is introducing a use on the Pier that has never been there before. Trustee DeFeciani stated a few years ago it was suggested that someone sell something by the train station to bring foot traffic up there and people using the trail would stop. Village Attorney stated they can put an application in, he is not sure if the Board has a consensus for or against. Trustee Burns stated he would be more interested if they were going to do a concession and get some other proposals. Maybe during the high season Memorial Day to Labor Day to have something more concrete than just a cart going up and down the Pier, which would add another vehicle to an already crowded Pier. Village Clerk-Treasurer stated the applicant was not only looking at the Pier. Trustee Burns stated at one point, they were looking to put restrictions on it geographically and maybe even certain days, but he got the impression they are not going to be in one place, they will be up and down. If we are going to go for a concession, give it more thought and then have it at one location and make sure that the person cleans up and takes care of it, this is too transit. Trustee Alpert stated this does affect local businesses. She had a lemonade stand with her kids and Bunbury's was upset about it. If it was up on the rail trail, maybe it would be less of an issue. Mayor Tucker stated he needed more time to think about it. He stated Village Clerk-Treasurer could write them back and state the Board could not form a consensus on it. Village Clerk-Treasurer stated they have to put up \$1,000 bond for the application.

Mayor Tucker stated he received the surveyors report estimate to survey Flywheel Park and Lot D. At the meeting, it was discussed a plat was needed. He sent this back to Jay Greenwell and he came back and said he tried working on a quote, but it is difficult as it would be a tremendous amount of work surveying the entire complex. Mayor Tucker read correspondence from Mr. Greenwell. Mayor Tucker stated we know it is going to cost to get this donation from Phil Griffin, initially \$10,000 to get the survey. He called the surveyor that Phil suggested and he did not get a call back. Greenwell is probably most qualified to do the job, but in terms of giving us a price to do the job. Village Attorney stated it seems they are asking \$5,000 per lot to be created for a potential 3 lot subdivision. Lot D, Flywheel Park and the remaining parcel. We may be able to get out from under the remaining parcel just showing the two new lots that have been created that are being transferred to the Village if it satisfies the County. Getting the Plat through the County Planning Board and the Tax Department is part of what is included. It looks like \$10,000 on the low end, \$15,000 on the high end and the other two surveys is another \$9,000 or \$10,000. He wasn't around when the parcels were created out there, but he does find it odd that the Village doesn't own the green in the middle of the Village. If you were going to consider approving this, you would have to review the budget and make a resolution to approve the creation of required boundary surveys and subdivision plat to acquire Parking Lot D and Flywheel Park from the current owner, in an amount not to exceed \$25,000 to be safe. Trustee DeFeciani stated there is no guarantee, even if we get the survey done that he is going to give us the property? Village Attorney stated he has indicated he is going to give us the property.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 4 of 14

But, if you are going to contract with someone to do \$25,000 of work, then we need it in writing from Phil and have it firm. Trustee Burns asked about Gair Street where it runs past parking lot D, is that included, should it be offered as part of it as it is the private street in front of Lot D? Otherwise, it is a private road on that side and he doesn't think people on Paradise Avenue want that to be the main street going in. Mayor Tucker asked Building Inspector who owns Gair Street? Building Inspector Charlie Shaub stated he believes it is the Home Owners Association. There is a battle over that right now. They are fighting over who is going to pay for the re-paving. Trustee Burns stated in the past, when there was sewer work done there Phil Griffin agreed to go 50/50 with the Homeowners Association. Mayor Tucker asked in essence, Gair would not be included in the donation. Village Attorney stated it is not included in the survey. Trustee Burns stated if Phil and the Homeowners Association were inclined to include it, would the Village want that as part of it? Mayor Tucker asked what the advantage would be? Trustee Burns stated it is the street that services the parking lot and an auxiliary street going to the main part of the Village. Otherwise, you are going to still be hit with those two entities fighting over who is going to do it and you have seen what that street looks like. Trustee DeFeciani stated after he paves it, then we'll take it.

