

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
AUGUST 18, 2015**

Present: Mayor Christopher Sanders, Deputy Mayor Mark Blomquist, Trustee Steven Silverberg, Trustee John Gallucci, Jr., Trustee Lisa DeFeciani, Walter Sevastian, Esq.-Village Attorney, Jennifer DeYorgi- Village Clerk-Treasurer

Executive Session (6:30pm) – Personnel Discussion

Trustee Silverberg made a motion at 6:30pm to enter into executive session to discuss personnel matters. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Trustee Gallucci Jr. made a motion at 7:33pm to exit executive session. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Regular Session (7:30pm)

Mayor Sanders called the meeting to order and led everyone in the Pledge of Allegiance

Mayor Sanders opened the floor for public comment.

Public Comment

Sally Savage would like to follow up from the last meeting and see if the Board has had time to review her proposal to have a hanging rail system installed for art work. She asked if she should pursue a cost estimate for the Board to review or is this not something they are interested in doing. Mayor Sanders asked Tom Temple to look into the proposed project with Sally and get an estimate for our next meeting.

Peter Senzon noted an abandoned van with no license plates parked in parking lot behind Austin's next to the trash for a few months now. Trustee Silverberg spoke with Charlie Schaub the Building Inspector regarding the van a few times. Mayor Sanders asked Chief O'Shea what the process is to get the van removed, Chief O'Shea stated that if the owner does not find the title in a few days the van will be towed and impounded.

Item #3 – Approval of Meeting Meetings

Trustee Silverberg made a motion to approve the minutes of July 21, 2015 as presented. The motion was seconded by Deputy Mayor Blomquist and was so carried with a vote of 4 ayes and 0 nays. Trustee Gallucci Jr. abstained.

Department Reports:

Department of Public Works - Highway Superintendent, Thomas Temple said that he had submitted his department report for July and had nothing to add. Trustee Silverberg thanked Tom Temple for cutting back the brush on Ash Street, noting it's a huge improvement. Mayor Sanders asked about drainage project, Mr. Temple explained that the project is going a little slower than he would like. Village resident Susan Cohen thanked the DPW department for cleaning up after the new machine, although she still thinks it's very loud and messy.

Police Department - Chief O'Shea said that everyone is probably aware of the adult black bear in the area, the police are working with a biologist to capture and move the bear. There is a plan using less than lethal methods to capture the bear. Chief O'Shea stressed that the residents need to remove the food sources for the bear which includes removing bird feeders.

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The police are doing a lot of bicycle enforcement on the weekends. Chief O'Shea will be meeting with some Cycle Clubs such as Rockland Cycle club at Village Hall and New York Cycle Club in the next few weeks.

Chief O'Shea advised the Board about the PAL Labor Day Concert on September 7, 2015, 12:00pm - 5:00pm. There will be several great tribute bands performing, such as Johnny Cash, The Allman Brothers, The Grateful Dead, etc. Chief O'Shea is hoping everyone will be able to attend the concert. The Village Board previously passed a resolution to allow the Turning Point to collect admission fee at the Rittenberg Field for the PAL Concert on September 7, 2015.

Chief O'Shea asked the Village Board to approve the Surplus of the 2009 Dodge to be sold on Auctions International.

Deputy Mayor Blomquist made a motion to surplus the 2009 Dodge vehicle. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Building Department - Building Inspector, Charles Schwab submitted a report to the Board. There were no questions for the Building Inspector. The Building Inspector made a comment regarding the new zoning map issued by the County GIS service and noted a few errors: they didn't separate the RD District into RD East and RD West, and they have Business B indicated where there should be R-75 now.

Fire Department - Chief Danny Goswick - Not Present

Item #5 Public Hearing 7:45pm Special Permit Application for 2 King's Pizza

The Village Attorney read the Planning Board opinion dated August 10, 2015, the Planning Board made a motion to approve the plan for 8 additional outdoor seats because of the favorable review from the Chief of Police, they would suggest the Village allow them to purchase surplus parking if available. No live or amplified outside music. The parking space in front of the restaurant should be labeled for 15 or 30 minute parking only.

Trustee Silverberg made a motion to open the Public Hearing at 7:52pm. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Mr. Bruno stated that there will be eight seats out front will be four (4) tables of two (2), it will be seasonal and there is an outdoor awning. There will be no umbrellas over the tables and no music.

Public Comment – None

Trustee Gallucci Jr. commended Mr. Bruno on his well organized application and Trustee Silverberg agreed as well. Trustee Gallucci Jr. feels that in order to resolve the parking issue the Board needs to modify the law to allow a business to be able to purchase more than nine parking spaces in necessary and available. Building Inspector Charlie said there are 18 excess spaces available out of 32 spaces in the Village inventory, which have been available for the past seven years. Trustee Gallucci Jr. feels that in a situation such as this, that the Board be permitted to provide the three additional spaces from the Village inventory but with the express understanding and agreement of the applicant that in the event all the Village inventory spaces are used up and the spaces allocated to the applicant exceeding nine be removed at that time and the applicants seating is reduced unless they can provide spaces from another source. This is a solution that provides income to the Village, it addresses a situation like this but it also keeps in mind the spirit of the law that no one or two applicants should get all of the spaces to the exclusion of other people coming in later on. Trustee Gallucci Jr. would like to make that application and do this for the applicant tonight

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subject to the Village Attorney confirming this can be done as a condition. The Special Permit is reviewed every year. Trustee Silverberg supports Trustee Gallucci Jr.'s recommendations. Village Attorney Sevastian suggested maybe it can be rolled it into add verbiage "except" into the Village code. Village Attorney Sevastian will write it for the Board to review. Mayor Sanders feels that the Board should revisit the Village Parking Limitations. Trustee Gallucci Jr. wants the Building Inspector to make reference on the CO to the parking on the Special Permit.

