

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
February 5, 2019**

Present: Mayor Bruce Tucker, Deputy Mayor 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.

Item #1 – Approval of Meeting Minutes

Trustee Alpert made a motion to approve the minutes for January 22, 2019. The motion was seconded by Trustee Mitchell and so carried with a vote of 4 ayes and 0 nays. Deputy Mayor Blomquist abstained as he was absent from the January 22, 2019 meeting.

Item #2 – Approval of Warrant

Mayor Tucker made a motion to approve Warrant #020519 in the amount of \$53,630.50. 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 he turned in his January report to the Board. They are doing some building repairs, painting the inside of the first and second floors of Village Hall. Mayor Tucker asked if the speed sign can go up as Spring is coming? Tom Temple stated he will speak to Chief O’Shea in the morning about placement and they will try to have it installed by the end of the week. Mayor Tucker stated something slipped through the cracks with Ken DeGennaro and the DEC and he is going to sign something tonight for it and he is going to keep on top of that to get it expedited.

Police Department – Chief Michael O’Shea had nothing to report.

Building Department - Building Inspector Charles Schaub informed the Board he handed in his monthly report. January is usually their slowest month, but there are some big projects going on. 199-201 Tweed finally got approved last night, which will be a challenging build out and the developer already questioned him and Ken DeGennaro if he can change some things on the site plan.

Parks Department – Dan Sherman informed the Board the drawbridge lights have been working since December 18th and has been going on and off. Some days he hasn’t seen it on as it has been raining all day, but he thinks eventually the batteries will be powered up enough. They received the operator’s manual from Croton Energy Group. He put in the application to the Sun Club for the balance of the money that was needed. They were short \$1,400. That meeting is January 17th. He has been given favorable response they will get that money. The oil on the benches from Green Heart is toxic, which they were not aware of. They are going to leave the bench posts and Arbor Hill is going to make new oak tree planks at no additional expense. Sylvia is trying to get some grant money for landscaping for the Pier. Sylvia Welch stated she just heard, and they got enough for him to start designing. Where the sculpture is going, they wanted to put some fairly small cottonwood trees around it. Whether the money comes from the grant or Lynn Boone, it will not be expensive. They will also be presenting an idea of an exercise station along the Pier. They are also working on the Rockland Road Park. The stones are there and Walter Cain is working on the drawings. He is going to work with Tom to get some stones

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 2 of 9

removed from Half Moon Park as well and hopefully take out the two wooden platforms and make the switchbacks with stone. The Town Highway Dept took away the damn at the skating pond. He would like the pond dredged further to make it deeper. He is working with the Sparkill Watershed Creek Alliance on that. The Piermont Public Art Committee met in January. They reviewed their guidelines and talked about the idea of Half Moon Park becoming a sculpture garden, and they will discuss this again at their March meeting. He spoke with Marcy Denker on becoming an Arbor Tree City USA. We have to do a tree inventory and make some plans to plant some trees and have a celebration, that will also help with points for the sustainability committee. Three new volunteers have come forward to help with the Main Street planters and the War Memorial this Spring.

Fire Department – Chief Don Hardy was not present.

Item #4 - Old Business

Village Clerk-Treasurer had no old business to discuss.

Village Attorney stated the Mayor contact him about putting in a mandatory recycling provision in our code, so he will draft something and have it to the Board for review. It will be requiring sorting by residents.

Mayor Tucker had no old business to discuss.

Deputy Mayor Blomquist was not present.

Trustee Alpert had no old business to discuss.

Trustee Burns had no old business to discuss.

Trustee Mitchell had no old business to discuss.

Item# 5 New Business

Village Clerk-Treasurer informed the Board she needs the Board to approve the Mayor signing off on an application for the DEC for the permit for Parelli Park. DEC requires a permit for us to do the Boat Ramp. Trustee Burns made a motion. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays. Village Clerk-Treasurer stated every year we do a contract with the Ramapo Police Department Firing Range for our Police Department to use their facility. Trustee Alpert made a motion to authorize the Mayor to sign this year's agreement. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays. Lastly, Village Clerk-Treasurer received the application with the list of events for the upcoming year from the Chamber of Commerce, which includes Bastille Day, Art in the Park and the Holiday Celebration at M&T Bank. They submit a Special Events Application and an Economic Development Application for Bastille Day, which she will have the Chief review and they have asked to be on the February 19, 2019 agenda.

Village Attorney had no new business to discuss.

Trustee Burns had no new business to discuss.

