

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
AUGUST 9, 2016**

Executive Session

Present: Mayor Christopher Sanders, Deputy Mayor Mark Blomquist, Trustee Rob Burns, Trustee John Gallucci Jr.

Absent: Walter Sevastian, Esq. – Village Attorney
Trustee DeFeciani

Trustee Gallucci Jr. arrived at 7:15pm

Item #1 Executive Session -- Personnel discussion

Trustee Burns made a motion to enter into executive session at 6:45pm. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 3 ayes and 0 nays.

Trustee Burns made a motion at 7:30pm to exit Executive Session. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 4 ayes and 0 nays.

No action was taken.

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BOARD OF TRUSTEES MEETING
AUGUST 9, 2016**

Present: Deputy Mayor Mark Blomquist, Trustee Rob Burns, Trustee John Gallucci, Jr., Trustee Lisa DeFeciani, Jennifer DeYorgi-Village Clerk/Treasurer.

Absent: Walter Sevastian, Esq. – Village Attorney

Mayor Sanders – excused himself after the executive session at 7:30pm

Deputy Mayor Blomquist called the meeting to order and led everyone in the Pledge of Allegiance.

Item #1 – Approval of Meeting Minutes

Trustee Gallucci Jr. made a motion to approve the minutes for July 12, 2016. The motion was seconded by Trustee DeFeciani and so carried with a vote of 4 ayes and 0 nays

Item #2 – Approval of Warrant

Deputy Mayor Blomquist made a motion to approve Warrant #080916 in the amount of \$112,425.39 for a total of \$112,425.39. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 4 ayes and 0 nays.

Item #3 – Department Reports

Department of Public Works - Highway Superintendent Tom Temple came to the meeting at 8:30pm and asked the Board to change the date of the Pier closing from Sunday, August 14th to Sunday, August 21st due to the new 13-Marine Dedication on Sunday, August 14th from 12:00pm to 5:00pm.

Trustee Burns made a motion to change the pier closing date from Sunday, August 14, 2016 to Sunday, August 21, 2016. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 4 ayes and 0 nays.

Tom Temple also stated that the Flagpole which was discussed at last month's meeting has already been delivered to him and he asked if he should install the pole or wait for further instructions. Deputy Mayor Blomquist stated that he believed Mayor Sanders wanted this on an Agenda so that the residents out on the Pier can weigh in on it. This item has been put on the September 6th Agenda.

Building Department – Building Inspector Charles Schaub was not present.

Police Department – Chief O'Shea submitted a Department report for June 2016 and July 2016. Chief O'Shea stated that he is still collecting his monthly report data by hand which is very time consuming because he is still not receiving any information from the Justice Court. Trustee DeFeciani stated that she recently had a discussion with Judge Weiss regarding Justice Court reports.

Chief O'Shea said the Piermont PD conducted a speed survey on South Piermont avenue due to speed complaints, most of the cars were between 20-25 mph, there was an occasional speed of 40-45mph but most people were within the speed limit. The Police department will address the problem by putting radar patrols at the high points.

Tappan Zee Elementary school is now occupied by BOCES and there was a long standing agreement for TZE to be evacuated to the Piermont Community Center in the event of an emergency. Chief O'Shea emailed the Board the MOU for their review and approval, Chief O'Shea pointed out that Trustee Gallucci Jr. requested a technical change on the third page to "eliminate the mutual consent to cancel the contract" and change it to "either party can cancel at any time".

Trustee Gallucci Jr. made a motion for BOCES at Tappan Zee Elementary to use the Piermont Community Center in the event of an evacuation emergency and to authorize Mayor Sanders to sign the MOU. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

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

Fire Department – Chief Danny Goswick was not present.

Old Business

Trustee DeFeciani said that Mayor Sanders wanted to discuss the anchorage/barges on the Hudson River and requested that it be placed on the September 6th agenda.

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Trustee Blomquist had no old business to discuss.

Trustee Gallucci Jr. had no old business to discuss.

Trustee Burns had no old business to discuss.

New Business

Trustee Gallucci Jr. had no new business to discuss.

Trustee Burns had no new business to discuss.

Trustee DeFeciani had no new business to discuss.