Mayor Sanders stated that another recommendation of the Planning Board is that the parking space in front of the restaurant should be labeled 15 or 30 minute parking only. Mayor Sanders asked Chief O'Shea if there is a specific time limit for the parking space in front of the restaurant. Chief O'Shea stated that the space was designed for a pick-up with a 15 minute limit. Trustee Silverberg asked Chief O'Shea if he thought 15 minutes is appropriate, Chief O'Shea answered yes, it is appropriate. Chief O'Shea pointed out that in front of Community Market there's three spaces marked "15 minute parking zone" in order to keep the spaces open. Trustee Gallucci Jr. asked Chief O'Shea if a car parked in front of the restaurant is completely off of the roadway, the Chief replied yes. The parking space is the Village property. Trustee Gallucci Jr. stated that the Village Board put; the condition is that the applicant post a sign about the 15 minute time limit "for pick-up only". The Building Inspector advised the applicant to see him before he has a sign made so that they can review the regulations regarding signs. Mayor Sanders suggested that the following also be part of the Special Permit; no music, no televisions outside (no audio/visual).

Motion by Trustee Gallucci Jr. to close the Public Hearing at 8:20p m. Seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Trustee Gallucci Jr. made the motion to approve the Special Permit application for 2 Kings Pizza which would require three (3) additional fee in lieu of parking spaces from Village which will reviewed yearly and could be taken back if needed. The parking space in front to be noted as a 15 minute pick-up, no audio/visual, no television and no music outside. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

After the Public Hearing was closed, resident Bob Samuels stated that when a new applicant comes before the Village Board, perhaps the Planning Board, Zoning Board and the Village Board can suggest the applicant to make their business handicapped accessible. Mr. Samuels stated that most businesses are almost handicap accessible but not completely.

***SPECIAL PERMIT APPLICATION OF TYLER STEPHANIK
PREMISES: 453 PIERMONT AVENUE, PIERMONT, NY
APPLICATION TO CONTINUE AND AMEND A SPECIAL PERMIT FOR A
RESTAURANT USE AT THE PREMISES***

RESOLUTION OF THE VILLAGE OF PIERMONT BOARD OF TRUSTEES

WHEREAS, Tyler Stephanik (the "Applicant"), on behalf of 2 Kings Pizza, has applied to amend an existing Special Permit to permit additional outdoor seasonal occupancy at the outdoor dining area (the front patio) of the the premises being located at 453 Piermont Avenue, Piermont, NY (Tax Map 76.63/2/11), within the Business B Zoning District;

WHEREAS, the Application seeks to permit a total of eight (8) outdoor seats at the restaurant during the Spring/Summer season (weather permitting), in addition to the previously approved 30 seats inside the restaurant (3 FILOP parking spaces would need to be utilized to satisfy the parking requirements associated with the 8 new tables);

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WHEREAS, the documents considered by the Village Board contained in the application for the Special Permit for additional outdoor seasonal occupancy seating plan were:

- 1) A Site Plan, designated as drawing entitled "Greco Italian Kings, Inc." "Seating Plan", prepared by Meg Fowler, Architect, dated June 22, 2015.*
- 2) The Applicant's original Special Permit Application dated on or about July 15, 2015, together with narrative and supporting documentation.*
- 3) Opinions of the Zoning Board and Planning Board, dated June 26, 2015 and June 9, 2015 respectively.*

WHEREAS, Village Code § 210-70, entitled "Standards for special permits", provides that a Special Permit Uses, such as the restaurant use in the Business B Zoning District, "shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards as set forth herein and stated in the use and bulk regulations in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special form that each specific use shall be considered as an individual case";

WHEREAS, Village Code § 210-76 (A) & (B), entitled "Issuance of special permits", authorizes the Board of Trustees to place conditions on a grant of a Special Permit to, inter alia, protect the public health, safety and welfare;

WHEREAS, the Applicant has previously appeared before the Planning Board on a referral from the Village Board to discuss the proposed amendment of the Special Permit;

WHEREAS, The Piermont Village Board has reviewed the Planning Board's recommendations, issued after a public hearing was held on the application.

WHEREAS, the Applicant has previously appeared before the Zoning Board on a referral from the Village Board to discuss the proposed amendment of the Special Permit;

WHEREAS, The Piermont Village Board has reviewed the Zoning Board's recommendations, issued after a public hearing on the application;

WHEREAS, the Board of Trustees held a public hearing on the application on August 18, 2015; no members of the public spoke at the public hearing.

