

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
January 20, 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.

Mayor hereby appoints MARK BLOMQUIST as Deputy Mayor, for a term to expire at the Village Reorganization meeting in January 2016.

Motion by Mayor Sanders, seconded by Trustee Silverberg. Upon vote the motion carried and Mayor Sanders administered the Oath of Office.

Public Comment

Cole Ruby, General Contractor – representing client at 122 Paradise Avenue, Discussed having access difficulty for all construction services. The existing house and new house to be built do not afford for any room on the property to store building materials. He was inquiring about possibly renting parking spaces or the gravel area at the bottom corner of Parking Lot D. He would like permission to use one of those areas for building materials. Logistically it's an issue to go thru the entire neighborhood if he has to use another parking lot. The house will be built on 40 Foot High pile foundation. Construction will start in a few months and will take approximately 9 months to 1 year to complete. Mayor Sanders asked Charlie to reach out to Phil Griffin to discuss this issue.

Bob Samuels – Dog Run

Spoke on behalf of Margaret Grace requesting that the dog run be closed for the month of February, to review the member list and update the rules and regulations. Once the list is reviewed she would like to be placed on the Agenda for March 3rd. The Clerk's office received a letter today from Elinor Ritt and Jorge Madrigal, complaining about the noise at the Dog Run. Mayor Sanders agreed to close the dog run for the month of February and instructed the Clerk to have Tom Temple padlock the dog run.

Approval of Minutes

Trustee Gallucci Jr. moved to approve the minutes from the December 16, 2014 meeting of the Board of Trustees. Trustee DeFeciani seconded the motion, which carried a vote of 5 ayes – 0 nays.

Department Reports

DPW

Tom Temple - absent

Fire Dept.

Chief Cavanaugh – absent

Police Dept.

Chief O'Shea – submitted a report

Building Dept.

Charles Schaub – submitted a report

Jamie Kittman

Request to renew transferrable parking permit. Mr. Kittman works for the Automotive Industry and changes out his car from time to time and would like to renew his transferrable parking permit. Chief O'Shea reported there have been no issues with Mr. Kittman's parking permit. Trustee Silverberg motioned to approve, Trustee Gallucci Jr. seconded and the motion was carried by a vote of 5 ayes- 0 nays

Special Permit Application submitted by Joseph Serra

Mayor Sanders and Trustee Gallucci Jr. recused themselves from the proceedings and left the room. Special Permit request for a temporary Farmers market which will be run indoors for 9 weeks every Sunday from 10am-3pm. Mr. Serra would like a special permit to change the use of his property in a residential area. Chief O'Shea has concerns with the limited parking due to the traffic issue. Mr. Serra stated that he ran the Farmers market last year for 14 weeks without a permit. After a few weeks he realized it would be better to hire a parking attendant, which helped to resolve the traffic issues. He will have a parking attendant on duty this year to avoid any traffic issues. Trustee DeFeciani feels that since it's during a slow time for the village (Feb-March) it would be okay traffic wise. Trustee Silverberg made a motion to approve the Special Permit Application for a limited 9 week permit during February and March 2015 provided that there is a parking attendant at all times while the market is open. Also requested for the Police department to monitor how it's going so that next year we can have a full analysis on whether it is really works or not. Trustee DeFeciani seconded and the motion was carried by a vote of 5 -ayes - 0 nays. Mayor Sanders and Trustee Gallucci Jr. returned to the meeting.

Public Hearing - Community Development Block Grant

Trustee Silverberg motioned to open the Public Hearing, Trustee Gallucci Jr. seconded. Due to the absence of Sylvia Welch Trustee Silverberg motioned to adjourn until February 3rd at 8:00pm, Trustee Gallucci Jr. seconded the motion which was carried by a vote of 5 ayes- 0 nays.

Request from the Vessel Clearwater

Requested permission to use the pier for docking from Friday, June 5th thru Monday, June 8th 2015. Trustee Gallucci Jr. moved to approve the vessel Clearwater's request, Trustee DeFeciani seconded and the motion was carried by a vote 5- ayes- 0 nays.