Deputy Mayor Blomquist stated that the Fire Department is putting in for funds from Assemblywomen Jaffe's office to put in a mooring at the north end of the pier for the new fire boat to get out easier during low tide. Village Engineer Ken DeGennaro stated that he met with Chief Dan Goswick to discuss installing a gang plank and a floating dock just north of the existing pier. The Village Engineer said the biggest issue will be getting permits from the DEC, he is working with them to get the permitting requirements. Dan Goswick is working with Ellen Jaffe's office.

Public Comment

Laura Straus was before the board asking for approval on updated resolutions which were originally made on March 3, 2016 for Half Moon Park to apply for a grant which they will not know if it was awarded until November. They have since formed a group that is organizing all of the cultural organizations in the county to create a map, a brochure, a website and a tour throughout Rockland County. Since she has not heard back about the first grant they are applying for another grant as a backup. She would like to form a conservancy to be able to receive donations directly on behalf of Piermont for parks in general. Mrs. Straus requested that the Board approve the updated resolutions so that she may move forward with applying for a second grant and have a multi-part plan in place in anticipation of any grant money awarded. Sylvia Welch stated that this will be the same grant application under a different name which is about community building and is due by September 12, 2016. Sylvia Welch stated that you are allowed two of the same grants within the same year, so if they are awarded both grants one will be for the planning and the other for Half Moon Art Park. The resolution is worded exactly the same as the one in March the only change is the name of the grant program and the Village is resolving to give them use of the site if they win the award. There is no match required by the Village. Ms. Welch feels that the conservancy is a good long term idea which will help bundle Piermont's parks projects together and they will be able to raise money from donors and foundations that the Village cannot do and will help the Parks department.

Trustee DeFeciani mad a motion to approve the resolutions to apply for the NEA Our Town grant program. The Motion was seconded by Trustee Burns and so carried with a vote of 3 ayes and 0 nays, Trustee Gallucci Jr. abstained

Dimitri Laddis a Piermont resident and Chairperson of Palisades MTB (Mountain Bike) is a local organization that was formed approximately one year ago to gain access to local trails in the area. He wanted to inform the Board that he is working with the state to get approval for mountain bike trails. He was approached by the State Park Managers to see if he could assist in organizing the Mountain Bike community in the area. He has been working closely with the state and has obtained approval for a mountain bike trail which has been developed in Blauvelt State Park and has 600 acres of parkland that doesn't currently have a trail. He is working with

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the town of Orangetown Parks Department in developing a proposal that would tie together Tacamac, Nike and Clausland mountain county park. The County is in support of his proposal to try and thread together mountain bike trails in each park that will be well marked and to encourage mountain bikers to stay on the trails. Mr. Laddis said this adds an amenity to the area since there is currently no mountain bike trails on public land in Rockland County with the exception of Anthony Wayne Park in Harriman. Mr. Laddis feels this is a great bonus for our community and it is all being done by volunteer labor and as the trails get put together there will be brochures and signage added. Mr. Laddis said if there are any questions about this program they can be directed to the following email address: palisadesmtb@gmail.com. Deputy Mayor Blomquist asked if they would be putting any trails in Piermont, Mr. Laddis said no but there may be some trails in Tallman Park which will help to keep bikers off the road. Mr. Laddis encouraged everyone to look at the new mountain bike trail in Blauvelt State Park which is accessible through the Tacamac lot and it is clearly marked with signs.

Ron Dervan came before the Board several months ago regarding having a fish ladder installed at the Dam. Mr. Dervan has finally met with the DEC and they are ready to move ahead. The DEC has created a device for the fish ladder and they would like permission to install a U Bolt or a davit on the railing so that no one has to walk down through the brush to get to the fish ladder. They will paint it dark green so that it will blend in with the greenery. Deputy Mayor Blomquist asked if there were any plans, Mr. Dervan displayed a picture of the device the DEC created. Trustee Gallucci Jr. asked Mr. Dervan what time of year do the fish migrate, Mr. Dervan stated that he spoke with Chris Bowser and he said they migrate from April through October. Trustee Gallucci Jr. asked Mr. Dervan how often someone would need to access the fish ladder, Mr. Dervan said that he would empty the bucket every two days or so. Trustee Gallucci Jr. and Deputy Mayor Blomquist feel that the plans should be reviewed by the Building Department and Tom Temple, after their review is should be addressed at the Sept 6th meeting.