Trustee DeFeciani stated the Waterfront Resiliency Commission had previously been working with the Fire Department to develop a CERT Team in the Village. That has been put on hold as it was beyond the scope of what they could do in the Village, so they have tapered it down and started a bit smaller and hopefully will go back to the Fire Department and Police Department with a different project. They are trying to get together a Piermont Neighbor to Neighbor Alert System. They will be sending out a mailing with our new flood preparedness guide asking people if they want to sign up to be neighborhood leaders or if they want to sign up and have email and cell phone on this list, so if there is an emergency, neighbors can check in on each other. Once they get that established, they will move forward with more formal training to do an actual CERT. They would like to still meet with the Fire Department and Police Department to go over the Neighbor to Neighbor Alert System to get some ideas from them as well. They have a meeting Tuesday next week to finalize that and request a meeting with Police and Fire Departments. Mayor Tucker asked if the flood preparedness guides are still going out with the tax bills? Trustee DeFeciani stated no, it sounds like not enough can go out, so they are going to request to do a separate mailing with the Flood Preparedness Guide and the Neighbor to Neighbor Alert sign-up and that will get mailed out to every resident in the Village.

Trustee Blomquist had no old business to discuss.

Trustee Alpert asked if everyone had a chance to look at the New Planet Energy Resolution Village Attorney drafted about opposing New Planet Energy building in Rockland County? New Planet Energy had a proposal in to have a gasification plant in Stony Point, which would have 400 large trucks tacking garbage from New York City and Westchester to Stony Point, turning it into some form of gas and driving it back to New York City. Orangetown and Nyack have both passed resolutions opposing it. They ended up canceling that plan, but still scouting locations in the County. Village Attorney drafted a resolution voicing the Board's opposition to that. Trustee Alpert made a motion to accept the resolution as drafted. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee Burns had no old business to discuss.

Item# 5 New Business

Village Clerk-Treasurer stated the Fire Department Floating Dock companies who bid have been inquiring what is happening? Deputy Mayor Blomquist stated we have a commitment for 50% of the shortfall based on the bids conditioned on the Senator matching it. He was told by the Senator's office today they would have an answer by Friday. Village Clerk-Treasurer will tell the bidders that possibly mid-week next week we will have an update.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 5 of 14

Trustee DeFeciani reminded the Board that Cornell came and did a Climate Adaptive Design Studio and came up with several different plans and ideas for the Village to help us mitigate future flooding. Now they have another design studio, the Spitzer School of Architecture from City College wants to come and do another design studio, but they want to focus specifically on relocating homes and focusing on an area that they are going to be relocating homes to and designing that as well. She thinks this is perfect timing with how we left off with the CAD and Cornell and they will come back in September and this will be a different approach to look at the Village.

Mayor Tucker had no new business to discuss.

Trustee Alpert had no new business to discuss.

Deputy Mayor Blomquist had no new business to discuss.

Trustee Burns had no new business to discuss.

Item #6 Other Non-Agenda Items:

None.

Item #7 7:45pm 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. He reminded the Board that on March 20, 2018 they provided a draft of the LWRP at that point and the Board declared themselves as lead agency under the environmental review act for New York State SEQRA. It is a Type 1 Action and the Board authorized staff to send out to Rockland County Planning for GML and Town of Orangetown, and Village of Grand View on Hudson and they also established a 30-day comment period. They also did a long form EAF Type 1 and Part 3, which is a determination of significance. There is no adverse significant impact and the reasoning on the EAF of the Part 3 and issue a Negative Declaration after they review it. They also received comments from Rockland County Planning. They had two comments that they are incorporating in to the transportation element and a local economy employment as part of the comprehensive plan elements. They made a comment about impervious surfaces and how they should be providing that as part of our projects, which he thinks would be part of the zoning, but he can add it as part of the code. They added a new paragraph about sanitary sewer and will incorporate into the update. Previously, Betsy Blair at the DEC had provided comments and that is in the March 20 draft. On Sunday night he received comments from Larry Vail, the Chair of the Sparkill Creek Watershed Alliance and he was very generous in suggesting some language. They are going to take the comments and incorporate them into the draft and have it available at the next meeting. He stated the Board could do a SEQRA determination tonight and they are here to listen to any other comments. Once they accept the next draft, they are going to send it up to DOS for their review. They already started the informal review.