WHEREAS, the application seeks to have 3 additional FILOP parking spaces assigned to the use, and the Village Board acknowledges that it has had requests from land use applicants to purchase a number of fee-in-lieu parking spaces ("FILOP" spaces) which exceed the current maximum allowable number of permitted FILOP spaces assigned to one user (the maximum number of FILOP spaces was set as 9 when the FILOP regulations were put into effect).

WHEREAS, the Village Board recognizes the shortage of available off-street parking in the downtown business district, and has found that there are presently are a number of FILOP spaces in inventory which are not utilized.

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WHEREAS, the Village Board finds that the Business B Zoning District is essentially developed, and taking into account the Village Board's desire to promote the viability of the downtown commercial corridor in the Village, the Village Board is desirous of allowing land use applicants to purchase underutilized FILOP spaces to the extent that they are available at the time of any particular application;

WHEREAS, the Village Board determines that it is in the best interests of the residents of the Village of Piermont to have a clearly defined Special Permit for the restaurant use at the premises in place, with specific and objectively enforceable conditions designed to protect, to the maximum extent possible, (given that the use is in fact permitted at the premises), the health, safety and welfare of Village residents;

***THEREFORE BE IT RESOLVED,** Village Board of the Village of Piermont declares itself Lead Agency for the purpose of review of the proposed action under the provisions of Article 8 of the Environmental Conservation Law, and finds that the proposed Special Permit amendment constitute an "Type II" action under the Environmental Conservation Law 617.5(b)(1) & (c)(15), (17), (19), (27) & (31), since the application seeks solely to amend a previously existing Special Permit, and*

***BE IT FURTHER RESOLVED,** that upon the application of Tyler Stephanik on behalf of 2 Kings Pizza, and pursuant to Piermont Village Code 210-76 (B), an amendment to the previously existing Special Permit to permit additional seasonal occupancy the outdoor dining at the front patio of the premises located at 453 Piermont Avenue is **GRANTED** to the extent set forth hereinbelow by the Village of Piermont Board of Trustees on the following terms and conditions:*

- 1. The number of outdoor seats permitted under the Special Permit shall not exceed 8 as shown Site Plan, designated as drawing entitled "Greco Italian Kings, Inc." "Seating Plan", prepared by Meg Fowler, Architect, dated June 22, 2015.*
- 2. The applicant shall be permitted to purchase an additional 3 FILOP parking spaces to satisfy the off-street parking requirement associated with the additional seating; therefore, the Applicant will have a total of 13 FILOP parking spaces assigned to the premises.*
- 3. The additional FILOP parking spaces granted under the Special Permit shall be reviewed annually at the time the Special Permit is renewed, and shall only continue if there is an excess in inventory of FILOP parking spaces at the time of renewal.*
- 4. The parking spaces immediately in front of the premises shall be signed and designated as a "15 minute pick-up" parking space.*
- 5. The Applicant shall comply with the Village Noise Ordinance, and control the noise emanating from the dining areas on the premises so as not to disturb adjoining property owners. Any conviction for a violation of the noise ordinance shall be deemed a prima facie violation of the conditions of the Special Permit.*

The following conditions specifically related to noise are imposed on the grant of the Special Permit:

- i. No audio visual projections, televisions, or music shall be played on the outside of the premises, whether on the patio or at any other exterior portion of the premises.*

ii. Outdoor service shall cease Sunday through Thursday at 11:00 pm, and at 12:00 midnight on Friday and Saturday.

6. That the Special Permit shall be renewed annually pursuant to the provisions of Piermont Village Code 210-76 (B).

Adopted at the regularly scheduled meeting of the Board of Trustees on August 18, 2015.

Item #6 - Public Hearing 7:45pm, to modify and/or abolish the functions of the Architectural Review Commission, Conservation Commission, Harbor Advisory Commission, Parks Commission and the Forestry Commission

Trustee Gallucci Jr. made a motion to move the Public Hearing to the September 15th Village Board meeting. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Item #7 Continue Public Hearing 8:00pm Special Permit Application for Austin's Restaurant, for continuation, and expansion of use in the RD Zoning District

Mayor Sanders noted that there wasn't anyone present to represent Austin's application due to a medical emergency. Mayor Sanders also stated that the Village Board did not receive updated plans. Also moving forward on this, the Mayor explained to the Building Inspector that the Village Board needs to understand the parking that the landlord believes exists. The Building Inspector stated that he has requested an updated parking plan that is signed and sealed from the applicant. The Mayor wants to make it clear that the Board will not be able to move forward on this unless the parking plan is provided for review. Trustee Silverberg requested to the Building Inspector that he also ask the applicant to indicate real parking spaces. The Building Inspector agreed to ask the applicant and went on to say that he is meeting with Fire Department on Thursday to measure the roadway to ensure fire and rescue emergency access, especially since a number of spots have been added over the years.

Trustee Silverberg instructed the Village Clerk to send a copy of the July 30th Meeting Minutes to remind the applicant and his attorney as to what they were agreed to, and to make sure that the plans they provide conform to what was agreed.