Daniel Spitzer had a comment relating to the North Walkway going out to the pier; he recently noticed that there are vertical parts of the fencing missing and children are climbing through the fence. Mr. Spitzer was told that the DPW is responsible for maintaining the fence and he wanted to bring this safety issue to the Boards attention. Deputy Mayor Blomquist stated that he was not sure if the Village is actually responsible for the fence. Since Mr. Temple was not present to answer the question, he would have to speak with him to get more information on who is responsible.

Attorney John Burke was before the Board on behalf of his client Mr. Jason Wang who is in contract to purchase Xaviars at Piermont and Freelance Café & Wine Bar. Mr. Burke is requesting that the Village waive the 30-day Liquor License Notice so that the business can continue to operate without disruption. Mr. Burke stated that the restaurant is going to stay the same, Mr. Kelly will be staying on as a consultant, the staff will continue as well. The only change will be of ownership.

Trustee Burns made a motion to waive the 30-day Liquor License Notice for Xaviars at Piermont and Freelance Café & Wine Bar. The motion was seconded by Trustee DeFeciani and so carried with a vote of 4 ayes and 0 nays.

Anthony Riso from Orchard Terrace was not present but had submitted a letter of complaint regarding Pier 701. The letter is available in the Village Clerk's office.

Tammy Kuiper was not present but had submitted a letter of complaint regarding Pier 701. The letter is available in the Village Clerk's office.

Dimitri Laddis was previously before the Board regarding a small piece of vacant land near his home. He hired a Title company to complete an Abstract for the property but they were unable to find any information. Mr. Laddis is unsure on how to proceed with purchasing or leasing the

land. Trustee Gallucci Jr. suggested that Mr. Laddis fill out the proper application and come back before the Board when he has all the necessary information and paperwork. Trustee Gallucci Jr. also recommended that Mr. Laddis get legal advice to acquire excess property from a municipality.

Other Non-Agenda Items:

Item #6 8:00pm Public Hearing to amend Village Code Chapter 149 “Special Permits for Two-Family Dwellings

Trustee Gallucci Jr. made a motion to open the public hearing at 8:14pm to amend Village code Chapter 149 “Special Permits for Two-Family dwellings. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

Public Comment:

Ann Putko asked if it would be possible to get copies of the proposed changes to the code out to the residents so that they have an opportunity to review it. Deputy Mayor Blomquist asked the Village Clerk to put a copy of the draft amendment on the Village website.

Daniel Spitzer, Chair of the Planning Board stated that a letter was sent to the Village Board with recommendations; the letter also stated that the Planning Board is in agreement with the proposed amendment.

Trustee Gallucci Jr. made a motion to close the public hearing at 8:20pm to amend Village code Chapter 149 “Special Permits for Two-Family dwellings. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

Trustee Gallucci Jr. stated that the Board has to make a decision if this is going to be in the nature of a special permit, then the Board has to decide if the application goes before the Village Board or the Planning Board. The other issue is to determine the number of years of residency required in order to qualify for this. Trustee Gallucci Jr. stated, the basic concept is that a longtime resident who has raised their family here is now experiencing a financial hardship and can no longer afford to live in the home, but, by making it a 2-family will allow them to have an income and be able to continue to live in the Village.

Trustee DeFeciani feels that 25 years is excessive and it should be evaluated on a case by case basis. She has an issue in making a change to this in general and does not want residents to just turn their homes into 2-family because they can. She also thinks that if a resident who has only been living in the Village for a few years experiences a hardship they should also be able to be considered.

Trustee Burns is in agreement with Trustee DeFeciani. Trustee Burns feels that there are older people who retire and buy homes in Piermont, and he thought that if they ran into trouble in 5-7 years they should be able to apply. He does like the idea of leaving it open to the Planning Board and ultimately to the Village Board if there are extenuating circumstances.

Deputy Mayor Blomquist tends to lean towards the 10 year residency requirement but does think there should be possible exceptions allowed. He would like to further discuss this with the Village Attorney.