Village Attorney stated this is a continuation of the public hearing which we will be hearing public comment on. The environmental review of this action, the documentation prepared by the Planner, the Part 2 of the Environmental Assessment Form does point out that there is not a lot of significant environmental impacts that would occur simply by updating the LWRP. Part 3 of the form really lays out a lot of the work that goes into this and sort of summarizes how this type of update is designed to not impact the environment but protect it. At the end of the day, once the Board listens to public comment, a motion would be in order to accept the Part 3 and make a determination of significance, a negative declaration that there is no environment impact from

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 6 of 14

the proposed action. The consistency review is something that the Board makes on whether this is consistent with the Coastal Assessment Form lays out consistency with the Village's Law. The Planning Board weighed on that it last night, we don't have their written minutes yet. If the Board feels comfortable with the Environmental review, it can be put over to the June 5th meeting to make a consistency determination, accept the LWRP and send it out for the review.

Robert Galvin stated you may want to close the public hearing if they don't have any further public comment.

Public Comment

Larry Vail of the Sparkill Creek Watershed Alliance complimented the Board on a great report and for having a great consultant that calls him back on a Sunday. He focused on number 13 about water quality and flood waters. The report accurately recognizes that Piermont is in a grip of the tides of the Hudson and the stormwater from Sparkill Creek and it all meets here. A particular project was, petition the Town of Orangetown or the County of Rockland to do something about the problem. That is a wonderful sentiment, but in the last 3 decades he has not seen any attempts by Orangetown to do anything. Piermont has an excellent plan with experts who have looked at it and are so far ahead of other places in the County. A real concerted effort to lobby pressure to the people upstream could result in some action, so don't lose faith. He is envisioning something like a whole local watershed resiliency protection program for a wider part of Sparkill Creek. Right now, the designated area stops at the Village border but why not the whole watershed? Don't give up. Even if the wording doesn't change, the Sparkill Watershed group is here to help if they need any more help on that.

Margaret Grace stated two items in the LWRP plan are really important to her. One is access to the Hudson River for recreational purposes and the other is Sparkill Creek, she is a member of the Sparkill Creek Watershed Alliance. On page 14 in the final paragraph it says, "the relatively small amount of recreational use in Piermont at this point in time does not warrant the Village to exercise its authority to manage and regulate these uses in the Harbor Management area." It does add a caveat that in the future if they feel recreation use grown, they can reconsider it. There are 274 boat slips in Piermont and when you go on Google Maps you can see 150 boats are actively in the Harbor. We have a rowing community, kayak community and a significant waterfront presence with our Fire Department. To her, this is a Local Waterfront Revitalization Plan and it should strive to promote use and oversight by the Village and maintain Piermont's authority, don't give it up. This document needs to set forth our aspiration, not to give up the oversight that we have. We need to express our aspiration to be a better and revitalized waterfront community and to her, if you look at page 14, by surrendering it. Don't step back from it, this is really important. The State needs to know how seriously we take this and how important it is to the Village, especially when we are asking for funding and approvals for water related projects. She asked the Board to please not let the Village relinquish its interest here. She doesn't understand why it's a consideration. The Village in the original LWRP, the entire Village was a critical environmental area and many of those areas are now not considered critical. We have cherry picked areas. With the Sparkill Creek, we identified the tidal areas and the bird sanctuary. The entire corridor should be a critical environmental area. She disagrees with removal of the Tappan Zee Elementary School from the list of critical environmental areas. People always use the word green infrastructure and they use it to describe things like energy saving man made devices and techniques. That 40 acres at the school is our green infrastructure of the Village. It is our open space, our open space reserve. It has ponds and wetlands. Mayor Tucker stated it is not ours. Margaret Grace stated she is aware, but to her, it should not be taken off the critical environmental area.

Robert Galvin stated they have a Harbor Mastering Plan that they increased the coverage of 1500 feet into the surrounding waters, so you actually have jurisdiction of 1500 feet based on NYS Code and you have a Harbor Management Code as to how you manage it.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 7 of 14

Trustee Burns asked if that 1500 feet also go from the Eastern end of the Pier? Robert Galvin stated it goes around the Pier.