Trustee Silverberg made a motion to move the continued public hearing to September 1st at 8:00pm, provided that the Village Board gets all the information required including the survey that provides the parking and also plans that conform with the representation made at the last Village Board meeting no later than Wednesday, August 26, 2015. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Item #8 - Review of Cost / Benefit analysis of purchasing Village street lights from O&R

Mr. Duthie works with the Municipal Consortium to get O&R to give a better deal so that the Villages and Towns can purchase their street lights. Mr. Duthie reviewed the Village's Orange & Rockland bills in order to create a cost benefit analysis for the Village to own its street lights. The analysis currently shows that the Village has 181 street lights and pays about \$36,000 per

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year in annual distribution charges, so they are separating this between the commodity and the delivery service. This analysis deals with the delivery service because when you move from the SC4 Tariff to the SC6 Tariff you get roughly a 75% reduction in those costs. Mr. Duthie prepared a best case and worst case analysis using the numbers that he has from Clarkstown and Ramapo who are in the process of purchasing their street lights. Clarkstown already has an application before the Public Service Committee to approve the transfer of their street lights. That will probably get approved sometime in the next three to six months. Orangetown is also in the process, and what Mr. Duthie is trying to figure out is how they can get the Villages to piggyback on what the Towns are doing. Mr. Duthie is exploring the potential collective purchase of LED lights, which will also save on the commodity rate by replacing a 100 watt which uses approximately 127 watts with a 50 watt LED that uses about 50-51 watts., Right now the economics are favorable to pay back, if we use the price that Clarkstown was able to obtain which is \$166.00 per light, the payback is 2.7 years. If we use the higher price that Ramapo received at \$276.00 per light the payback is 7.62 years. Mr. Duthie suggests that if the Board thinks that the numbers are solid, then take it to the next step and direct him to go to O&R and ask for a purchase price based on the same methodology as given Clarkstown, Ramapo, Orangetown, etc. Mr. Duthie stated that every analysis that he has done shows a real benefit to the community to purchase the street lights and the thought is that the maintenance will be done on an individual or a combined solicitation to go out and get a vendor that will be on call on a yearly basis to fix the street lights and ultimately re-lamp them to be LED. He also noted a \$15 fuse that represents the demarcation between what the Village owns and what Orange & Rockland owns. They have also made an argument that if you open a fuse that you can have a less experienced mechanic work on the lights. Mr. Duthie stated that realistically everyone will be using licensed electricians. Looking at re-lamping, you are not going to send a bucket truck out twice, so, if you are re-lamping then you can install the fuse at the same time. After purchasing the lights, there is a 24 month time frame to do the fuses.

Mr. Duthie attended a meeting last week with the three Town Supervisors, O&R, and members from IBEW Local 363, in order to make sure everyone is clear what their role is and what happens if there's a storm and a pole comes down, who gets there first, who puts their equipment on first because it has to be coordinated with the cable and telephone companies, etc. Basically the question is; does the Village want to take on the responsibility?

Trustee Silverberg asked what the potential cost savings percentage would be? Mr. Duthie said on the distribution side, the savings would be approximately 50% and that includes the amortization of a five year bond which is assumed for this calculation with 5% interest. Once the bond is paid then the savings would increase. On the commodities side, again you are looking at a 50% savings and that could be slightly more because of the wattage difference. Mayor Sanders asked Mr. Duthie what if the Village does not purchase the street lights and only switches to LED? Mr. Duthie said it would not be cost effective because the O&R LED rates are extremely high. Mayor Sanders feels that purchasing the street lights would get the Village out from under O&R's tariffs, the LED replacement alone was a non-starter for the Village because it would not save the Village money.

Trustee Silverberg thinks it makes the most sense to make the change and do the LED at the same time. Mr. Duthie commented that the Village's Commodity rate looks good because there is an off-peak tariff. Mr. Duthie suggested that the Village partner with town of Orangetown to get the benefit of the bigger purchase. Trustee Silverberg said it would be great to partner with Orangetown as long as they don't charge the Village \$40,000 per year to do the maintenance. Mayor Sanders stated that if you go to LED there are LED suppliers who have maintenance contracts that cover repairs. Mr. Duthie stated that the LED's are getting better, less expensive and lasting longer. The manufacturers are beginning to guarantee that the LED lights will last for 5 years, 7 years, 10 years etc. Mr. Duthie also reported that O&R has been very helpful in this process, they did not want to do this initially but once the tariff was put in place, they got the word from the public service commission that they have to cooperate or there will be consequences.

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Village Attorney Sevasitan asked if the difference in pricing between Clarkstown and Ramapo strictly because of the number of lights? Mr. Duthie explained that it's a vintage issue, for some reason Ramapo has more new street lights. What you're seeing is the result of the cost for depreciation. Mayor Sanders stated that the Village has older mercury vapor lights which may not be replaceable anymore. Mr. Duthie stated that you can no longer buy mercury vapor lights, they cannot be replaced and when they are removed they must be disposed of correctly. Mr. Duthie stated that it is not very expensive to dispose of the lights as there are companies out there that will do it for you. Mayor Sanders stated that out of the 180 lights the Village has, 161 are mercury vapor, which are probably fully depreciated. Mr. Duthie stated after many negotiations, now it's at about 140% of original costs plus depreciation, they decided it made more sense to go ahead and take their price and move the process through because the paybacks are so extraordinary. All the other towns that Mr. Duthie has worked with had a payback in less than three years.

