

**INCORPORATED VILLAGE OF PIERMONT  
BOARD OF TRUSTEES MEETING  
October 9, 2018**

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

Mayor Tucker called the meeting to order and led everyone in the Pledge of Allegiance. Trustee Alpert requested Executive session to discuss a personnel matter.

**Executive Session to discuss a personnel matter**

Trustee Burns made a motion to enter Executive Session at 7:02pm. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Trustee Burns made a motion to exit Executive Session at 7:44 pm. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

No action was taken in Executive Session.

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

Trustee Burns made a motion to approve the minutes for September 25, 2018. The motion was seconded by Trustee Blomquist and so carried with a vote of 5 ayes and 0 nays.

**Item #2 – Approval of Warrant**

Deputy Mayor Blomquist made a motion to approve Warrant #100318 in the amount of \$4,599.02 and Warrant #100918 in the amount of \$44,013.57 for a grand total of \$48,612.59. 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 road resurfacing is underway. Hudson Terrace is done and back to normal. Rite Street, Paradise and the End of the Pier are also complete. He spoke to Suez today regarding the payment for their part of resurfacing Hudson Terrace. Their check was cut in the wrong amount, instead of \$51,000, they wrote it for \$15,000, so they have to issue a new check which we should hopefully have the check for \$51,500 from them by the end of the week. He is also following up with them for the road opening permit for Hudson Terrace that they haven't paid yet, which is \$29,460. They questioned why it was so high and he explained it to them and sent them our code.

Highway Superintendent Tom Temple stated as laborer Reece McNichol resigned they would like to now hire Christopher Ingalls. He is a 25-year-old Orangeburg resident and has an HVAC background, which is helpful for the department. Tom Temple asked the Board for a resolution to hire Mr. Ingalls at the rate of \$16.72/hr. Deputy Mayor Blomquist made a motion to hire Christopher Ingalls at a rate of \$16.72/hr. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Mayor Tucker asked if Ken DeGennaro got back to him regarding DEC and the boat ramp? Tom Temple stated no. Tom Temple stated that the grant has been extended until October 2019, but we would like to get it done as quickly as possible.

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Mayor Tucker stated he had a request from the Chamber of Commerce, on October 18, 2018 they are having "Girls Night Out" and they asked if the tree lights could be turned on before then? Tom Temple stated that could be done. Mayor Tucker stated Sgt. O'Leary received a request for a cross-walk going from Franklin Street across the street to Ash Street. He spoke to Sgt. O'Leary as he is not sure there is anything in our code for it, or if we have to add it to our code for crosswalks. He will try and get it done this week as they will be striping the DEC parking at the end of the pier (4 handicapped and 8 regular). Trustee Burns asked if they have signs to put the signs up? Tom Temple stated they have special signs, which are no longer there, but we can put our signs up. Mayor Tucker stated to put our signs up and to update our invoice, get it to the Village Clerk-Treasurer and we will submit it. Tom Temple stated they re-paved in front of 14 & Hudson, but they don't think it will help as there is a low spot in their sidewalk.

He is going to get a 4ft trench drain and sink the trench drain in and drain it out to Ohio Street. Building Inspector Schaub stated he suggested to 14 Hudson to put pavers over their concrete, which would raise it up and fix the problem. They stated that is not on them, it is the Village's fault. Building Inspector Schaub told them their sidewalk sunk. Mayor Tucker asked that when the lines are repainted in front of 14 & Hudson, they come out a little further, as it is "cars only" parking there.

**Police Department** – Chief Michael O'Shea was not present.

**Building Department** - Building Inspector Charles Schaub informed the board he will turn in his monthly report at the next meeting. DEC was on Tweed Boulevard today with Ken DeGennaro and they started writing violations. Yinka was there during the investigation by the DEC and they explained a bunch of things to him and hopefully the DEC can take some heat off the Village where he is accusing us of some things. Second, The Overlook is looking to convert the gym space to 9 apartments, a small gym and a small meeting room for residents. It is less of a demand on their special permit because they don't have 500 gym members parking in their lot, so it decreases their demand on the sewer system and the parking. They submitted for a building permit (almost \$22,000 fees) on Friday. Village Attorney had some questions about the bulk table, and stated they can't just stick a bunch of comments on it, they have to provide setback, etc. Building Inspector stated they are not adding anything, it is within the four walls of the building. Village Attorney stated there is a different traffic pattern for the apartments than there is for a gym. Building Inspector stated it is less. Going from 600 gym memberships in and out of the parking lot every day to 9 more apartments, which is much less demand on the parking. Mayor Tucker asked if this is something that should go to Planning first? Building Inspector stated it is a special permit which goes before this Board, gets referred to Planning and back to the Board of Trustees for a public hearing. This will be on the October 23, 2018 agenda.