Rod Johnson stated the LWRP lists the flood hazard zones, but it only addresses the flood hazard zones that are contiguous to Hudson River and Sparkill Creek. The FEMA Flood Insurance Rate Map shows other flood hazard areas in Piermont that are located in steep slopes. He gave the board some material with the FEMA Flood Insurance Rate Map that show flood hazard areas on the hillside. He reminded everyone when we had 2 feet of mud on Piermont Avenue from a rainstorm from the mountain. We've had St. John's stream overflow, 2-foot boulders wash onto Piermont Avenue, damage to Piermont Avenue in front of Canzona's. We had uplands in critical areas of flood zones. He asked if you are listing a flood hazard map, please include the official flood hazard map which identifies the flood hazard areas on the map. Second, the section on Local Government lists specific regulations and agencies involved in regulating this plan. He is an individual member of the Planning Board, but is not representing them tonight, but he takes umbrage that the Planning Board was not listed as the involved agency for making decisions. So, if you are listing the Village Board, Village Attorney and Village Inspector. He respectfully requested that the Planning Board be listed as a Village entity and list them and their responsibilities. This draft removes critical environmental areas that were listed in the 1992 LWRP. And the reason the whole hill side was listed because these are areas that are critical, and it recognized that we needed to develop steep slope regulation and this LWRP just says we must continue to examine steep slopes, continue to examine regulation. He urged them not to remove the critical environmental status of the upland areas. The Board might want to consider this LWRP addresses the entire Village and proports to be a difacto comprehensive plan for the Village. This LWRP adequately addresses the issues of resiliency, which has been a major effort of the Resiliency Committee and the LWRP, but he thinks the Board may want to look at it from the perspective of someone who lives on the hillside and the hillside issues.

Robert Galvin stated they added areas of significance that had been added in 1992 and those had not been incorporated as the CEAs, they would have been incorporated as a catch-call CEA. The State has to still take your input as it relates to DEC properties and everything else. All the properties in the Village are in the LWRP.

Trustee Burns made a motion at 8:29 pm to close the Public Hearing. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Trustee Burns made a motion to issue a Negative Declaration as reflected in Part 3 of the LWRP. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Village Attorney directed the Village Clerk-Treasurer to put this on the June 5, 2018 agenda for consistency determination and further action on the plan itself, taking into account the comments and updates by the Planner.

Robert Galvin stated they will take the comments received tonight and incorporate them. They are also working on the transportation element and local employment.

Sylvia Welch thanked Robert Galvin for all his hard work. She stated the issues of flooding, resiliency that is going to be part of what they are going to do to update the zoning and other codes and regulations. The next grant round, as continuation of the LWRP they will be able to find the money to do that.

Item #8 7:45pm Public Hearing 449 Piermont Avenue to amend Special Permit under Chapter 210-76 (B)

Village Attorney reminded the Board that this is an old dental office at 449 Piermont Avenue. The use that is proposed there is retail, an herbal shop, apothecary. That use is permitted in the Business B Zoning District by special permit by the Board of Trustees. The Building Inspector has reviewed this and can verify that the size of the shop and how the space is dedicated, mainly to storage in the back, they do not need to provide any additional parking with respect to this place. Building Inspector agreed. Naomi Vargas stated they went to Planning last night.

Trustee Burns made a motion at 8:34pm to open the Public Hearing. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Trustee DeFeciani made a motion at 8:34pm to close the Public Hearing. 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 approve the Special Permit, subject to filing with the Building Department the Board's resolution and compliance with the submitted plans to reflect the proposed layout. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Item #9 8:00pm Continuation Public Hearing Application to amend existing Special Permit for Pier 701 Restaurant to allow ambient music outdoors

Mayor Tucker recused himself.