Mayor Tucker informed the Board he was notified today by Rockland County that they are ready to start remediating the dirty dirt in Lot S. They finally got their bond in place and their contractor. It is costing them \$398,000. They want to start April 1st, depending on the weather and figure it will take about 30 days. He asked them to send him a chart showing exactly where

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 3 of 9

they will be digging and whether it will be affecting any road closures. Tom Temple stated he has the original plan, which he will give the Mayor, so they can compare with the new plan.

Trustee Alpert had no new business to discuss

Deputy Mayor Blomquist had no new business to discuss

Trustee Mitchell informed the Board he was contact by Bill Michennen who is the Membership Coordinator for New York State Association of Storm Water and Flood Plan Managers. They are having a retreat in Suffern from February 15th -17th and they want to take a charter bus and drive through some communities affected by flooding. Ken DeGennaro is a member and he is going to be coordinating the Piermont aspect of this. They want to take the bus to the end of the Pier and turn around. Since the legislation about permits for groups of more than 25 people, he wanted to bring it up and see if the Board wanted to give them permission and see if the Board was going to charge them a fee. Mayor Tucker asked how many people? Trustee Mitchell stated 50-60 people on a Monday between 1pm and 5pm. Village Attorney stated they don't need to charge a fee for that, but they need to fill out a permit application and we can have it in our file. Mayor Tucker stated he doesn't see a problem with it.

Item #6 Other Non-Agenda Items:

None.

Item #7 Resolution to fund the development of Piermont's Sustainability plans

Sylvia Welch stated they are making an application to Greenway for \$10,000 to keep our sustainability coordinator for another year to put together an action plan for the various groups that are in the process of planning the waterfront resiliency commission, the sustainability committee, the waterfront action committee, which will be the LWRP taskforce to coordinate our work to create an action plan to implement some of the steps we are thinking about some of the steps we are planning and her coordination and work has been invaluable in moving us ahead in what we have been able to do in obtaining certification as a climate smart community, but there still is a lot more work in terms of plans. We have training going on and a traffic committee and she has been really crucial in putting the pieces together, keeping the notes and keeping us informed of other programs that we might not know were available. She is asking for the max on this grant and we will match and more than meet that. It will not go into effect until May. Her current contract ends in March, but she will be working with us in the interim and will work for us for the next year.

Trustee Burns made a motion to submit the application. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Item #8 Review Special Permit application for Joe Serra to run the Farmers Market at M&T Bank for the calendar year of 2019

Joe Serra informed the Board they approached M&T about a month ago when it was obvious that the market was not going to be moved to the Goswick Pavilion to see if they would have interest in their proposal for their non-profit organization running the farmers market. They liked their proposal and decided to go with them and they have a proposal to move forward with them. The dates of the market would be April 28, 2019 through November 24, 2019 from 10am to 3pm. The goals they have for this market in terms of a standard open-air market. They intend to have about 12-15 vendors and improve the market. The second goal is to make it more of a community-oriented market, make it more Piermont involved and celebrate Piermont.

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 4 of 9

And third goal is to attract more shoppers to the Village to help stimulate business. They are going to invite Piermont vendors, including restaurants, to participate. Rather than bringing in an outside coffee vendor, they may ask Bunbury's if they want to have a booth there. As they select vendors they want to be sensitive on the impact on local vendors. If someone came to them and said they wanted to do gelato, they would probably say no as Sidewalk Café is doing that right up the street. There will be Piermont non-profit participation such as the Historical Society, the PCA, they would encourage to participate and there would not be a fee. They will also be introducing an incentive program which would encourage people to shop at local businesses. Finally, they are planning on donating a portion of their proceeds to a local charitable organization each month. As a result of the generosity of M&T Bank not charging, they offered to pay rent, but they declined, as they have done for the last several years, they would like to take that and give back to the community. He also wanted to address the issues and violations that were brought up previously. They will have an employee on site that will shuttle anybody that needs to use a bathroom facility to his business on Ferdon Avenue. They will also have a hand washing station set up for vendors. In terms of the noise, they will be starting the market at 10 as opposed to 9:30 and the vendors will not be arriving until 8am, with a market manager on site to enforce it.

Village Attorney stated whenever the Board considers a Special Permit application, there has to be a public hearing on the matter and the code requires a referral to the Planning Board for an advisory opinion with respect to the application and then schedule for a public hearing.

Joe Serra stated if they want to have a farmer's market for the summer, most of the market operators are already have their applications out to vendors. There is potential that it will be a very small market if they have to wait until March. If he can't comfortably solicit vendors, they could have a potential for no farmers market. Village Attorney stated everyone has timing issues, but he does need the special permit and it does have to be referred to the Planning Board and have a public hearing. He can get a consensus from the Board on their feeling.