The Overlook was in today and he directed him on what further paperwork he needs, and he will have it in the next couple days. Since Village Clerk-Treasurer doesn't normally do the mailings for the County and all necessary agencies, Debbie will do that. Village Attorney asked about escrow, one for the Board of Trustees and one for Planning Board. Building Inspector stated he is going to do escrow. Village Attorney stated he is not looking at these without billing for them. Building Inspector stated he doesn't believe it is in our code to have escrow for the Village Board, only for the Planning and Zoning and this can be drawn from the Planning escrow as there will be no fee for the Planning as his review will pretty much be non-existent as he isn't changing any water or anything on the structure itself. The Village Engineer's review is going to be very minimal. It is not in our code now, so he is not sure how this will work. Trustee Mitchell stated maybe this is something we should address. Building Inspector stated it is multi-residence districts on the Pier (The Landing, etc.) and the two up the hill (Lawrence Park and The Overlook) and Business B district. Village Attorney stated the elected officials are the least qualified to deal with real site plan development review issues, which deals with drainage, traffic, etc. Building Inspector Schaub stated that is why they refer those applications to the Planning Board. Mayor Tucker asked Village Attorney to look into amending escrow for coming

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before the Board of Trustees. Village Attorney stated it is covered under Section 1024(a)(3) and the minimum escrow is \$750 to the Village Board for a Special Permit review, plus reimbursement for technical consultant services. Village Clerk-Treasurer asked where she is putting this escrow money? Trustee Burns suggested we open a Village Board escrow as we have a Planning and Zoning escrow. Village Clerk-Treasurer stated we probably have one with \$0.32 in it, she would just have to figure out how to get checks on it again.

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

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

**Item #4 - Old Business**

Village Clerk-Treasurer stated she received the Annual Financial Audit for the Justice Court earlier today. She is going to email it to the Board for review and will put it on the October 23, 2018 agenda to pass a resolution to accept it, which has to be done so she can send the audit to the State. On the agenda tonight is to adopt bond resolutions for capital projects, she spoke to Bob at Hawkins Delafield today and he and Beth are working on getting all the items together as it is two years' worth of capital items. They are doing one big resolution for the multiple items in a BAN, which will be a multi-purpose BAN and there will be individual resolutions for the bigger items. We previously passed resolutions for the front-loader and the \$80,000 for the road re-surfacing, which we set-up to get a Bond, but never went through with it, so that is waiting as well. They will have it all done by October 23, 2018 Village Board meeting, she will publish it on October 24, 2018 and will post it in the Village and that will coincide with the BAN that is maturing December 14, 2018 so the next BAN and Bond will both be done in December.

Village Attorney had no old business to discuss.

Mayor Tucker asked Village Attorney about the North Walkway. Village Attorney stated he hasn't gotten it into the agreement yet, but he touched base with the Attorney. Mayor Tucker stated he received a request from resident, Lee Vasquez, who came before the Board during public comment a couple of months ago requesting the Board to look into a new law protecting views. At that time, the Board decided they were not going to take it up at that time. He received an email from her on October 1, 2018 asking if this is something we want to take up. Building Inspector stated this is going to conflict with tree preservation. Mayor Tucker and the Board agreed this is not something they want to take up at this time.

Deputy Mayor Blomquist stated the Fire Department is having their open house on Saturday, October 27, 2018 at 1:00pm and they would like to use half of the River lot from 11:00am-3:00pm, which they do every year. Deputy Mark Blomquist made a motion to allow the Piermont Fire Department to use half of the River Lot on October 27, 2018 for their open house. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Deputy Mayor Blomquist stated in regard to BlueShore Engineering and their outstanding bill and work at the end of the Pier, as to what the Village Attorney stated, they performed their work in good faith and he did what he thought he had authorization to do. Trustee Burns stated if we ask to speak meet with him and he doesn't, and we pay \$0.50 we run into the same discussion, if we need him and don't have the permits? Mayor Tucker stated this Board did not anticipate this expense in this budget year, however, given everything he has heard, there is an integrity issue here as well, we do not want to be fighting with every engineering firm, but he does think that if the Village is going to pay for it, if the project is going to go forward, part of the grants should include engineering fees. If the last quote we got to build this floating dock was \$330,000 what do we add, \$20,000 for engineering fees? Trustee Burns stated we are already into it for \$30,000.