Trustee Gallucci Jr. asked Mr. Duthie the cost for each bulb? Mr. Duthie replied about \$10-\$25 per bulb, which will be negotiated. With the purchase, you get the bracket, the luminaire and the bulb. Before you close, there will be a physical survey and Mr. Duthie suggests that someone from the Village accompany O&R to make sure that you are buying lights that are not broken. There will be a price adjustment if needed. Trustee Gallucci Jr. asked if upon the inspection there are broken lights, does O&R repair the lights and adjust the price? Mr. Duthie's experience is that you do not want O&R doing anything because the costs are too high. Trustee Silverberg asked if there are lamps that do not work, obviously they would have to be repaired. Would the entity installing the LED's be able to repair them? Mr. Duthie stated that when the physical survey is done, you will know what lights are working or not and ask O&R for a credit. The Village should not have been paying for broken lights all along and that would be a billing issue to address with O&R. Mr. Duthie stated, it appears that O&R's billing for the Village street lights is pretty accurate. We don't know if what they are billing the Village is actually in street, so when the physical survey is done you will know for sure. Mr. Duthie also stated that once the Village takes ownership of the street lights you must put a sticker visible from the street on the light to identify that the light is owned by the Village.

Trustee DeFeciani asked Mr. Duthie who the poles belong to? Mr. Duthie clarified the poles belongs to O&R or Verizon, you would have to enter into a joint use agreement with Verizon for the poles with street lights. Trustee DeFeciani asked Mr. Duthie if there's any cost involved, Mr. Duthie replied no. There will be a minimal cost for either Mr. Duthie or the Village Attorney to handle this. Mr. Duthie stated that the Towns are basically fronting the money and he is hoping that the Village can piggyback on the already established system.

Deputy Mayor Blomquist wanted to confirm that he was reading Mr. Duthie's numbers correctly and that the purchase price includes the bracket, luminaire and the bulb. Mr. Duthie is estimating approximately \$200-\$250 per light for the LED and an additional 100-\$150 for the labor for approximately \$500 in total (rounded off a little higher).

Trustee Silverberg said that the towns in Westchester are financing it over a number of years and they take the payments out of the savings. Mr. Duthie said if the Village has good credit he would recommend the Village bonding it and doing it on your own without financing.

Trustee Silverberg asked Mr. Duthie what he needs in order to proceed with this process, Mr. Duthie replied that he will need a letter from the Village instructing him to take the next step and he'll go to O&R to get a purchase price.

Trustee Silverberg made a motion to authorize the Village Clerk to send a letter authorizing Mr. Duthie to proceed in getting pricing with the understanding that it does not obligate the Village to go any further. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #9 Review Bid Specs for repairs to the Train Station Foundation

Mayor Sanders mentioned in Old/New Business at the last Village Board meeting, that Senator Carlucci is in favor of providing money to fund the repairs to the Piermont Train Station.

Mayor Sanders commended the PHS on the new floor, and said they did a great job in making it look vintage. Mayor Sanders feels that the Village should proceed with putting together the bid specs to find out what this will cost. This project will have to go to public bidding. Ken DeGennaro/Brooker Engineering is working with the Building Inspector to get some cost estimates from contractors. Mr. DeGennaro stated there are some questions in terms of design and how high can they raise the building and what will be done with the crawl space. Mr. DeGennaro feels that they should fill in the crawl space area to avoid some of the past problems like moisture issues. Mayor Sanders does not want to lose momentum on the project but notes the Village needs to have a better understanding of what the costs could be. Mayor Sanders reminded the Board that on past projects we have obtained early cost estimates for a project, then once it goes out to bid the cost is sometimes twice the amount originally estimated. Then the Village is put in a position to try and figure out whether or not to proceed with a project.

Mayor Sanders asked Mr. DeGennaro when he thinks this project can go out to bid, Mr. DeGennaro feels that he will have the bid specs ready for the September 15th Village Board meeting. Mayor Sanders will contact Senator Carlucci's office and advise them when will be going out to bid. Once this goes out to bid on September 15th and we should have bids to review by the end of October.

Mrs. Schulen asked if there is a time frame in Senator Carlucci's paperwork to start or complete the project. Mrs. Schulen is concerned if the PHS can help to raise funds for the project when would they begin to do that? Mayor Sanders suggests October 20th for a deadline to know if PHS needs to raise funds. Mayor Sanders stated that if the bids come out three times higher than expected and we only receive two bids, then everyone will have to sit down and figure out what to do and there will be no harm, no foul because we didn't announce anything.

Mayor Sanders thanked Rich and Lola for all of their hard work and pushing for the Train Station repairs. Senator Carlucci commented that his decision to choose the Train Station was really due to the overwhelming support from the Historical Society and noted that the Train Station is a wonderful representation of the history of Piermont.