Deputy Mayor Blomquist stated if the Planning Board doesn't have any issues with it, he will not. Mayor Tucker agreed.

Trustee Burns stated he believes Joe Serra has covered all of the items they were looking for in a farmer's market at that location. If Planning Board doesn't have any problem, he doesn't believe they would.

Trustee Burns made a motion to schedule them for the Planning Board on March 11, 2019 and schedule a public hearing before this Board on March 19, 2019. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #9 Presentation by the Piermont Historical Society to install two historical information signs and an electrical relay box

Richard Esnard informed the Board the Piermont Historical Society is requesting to install two historical informational signs and a restored railroad electrical relay box. This project started 3.5 years ago. This is a project that is a result of a grant from the Hudson River Greenway Project which is funding all of the 11 signs along the Erie Path. 9 of them will be in Nyack and 2 will be in Piermont. He submitted a packet to the Board and showed the Board the 2 Piermont signs. The electrical relay box is not part of the funding and will be funded by the Piermont Historical Society. The box was found while they were doing research for this project.

The first sign is called "Piermont Station and the Northern Railroad of New York" which will be placed up by the station and will be incorporated into the new landscaping plan. This sign covers the Northern Railroad, its relationship to this station, the inhabitants to this station and also the 11-year quest to preserve and restore this station.

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 5 of 9

The second sign is down the Erie Path. It shows the Northern tracks going up to the Station and this now is the Erie Path. They want to clean up this area enough of a space to fit the sign. The box was abandoned in 1966 and is 50 years old now. They found the electrical box on a 1919 Erie Railroad Track Map, which means it is over 100 years old. This box was signaled when locomotives were coming through the traffic lights and turn the light green or red. This would also be a great location for a Welcome to Piermont sign. The second sign came about with the need to explain the dramatic difference between the Erie Railroad and the Northern Railroad. The map on the sign shows the New York and Erie Railroad going towards Lower Piermont and the Northern Railroad going toward Piermont on the Hill and the tracks then go on to Dunkirk and onto Jersey City. The only place where these railroads intersected is right at that point at Rt 340. The development of the New York and Erie Railroads is the most important historical event in Piermont history. If the Pier were not built, the waterline would probably be where the Community Market is and it would look very much like Grand View.

The two signs were paid for by a grant from the Hudson River Greenway Program. A stipulation of the grant was that the Village would pay for a base for the signs and install the signs when they come. The Historical Society will pay for the relay box restoration, but they request the Village transport the box from its location to the restoration and return it to its original location and the Village will need to clear the area for install and once a year.

Mayor Tucker asked about the base of the signs and how much the Village would have to pay?

Richard Esnard stated they are concrete bases. They will build a form and pour concrete into it. When the sign arrives, they will arrive with the poles and materials to hold it on, so it will just be put in the concrete.

Trustee Mitchell asked if the area they are looking to clear for the second sign is in the official path of the current Rail Trail?

Richard Esnard stated no, it is to the left of it.

Trustee Mitchell stated it is his understanding that is owned by the Town of Orangetown and they are going to eventually pave it.

Richard Esnard stated as far as he knows from the information he has, it is all Piermont property.

Mayor Tucker stated he thought Orangetown had some sort of an easement there?

Building Inspector Schaub stated further down the maps say Orangetown, but that section says Piermont on our Zoning map.

Mayor Tucker stated assuming it is Piermont property, we can go forward. If it turns out it is Orangetown property, it would negate any decision made. Richard Esnard understood.

Trustee Mitchell made a motion to approve, assuming it is Village of Piermont property. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 4 ayes and 0 nays. Mayor Tucker recused himself.

Item #10 Discussion to consolidate the Village bank accounts into NY Class accounts

Mayor Tucker stated the Village has an account with NY Class, NY Cooperative Liquid Assets Securities System. We have an account with a bit of money in it. Their proposal is to move more money into it. Now that rates have come up from the last 10 years. This account is currently paying 2¼ % interest vs. Sterling where we have most of our money which is paying .25% interest. NY CLASS invests in 3 different items, the US Treasury, collateralized repurchased

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 6 of 9

agreements and collateralized bank deposits. They service many municipalities, including many here in Rockland. They are rated AAA, which is essentially the highest rating. It is not FDIC insurance, but it is backed by the full faith of the US Government along with some collateralized. If we put \$500,000 into this account, it could yield us \$5,000 in interest towards the budget. It is also totally liquid. You don't have to wait 6 months or a year to get your money out like a CD. The money can sit in an account and as we need it in our operating or payroll account, we could transfer it daily. It will really just be a place to park the general fund until needed. He personally would put \$800,000, but it is what are we comfortable with?