Village Attorney reminded the Board that this is an application when somebody holds a special permit, it is automatically renewed if they haven't any violations in the past year of any of the conditions of the special permit. This particular applicant desired to amend the existing special permit, we said no exterior music, to allow for ambient music outside. When this was before the Board last time, the Board directed him to obtain proposals for some audio testing from some acoustic engineers. The scope of which was to set up monitoring near the restaurant and at several locations throughout the Village. He ended up with at least 6 designated locations to 1. test the ambient music and 2. Have the applicant have the type of music he wanted on in the restaurant, test that sound and receive a report from the acoustic engineer on how that changes the noise levels at the locations being monitored. It would also verify what exactly was going on in the restaurant at that time so that could be put in the Special Permit, if the Board felt the request was okay and the special permit could be modified. It took him awhile to get proposals for the work in. The proposal is \$3,500. With land use applications, we maintain escrow accounts and the applicant is required to put up the money. We hire the professional and therefore, he reports to us on how it goes. He did not receive this proposal until May 11th. He called the applicant's attorney and said they have to show up with \$3,500. If we received same, we can retain this firm and set up the monitoring. He thought it was best to do it at a time when there are people at the restaurant and there is good weather so it can be a true measure of what, if any, affect the sound propose would have. The applicant is bound by the conditions of his existing permit until the Board takes action on this request. (The applicant gave a check to the Village Clerk-Treasurer at the meeting). Village Attorney stated that if we retain the firm, we could maybe have the results by the next Board meeting.

Trustee Burns made a motion to retain On Site Acoustic Testing LLC for \$3,500. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Village Attorney will reach out to On Site Acoustic Testing LLC tomorrow and arrange for this going forward.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 9 of 14

Trustee DeFeciani made a motion at 8:39pm to keep the Public Hearing open until June 5, 2018. The motion was seconded by Trustee Alpert and so carried with a vote of 4 ayes and 0 nays.

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

Village Attorney stated they are still not ready and this needs to be carried over.

Trustee Burns made a motion to adjourn this matter to June 19, 2018. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #11 Resolution to adopt 2018 Tax Warrant

Deputy Mayor Blomquist made a motion to accept the tax warrant in the amount of \$4,792,728. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Item #12 Presentation of concerned Piermont Residents who live near the Ash Street hairpin turn

Mrs. Marty Rosen, 143 Hudson Terrace was before the Board and stated for the last 11 years they have had a front row seat to the commotion that goes on at that corner. Road rage and swearing. She experienced it first hand on April 27, 2018, which spurred her to come in and speak to the Board. She was driving down the hill on Ash Street and came to a full stop as a car was coming around the corner. She was still stopped when a second car came whipping around the corner directly behind the first car. There was a little space, she started to move. United Water had the street closed sign up in the right-hand lane, so she was moving to the left-hand lane so she could get to first street, which was permitted. A third card suddenly barreled through the intersection without stopping coming up the hill and stopped just short of her car. The gentleman who was in the car started to curse and screamed out the window "you are a despicable 'c'" and then he used other foul language. At this point she hadn't said a word of done anything other than stop legally and try to get to her home. The man was clearly enraged and continued to curse at her. And when she tried to move forward to get away from him to move to First Street, he hit the accelerator on his car and the car lurched forward and she had to stop before he could hit her. At that point, he started leaning out his window and started spitting at her. She called 911. She is still shaken by this as it was out of the blue and crazy. She was able to give dispatch a license plate number. It was routed twice to the Orangetown and not to Piermont, otherwise, she believes a Piermont officer would have been onsite. While she was on the phone with the second officer, she man got out of his car, came to the passenger side of her car and she was blocked in by the stone wall coming down Ash Street. She had her windows up and locked the car. He started spitting at her window and cursing at her. She was still on the phone with dispatch asking them to please have an officer there as she was really afraid of the man. He got back in his car, backed up, came around the corner and took off. She got another picture with her cell phone and possibly capture the back of his car, make of his car and plate number. Officer Paul Troy showed up and she commended him for being very professional. She described this to her friends that this could have been a classic "me too" moments of somebody not believing what you say. Officer Troy took the report to follow-up and an hour later called her to tell her the man was a Piermont resident who lives on Piermont Avenue, not far from where she lives, owned the entire episode, including his language, his spitting. She gave the Board a copy of the report. This is the moment that the things going on stopped being a joke. They have children, they worry about the kids and people that move slowly. She doesn't believe we can fix the chronic traffic problems that we have in the Village by one approach only.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 10 of 14

