

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
July 14, 2020

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

NOTE: On March 7, 2020, in Executive Order No. 202.1, Governor Cuomo suspended certain provisions of the Open Meeting Law to permit a Village Board to meet and take actions authorized by law without permitting in public in-person access and authorizing such meeting to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. The Village will be activating a remote meeting platform for the Tuesday, July 14, 2020 Village Board meeting, which will enable residents to watch a livestream of the meeting on the “Village of Piermont” Facebook Page - in compliance with the Executive Order.

Please be advised that comments and/or questions may be submitted via email to the Village Clerk no later than 1:00 pm on July 14, 2020, at the email address clerk@piermont-ny.gov. The Village Board will also be monitoring the Facebook livestream feed, which will enable the public to submit questions during the meeting.

Mayor Bruce Tucker called the meeting to order and led everyone in the Pledge of Allegiance.

Mayor Bruce Tucker asked for a moment of silence for COVID-19 victims.

Item #1 – Approval of Meeting Minutes

Trustee Mitchell made a motion to approve the minutes for June 16, 2020. The motion was seconded by Trustee Ruby 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 #052620 in the amount of \$9,287.05, Warrant#052720 in the amount of \$7,331.35, Warrant# 070220 in the amount of \$13,315.80 and Warrant# 071420 in the amount of \$356,655.71 for a grant total of \$386,589.91. The bulk is insurance renewals. 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 June report. The tide flex valve for Paradise Avenue culvert has been installed. The plexiglass barriers for the Building Dept/Justice Court office have been installed and the Clerk’s office has ordered the barriers for the Court and Attorney. The new EV charger has been installed and is up and running. Playgrounds are now open with “Enter at Own Risk” signs installed. The site prep has begun for the Ash Street Park as well. Trustee Burns asked if the groomer is up and running. Tom Temple stated they just got the parts back and they will be doing the Northshore Walkway mid next week.

Police Department – Chief Hurley informed the Board in June they issued 141 summonses (V&T and parking), answered 251 calls for service (medical, complaints on Pier). They are getting a lot of Pier regulation questions. There is no longer a sign on the Pier indicating same and he asked if a sign could be reinstalled on the Pier. They regularly monitor the Pier and restaurants for social distancing protocols.

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Building Department - Building Inspector Charles Schaub informed the Board they have been very busy with inspections and permits.

Parks Department – Dan Sherman informed the Board DPW excavated Ash Street Park/Gair Memorial Park last week, Guardia Landscape started the construction and the furniture will be delivered Thursday. The park should be finished by next Friday. David Kaliff will run a water line from his property for temporary plant irrigation. He believes they will be able to populate the garden with items from the Community Garden in the Fall. He also added the site is very permeable. The Dog Park is open, and they recently did another tick spray. Mayor Tucker asked about the trees around the sculpture on the Pier. Dan Sherman stated the four trees are dead and Tom Temple and can take them out.

Fire Department – Chief Goswick, Jr. informed the Board since March 1, 2020 they have done 146 calls. They had 41 calls in June within in the Village. Most of the recent calls have been high angle rescue to Alpine, NJ. The Palisades Interstate Park is looking to get rid of their Marine Unit and the High Angle Rescue team in their area doesn't have the manpower and have asked us to assist. Chief has a meeting with them to review a mutual aid plan and will bring it back to the Board. They are having a high angle drill on Monday, July 20th at 6:45pm and invited the Board to see their equipment in action. The Fire Department is requesting permission to use the PAL van for their high angle equipment and another means of transport as it has been determined the van is no longer needed by PAL/Police. They will put a cage in the back for their equipment and take it off the Rescue, giving them more room there as well. Trustee Burns asked Chief Hurley if there will come a time when the PAL will need the van? Chief Hurley responded they only used the van a couple time last year and there were only about 6 passengers at a time. If they do need to use it (or PAL), they can borrow it back from the Fire Department should need be. The van is worth about \$10,000 Kelly Blue Book. Mayor Tucker made a motion to transfer the PAL Van from the Police Department to the Fire Department. The motion was seconded by Deputy Mayor Blomquist so carried with a vote of 5 ayes and 0 nays. Chief Goswick stated they have hit the DVine Pie awning going passed their barricades and asked if that can be moved out of the street (the crosswalk sign and the awning). Building Inspector spoke to the restaurant today and Tom Temple stated the crosswalk sign can be moved down the street.