Trustee Burns asked Village Attorney what his input was? Village Attorney stated the Attorney General opined it is legal for municipalities to keep their money in this fund. It is not FDIC insured, but it doesn't have any history issues. But, it is legal to do this.

Trustee Alpert asked if other municipalities use this? Mayor Tucker said yes, we have been to meetings with them and they are state wide. He can get a list of municipalities they service in NYS. Deputy Mayor Blomquist stated there is a list at the bottom of the email they received. Mayor Tucker suggest we move \$500,000.

Trustee Burns asked if that is where he projected the \$10,000 in interest? Mayor Tucker agreed. Trustee Burns stated we have a million plus. Mayor Tucker stated yes, because we also have restricted funds. Being conservative, he would say \$500,000.

Deputy Mayor Blomquist made a motion to move \$500,000 from Sterling Bank to NY Class up to \$500,000. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Item #11 Review request from the Dennis P. McHugh Foundation to hold their annual 5K Run on Saturday, June 1, 2019. Review request for Economic Development Funds

Mayor Tucker asked Chief O'Shea if he had an opportunity to review this application?

Chief O'Shea stated June 1, 2019 looks good.

Trustee Burns asked what time this will start?

Chief O'Shea stated this will start at 9:30am.

Mayor Tucker stated they have asked for Economic Development funds. They chose a date that is not part of the current fiscal year, it would be the first day of the next fiscal year. He asked Village Clerk-Treasurer what the fees would be?

Village Clerk-Treasurer stated, based on the fees and the event fee of \$500/hr for 7 hours, it is \$3,500 for the event hours and then the \$250 application fee for Economic Development Fund. They have already paid their \$300 Special Event application fee, so it is up to the Board to decide if they want to award them the \$3,500 in event hours and to waive the Economic Development Application Fee. They are a 501(c).

Trustee Burns asked how this was done in the past? Did we put any money into this in the past?

Village Clerk-Treasurer stated we didn't put any money into it. It was the same number of hours and they paid the application fee and there was not additional cost to the Village.

Trustee Burns asked last year we absorbed the fees for the police? Village Clerk-Treasurer agreed.

Trustee Burns asked where the money they raise goes?

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 7 of 9

Village Clerk-Treasurer stated they pick a different charity every year or multiple charities. They donate to the following organizations: Piermont Library, United Way of Rockland, Joseph Rasso Hospice House, Homes for Heroes in Tappan, Camp Venture. This year the money raised will be going to Tappan Zee High School Scholarships. In previous years they donated to Piermont Historical Society and Pearl River High School Scholarships.

Mayor Tucker stated, speaking for the Piermont Historical Society, after last year's Run, the Foundation bought a bench for the Train Station. He also reminded the Board that this Foundation donated \$500,000 to fund a new library. So, he recommends that we will have at least \$4,000 in the economic development funds and we waive the fee.

Mayor Tucker made a motion to award the Dennis P. McHugh Foundation \$4,000 of Economic Development funds and waive the fee. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Item #12 Public Comment

Daout, Sidewalk Bistro – He is here today on behalf of the restaurants in the Village and the Chamber. The Piermont Police Department have been a very very big asset to the Village and to them. The officers have always been great in supporting. For the past couple months, they have had one officer in particular who works midnights who is pulling people over regularly to the point that they are losing business, nobody wants to come down here and his staff is also getting pulled over. The manager at 701 got pulled over three times and three times had to get out and do a field sobriety test. He has been here for 30 years and has never scene something like this before. Something is changing, and he is not sure what it is. He can see if we have an issue if drunk people are driving in the Village to the point that now we have to stop every customer and staff members to make them do a sobriety test. He had a friend at restaurant and he told them to be careful leaving here and to do everything by the book because that officer was working that night. His friend called him and told him he got pulled over and had to do a field sobriety test. Nobody wants to come here anymore. People that live close prefer to go further away instead of Piermont because they are afraid of getting pulled over. He doesn't know how to solve the problem, but this officer had already been sued for this same thing, where he came from. We have to make sure...

Chief O'Shea interrupted and stated the lawsuit was dismissed. Village Attorney stated this is the public comment portion and to let him speak. Chief O'Shea stated was saying an officer was sued. The suit was dismissed. He is not going to have someone say one of his officers was sued when the case was dismissed. He will speak to the other hearsay. Daut did not see any of these events, it is all hearsay.