#10 Discuss North Shore Walkway Repair – Site Visit July 2015, by Brooker Engineering

Ken DeGennaro stated that repairs of the North Shore Walkway are just about complete and he has prepared a final punch list for the contractor. Mr. DeGennaro stated that when this project first started, FEMA identified 9 specific areas along the walkway that qualified for repair. Mr. DeGennaro stated that he did an inspection during low tide and found a few spots where the contractor could access under the Walkway to do some additional concrete work. The contractor will be back out in two weeks to complete the punch list. Trustee Silverberg brought up other areas that were not recognized by FEMA. There are a couple of additional areas with sinkholes of 8-16 inches in diameter that the DPW filled in with concrete to prevent any major settlement. Mr. DeGennaro mentioned to keep in mind that settlement will most likely continue to occur. Overall, it is Mr. DeGennaro's opinion that the wall and the adjacent Walkway are in good condition. We must continue to maintain the inspection standards - a walking inspection should be done every other month during low tide to note any voids. Trustee DeFeciani commented that according to what Mr. DeGennaro is saying, there is no other way to address what's going on until a hole pops up, and then it has to be filled. Mr. DeGennaro stated they could do what was done for the Rockland Road bridge and build a new substructure, but noted that the Walkway is 2500 feet in length - it would be very expensive and not necessarily worth spending the money. Mayor Sanders agreed that we are to expect settlement to continually occur and the Piermont DPW crew will be chasing holes as they develop. Mr. DeGennaro stated that there's a catch

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basin on the west side when you first walk out from Roundhouse Road that has a substantial depression, and it has been that way for many years and has not increased in size. Tom Temple's crew did some of the initial repairs right after Sandy. Trustee DeFeciani asked if it is the same holes that keep opening up or are they new holes? Trustee Silverberg agreed that he has the same concerns. Mayor Sanders stated that the Village would be concerned if it is the holes the contractor has been working on, but Mr. DeGennaro stated that those are the holes DPW has worked on in the past.

Mr. DeGennaro feels that the Village needs to put together a maintenance program to keep track of when the holes open up, once repaired, how long does the repair last in order to be sure that this does not become a bigger problem. Tom Temple will work with Mr. DeGennaro to keep track of the repairs being made and continue to use the markings made by DPW all the way along the walk way in order to identify where and when something is being repaired. Mayor Sanders suggested making marks along the railing so that it could be seen from the Walkway and from the river below. Trustee Gallucci Jr. has not seen the Walkway yet, but if repairs have to be made every few months then the issue is more substantial than just patching the walkway. Trustee Gallucci Jr. said it must be distinguished that the Village is repairing the Walkway and not the seawall. Village Attorney Sevastian said the Village is responsible to maintain the Walkway and the HOA is responsible to maintain the seawall. Mr. DeGennaro said that repairs to the Walkway are basically done from the top. Mr. DeGennaro feels that the Walkway is in good condition, and there is a big separation from the seawall and the Walkway, a distance of approximately four to eight feet. Mayor Sanders asked Mr. DeGennaro with the last of the repairs completed by the contractor and closing the project with FEMA that the final payment will be made. Mr. DeGennaro agreed that he would most likely be authorizing a request for final payment to the contractor by the next Village Board meeting. Mr. DeGennaro stated that record keeping of the Walkway is important especially if grant monies become available in the future it would help to have an on-going record of the documented repairs and the annual maintenance cost to the Village.

Jerry Abram, a resident at the Landing noted he appreciates the work that was done. Last weekend there were a few spots that had not been patched and there was a child running, who tripped and fell, fortunately he did not hurt himself. Mr. Abrams asked the Village Board to monitor the walk way and make timely repairs to avoid any problems. Mayor Sanders asked

Chief O'Shea to have the officers do a quick visual inspection of the walkway every evening and let the DPW know if something needs to be repaired. Perhaps, when the permanent markers are done it will be easier to report a problem. Mr. Abrams also asked to have the west gate repaired, he walks his dog near the closure. Tom Temple stated that after a few push and pulls on the west gate it remains open, the DPW usually has to reset the gate once a week.

#11 Continued discussion on widening Piermont Avenue, across from Village Hall, to provide additional parking. Related discussion of proposal from Phil Griffin to develop the adjacent land on Piermont Avenue

The Board has looked into some parking plans provided by Mr. DeGennaro and remains interested in getting some cost estimates on the plans and perhaps go out to bid for the project. The Board was also interested in the proposal presented by the property owner Phil Griffin. The Board was expecting Mr. Griffin to put that plan together as a real application before the Planning Board, but that has not yet happened. The Board would like Mr. DeGennaro to continue with the angled parking plan cost estimate. Mr. DeGennaro recently spoke with O&R regarding the utility pole, the plan had a bump out to allow that pole to remain. Mr. DeGennaro feels that it will be a major endeavor to move the pole for the parking plan. Mr. DeGennaro is meeting with O&R on Tuesday at 10:30am to talk about the logistics and maybe it would be better if O&R was to lead in relocating the pole as opposed to Verizon, but either way it will not affect the cost very much it's more for the aesthetics. By the next Village Board meeting,

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Mr. DeGennaro will develop a cost estimate which will include more detail and talk about drainage issues.