The police really do work at that corner, Tom Temple put a mirror in front of First Street, which helped, but it doesn't save them from the people who barrel through that stop sign and continue from 40-50 mph down Hudson Terrace, which is filled with moms and kids at all hours. They have put up signs saying kids live here, please drive slow, etc. even that isn't enough. She thinks we need to work together on a committee with DPW and Chief O'Shea as well as Sylvia Welch to develop a plan to take on the worst of the problems in the community. She stated Chief O'Shea was amazing when she spoke to him. He was so positive and really picked up taking the lead in trying to deal with what is going on. She went on Facebook yesterday and she has comments from about 2 dozen people sharing their accounts of people behaving badly on 9W where we have a speeding problem, on Broadway and Ash Street, on the hairpin turn, and along Ferdon. She would like a member of the Board and Fire Department involved. She would like to sit down with each of the departments, identify the problems fully and go back here in the not too distant future with proposals and space for public feedback to move this forward. Mayor Tucker asked if she filed a complaint against the man she had an altercation with. Mrs. Rosen said she spoke to the Police Department about it, but she doesn't want any further contact with him or want to do anything that would involve her to get involved with him, she is not pressing any charges.

Robert Ulsh – 40 Ash Street - He reaffirmed that this is a very real problem, especially for the children that live there. The profanity is profuse. People do not know how to control themselves. When he is gardening his front yard and he steps off the curb to pick up leaves, he gets cursed at because he is in the way. It is a significant problem. He loves the idea of a committee to look into this. The police are great in this town, but enforcement alone will not solve this problem. He encouraged the Board to take this problem very seriously. He thinks ultimately a one-way street South to North up Hudson and a one-way street up Ash and not down is the only way to solve the problem that will create other problems on Hudson with parking and flow of additional traffic. To continue to allow it to go on the way it is, unaddressed, and only asking the police to do what they are doing is not enough of an answer at this point. He thanked Marty for taking the lead on this.

Bob Samuels - Suggested we hire someone who knows how to solve these problems, due a study and make recommendations. He doesn't believe a group of citizens even know what choices we have. He was driving around Nyack, there are signs just to slow you down. We could easily have speed limits signs, speed humps, there are a lot of solutions. Maybe we could get a grant to hire someone to do a study.

Chief O'Shea stated they received a grant for speed boards which they will place in different areas where they get a complaint of speeding. They are solar powered. That is part of what they are doing to address the problem.

Rob Burns stated one of the problems at that intersection, is people don't understand that one car goes and then the other goes, so you find cars tailgating and 2 or three come up or down at the same time. He suggested maybe posting signs that it is alternate traffic to help educate people?

Chief O'Shea stated that is one of the big problem and he met with Tom Temple, who will look into that. The other suggestion that the Mayor made is, we are getting a lot of business traffic on Business traffic on Hudson Terrace because people are not turning down the hill, maybe we should put up a sign that says, "business district" at the corner, a lot of the traffic will be alleviated. They are looking at it, it is a big problem.

Member of the public stated this year alone there have been two traffic fatalities between Piermont and Nyack on 9W. The speeding is unbelievable. You take your life into your hands just getting into Piermont from 9W.

Mrs. Rosen stated residents of Palisades are having hearings with DOT about reducing the speed limit through Palisades to 35 mph. Those residents suggested we might look into doing that in Piermont. Mayor Tucker stated 9W is a State road.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 11 of 14

Mrs. Rosen stated it took residents and the municipality to complain to get this far in Palisades. Chief O'Shea stated he was in that meeting and there is a study underway for the whole section from Nyack to Palisades. It will take a while, but they will get a good report on improvements and ways to address the speed limits.

Member of the Public– Part of the problem is the foliage at the hairpin turn. It is hard to see if someone below if someone is sitting at the stop sign because it is so overgrown.

Mayor Tucker stated convex mirrors would also help. Signs for alternate traffic would also help.

Trustee DeFeciani asked if there is a way to encourage people who shop and eat to exit the Village the other way and maybe make a sign that says local traffic only if you are coming up Ash? Kathleen Puder stated so many people stated so many people follow their gps, and just go where it is taking them. Trustee DeFeciani stated maybe a sign that says no access to 9W.

Sylvia Welch agreed we need a committee set up and then take what best works and add anything local and put recommendations together and she will look for a traffic study person who can analyze this quickly.

