

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
February 3, 2015

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

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

Public Comment:

Catherine Rowedder was before the Board to request a waiver for fees for an amended project before the Planning Board and Zoning Board. The reason for the request is that they missed the start date for their building project due to 4 deaths in their family. Last year and it was decided that the square footage would be reduced the project was less than. Because they missed the deadline by a couple of weeks, they are being charged \$100 to appear before the Planning Board and \$250 to appear before the Zoning Board. The Zoning Board already had approved them for a larger variance, the amended application is for less than what was originally approved. Building Inspector Charles Schaub explained that the variance has expired. Village Attorney Sevastian advised the Board that by resolution the Board can waive the zoning board fees. Trustee Gallucci, Jr. made a motion to waive the Zoning Board fees for this project. Trustee DeFeciani seconded the motion and it was carried with a vote of 5 ayes, 0 nays. Trustee Silverberg wants to re-examine the ordinance because he feels the variance goes with the land and the having an ordinance with the condition of having to pull a building permit within one year to maintain the variance is improper.

Daout Celestin was before the Board on behalf of the Piermont Chamber of Commerce to request closing Piermont Avenue on Saturday, July 11th for the Bastille Day Festival. Trustee DeFeciani made a request to clarify the timing for the fees. Mayor Sanders said that the fee was for the amount of time the street is closed not the time of the event. Mr. Celestin requested that Piermont Avenue be closed from 11 AM to 10 PM. Trustee Silverberg made a motion to close Piermont Avenue from Gair to Ash St from 11 AM to 10 PM on July 11th. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Santina Peralta was before the Board to request permission for amplified music in the Goswick Pavilion for her wedding on July 4, 2015 from 1pm-6pm. Trustee Gallucci, Jr., made a motion to allow Ms. Peralta to have amplified music from 1 to 6 PM as part of the pavilion rental on July 4, 2015. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Item #2 Approval of Minutes

Trustee Gallucci Jr. moved to approve the minutes from the January 6, 2015 Village Board of Trustee Meeting. The motion was seconded by Trustee DeFeciani, which was carried with a vote of 4 ayes – 0 nays, Deputy Mayor Blomquist abstained.

Trustee Gallucci Jr. moved to approve the minutes from the January 20, 2015 Village Board of Trustee meeting. Deputy Mayor Blomquist seconded the motion, which was carried with a vote of 5 ayes – 0 nays.

Item #3 Department Reports

Building Dept.

The Building Inspector, Charles Schaub, requested the board review the zoning laws to add, to the end of any list of permitted uses, a statement that would indicate “any use not listed is prohibited”. Mr. Schaub was suggesting this addition after attending a Rockland County Zoning & Planning Conference. Mr. Sevastian reported that in Section 210-6A of the Code it states that “...all general regulations affecting the use of lands or buildings are in the affirmative and no other or further use is to be made of land or buildings except that shown in the chapters applying to the district in which the land or building is located”.

Police Dept.

Chief O'Shea – absent (submitted a report)

DPW

Tom Temple – absent (submitted a report)

Fire Dept.

Chief Cavanaugh – absent

Item #4 Public Hearing on establishing the Waterfront Resiliency Commission

Trustee Silverberg made a motion to open Public Hearing. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays. Mayor Sanders said that the Village Attorney has drafted the local law to establish the commission with its roles and responsibilities. Mayor Sanders asked for comments from the public. The Village Attorney said that the general idea behind it was to provide a vehicle within the Village government to implement the recommendations made by the Task Force going forward and addressing general resiliency issues. There were no comments from the public. Mayor Sanders asked if there were any comments from the Board. Trustee Silverberg said that this had been discussed and he hoped it would be passed to night. No comment from Trustees Gallucci, Jr., DeFeciani or Deputy Mayor Mark Blomquist.

Trustee Silverberg made a motion to close public hearing. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Mayor asked the Village Attorney for a SEQR declaration. Mr. Sevastian said that this is a Type 2 Action as an adoption of a municipal regulation so that type of finding should be in the resolution to approve it the Commission legislation has drafted.