Trustee Silverberg requested that someone reach out Mr. Griffin and let him know that the Board is proceeding with the parking plan, and, if he wants to do something he needs to move forward quickly. Village Attorney Sevastian stated that Mr. Griffin called him earlier in the day and stated that his architect is working on plans to submit to the Board.

#12 Review request for additional hours for the Justice Court Clerk to work on backlog in the Justice Court

The new Justice Court Clerk needs some extra hours approved to clean up the backlog of cases before the court. The request is for 40 extra hours over the next sixty days which would be through October 20th.

Trustee Silverberg made the motion to approve the request for 40 additional hours for the Justice Court Clerk over the next sixty days. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

#13 Review filming application procedures and Goswick Pavilion rental application

The Board is reviewing the filming application procedures as well as the Goswick Pavilion rental application due to a filming issue in late June. Mayor Sanders recalled some of the issues were the area around Paradise Avenue and the Goswick pavilion due to generators and other equipment running overnight. From a filming standpoint, the Board needs to understand when companies film for multiple days, they are coming in with a lot of equipment that will not be removed every night and need a place to keep the equipment. Mayor Sanders stated that, especially filming in July for example, if there is a makeup truck and first call is at 3am, they are going to be leaving that truck running to keep it cool. Mayor Sanders stated that the Village is very limited on space and the Chief needs some direction from the Board on where the overnight storage of filming equipment can be held.

Trustee Silverberg thought it would be helpful for the Chief O'Shea and Tom Temple to look around the Village to make some suggestions. Mayor Sanders stated that the first night during the July filming the trucks were parked in the Library lot, there was a resident with health issues adjacent from there, who requested that the truck be moved. The truck was moved to the area near the Goswick Pavilion, which is a very quiet area and the residents of Paradise Ave. heard the truck running all night. Chief O'Shea agreed that we are very limited for space and that we do a lot of filming throughout the year - this was one instance with two complaints. Chief O'Shea said that the Generators used were eco-friendly and, regarding the idling law, generators are exempt and cannot be restricted. You can restrict motor vehicles, trucks and trailers, but generators are exempt. Chief O'Shea said he responded to all the residents' complaints and also moved the truck again to accommodate everyone. He feels that this was an isolated incident and we have to strike a balance to keep the residents safe and comfortable. Chief O'Shea has asked the film crew to please be reasonable and not run the generators, especially all night when residents are sleeping.

Trustee Gallucci Jr. does not have any real concern about this, it's been going on for years, and we have had two complaints. Trustee Gallucci Jr. went down the day of the complaint to look at the area himself, he drove up to the generator with open windows and did not hear it. Trustee Gallucci Jr. expected that the complaints were coming from the condominiums, but they were actually from someone else. Trustee Gallucci Jr. does not feel there is a need to do anything about it at this point.

Trustee DeFeciani feels that historically the film crews are not usually in the Village so many days in a row, it was longer than usual and perhaps that's why there were complaints. Trustee DeFeciani feels that we need to designate a space for the generators moving forward. Chief O'Shea stated that if it's more than two days of filming, he goes before the board, but this particular instance was during a holiday weekend.

Mayor Sanders feels that from a legislative standpoint there is no need to change the filming application. Trustee DeFeciani asked if Piermont's filming application is the same as Nyack's, Village Attorney Sevastian stated that Piermont filming application is more extensive than Nyack.

#14 Review request from Piermont Landing HOA to permit music on Saturday, September 12th 7pm-Midnight

Chief O'Shea stated that the HOA does this every year and it has never been a problem, it's a low key event.

Deputy Mayor Blomquist made a motion to approve the Piermont Landing HOA request to permit music. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 4 ayes and 0 nays (Trustee Silverberg abstained).

#15 Review request from MS Bike Ride on Sunday, October 4, 2015

Mayor Sanders stated that this event happens every year, Chief O'Shea stated this is a low key event. Trustee Silverberg and Trustee Gallucci Jr. questioned why the Board needs to approve this event, when they only pass through on public roads and nothing is closed for this event. Trustee Gallucci Jr. made a motion to support the MS Bike Ride on Sunday, October 4, 2015. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

#16 Discuss 27th Annual South Nyack Ten Miler - Sunday, September 13, 2015

Mayor Sanders stated that the South Nyack Ten Miler is a great event and a great benefit but it does create havoc along Piermont Avenue. Mayor Sanders and Chief O'Shea spoke about the traffic and perhaps requesting that this event take place on a Saturday next year. Chief O'Shea stated that he was meeting with the race organizer, he was adding two new police posts, they are going to educate the runners that the roads are open and they must stay to the right and the earlier 8:30 am start-time is better. They will redirect the buses and notify St. John's RC Church, Macedonia Baptist Church and the Piermont Reformed Church about the event. There is no extra cost to the Village for this event and it does not require any special police detail. No action was taken.