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Deputy Mayor Blomquist stated if we are going to pay him, we can ask him how much more he thinks it's going to be and ask him for the additional amount. Mayor Tucker asked if the Village should have paid \$35,000 to do a study for a floating dock? Deputy Mayor Blomquist stated going back to the beginning a lot of the Board members were not on the Board at the time, but one of the things Carlucci was very upfront about was, he wanted to make sure the Village had some skin in the game. That was the understanding we would pick up the engineering fees, so they wouldn't have to cover everything. If you wanted to go back to them and ask for part of the

engineering fees, he doesn't think they would have a problem with it at this point. Mayor Tucker asked if we could get some of this cost back for the engineer fees? Deputy Mayor Blomquist stated he can ask Carlucci for it. Mayor Tucker stated we should pursue \$10,000 or \$15,000 whatever it is, plus whatever the fees will be going forward. He recognizes that part of the fees was to make sure the integrity of the end of the Pier was sound, but a large part of it was the fact that the Fire Department wanted a floating dock. Was it the Village's idea for a floating dock? Deputy Mayor Blomquist stated the idea for the floating dock is because where our boat is now, we are taking it out at low tide and getting mud and other things. Everybody on the Board at the time thought it was a great idea to put it out there to avoid that happening in the future. Mayor

Tucker made a motion to pay the balance to Blue Shore Engineering of \$6,798.09 (we are not paying the finance charge of \$568.85), that all of the permits and documentation that they were going to obtain and will be obtained and will be provided to us along with an estimate of future costs when the project moves forward with the understanding that no additional monies can come except by approval of Village Board. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee Alpert had no old business to discuss.

Trustee Burns had no old business to discuss.

Trustee Mitchell asked about the email he received from Village Clerk-Treasurer regarding Flood Mitigation Funding. Village Clerk-Treasurer stated we have to respond by a certain date.

### **Item# 5 New Business**

Village Clerk-Treasurer had no new business to discuss.

Trustee Burns had no new business to discuss.

Mayor Tucker stated Billy Procida has provided the Village with reusable bags. He sent out Facebook messages as part of the new reusable bag law, residents can come pick up a bag at Village Hall. He thanks Billy Procida for supplying the bags. Mayor Tucker stated he had lunch with the Governor's representative for the Lower Hudson Valley, Brian Hecht, and Larry Lynn (Mayor of Grand View), 3 weeks ago and they discussed the traffic issues with the Pier. The result of that meeting was, at the very least we were authorized by the DEC to pave their parking lot and submit a bill for whatever the cost was to pave, line and sign their parking lot. In addition, we can bill them monthly for any maintenance we want to do on their lot or their side of the Pier, if we want to do that. He has a meeting with Bill Rudge's boss in New Paltz on October 17, 2018 to again plead our case on why they need parking lot and we will report back. He invited any Board members to join in for that meeting. We are in the process of billing them for the paving, lining and signage now and the estimate was about \$7,300 and will probably be more to put up the proper signage. Between repaving and Lamont bringing more grass in, it is really coming along. Mayor Tucker stated that Seasons Restaurant is being sold to someone in Englewood, so that will change to something claiming to be the quality of Xavier's. Nobody has come to us for a liquor license at this point. Lastly, we are working with the Villages of South Nyack, Nyack and Grand View to go out to bid as a consolidated 4 Village unit for recycling. Currently, we have a contract with Capasso, who does our recycling. It is a contract written in 2004 and essentially did not have an end date and they are now upset because they claim their