The Public Hearing has been moved to Sept. 20th

Item #7 Discuss Performance Bond provision for Train Station Bid Specs

Village Engineer Ken DeGennaro was before the Board reviewing the various Bond requirements. There are typically three (3) types of bonds; a bid bond, a performance bond and a maintenance bond. The Village Engineer stated that the Village had gone out to bid and received only two bids, both were in excess of the grant budget. The Village Engineer stated that he had spoken to a local contractor and he said that he did not bid the job because of the bonding requirements. The Village Engineer was hoping that if the Village could keep the maintenance bond and eliminate the bid bond and the performance bond it would bring down the costs and paperwork required and make it more feasible for a local contractor to submit a bid. The local contractor had offered that the Village with hold 10% of the job for one year in place of providing a performance bond. The Village Engineer stated that the local contractor is reliable and has enough insurance in place to do the work.

The Engineer has no objection in going back out to bid with the same public bid including prevailing wage with the same plans, specifications and have the minimum time period for a public bid. The only thing that would not be included is bonding provisions. The Village Engineer is confident that at least one qualified local contractor could be the lowest bidder for the job. Trustee Gallucci Jr. and Trustee Burns voiced concern over having to award the job to the lowest qualified bidder especially since the bond provisions were removed. The Village Engineer said that the Board does not have to award the bid at all. The Village Engineer stated that when the bid went out last time there was some type of construction journal that listed the Piermont Train Station as a \$2 Million dollar contract, and he believes that is why those two bids were received. He feels that more than likely those two companies originally thought they were going to be bidding on a \$2 million dollar job.

Trustee DeFeciani said in the absence of the Village Attorney, she questioned if the Board was legally allowed to not require the contractor to have bond requirements. Trustee Gallucci Jr. said that the bond provisions could be waived, but they would have to be waived for everyone. Trustee Gallucci Jr. said if the Board decided not to award a bid, it could be questioned if the Board acted fairly and reasonable or arbitrary and capricious. Trustee Gallucci Jr. is concerned that the Village Board does not have a standard and it could become a potential problem. Trustee Gallucci Jr. is concerned that the Board could be setting a precedent in putting out a bid without bonds and not having a standard in place. Trustee Gallucci Jr. said perhaps you could make this for parks and museum projects only and not for infrastructure projects or put a dollar amount on the requirement such as “under \$100,000.00”.

Trustee Burns is concerned that the work needs to be done, the building is deteriorating and no one wants to bid on the job with the three bond requirements. Trustee Gallucci Jr. questioned the Village Engineer about the original job being sectioned out in two parts. The Village Engineer said it was in two parts, the first part was for the structural work for the foundation and the new floor and the second part was for the exterior and the new drainage. Trustee Burns asked if the work was segmented perhaps that would work better. The Village Engineer did not think there were logical break points where the work could be segmented into smaller sections at or below the \$35,000 limit.

Barbara Scheulen of the PHS is concerned that the \$100,000 grant money will go away. She said that Senator Carlucci’s office visited a few weeks ago and he wanted to make sure the money was going to be spent as it has already been about 1 ½ years. Deputy Mayor Blomquist asked what the time line is for the grant money to be spent; Mrs. Scheulen said she will find out. Trustee Gallucci Jr. stated that last spring it was discussed to just do the drainage and foundation work and the PHS said they wanted to do the whole project and that they would try to fund raise some of the money.

Trustee Burns recommended that this be put on the September 20th Agenda.

Item #8 Review capital project road resurfacing cost estimate
The Village Engineer met with Tom Temple to review the road resurfacing

The Village Engineer met with Tom Temple to talk about the roads and areas that will be resurfaced. They came up with an estimated bid amount of \$123,000.00 to pave Community Center parking lot, First Street, Paradise Avenue to the Pier gate, etc.

The Village Engineer suggested a bid opening date of September 19, 2016.

Trustee Gallucci Jr. made a motion to authorize the Village Engineer to go out to bid for the paving project. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

Item #9 Review request from Piermont Landing HOA to permit music on Saturday, September 17th 7:00pm-Midnight

Trustee Burns stated that this is the annual Landing party and each year they come before the Board for a permit to play amplified music.

Trustee DeFeciani made a motion to approve the Piermont Landing HOA to have music on Saturday, September 17th from 7:00pm—Midnight. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 4 ayes and 0 nays.

Item #10 Review General Liability and Umbrella insurance policies

The Village clerk handed out a copy of an insurance certificate for the Village and the Fire Department to reference the current limits of insurance. The Clerk stated that she reviewed the insurance with the broker and went on to explain that the currently the Village and Fire Department have a \$5 Million limit per each occurrence and an aggregate amount of \$10Million maximum per policy year. For example, the policies will not pay out more than \$10Million dollars each in a policy year.