Trustee Silverberg made a motion to pass legislation establishing the Piermont Waterfront Resiliency Commission. The motion was seconded Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays. Mayor Sanders said that there were people who had been named to the ad hoc committee so official appointments need to be made. Appointments will be made at the Feb.17th meeting.

Item #6 Resolution for Special Permit for Kathleen Puder, owner of 674 Piermont Avenue.

Mayor Sanders said that the Board have discussed this item for several meetings since September, and had opened a public hearing t. The Board closed the public hearing at the last meeting, with the direction to the Village Attorney to draft a resolution, which the Board has before them this evening. The Village Attorney said that the resolution approves the application. He said that the Board reached a consensus at the last meeting that this Special Permit would be specific to this application and not tied to the property or run with the land, would lapse or be voided in the event of change in ownership or occupancy of the house and a new owner may apply for a new special permit pursuant to Chapter 149. It was also the consensus of the Board, and the referring Boards, that the Building Inspector will generate a new certificate of occupancy reflecting this Special Permit with the input from the Village Attorney on the language so it specifically designates the house as a single family residence and the accessory structure, which would convert the premises as a whole to a two family use with those two structures. Mayor Sanders asked if the Board members had any comments. No questions were forthcoming from the Board. Trustee Gallucci Jr., made a motion to adopt resolution as drafted. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Item #7 Appointment to Zoning Board of Appeals

Mayor Sanders explained that this appointment comes due to the resignation of Heidi Spitzer, in order to maintain her appointment as Acting Village Justice. Mr. Matthew Smith has agreed to take on full membership. Mayor Sanders motioned to appoint Matthew Smith to fill the Unexpired Term of Heidi Spitzer to expire at the Reorganization meeting of January 2020.

The motion was seconded by Deputy Mayor Blomquist and so carried by a vote of 5 ayes and 0 nays.

Mayor Sanders administered the Oath of Office to Matthew Smith.

Item #5 Public Hearing – 2015 Community Development Block Grant

Mayor Sanders reported that the Community Development Block Grant Committee does not have any applications to put forward this year. It was the opinion of grant writer Sylvia Welch that the Board close the public hearing and takes no further action with the CDBG.

Bob Samuels felt that it's a shame not to take advantage of the Block Grant money for the Village. Mr. Samuels said that he had been on the CDBG committee for several years but was not contacted to be on the committee for this year. He suggested applying for money for curb cuts throughout the Village.

Fred Devan commented he was also not invited this year to join the Block Grant Committee.

Trustee Silverberg made motion to adjourn this item until the February 17th meeting at 7:45 PM and asked to get details in writing as to why the Village is not participating in the CDBG this year. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Item #8 Establish Official Hours of Justice Court Clerk's Office

Trustee DeFeciani requested the Board enter into Executive Session to discuss this matter.