674 Piermont Avenue -- Continue Public Hearing for Special Permit

Village Attorney Sevastian informed the board that this application is a continuation of the public hearing. Kathleen Puder came before the Village Board July 2014. The Accessory structure on the property is being used as a rental and the Puder's would like to have a two-family status. The Puder's application had been referred to the Planning and Zoning Boards. The Village Board wanted a forensic look at the C of O to see if it should be a 2 family. Village Attorney Sevastian stated that Chapter 149 of the Code identifies the process for single-family homeowners to convert homes to two-family dwellings. Mayor Sanders referred to the memo from the building Inspector that establishes a timeline from 1974 when the garage was constructed. Mayor Sanders stated that the main house was grandfathered in as a two-family in 2005. The Puders purchased the property in March 2005 and converted the main home back to a single-family dwelling. Village Attorney Sevastian stated that if the board is inclined to approve he will draft a formal resolution for the Puder property. The planning and zoning boards did not think it was a problem from the plot of land and they approved of a Special Permit. The only open issue was whether or not the Special Permit would expire upon the cease of ownership. Going forward Trustee Silverberg feels the two-family status should expire upon transfer of ownership. Trustee Gallucci inquired on the size of the rental, to confirm if it was at least 500 feet, which would meet the code requirement. The Puders stated that the unit was approximately 600 sq. ft. and was being used as a rental when they purchased the property. Mayor Sanders asked the Village attorney to draft the Special Permit with the recommendation to remove the status of two-family upon transfer of ownership. Mr. Puder questioned what a new owner would have to do if he sold the home? The Village Board feels that the new owner would have to appear before the board and apply for another special permit. The Puders would have to remove plumbing/hot water and the kitchen in the accessory structure before they sold the property. The accessory structure/garage was converted into a Studio by the previous owner. Trustee Gallucci has issue with approving something that was illegally done. Heart of the question is what do you do when you put the property up for sale, Realtors will imply that it's a rental unit. The Board will grant for now as a single family use in Main house and single family use in the accessory structure by Special Permit. Charlie said the CO will state it's a single family and a special permit.

Trustee Gallucci Jr. motioned to close the Public Hearing seconded by Trustee Silverberg the motion was carried by a vote of 5 ayes - 0 nays.

The Village Board will have the approval drafted for approval on February 3, 2015.

Stewart/Lennon Lighthouse Memorial Proposal

Ray Lennon spoke about revised proposal after having met with Deputy Blomquist several times to come up with an alternate location for the Lighthouse. The family is proposing replacing the Fire Department siren tower with a Lighthouse, which would also have an accessory shed for electrical equipment. The Lighthouse would incorporate the horn assembly and provide for additional cellular equipment that is currently mounted on the tower into the confines of the Lighthouse itself. In addition, the miscellaneous electrical equipment would either be stored within the tower of the Lighthouse itself or in a proposed accessory shed. The accessory shed would serve several purposes, including storing some equipment for the rowing club

The design presented to the board incorporates extending the wooden boardwalk in Parelli Park and continuing the boardwalk around the front of the Lighthouse to connect to the concrete walkway between the two walkways. The design also proposes a staircase to improve access to the beach area. The family solicited the services of Dan Sherman to draw up the renderings which shows the Siren tower utility shed which will be used for the rowing club as well. They do not want to increase the footprint of the existing electrical shed and tower so any electrical or cellular equipment that cannot be housed in the Lighthouse would be relocated under- ground and into the utility shed. The family met with the Rowing Club about the proposal because they did not want to impede or take away any of their storage facilities or increase the footprint of the Siren Tower itself and the fencing in that area. The proposal also has a clock tower which would have the Village of Piermont emblem and in the front of the Lighthouse they would install recreational binoculars for the public to use. The Family is asking for approval from the Village Board to agree on this location so that they can further speak with engineers, contractors and cellular vendors, etc. A concrete foundation will be set to hold the weight of the tower. The family will do additional plantings in the back of the lighthouse and it would be aligned with the navigation of the previously marked channel of Piermont harbor. There was a concern with impeding access for the rowing club. The family has met with a Marine and riverfront firm.

Deputy Mayor Blomquist thanked the families for being flexible in meeting with him and feels the Lighthouse would be a nice looking functional replacement for the existing cell tower with a possibility of being able to bring in revenue with additional cellular providers. The Board needs to consider how high the tower will go if they rent out additional cellular space. He feels it will be useful as a navigational aid and likes the idea of adding a plaque on lighthouse for the Fire Department to acknowledge their efforts the night of the rescue. Deputy Mayor Blomquist would like to see the Village Board agree to this site.