The Clerk stated that the cost is \$1,100.00 per each additional \$1 million dollar increase in the coverage, so for an additional \$10million in coverage the cost will be \$11,000.00 in additional premiums. The Clerk stated that it would be a total of \$22,000.00 to increase both policies to \$20 million each.

Trustee Burns asked if the Village Clerk to find out if the Village is self insured for no fault auto. He also asked the Clerk to find out information on supplemental under-insured and un-insured motorists and property damage.

Trustee Gallucci Jr. made a motion to authorize the Village Clerk to increase the insurance for both the Village and Fire Department up to the available maximum amount of \$10 Million each occurrence, 20million each aggregate. The increase is not to exceed \$25,000.00 in additional premiums. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

Item #11 Begin Legislative intent discussion to amend Zoning in Business B District from Ash Street to Kinney Street

Trustee Gallucci Jr. and Trustee Burns did meet and speak with the Building Inspector as well. Trustee Gallucci Jr. said that there is currently an R.75 that runs from Bay Street all the way to Tate with the exception being Business B which runs from Kinney to Ash Street, which would become R.75. There is also a R1.25 area which exists only in one area in the entire Village and that is directly behind Village Hall. Another thing that came to light in looking at this is

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essentially everything across the street from Kinney on the river from the parking lot up to Chief Dan Goswick's house is R7.5 as opposed to WF-2, everything else is WF-2. Trustee Gallucci Jr. thinks that there is a consensus that the Board should modify from Bay Street to Tate Street South of Ash along Oak Street make it R.75, so that Business B from Kinney to Ash would become R.75. Deputy Mayor Blomquist asked what that would mean for the Business B district, Trustee Gallucci Jr. stated that there would pretty much be pre-existing non-conforming uses like there is now but anyone that is there under the pre existing use is not going to lose their rights, but all new applications would be under R.75. In addition since its W-F2 all along the water it seems appropriate to eliminate R.75 from the entrance to the parking lot up to Chief Goswick's house and make that WF-2.

Trustee Burns suggested that Trustee Gallucci Jr. make color copies to give to the Board for review. Trustee Burns stated that they also discussed Mrs. Kennedy's application which was denied by the Board, he thinks the Board should change the code to say that it is 2-Family and the only application that can be made past that is for 3-family and not allow the possibility of going up to 4-Family or more or breaking anything up. If everyone is in agreement then the Village Attorney will have to create a draft for the Board to review.

Trustee Burns asked the Clerk to put this agenda item on the September 6th agenda.

Resolution discussed in Executive Session

Deputy Mayor Blomquist stated that a resolution was discussed during Executive Session. The Resolution was read into the meeting minutes by Deputy Mayor Blomquist as follows:

RESOLUTION NO. 908-16

RESOLVED, that the Village Board of Trustees pursuant to Chapter 524 of the Laws of 1936 (Rockland County Police Act), authorizes the appointment of William Babiskin as the hearing officer with respect to a disciplinary hearing involving a Village employee; and

BE IT FURTHER RESOLVED, that the Village Board of Trustees hereby, pursuant to Chapter 524 of the Laws of 1936 (Rockland County Police Act), authorizes the suspension with pay of this employee following the service of disciplinary charges upon the employee. Commencing August 25, 2016 the suspension shall be without pay pending the final determination of those charges.

The resolution was moved by Deputy Mayor Blomquist and seconded by Trustee Burns.

The roll was called for the vote:

Deputy Mayor Blomquist	Yes
Trustee Burns	Yes
Trustee Gallucci Jr.	Yes
Trustee DeFeciani	Abstained
Mayor Sanders	Not present

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Upon vote the resolution carried.

DATED: August 9, 2016
Village of Piermont

Jennifer DeYorgi, Village Clerk-Treasurer

Deputy Mayor Blomquist made a motion to accept the resolution presented as drafted by Village counsel. The motion was seconded by Trustee Burns and so carried with a vote of 3 ayes and 0 nays, Trustee DeFeciani abstained, and Mayor Sanders was not present.

Item #15 Adjournment

Trustee DeFeciani made a motion at 9:31pm to adjourn. The motion was seconded by Trustee Burns and so carried with a vote of 4 ayes and 0 nays.

Respectfully submitted

Jennifer DeYorgi
Clerk-Treasurer