#17 Discussion on modifying Village official size of parking spaces

Village Attorney Sevastian stated that in Piermont's code, parking spaces are defined as 10 ft. wide by 20 ft. long. Trustee Gallucci Jr. and Trustee Silverberg agree that 9 ft. x 18 ft. is sufficient and seems to be the standard elsewhere. Trustee Gallucci Jr. proposes the Board should modify the law and make the code reflect parking spaces of 9 ft. x18 ft. The Board directed Village Attorney Sevastian to modify the fee-in-lieu as well. Village Attorney Sevastian said this would be an amendment to the zoning code and will draft it up and schedule a public hearing in September.

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Mayor Sanders stated that Village Attorney Sevastian brought up the parking of campers and other large vehicles in Village lots, Mayor Sanders believes this proposal went all the way to a public hearing and the Board ended up creating a commercial weight limit of 10,000 pounds.

The Mayor asked that the law be amended to apply to all vehicles by weight regarding the Winnebago in Parking Lot D. A resident bought a permit and the Village could not deny it, because it has passenger plates and it was legal. Village Attorney Sevastian said that they previously looked at a local law with no parking of campers, buses and recreational vehicles over night. Trustee Silverberg agreed that the Board should amend the code.

Chief O'Shea stated that the trailers get around the weight issue if they have passenger plates. The Board agrees that they should limit the any vehicle weighing 10,000 pounds or more.

Item #18 – Approval of Warrant

Deputy Mayor Blomquist made a motion to approve Warrant #081815 in the amount of \$239,700.94. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Mayor Sanders stated that in this warrant there is a \$98,000 progress payment for the Fire Rescue Boat.

Item #19 – Old/New Business

Trustee DeFeciani noted there are large groups coming to use the Goswick Pavilion to sit and have lunch - not necessarily renting the Pavilion. The past week there was a group of over 150 kids from a camp, sitting in the Pavilion having lunch, but since they did not rent the Pavilion, the bathrooms were not open and they were urinating all over the field. Trustee DeFeciani inquired if the Board could limit groups of 25 or more. Mayor Stated that it's a public park and the only thing that can be done is to close the Pavilion when it's not being rented. Chief O'Shea stated that the recent incident Trustee DeFeciani was referring to was a camp from Monsey, and the police department was getting complaints from the residents because the campers were throwing garbage all over. When Detective Holihan arrived to tell them to clean up the mess, the camp asked for an outhouse. Detective Holihan informed them they could rent the pavilion, or use the outhouse on the pier or the restrooms at Village Hall. The Board agreed the only thing that can be done is to keep the Pavilion doors closed when it's not being rented.

Trustee DeFeciani asked Tom Temple if he received notice from the County about work being done from the north end of Piermont to the bridge to improve drainage. Tom Temple said he has not heard from anyone about it. The County is taking part of her property by eminent domain.

Village Attorney Sevastian stated that he still working on preparing an easement for the property on Piermont Avenue, near the DPW, which will include ingress and egress of motor vehicles and pedestrians to the property - all maintenance on the grantee and the easement must be kept fully cleared and unobstructed. The Village Attorney would like to keep the agreement simple and attach a survey to the legal descriptions. Village Attorney Sevastian also mentioned that the lot needs significant variances if the owner wants to build on it. The Building Inspector stated that in the past someone had plans to build a small house; the plans are in the file.

Deputy Mayor Blomquist spoke with Alex Moss from Verizon about the Lighthouse proposal - we still need to see renderings from a few different perspectives. He is meeting with Ray Lennon on Friday to discuss the proposal.

Trustee Gallucci Jr. has nothing to discuss.

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Trustee Silverberg – regarding the LWRP, there were three committees meeting, and by early September they will schedule a meeting to get reports from them and see what they have been up to. After that they should have a plan to move forward with formulating an outline.

Mayor Sanders brought up two items:

1. Coming to the end of summer it is apparent the Village Board meetings have been brutal, and he feels that the habit of holding only one meeting a month during the summer is not working. The Board needs to take a look at what can be done for next year. Mayor Sanders and Trustee Silverberg spoke briefly before the meeting, perhaps the Board can decide to do three or four meetings over the summer, between June and August and space them evenly. Trustee Gallucci Jr. noted that the meetings were exceptionally longer due to all of the Public Hearings.

2. Related to the Public Hearings, the meeting minutes of public testimony are very arduous and the Board may want to consider using stenographer Patrizia Beers to record the minutes of Public Hearings, and add the cost of her services into the public hearing fees. Trustee Silverberg agrees to using the stenographer and charge back fees, but some of those fees can be quite expensive. The reality is, unless someone challenges the Village, there is no need to order a transcript. Trustee Silverberg stated that some municipalities have the Clerk prepare a summary, so that there are minutes, and a stenographer record everything. If someone requests a transcript of what was discussed, then they have the record transcribed.

Mayor Sanders would like to look into the fees for the Stenographer to attend and record the Public Hearing and the cost to transcribe the record per page. The Building Inspector stated that most applicants for Special Permits will realize that they need to be fully prepared for the public hearing because they are being charged \$250 for the Stenographer and that will definitely speed things up, like it does for the Planning and Zoning Boards.

Item #20 – Adjournment

Trustee Gallucci Jr. made a motion at 9:47 pm to adjourn. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Respectfully submitted
Jennifer DeYorgi
Clerk-Treasurer