Item #9 Proposal for a service contract for IT from Tim Temple

Mayor Sanders said that he and Trustee DeFeciani had a chance to review the proposal and speak with Mr. Temple. Mayor Sanders also made available to the Board an invoice from Mr. Temple, as an example, for the month of August showing an hourly rate of \$35 dollars. The Mayor says his rate is listed at \$75/hr., but was discounted 50% for a rate of \$35 per hour for approximately 8 hours per month, or a total of \$280. His proposal is to increase the amount of time to 20 hours per month and he is maintaining his 50% discount but on an \$80/hr. rate - 20 hours per month at a rate of \$40/hr. for a total of \$800 per month. Trustee DeFeciani explained that Mr. Temple's workload has increased; he is backing up at the Firehouse computer system and the DPW's system; there are more computers in the clerk's office, and a web site that needs to be updated. Trustee Silverberg asked if this proposal is for a fixed fee. Trustee Silverberg said if it is a fixed fee then the Village should not be charged for any overage; if the Village is talking about an hourly rate, then we should see what is included with it. Mayor Sanders said that the proposal seems to be a fixed fee of \$800 based on 20 hours of work per week. Trustee DeFeciani said that the proposal indicates Mr. Temple would be required to get extra hours, over 20 hours in any week, approved by the Board. Trustee Silverberg said that if \$800 is not a guaranteed number, then we should try the hourly and see how it goes. Trustee Silverberg felt that it should be either an hourly rate or a fixed rate and added that if the Village needs the work done, then the work should be done. Trustee Gallucci, Jr. asked what is the benefit of the estimate of \$800 a month, unless it is a fixed fee. Trustee DeFeciani said that it was anticipated that, if he billed it out hourly it would be a lot more than \$800 a month. Trustee Silverberg suggested that we give him 10 hours at \$40 an hour and then anything above that amount he can bill the Village the \$40 an hour and anything above that to be billed at \$80 an hour. Trustee DeFeciani said that originally he was only working with the clerk's office and now his work is expanding to the Firehouse and DPW. Trustee Silverberg questioned if the Village should be paying for the firehouse work. Trustee Gallucci, Jr. said he would have no problem with guaranteeing Mr. Temple 10 hours and allowing him to bill up to 20 hours at the discounted rate. Anything over 20 hours will be billed at the \$80 rate. The Mayor understood the board wants some clarity on this proposal. He and Trustee DeFeciani will speak with Mr. Temple for further explanation.

Item #10 William Yuda Condo

Mayor Sanders reported that a unit in the Yuda Condos has been listed for sale. Village Attorney reported that the Village has the Right of First Refusal on the purchase of this unit, and continued to explain the Village's relationship and responsibility with these Affordable Housing units.

The Village works with The Housing Action Council, so that when a unit becomes available they could determine the price that it could be offered either back to the Village or to another party. Village Attorney Sevastian has given the direction that if the contract has been reviewed, then the Village would waive the Village's Right of First Refusal. Trustee Silverberg made a motion to waive the Village's Right of First Refusal upon the review by the Village Attorney. The motion was seconded by Trustee DeFeciani and was so carried with a vote of 5 ayes and 0 nays.

Item #11 Approval of 2015 Fee & Fine Schedule

Trustee Silverberg made a motion to adopt the 2015 Fee schedule, with a change requested by Chief O'Shea to establish the police supervision film fee at \$125 instead of the proposed \$150, to be more competitive with the surrounding area. The motion was seconded by Deputy Mayor Blomquist and was carried by a vote of 5 ayes and 0 nays.

Item #12 Approval of Warrant

Deputy Mayor Blomquist moved to approve the Warrant # 012915 in the amount of \$897.44 and Warrant # 020315 in the amount \$39,033.71 for a grand total of \$39,931.15. Trustee Gallucci Jr. seconded the motion, which was carried by a vote of 5 ayes and 0 nays.

Old/New Business

Trustee DeFeciani reported that the Piermont Waterfront Resiliency Commission has the opportunity to work with an intern to help with the Village's Emergency Management planning. Trustee DeFeciani has contacted a candidate from Adelphi to set up a meeting. She asked if she needs the Village Board to approve her internship? The Village Attorney believes the Village needs to check with Rockland County Personnel for approval. Trustee Gallucci, Jr. said that if this is an unpaid position and the committee and Trustee DeFeciani are happy with the internship, he has no problem with it. Trustee Silverberg said he agreed with Trustee Gallucci, Jr.

Deputy Mayor Blomquist reported the Fire Department is in the process of digitalizing their old, paper records. The Fire Department is clearing a room to develop an Emergency Management center and would like to temporarily store their filing cabinets at Village Hall. . Mayor Sanders said the only available space to store the cabinets is in the back of Village Hall with access to the public and asked if the files contain sensitive information. Deputy Mayor Blomquist stated that some of the files were sensitive, especially ones regarding ambulance calls, and reported they are stored in locked file cabinets. Trustee Silverberg asked about the procedure for someone to access to the files; the Board needs to be sure how this was going to work so there were no issues regarding HIPAA Mayor Sanders asked Deputy Mayor Blomquist to get a time frame of how long they need to store the cabinets.