Member of the Public, Ferdon Avenue – She asked what they need to do to add a sidewalk the entire length of Ferdon instead of having it end at The Souk? She lives a couple of houses away from there and has to Piermont Avenue and go around to the row houses and come back. She spoke to the Highway Department in Orangetown and they said they will put it on their concerns list, but pushed the problem to Piermont. Mayor Tucker stated now she is talking about a capital project which will have to be discussed with the Board and agencies and no matter what Orangetown does or doesn't do, they will only go to the Piermont border.

Marty Rosen spoke on behalf of Alexis Starke – The sidewalk ends just past Ruth Jesup's garage on Ash Street.

Marty Rosen stated when she spoke to Marty Rosen about these issues last week, he talked about the studies and issues with speeding on the 3 main roads that go into Piermont. They have a lot of complaints from residents. 9W, Ferdon and Piermont Avenue. It is not just about the hairpin turn. It is about a mentality by visitors, too many visitors, too many residents.

Trustee Alpert volunteered to be the designated Board member to take this on. She stated there has been an increase in traffic in the last 5-10 years and things that were not a problem when she first moved here are now a problem. She would be happy to look at it with the committee and the Chief and see if it makes sense to hire someone. Marty Rosen volunteered to be on the committee also.

Item #13 Review request from Lynne Boone to place a sculpture on the Pier in memory of her sister and brother in-law

Joe Serra was before the Board speaking on behalf of Lynne Boone who could not attend tonight's meeting. She would like to consider purchasing a sculpture and donating it to the Village and placing it on the Pier in memory of her sister and brother-in-law. She will pay for all of the expenses. Dan Sherman and he came to the conclusion to put the sculpture at the dog leg on the Pier. He gave the Board a rendering of sculpture, 8.5-foot-high piece, most likely cast in bronze.

Village Attorney stated from time to time the Village will get requests to put things in the parks. Benches, etc. He doesn't know that since he has been around the Village has accepted a donation for something to be erected in the park.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 12 of 14

Trustee DeFeciani reminded the Board they denied the request for the lighthouse on the Pier because they said they have benches out there and then they would have 300 applicants come in asking to put a sculpture on the Pier. They have limited the number of benches because there is no room. She stated we have benches out there already and this would set a precedent and people would then be coming in to request to put sculptures. She would be inclined to say no and if she could find another place in the Village on private property. Mayor Tucker asked what if she wanted to put it in another Village Park, just not the Pier? Trustee DeFeciani stated the Pier has been limited to the benches and there are people on a waiting list to get a bench. Dan Sherman stated at the last meeting they almost added more benches because there are so many people out there. Dan Sherman stated they picked this location because it didn't seem so Pier like. He stated it would be easy to limit additional sculptures and he didn't want to put it in any other location on the Pier, it would seem random. It is across from the Scheffield Memorial, there is no sculptural conflicting with it.

Trustee Burns stated he agrees with not lining the whole Pier with sculptures. He knows that art is very personal and if this was very abstract, he would be against it, but this is natural looking and would be a nice addition at the dog let to see from the North walkway and Ferry Road. He would be more inclined to say, if somebody wanted to donate it, he would be in favor of it.

Dan Sherman stated this is a very valuable civic component.

Joe Serra stated he didn't see why the Village couldn't limit sculptures on the Pier past that point, or even at that spot.

Trustee Alpert thought the sculpture was beautiful and likes the idea of having art in public spaces, but we need to figure out a way of doing it so we are not having every single person who wants to put up something.

Village Attorney stated the Village has the ability to give permission for anything to be put up in their park. But, many municipalities develop an art in public places survey stating where they would like to see art and sometimes let people rotate the art. Another municipality he works for, they solicited proposals from artists to put something there on a temporary basis, and then rotate artists. If you put something up, other people are going to want to come. Before you agree to do something, you should have the policy in place that is very clear and set in stone.

Joe Serra, things on the Pier would have to be withstand elements. This would be on a platform and dug in, not temporary.