Trustee Alpert stated let's hear Daout speak and then he can speak later.

Chief O'Shea stated he is not going to slander an officer and he is not telling the truth.

Daout stated he had a copy of the lawsuit. The officer was sued in Beacon and the case was settled. He didn't say he was convicted. The case was a Federal Lawsuit for violating somebody's civil rights and that is what is going to happen in this Village if we keep doing the same thing. He has been here 30 years and he never seen anybody have to do a sobriety test. If you talk to every restaurant, they will tell you the same thing. The Board has to do something.

Village Attorney stated this is the public comment portion, he, and anyone can get up and speak. But, at the same time anybody can sue anybody for anything for anytime in this country. If you are a police officer, you are going to end up getting sued. The Board hears what you are saying, the complaints about people getting pulled over and will take it under advisement.

Village of Piermont Board of Trustee Minutes
February 5, 2019
Page 8 of 9

Daout stated he is not complaining that everyone is getting pulled over. Sometimes he thinks illegally, in 30 years it has never happened before. Why should everyone in this Village committing an infraction to get through? When this officer is working they have to get out of their car.

Village Attorney stated the Board understands what he is saying.

Mayor Tucker stated they recognize how much he has done for the Village of Piermont.

Chief Michael O'Shea stated they formed a Traffic Safety Committee. What he is hearing tonight is someone saying that a police officer is pulling people over. He can't say he is and he can't say he isn't because he isn't out there at 1:00am and [Daout] isn't either, it is hearsay. He pulled the lawsuit, and it was dismissed. He can sue anybody. He was sued, the Mayor was sued, it was dismissed. Anyone can sue anyone. We are talking about traffic safety. He made death notifications, he was a cop for 6 months and had to tell the mother and father of a kid he who he was very close friends with, that he was killed by a drunk driver. He has had to do that numerous times. The biggest killer of your Americans is drinking and driving. What we are also seeing now is heroine and marijuana and those drug arrests. DWI arrests are down and the drug arrests are up. They have an open policy if anyone wants to make a complaint they don't have to go to the Chief, the Mayor has a form, fill out the form and they will thoroughly investigate any complaint, but this is all hearsay. People are saying they saw this, it's hearsay. We have an attorney here. That is not fair to the officer. We have responsibility. He drinks he takes Uber. He has Uber and Lyft. His kids have both. Where does the responsibility lie with the driver? The other thing they are going to start looking at is the bartenders. The State Liquor Authority, Section 65(2) Bartenders will not serve anyone who is intoxicated. The bartenders are apparently not doing their due diligence. In that light, we think that we need to do more education. They are developing a form for the bartenders. They are going to have everything that is available to them, Uber, Lyft, Taxis. They will do some training on how to recognize intoxicated or high people. They want to save lives. If they see something, make a report and they will investigate it. The Traffic Safety Committee is doing a great job. On one hand they are being told they are not doing enough enforcement and then they are hearing too many people are being stopped. They are not telling people not to drink, they are telling people not to drink and drive. Uber is \$20. They are not going to stop stopping cars if people are in danger. There is implied consent in New York which means if a police officer feels you are intoxicated based on probable cause, you have to submit to a chemical test. Additionally, if you violate any one of these rules, a police officer may stop you. Anybody that has been here a long time knows we don't work like that. We are not writing everyone.

Daout stated he agreed with him. Village Attorney stated to let [Chief O'Shea] speak

Chief O'Shea stated to say this about this cop is not fair, he is not here. Only him and the people who say this know what really happened. The door will be opened for complaints and they are going to work with them to help educate the bartenders and let everyone know what is available. They don't want to arrest people, they don't want them to drink and drive.

Daout stated in his business, if somebody drinks too much, he calls them a taxi. He calls an Uber for himself and if the person wants to drive, he goes next door and tells the police that person wants to drink.

Chief O'Shea stated they would be happy to help him.

John Alexander - He asked about the Sterling accounts. FDIC insurance maxes out at \$250,000 so if you have more than that in that account, you have risk over Sterling. You have extra risk at Sterling National Bank.

Item #13 Executive Session to discuss personnel matter

Trustee Burns made a motion to enter Executive Session at 8:39pm. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Deputy Mayor Blomquist made a motion to exit Executive Session at 9:44pm. 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 #14 Adjournment

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

Respectfully submitted,

Jennifer DeYorgi
Clerk-Treasurer