Item #4 - Old Business

Village Clerk-Treasurer informed the Board Joanne from PCA requesting August 6th (rain date 8/13) and August 20th (rain date 8/27) in Flywheel Park, contingent on what Rockland is doing in Phase 4 and if the numbers rise, the concerts would be cancelled. Mayor Tucker stated the problem remains the current order is only 50 people can gather together outdoors in NYS and these concerts attract more than 50 people. He thinks we are better off closing to be safe.

Village Attorney had no old business to discuss.

Mayor Tucker had no old business to discuss.

Deputy Mayor Blomquist had no old business to discuss.

Trustee Ruby 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 Berard & Associates submitted a new contract for the May 31, 2020 audit with a \$400 increase for the Village and Justice Court fee remaining the same. Deputy Mayor Blomquist made a motion to approve the contract. The motion was seconded by Trustee Mitchell so carried with a vote of 5 ayes and 0 nays. She received a Special Event Application for a fundraiser concert at the Pavilion in August. Mayor Tucker emailed the applicant advising of the 50 people gathering and this event would most likely attract more than 50 people. He suggested they hold off on the event until this amount if increased. The applicants joined the meeting and agreed to reschedule and discussed their social distancing protocols. They will forward their presentation to the Board.

Village Attorney had no new business to discuss.

Mayor Tucker had no new business to discuss.

Deputy Mayor Blomquist had no new business to discuss.

Trustee Burns stated about 90% of the people on the Northshore Walkway do not wear masks. He would like the Village to schedule a public hearing to enact a local law to wear masks when outside. Village Attorney stated the issue is enforcement and that is not only a Piermont issue, its everybody. Village Attorney will have to look into it this further. Trustee Burns wants the fine to be advertised on the signage as well. Mayor Tucker asked if the fine will stay in the Village if the local is adopted? Village Attorney responded yes. Mayor Tucker is in favor of the local law. Trustee Mitchell thinks it is a great idea to be able to have local enforcement, but the parameters need to be defined as once this is over, we will not be giving fines when social distancing is not occurring. Village Attorney stated he needs to research this and see what would be enforceable and will bring this back to the Board. Trustee Burns would like masks to be work at all times outside. Trustee Mitchell stated currently, when outdoor dining, you are not required to wear a mask while dining, so the law would have to also allow for the outdoor dining. Mayor Tucker made a motion to schedule a public hearing for a potential local requiring masks to be worn for August 11, 2020. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Trustee Mitchell informed the Board PWRC Member at Large, Ray Fisco moved out of the Village, therefore leaving a vacant Member at Large spot. Trustee Mitchell made a motion to appoint Debra Brenner as Member at Large to the PWRC, filling the vacant spot. The motion was seconded by Trustee Ruby and so carried with a vote of 5 ayes and 0 nays.

Trustee Ruby had no new business to discuss.

Item #6 6:45pm Public Hearing to amend Chapter 210 of the Code of the Village of Piermont, entitled “Zoning”, specifically the definition of “Cellar” and “Floor Area” in Section 210-2. Public Hearing to be held open for Local Law to be voted on at the August 11, 2020 Village Board Meeting.

Trustee Burns made a motion to open the public hearing at 7:24pm. The motion was seconded by Trustee Ruby and so carried with a vote of 5 ayes and 0 nays.

Village Attorney reminded the Board the NYS has eliminated the definition of cellar and if ceiling 7' high, it could be habitable space, so the Planning Board and Building Inspector suggested we get in line with the NYS definition. With this change, if someone has space that is 7' high no matter where, it will be counted as a story and within Floor Area Ratio.

Public Comment: None.

Trustee Mitchell made a motion to close the public hearing at 7:27pm. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Mayor Tucker made a motion to approve the amend Chapter 210 of the Code of Village of Piermont, entitled “Zoning”, specifically the definition of “Cellar” and “Floor Area” in section 210-2 as written. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