Trusee DeFeciani thinks it looks beautiful and she is in favor of it being in that location. She wants it to be clear that this is not a memorial that the Village has erected, but a gift to the village from the families and their supporters. Trustee DeFeciani asked if there will be a working light on the tower, Mr. Lennon stated that there will be glow light with perhaps an LED and there will also be solar powered lights in the landscaping. The family stated that, being under the umbrella of the Rockland Community Foundation, all donations were tax deductible and any funds raised would need to be for charitable purposes and would need to be put onto public land to benefit public land.

Trustee Gallucci Jr. feels that the location of the Lighthouse is much better and feasible although he is not sure if they need a public hearing on this. he further recommends having handicap access down to the parking area and up to the existing boardwalk.

Village Attorney Sevastian stated that it will be a public works project for the Village and will cost in the excess of \$20k to install. Village Attorney Sevastian suggests that it would be best to have an RFP or bid to go out to install the Lighthouse. Mr. Lennon stated that their initial budget was to donate, furnish and install. Village Attorney Sevastian stated that because the family does not own the land the Village will have to examine the legality of this project and examine the actual mechanics of at least installing the Lighthouse. Trustee Silverberg thanked the family for being sensitive to the Villages concerns and flexible in talking to the Village Board about this project. Trustee Silverberg feels that it will be a huge improvement and asset to the village and likes the fact that there will be something honoring the Volunteer Fireman. He asked if there is preliminary research on

how the cellular tower will work. Mr. Lennon stated that he has spoken with a company that specializes in cellular concealment. There will be cellular transparent louvers made out of reinforced polycarbonate for the cellular companies. Mr. Lennon stated that he sees the Lighthouse being built in three separate sections. The first being the steel portion which will be approximately 20 feet, secondly the PVC louvers will be on top of the steel portion and then the light structure and the fire horn will sit on top making the total height approximately 32 feet high. Trustee Silverberg asked about the maintenance requirements of the Lighthouse. Mr. Lennon stated that, per the manufacturer, the steel structure will be maintenance free for approximately 20 years. The louver portion would be treated with the same gel coat as the steel. The family would potentially be donating an Operations and Maintenance plan for the Lighthouse.

Mayor Sanders thanked the family and appreciated the presentation. The Mayor also appreciates the flexibility and thought the family put into trying to integrate this project into the existing park. The dedication language will be critical and how this is received into the community. Mayor Sanders stated that because this is going to be built on public property there are a whole host of issues that will have to be worked out. There are many questions moving forward including how the structure and site will be engineered and installed? Deputy Mayor Blomquist stated that if additional cellular carriers were added, it may increase the height by 10 ft. per carrier. Mayor Sanders questioned what the Lighthouse would look like with additional height? The Mayor wants to be sure that the site can be afforded and if there is enough funding to cover all of the expenses, especially since it more than just a Lighthouse, it's a whole site plan. Maintenance is critical to the Mayor and Village attorney feels that a mechanism can be worked out since it's a public park. Mayor is concerned about the fire whistle being housed at the top and how it will affect the public when it goes off, will it sound louder, will it echo and be a nuisance to neighboring residents? This fire whistle issue is critical and needs to be worked out. Mr. Lennon stated that the families are here tonight get approval to move ahead. The Mayor stated that there seems to be a general agreement from the Village Board to continue to explore this proposal at this site. Trustee Gallucci feels that it fair to say on behalf of the Board that they cannot just give a carte blanche to go ahead until they get the details worked out. Is the family prepared to go forward with the engineering study and get that information with a general consensus that this is interesting? The Mayor identifies that the Board would like to give approval based on the drawings presented today to continue exploration of that site. Mayor asks the family to coordinate with the Village engineer as well. Mayor Sanders asked that Deputy Mayor Blomquist reach out and see if perhaps the cellular carriers could contribute towards the project.

Village Attorney Sevastian stated that it would be helpful for the applicants if a motion was made expressing support for the project as currently drawn and authorizing the applicant to go forward and explore engineering and other technical factors that would be associated with developing a final design.