expenses have gone up and they want to raise their rates. Part of this consolidated bid would be not only trying to keep the price down for bidding this for Villages, but maybe the possibility that there would be a weekly recycling, which could help to lower our costs. Tom Temple stated we get paid \$35/ton back from recycling. Mayor Tucker stated if this doesn't work out or the price is just too high, Tom Temple and he have talked about the possibility of purchasing our own truck and we do the recycling ourselves. Tom Temple stated we are currently paying \$2.70/unit now. Village Attorney stated Nyack bid it this year, Miele won the bid and Interstate bought Miele after we sent Miele the contract, but before he signed it, and Interstate refused to honor the price of the bid, which was \$5.50/unit. They bid in Chestnut Ridge and have Interstate at \$8/unit. He called NYCOM because they are going to end up in litigation with Interstate and they are trying piggy back on South Nyack's contract with Capasso at \$5.50/unit until December 31<sup>st</sup>. Mayor Tucker stated we give the authority to the Solid Waste Authority to put out a consolidated bid for the 4 Villages. Assuming anyone even bids on it. If that bid comes in extraordinarily high, and we do a study that shows we can do it ourselves for half the amount, it may be more than we are paying now because we are paying on a 2004 contract, are we obligated? Village Attorney stated, only if you accept the awarded bid. Or if the physical contract gets tendered after the bid is awarded and you need time to get the truck, you have to have a valid contract. Trustee Alpert stated another option is buying a truck with other DPWs and sharing it. Tom Temple stated Grand View doesn't have a DPW, but South Nyack and Nyack have their own DPW. Mayor Tucker stated it is something we could look at as well, including Grand View. Trustee Alpert stated we would have to hire more guys. Trustee Mitchell asked if Grand View does curbside? Mayor Tucker stated no. Tom Temple stated if Grand View wants to save money, they have to bring their stuff to the curb. Mayor Tucker stated by doing it ourselves, we could place more public recycling bins because right now our DPW has to pick them up and put them in their bins. Trustee Alpert asked how much a truck might be? Tom Temple stated for the garbage truck, they paid \$125,000 state bid truck in 2012/13. They don't have split (paper and plastic) recycling body on state bid, so he is going through a truck retailer he knows in Hackensack.

Trustee Alpert had no new business to discuss.

Deputy Mayor Blomquist had no new business to discuss

Trustee Mitchell had no new business to discuss.

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

Village Clerk-Treasurer stated she spoke with Beth at Bond Counsel and the line painter for the 2018 capital projects was estimated at \$4,500. Tom Temple stated the dealer, Sherwin Williams, the grand titan paint striper is no longer carried, but the price is now \$7,500 and is a better model. He has money in his equipment line under Street Maintenance if he needs to use some of that money. Village Clerk-Treasurer asked if the Board would like to approve to Bond this extra amount or take out of DPW budget? Mayor Tucker stated Bond for this item.

**Item #7 Discussion on draft to amend the regulations governing large groups and the conduct of business in Village Parks**

Mayor Tucker stated this is a concern that has come up recently in our Village and in other Villages. This puts codes and laws into place to prevent a large group from essentially taking over a Village Park. He had asked Village Attorney to advise the Board what Nyack has done and if this is something Piermont should be doing as well.

Village Attorney stated, Nyack prohibited business from running out of the parks, as day camps were coming down in buses with hundreds of kids. There is no residency requirement in the Nyack parks, they are for everyone's enjoyment, but it got to the point where one group was

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monopolizing the park. The Village of Nyack passed a law saying they couldn't do that without a permit from the Village Board. What they haven't yet gotten to, but want to, is capping the number of people which would also require a permit (25 people), which he also put in our draft. It is hard when dealing with a number as some families have more than 25 people.

Some municipalities, like Clarkstown and Orangetown, only allow residents in their parks. Nyack does not charge for a permit. Village Attorney stated they had one day camp request a permit for 300 kids and the Village Board gave them a permit for 25 kids for 1 day. If you issue a permit, you can put reasonable restrictions on it, not to exclude anybody but to make sure that the park is open to all members of the public. It gives you that opportunity in issuing the permit to put reasonable conditions on it. Most of the large groups who fall under this permitting requirement already come if they are going to use the ballfield or some other area in the Village, they come and ask for approval. The problem is when groups come that don't ask for permission. He thinks it is reasonable to do this. The park is not for profit recreational facility for people. Mayor Tucker stated if they have a group of 25 or more, they have to come to Village Hall to get a permit. Trustee Alpert asked if we need a public hearing on this? Village Attorney stated they would come to a meeting requesting a permit, if it is going to be issued by the Village Board of Trustees. If it is going to be issued administratively, they wouldn't even come before the Board, unless there was a bigger issue when the Clerk or Police Chief think it can be overly burdensome.