Trustee Gallucci Jr. – No comments

Trustee Silverberg asking about the LWRP committee and the Mayor said it remains on his “to-do” list.

Mayor Sanders spoke about the recent blizzard, when the State, County and NYC was issuing state of emergencies. The Village Attorney shared that there is a section in the Village of Nyack's code, which covers snow emergencies. Mayor Sanders said that was good to know and will review the Village code. Mayor Sanders asked if the Village has a SOP - Standard Operating Procedure for snow emergencies or when we are expecting a big storm with potential flooding. He believes the FD/PD and DPW has these SOPs but he thinks our challenge is the communication to village residents to inform them what residents need to be concerned about, what residents need to do, and who they should turn to for advice and knowledge. Mayor Sanders thinks the Village came up a little short in this recent blizzard. The potential for flood predictions had a lot of people on Paradise upset and wondering what to do next. The Village was getting the message out to them to park in the Spruce Street lot.

Trustee Silverberg asked the Village Attorney if the Village should be telling people where to park and then does the Village assume liability? Trustee Silverberg suggested instead of telling people where to move their cars, just tell people the Village is expecting flooding and they should move their car. The Mayor said that the flood prediction came along with a snow

emergency and we wouldn't want people to park the cars on the road. We needed to let people to get off of Paradise Avenue and if they were generally directed to park somewhere else, they possibly would be parking on Piermont Avenue or other roadways. Mayor Sanders said that he understood the point about liability but felt that the Village should be more direct in telling people where to move their vehicles, depending on the event. Trustee DeFeciani said that this issue would be addressed by the Waterfront Resiliency Commission in the development of an emergency management plan. Mayor Sanders said he appreciated that, but felt the Village needed something in place soon. Mayor Sanders said that he would work with Chief O'Shea and Tom Temple to formulate a procedure for minor storms. Trustee Silverberg asked that when storm events occur, the Village Board members be advised by email.

Mayor Sanders inquired on the status of the special permit request for 701 Piermont Avenue –for extended use for the beach area/deck area. The Village Attorney asked the Building Inspector when their initial Special Permit is up for annual renewal. The Building Inspector said the special permit was for the beach area. The Village Attorney said that he noted a special permit with regard to the restaurant use. Mayor Sanders asked the Building Inspector to review the file and put the application on the Agenda for Feb. 17th

Mayor Sanders asked the Building Inspector to confirm the annual inventory of available Fee-in-Lieu of Parking spaces. Also, he would like to continue to explore overnight permit parking along South Piermont Avenue. He will continue to address that proposal with both Tom Temple and Chief O'Shea.

Mayor Sanders said the Review of old Commissions was on the agenda for tonight but had put it off until the February 17th Agenda.

Mayor Sanders said that the Village has grievance night on the 17th as well and confirmed the start time of 6:30 p.m.

Mayor Sanders informed the Board that Detective Holihan is stepping down as PBA President. The new president will be P.O. Bernard Brown, and Vice President, P.O. John Dowd.

Executive Session

Deputy Mayor Blomquist made a motion 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 Silverberg made a motion to close Executive Session. The motion was seconded by Trustee DeFeciani and was so carried with a vote of 5 ayes and 0 nays.

Mayor Sanders made a motion that the official hours of the Justice Court Clerk's office will be 1 p.m. to 4 p.m., Monday through Friday. The remaining 5 hours of the Justice Court Clerk's weekly time will be allocated to court time and other administrative tasks. All communications from the Justice Court Clerk's office should list the hours in which the clerk is available to the public, and that, in addition, a notice should be conspicuously posted outside of the Building Department Office, outside Village Hall and outside the Village Clerk's Office so that it is available for view by the public. Further, the hours should be posted on the web site and in other Village communications. These hours will take effect as of Monday February 16th. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Adjournment

Trustee Gallucci Jr. moved to adjourn the meeting at 9:52pm. Trustee DeFeciani seconded the motion, which was carried by a vote of 5 ayes -0 nays.

Respectfully submitted,
Jennifer DeYorgi
Clerk-Treasurer