Deputy Mayor Blomquist motioned for the applicant to move forward, seconded by Trustee Silverberg and was carried by a vote of 5 ayes – 0 nays

Widening Piermont Avenue

Mayor Sanders introduced the concept to widen Piermont Avenue business district across from Village hall to create diagonal parking for approximately 10-18 parking spaces. He presented an estimate from the Village Engineer to develop a boundary and topographical survey and a topographical for \$3,880.00. Trustee Gallucci Jr. motioned to authorize Mayor Sanders to enter into an agreement to obtain a boundary line survey and topographical survey as necessary for a maximum amount of \$3,880.00, Trustee Silverberg seconded and the motion was carried by a vote of 5 –ayes– 0 nays.

Discussion on 2007 Durango Police Vehicle

Chief O'Shea has made a request to surplus the 2007 Durango Police vehicle based on an estimate of \$4,000-\$5,000 to repair the engine. Mayor Sanders is not sure if there is a need to replace the vehicle. Trustee Silverberg motioned to surplus the 2007 Durango Police vehicle, Trustee DeFeciani seconded and the motion was carried by a vote of 5 –ayes– 0 nays.

Continued Discussion on Village Fines and Fees

Mayor Sanders stated that the Police Fines had recently been updated confirmed by Chief O'Shea. The last time the overnight parking permit fee was raised was approximately 20 years ago. Mayor Sanders would like to speak about the overnight fees on future agenda after budget season, Mayor Sanders does not want to further burden the Village tax payers by increasing these fees. Mayor Sanders suggested to Chief O'Shea that the filming fees could be increased. Trustee Silverberg suggested that the Board look at what Nyack charges for filming fees. Chief O'Shea feels that the Police reimbursement rate is low and the Village should consider an increase to \$125 per hour. Mayor Sanders proposes the Village also increase the Police Filming rate to \$125 per hour. The Village is looking to establish a \$50 application fee for a Special Event Application. The \$50 application fee will be applied toward the event if their application is approved.

Miscellaneous fee for FOIL – 25cents per page, Village Attorney Sevastian will do an amendment to charge an hourly rate for time consuming FOIL requests that require making a large amount of copies.

Building Department has requested a re-inspection for fire safety. This addition fee would be implemented after initial inspection if compliance is not met and a follow up meeting is required. Trustee Gallucci Jr. would like to know what other municipalities are charging for a commercial fire inspection, the Village fee of \$25 seems very low. The Building Department is also requesting to look at fire inspections for all two-family homes. Mayor Sanders instructed to Clerk to add Two Family/Special Permit for Two Family homes on the future Agenda item list.

Existing Commissions

Trustee Silverberg suggests looking at the current commissions to determine what they are supposed to do and if they are still useful. Mayor Sanders asked the Clerk to review the commissions and do a brief synopsis of each commission so the Board can discuss in further detail. Trustee Silverberg asked the clerk to get that information to the Village Board by February 3rd.

Approval of Warrant

Deputy Mayor Blomquist moved to approve the Warrant in the amount of \$75,265.60 attached to the Minutes. Trustee DeFeciani seconded the motion, which was carried by a vote of 5-0.

Justice Court Clerk's Office

Sylvia Carbonell expressed concern that there should be a conclusion on the Court Clerk's official hours and the need for them to be posted. The Clerk's office is trying to assist the Court Clerk but it seems to be a hindrance at this point. Village Attorney Sevastian reiterated that set hours need to be posted and stated that all business for the court be conducted only by the court.

Trustee Silverberg suggested that the Village Attorney speak with the Judge to determine the Court Clerk's hours as well as have a recorded message on the Court Clerk's phone and listing on the Village website stating the official days and hours for the public. Mayor Sanders has asked Trustee DeFeciani to follow up on the progress of setting the Court Clerk's hours. Trustee Gallucci Jr. stated that if the Court Clerk's hours are not set by February 3rd then the Village Board will set the Court Clerk's hours.

Fireworks Payment

Mayor Sanders stated the he received a text from County Legislator, Nancy Low-Hogan that the Legislature has decided not to override the County Executive's veto of the river Villages getting reimbursed for the fireworks display on New Year's eve 2013/14. The request for reimbursement will be re-filed at a future meeting of the county legislature.

Old/New Business

Attorney Sevastian reported on receiving a letter from an attorney on behalf of the owner of 278 Piermont Avenue, requesting copies of a several old title policies. The property is off Piermont Avenue and is only accessed over a paper street. The title company says they cannot insure access, so the owners are asking the Village to Quit Claim it to them.