Trustee Burns asked why wouldn't we charge a fee for the permit? Village Attorney stated we could. Trustee Burns stated this would be 25 kids for a company, so if they wanted to bus in 2-4 different buses, they couldn't get one permit for 1 bus and another for another bus, etc. Village Attorney stated that is the kind of think that will get tested. It is a group of 25 or more. Trustee Burns asked if there is a max on it? Village Attorney stated it is reasonable for the Board to say it is reasonable for the Board to say if there are too many that interfere with the park and the public's access to the park. Village Attorney stated it is fact dependent. If someone wants to come on a Sunday in July with 50 people, that is a problem, if they want to come on Sunday in September, maybe that's not such a problem. Trustee Burns asked if the fee could be dependent on the number of people? Village Attorney stated yes, but in Nyack, the reason they didn't in Nyack because they didn't feel like it was a huge money maker. Mayor Tucker stated if a business comes and has more than 25 people they don't automatically get a permit? Somewhere it says subject to the discretion of the Village Board? Village Attorney stated it says, "Standards for Issuance: The Board shall issue a permit if the proposed activity and use in the park will not unreasonably interfere or detract from the general public enjoyment. Proposed activity will not interfere or detract from the promotion of the public health, safety and welfare. Not unreasonably, anticipate or insight crime or disorderly conduct. Not entail unusual, extraordinary or burdensome expense or police operation by the Village. The facilities desired have not been reserved for other use at the day and hour required in the application." They have to come get a permit and we are going to put reasonable conditions on it.

Mayor Tucker stated we should just use the same code that Nyack has. Village Attorney stated they do not have the 25 or more people, only the business language. We are not trying to keep people out, just trying to make sure everyone can get in. Trustee Burns asked what stops them from bringing a school bus to the end of the Pier as opposed to parking it. Village Attorney stated we have regulations that they cannot do that.

Trustee Mitchell asked what if someone is in violation of this? Village Attorney stated we have penalties. They will get a ticket and get a fine, which is in part 2 of our code. First offender is \$250, second \$500 and third \$1,000.

Trustee Alpert stated she likes the idea and the number of people. It feels non-discriminatory it could be 25 kids at a birthday party.

Trustee Burns asked if we need a sign at the parks that a permit is required? Village Attorney stated, yes.

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Village Attorney stated this is Village Code that will be one public hearing and the Village Board wants to keep control over the permits. When people come in short notice, they will have to wait for a Board meeting. This is for any group over 25 people. He put language in the code because

Lamont has special rights under our agreement to run recreational programs out of their building. They already have the permission, so they do not have the permit.

Trustee Alpert asked if it is a problem that the pavilion can be rented by large groups without a permit without having to come before the Village Board? Village Attorney stated they come for a permit. Village Clerk-Treasurer stated there is a \$500 fee for non-resident, \$300 for residents and a \$500 security deposit, which is returned. Trustee Alpert asked if it is an issue that they don't have to come before the Board with a large group and other groups over 25 people do? Village Attorney stated theoretically, they should have a permit. Mayor Tucker stated when someone comes to rent the pavilion, they typically have more than 25 people. Trustee Burns asked why we need this process to come before the Village Board? The Village Clerk-Treasurer can take the fee and if there is a problem, then the Board can get involved. Village Clerk-Treasurer stated she doesn't rent it to a business that sells items. She believes the application doesn't read for a business, it is for a private function. Trustee Alpert stated a business can have a private function.

Trustee Burns stated we should put this on the agenda for October 23, 2018 and asked Village Clerk-Treasurer to email the Board a copy of the pavilion rental agreement.

Mayor Tucker stated the main questions are: do we leave this up to the Clerk's office to accept permits and only have it come before the Board if it seems egregious? Village Attorney stated if it is a business, he believes it should come before the Board. The issue with coming before the Village Board is, you want to be able to put conditions on it. Trustee Alpert asked can we say 25-40 goes to the Clerk and anything above goes to the Board? Mayor Tucker agreed as 65 is a bus load.

**Item #8 Adopt Bond Resolutions for Capital Projects**

This is adjourned to the October 23, 2018 agenda.

**Item #9 Public Comment**

None.

**Item #11 Adjournment**

Trustee Burns made a motion at 8:55 pm to adjourn. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Respectfully submitted,

Jennifer DeYorgi  
Clerk-Treasurer