RESOLUTION OF THE VILLAGE OF PIERMONT BOARD OF TRUSTEES

STATE OF NEW YORK
COUNTY OF ROCKLAND: VILLAGE OF PIERMONT

-----X
A local law to amend Section 210-2 of the Zoning Code of the Village of Piermont, entitled “Definitions and word usage”, as pertains to the definition of “Cellar”, “Floor Area”, “Demolition or Demolish”, and “Story” under the Piermont Village Zoning Code.
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WHEREAS, the Village Board of the Village of Piermont has noticed a Public Hearing with regard to an amendment of the Zoning Code to eliminate the definition of Cellar in the Zoning Code (and to modify associated definitions in the Zoning Code for consistency purposes) so as update the Zoning Code to match modifications made to the New York State Fire Prevention and Building Code regarding ceiling heights for habitable spaces in dwellings;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held on July 14, 2020;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, at least 10 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);

WHEREAS, at least 60 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to the Village of Piermont Planning Board for review and comment (the Planning Board’s review and approval of the proposed amendments are made a part of this Resolution by reference);

WHEREAS, At least 30 days before prior to the initial Public Hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing, the proposed law, affected sections of the Village Code, the EAF & materials necessary to determine Environmental significance), pursuant to G.M.L. Section 239-m;

WHEREAS, the Rockland County Planning Department recommended approval of the proposed local law in a letter dated July 10, 2020;

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and found as follows:

1. *That the proposed Zoning Code amendment was a “Type II” action merely constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(33)).*
2. *That the proposed Zoning Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).*
3. *That the proposed Zoning Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.*
4. *That the proposed Zoning Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA.*
5. *That the proposed Zoning Code amendment was not located within an agricultural district (NYCRR §617.6[a][6]).*
6. *That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);*

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Zoning Code and its magnitude:

- a. *That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.*
- b. *That the proposed amendment to the Zoning Code Zoning Code merely constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(33)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA.*

BE IT FURTHER RESOLVED, the Village the Board of Trustees adopts Local Law #5 of 2020 as drafted.

This resolution was adopted by a unanimous resolution of the Board of Trustees at the regular meeting of the Board on July 14, 2020.

Item #7 Discussion and confirmation of Village Board vote to allow Yoga classes in Parelli Park

Mayor Tucker stated the Board has approved a brick and mortar Piermont yoga studio to hold yoga classes in Parelli Park on Saturdays and the Board came to an agreement of \$15/class. Mayor Tucker made a motion to approve the yoga classes to held in Parelli Park. The motion was seconded by Trustee Ruby and so carried with a vote of 5 ayes and 0 nays.

Item #8 Request from Piermont Chamber of Commerce for permission to operate a Pedicab in downtown Piermont

Doug Stone and Nancy Loving on behalf of the Chamber of Commerce proposed to the Board the idea of a pedicab in downtown Piermont. It would be a service, not a business, they would not charge, but would be tip based run by college interns. The three-passenger pedicabs would have designated routes from parking lots to restaurants/destinations in the Village. They are asking to buy two pedicabs (about \$8,000), having it operate from Wednesday to Sunday, every Holiday and any special events, running all day and year-round. They would market on the side of the Pedicab as well and believe this will be great marketing for the Village. They have an insurance policy covering the Village, which the Chamber will pay, the Chamber will buy the pedicabs, own the pedicabs and have a team of drivers. Piermont Bicycle Connection has offered to assemble, maintain and store the bikes. Trustee Burns asked if the bikes have a cover and sides, Doug and Nancy responded yes. Mayor Tucker thinks it is an interesting idea, but it needs to be discussed with the Police and Village Attorney and asked that this be moved to the August 11, 2020 meeting for the Board to review further.

Item #9 Review New York State Municipal Workers' Compensation Alliance Plan Document, Resolution approving membership in the Alliance Plan and Resolution for Election of Self-Insurance to satisfy Workers' Compensation obligation

Village Clerk-Treasurer stated NYS Municipal Workers' Compensation Alliance Plan is a self-insured fund which requires a resolution in order to participate.

Trustee Ruby made a motion to approve membership in the Alliance Plan and Election of Self-Insurance to satisfy Workers' Compensation obligation. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Item #10 Discussion on proposed "Social Media Policy" for Village employees

Village Attorney drafted a policy to review and this policy will educate employees about social media postings and the impact on the Village.

Trustee Ruby asked about mention in the policy of posts never being deleted only being referred to in the future as being modified. Village Attorney stated once it is posted as an official statement of the Village and someone then claims they are damaged from same and the posting is deleted, it is a problem. It wouldn't be deleted; we would note that it was modified and when. Trustee Mitchell stated he is unsure who would fill the roll of monitoring as it seems like a big task. Mayor Tucker stated announcements or public issues can be overseen by Department heads and the responsibility lies with a Village employee stating things against other Village employees, this policy will state that it is not tolerated. Mayor Tucker suggested a workshop with department heads and the Board to review the policy.