Attorney Sevastian has received a couple of abstracts regarding this property. At one time the property was owned by Philbo Corporation that parceled out their land in various pieces, one of them being the Village DPW parcel. This paper street was never dedicated, was left unaccounted for, and remained in the name of that company. The owner who bought that land-locked lot parcel did obtain a Quit Claim Deed from the Company, but he still can't get insurance that he has a right to travel over that area to get to his lot so he is having trouble selling it. The owner wants a Quit Claim from Orangetown and the Village of Piermont. Walter is looking into further. Trustee Silverberg wants to confirm that there are no utilities that the Village might want to retain the rights to. Trustee Gallucci Jr. stated that if this is just a matter of access he would suggest granting the right of ingress and egress but is not inclined to give up the village's rights over it.

Village Attorney Sevastian received comments back on establishing the PWRC Commission after regarding powers and duties of commission. The commission would prefer to not itemize their recommendations in establishing the commission. Regarding minutes for the commission, they will provide minutes that simply state when they met and what they voted on, etc.

Trustee DeFeciani

The Piermont Waterfront Resiliency Commission had its first meeting regarding the first 24 recommendations each member took 1 or 2 to work on. They also reviewed an email communication from Libby Murphy regarding the Intern who is interested in assisting the commission. The group feels that an intern would be very helpful. They will schedule future meetings with the Building Department, Police Department and the Fire Department regarding updating the emergency management plan for the Village. Usha Wright and Trustee DeFeciani have an appointment set up with Marcy Danker in Nyack regarding Climate Smart group.

Trustee Silverberg

Wanted to remind the Mayor to contact the LWRP committee to get them started back up again.

Tim Temple has provided an updated proposal for his IT services; Mayor Sanders suggested making this an Agenda item for the February 3rd Village Board meeting.

The Mayor informed the Board that, according to the New York Court System Advisory Committee on Judicial Ethics, Heidi Spitzer cannot serve as the Acting Village Justice if she is also a member on the Village Zoning Board. The Mayor has asked Heidi to make a decision on what role she prefers to serve, and will update the board at the next meeting.

Mayor Sanders mentioned to the Board that there have been a lot of new building units developed along South Piermont Avenue. These residences only have the Mine Hole Parking lot for overnight parking in that area. Mayor Sanders would like to look at the possibility of issuing overnight on-street parking permits to the residents of South Piermont Avenue. Mayor Sanders asked Chief O'Shea to speak with Tom Temple to look at where the street is wide enough in designated areas. Mayor Sanders asked Chief O'Shea to weigh back in on this issue in a few weeks.

Piermont Rowing Club

Ellen Hart and Brian Larkin from Piermont rowing club appeared to make the Village Board aware of and get a preliminary agreement regarding a proposal they are submitting to the "New" New York Bridge Community Benefit Program for improvements to the ramp that goes to the beach. Trustee Silverberg motioned to support the Rowing Club to make an application for a grant to refurbish the boat launch ramp, seconded by Deputy Mayor Blomquist which was carried by a vote of 5-0

The Hudson Handmade Market

Is inquiring about doing a handcrafted market in Piermont. They were going to speak to Phil Griffin regarding Flywheel Park. Mayor suggested forwarding their request for Laura Strauss and the Chamber of Commerce to comment.

Executive Session – Discussion on Personnel Matters and Continuing Litigation

Deputy Mayor Blomquist moved to enter into Executive Session. The motion was seconded by Trustee DeFeciani and the motion was carried with a vote of 5ayes-0nays.

Trustee Gallucci Jr. moved to exit Executive Session, which was seconded by Deputy Mayor Blomquist and upon vote the Board adjourned Executive Session.

Trustee Gallucci Jr. motioned to retain the services of Richard Glickel to defend the Village in Arbitration on the Ken Marren grievance, which was seconded by Trustee Silverberg and the motion carried with a vote of 5 ayes – 0 nays.

Adjournment

Trustee Galucci Jr. moved to adjourn the meeting at 10:08pm. Trustee Silverberg seconded the motion, which was carried by a vote of 5 ayes -0 nays.

Work Shop Village Assessments

Trustee Silverberg motioned that the Village Board takes no action, seconded by Deputy Mayor Blomquist which was carried by a vote of 5 ayes – 0 nays

Respectfully submitted,
Jennifer DeYorgi
Clerk-Treasurer