Deputy Mayor Blomquist stated he agrees with Trustee DeFeciani. This sculpture is almost 9 feet tall and it is close to the Scheffield Memorial, we have memorial benches out there, which are not very obtrusive, he thinks this could be construed as fairly obtrusive. This is the kind of thing, that once we secure the rights to Flywheel Park, he would have no objection to putting it there, but he doesn't think it is appropriate for the Pier.

Trustee DeFeciani stated she knows Laura Straus was trying to get a grant with Sylvia Welch for Half Moon Park to make that a sculpture park. She is not opposed to accepting the donation of the sculpture, she is opposed to the location. If we say yes, we are going to get 50 other people asking as well and this is opening up a can of worms.

Dan Sherman asked if a public hearing could be scheduled.

Trustee DeFeciani stated as the Village Attorney stated, we still need to have public policy in place in terms of how we limit.

Village Attorney stated, just in general, for Art in Public Places, a Board would typically come up with ideas, have the Parks Commission involved and maybe some people from the

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 13 of 14

community and have an idea going forward instead of just a dealing with it on an ad hoc basis. This requires sort of an overall look of what is appropriate where. It doesn't seem like this Board has a consensus that the installation of a sculpture on the Pier, even at that dogleg, is something that has support. But, maybe if everyone was sitting around a table talking about an Art in Public Places Program, maybe that would be something. A little more discussion and analysis is needed.

Mayor Tucker stated he loves the sculpture, but he needs to think on this. The Board needs to talk about this further as well.

Item #14 Public Comment

Francis Brooke – I would like to extend my appreciation to this Board for following through on my request to dig a little deeper into my numerous FOIL requests and denials. As you know, my FOIL requests center around my being in Piermont on March 22, 2017. After I came before this Board, I received a very interesting letter from the Village Clerk's office dated May 2, 2018. In this letter, the FOIL request processing protocol which you use, each FOIL request is forwarded to the department that contains the related records, which in his case, is the Piermont Police Department. In this letter, the Village Clerk's office acknowledged that "a record referenced in your FOIL request dated April 3, 2017 exists" In fact, the letter also acknowledges there were three requests for the same information, and each was denied. Each of these FOIL requests was denied and sent to the Village Board and denied all of them on Appeal. Again, according to the May 2018 letter, after it was determined that the record existed, a determination was made based on whether or not the record was subject to disclosure. As you may or may not know, it was determined that there was an open law enforcement investigation, and this is the basis for my denial. Here are my questions: On what basis was I initially denied? According to the denial, I received a year ago, there was no report with my name on it. None of the first three denials stated that there was an active police investigation involving this report. Is it logical to believe that the Chief could not locate this report when only 5 reports were written on March 22, 2017? I would love to hear Chief O'Shea explanation as to how this request, which was specifically indicated on several FOIL requests from March 22, 2017 could not be located for up to a year? Is this an example of the Chief's incompetence or simply a cover-up on his part? The next question of course, is why is my name on this report? Am I the subject of a police investigation? Why was I not interviewed by the Police Department on this matter? And when exactly did this police investigation begin? The Village Clerk's office also indicated that this Board does not have the authority to investigate, or otherwise have input over the status of police investigations. Whereas that is correct, according to the New York State Government handbook, the Mayor is responsible for supervising the Police officers and employees of the Village. Is Mayor Tucker allowing the Chief to circumvent the Law and also violate citizens' rights? Mayor Tucker, you went to County Executive to have me removed from working in the Village after I spoke up in a public forum about this very issue. Mr. Sevastian also challenged my appearance in front of this Board. Now that I have been proven to be correct, will you now go to the County Executive and tell him you were wrong? Finally, now that it has been determined there is no reasonable basis for denying me access to this report, I will be seeking attorney reimbursement fees under governments addendum to the Public Officer's law. I assume none of these questions will be answered, thank you for your time.

Item #15 Adjournment

Trustee Burns made a motion at 9:13pm to adjourn. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Village of Piermont Board of Trustee Minutes
May 15, 2018
Page 14 of 14

Executive Session

Trustee DeFeciani made a motion to enter Executive Session at 9:13pm. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee DeFeciani made a motion to exit Executive Session at 9:25pm. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

No action was taken.

Respectfully submitted,

Jennifer DeYorgi
Clerk-Treasurer