Item #11 Request for The Hudson River Fisherman's Association to hold the 4th Annual Catfish Chaos Derby on Saturday, August 15, 2020 on the Piermont Pier 7:30am-3:20pm

Village Clerk-Treasurer stated this is their 4th Annual event at the Pier, she will advise them of the 50-person limit.

Jamie Surya, Sparkill businessowner and resident – concerned of how social distancing will be enforced with this event. With the Pier being closed for 3 months during COVID, the wildlife increased on the Pier, but she is concerned for the wildlife and the environment of the Pier with fishing for catfish. She asked to pause this event at the Pier this year.

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Village Clerk-Treasurer stated people fish on the Pier every day. Ms. Surya stated this contest would just add to the current problem. Mayor Tucker suggested they could ask for a damage deposit for cleanup on the Pier, but he doesn't think that the concern of garbage is a reason to keep them from doing their event. Village Clerk-Treasurer stated this is a family event. Trustee Mitchell stated this is a permitted activity, they are allowed to fish off the Pier, as anyone is. The discussion continued between the Board and Ms. Surya. Mayor Tucker would like a \$300 security deposit, reminder to wear masks and maintain social distancing and limit of 50 people total and subject to applicant providing the Board with a social distancing plan. Trustee Mitchell asked if they provide us with a certificate of insurance for this event? Village Attorney responded insurance certificate would not be necessary for this event.

Trustee Burns made a motion to approve the request for The Hudson River Fisherman's Association to hold the 4th Annual Catfish Chaos Derby on Saturday, August 15, 2020 on the Piermont Pier from 7:30am-3:20pm subject to \$300 security deposit, social distance plan, limit of no more than 50 people including organizers and masks wearing on Pier at all times. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Item #12 Resolution to enter into a contract with Heartland Payroll Services for Village Payroll processing

Village Clerk-Treasurer stated we will be switching from Paychex to Heartland, saving about \$3,500/year. We will also be using them for credit card processing in the future.

Mayor Tucker made a motion to enter into a contract with Heartland Payroll Services for Village Payroll processing. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #13 Discussion on getting a BAN to pay for the additional cost not covered by the PAL fundraising efforts for the Basketball Court

Mayor Tucker reminded the Board the PAL raised about \$7,500 to re-do the basketball court on Piermont Avenue. The total cost of the project is about \$11,000, which includes \$8,500 for the repaving, \$1,800 for poles/backboards/hoops, \$500 for court template and \$50 in paint. The Farmer's Market is also donating \$500. Mayor Tucker asked if PAL would be able to put up anymore funds and the Village would split the balance? Chief Hurley stated the PAL would be happy to help put in an \$1,500 as the community is looking forward to this. Mayor Tucker stated the Village will also put in an additional \$1,500.

Trustee Burns made a motion to put \$1,500 from the Village budget towards this project. The motion was seconded by Trustee Mitchell and so carried with a vote of 5 ayes and 0 nays.

Lee Vasquez asked via Zoom chat if it is possible to put up a net center court for tennis/pickle ball?

Item #13 Public Comment

Barbara Levy (email)- Village Clerk-Treasurer read an email to the Board regarding Ms. Levy's concerns of COVID and asked the Village to enforce mask requirement/social distancing as well as post additional signs and suggested volunteers to remind people to wear masks. Trustee Mitchell and Mayor Tucker agree that volunteers telling people to wear masks is not a good idea. Trustee Ruby is looking at prices for mask signs.

Susan Cohen (via Zoom) - Concerns with patrons at Sidewalk Bistro eating and drinking without masks.

Barbary Levy - asked if police presence can be increased to enforce mask wearing?

Item #14 Executive Session (requested by Deputy Mayor Blomquist)

Trustee Burns made a motion to enter Executive Session at 8:24pm. 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 8:53pm. 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.

Trustee Blomquist made a resolution for Attorney Richard Zuckerman finalize a draft for Piermont Police officers to receive 100% medical insurance coverage at no cost with 20 years of service in Piermont and 75% of medical insurance premium covered at 15 years of service in Piermont. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

Item #15 Adjournment

Trustee Burns made a motion at 8:54 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 Maher
Clerk-Treasurer