

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
April 29, 2008

Present: Mayor Christopher Sanders, Deputy Mayor Fred Devan, Trustees Audie Moran, Mark Blomquist, Village Attorney Walter Sevastian, Esq., Deborah Arbolino, Clerk to the Boards

Absent: Trustee Joan Gussow

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

Public Comment:

Bob Samuels, 193 Ferdon Avenue, stated that he loves the flower pots that the Village displays but requested that the flower pots in the front of Village Hall be moved enough to permit wheelchair access to the bulletin boards; he also said that he has received several e-mails concerning the Historic Society plans for the Pier this week-end and asked the Board if they were aware of these plans.

Mayor Sanders responded that the Board is aware of the use of the Pier this week-end and that a member of the re-enactment team came before the Board in full dress uniform; that the festivities will commence at 10:00 A. M. Saturday. Deputy Mayor Fred Devan stated that the event should be fun for grandchildren.

Richard Stark, 6 Franklin Street, stated that he has attended a lot of Village Board meetings and that it is customary to see either the Village Clerk or Deputy Village Clerk taking minutes and inquired why the Clerk to the Board was present.

Mayor Sanders responded that the Village Clerk is out for medical reasons and the Deputy Clerk was unavailable for the meeting.

Ivan Szendro, I Hovey Lane presented the Board with proclamation from the Village of Komlodtotfalu in Hungary and stated that his film is ready with English subtitles and that he would be pleased to show it to the Board.

Mayor Sanders read the English portion of the proclamation "The Representative Body of the Village of Komlodtotfalu Hereby decides to establish a sister-town relation with the Village of Piermont, in the United States of America, based on the proclamation of the Village Board of Piermont, issued November 27, 2007. According to this proclamation the villages enter into a partnership to forge the dialogue and the friendship, also enhance cultural exchanges between the people of these villages. The Independent Representative Body of Komlodtotfalu give authority to Piermont resident Ivan Szendro to be the spokesman for our village in all forums, where possibilities can be found to elaborate our cooperation and deepen our friendship. Issued Komlodtotfalu, January 29, 2008."

Patricia Esgate, 733 Route 9W, stated that she would like to thank the Piermont Police Department for the great job they did stopping trucks over 10 tons along Route 9W; that it was great to see; and that Route 9W is hard enough to navigate and this was very helpful especially to those who live on Route 9W.

Deputy Mayor Fred Devan made a motion at 8:15 P.M. to re-open the Public Hearing on the 2009 Fiscal Budget, which motion was seconded by Trustee Audie Moran and carried unanimously. Trustee Gussow was absent.

Mayor Sanders stated that since the last meeting revisions have been made to the Budget; that numbers were adjusted to accommodate the softening economy that projected revenues were lowered and monies were carved out of the budget; that the tax increase per \$1,000.00 of assessed value for residential properties will be \$5.08; that the tax on non-homestead properties will be \$8.03 per \$1,000.00 value; that there will be a 5.6% increase in spending, and increase of 5.87% in expected revenue and a 5.57% increase in property tax liability. It was pointed out that one number on the budget papers available tonight is incorrect (Property Tax Revenue entered as a debit instead of credit) and will be corrected; that the Village has less than 8% of the permitted constitution debt rate; that he would like to address some comments that were made at the last meeting concerning the reliance of the Village on property taxes according to the NY State Comptroller, that the Villages receive less state aid than other municipalities; that state aid constitutes 20% of other municipalities and that is part of the reason Village property taxes have increased at two times the rate of inflation; that the budget was a lot of work but he feels great about it; and that he plans to keep a close eye on projected revenue numbers as they come in.

Deputy Mayor Fred Devan stated that at the last meeting one of the major savings was the estimate for retirement contribution because we had not received the state estimate at the time and had over estimated that number by \$40,000.00; that saved us quite a bit; that the debt service for 2008/2009 is \$362,160.00 for principal and interest as compared to \$354,566.00 for this year which is a 2.14% increase in debt service; that our legal debt limit is huge compared to what we have borrowed so far; that the five year average of our assessed value which is \$502,648,815.00 and 7% of that which is \$35,186,120.00 out of the thirty five million we have less than 8% of our constitutional debt limit; that he would like to thank the Mayor for taking over as Chief Financial Officer and leading in the Budget with great aptitude and energy; that the Village has an excellent accounting system that allows the numbers and balances to be checked daily; that this is the last budget that he will work on as he plans for retirement and as he steps down he feels comfortable that this Board will work smoothly because they are disciplined and will do a great job without him.

Richard Stark, 6 Franklin Street, asked what the status of the library and school taxes are; and asked if the consultant that the Board spoke with made any difference in employee contracts and benefits.

Deputy Mayor Devan stated that the school tax has gone up more than the Village tax but he doesn't have the percentage.

Mayor Sanders stated that last year the library budget was \$145,025.00 (07-08) and this year's library budget voted on in December will be \$345,405.00 which is over 200% increase; that the current employee agreements are almost done; and that the consultant Rich Zuckerman would be helpful in developing the agreements for new employees.

Richard Stark thanked the Board for their effort and stated that he appreciates the amount of work and effort.

A motion was made by Deputy Mayor Devan to close the Public Hearing, which motion was seconded by Trustee Moran.

With no further public comment Deputy Mayor Devan made a motion to accept and approve the 2008-2009 budget as submitted with correction; which motion was seconded by Trustee Moran and carried unanimously. Trustee Gussow was absent.

Deputy Mayor Devan made a motion to schedule a Public Hearing on the proposed amendments to the Noise Ordinance on June 3, 2008 at 8:15 P.M. which motion was seconded by Trustte Moran and carried unanimously. Trustee Gussow was absent.

Walter Sevastian, Village Attorney, highlighted the proposed changes stating that the operation of any tools, machinery or equipment use in construction or repair shall only be permitted between the hours of 8:00 A.M. and 6:00 P.M. on Monday through Fridays and between the hours of 9:00 A.M. and 5:00 P.M. on Saturdays and 12:00 noon to 5:00 P.M. on Sundays and the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, lawnmower or similar device used outdoors in residential areas shall only be permitted between the hours of 7:00 A.M. and 8:00 P.M.

Bill Elson, 377 Piermont Avenue, asked if the ordinance will address motorcycles; that they disturb the peace and it is a legitimate complaint; that he realizes that he was forceful to the point of obnoxious about the speed bumps but to give the current Police Chief credit he has measurably increased speed enforcement.

Mayor Sanders said that he would talk to the Chief regarding motorcycle noise and agreed that Chief O'Shea is very concerned with quality of life issues for the residents of Piermont.

Village Attorney Walter Sevastian stated that there is some language regarding noise from motorcycles in the existing noise ordinance but that without decibel levels being measured, ordinances are very difficult to enforce; that in order to accomplish this special training is required and special equipment and the decibel levels must be calibrated and it is almost impossible to defend in court.

Richard Stark requested a copy of the noise ordinance.

Curt Lowey, 117 Shad Row, asked if jet skis were included in the noise ordinance and said that some municipalities have regulations regarding full power usage must be accomplished at least 500 yards from shore.

Pete Cocker, Tappan, stated that he was a city cop and any noise tickets were turned over to the EPA; that noise calibration cases were lost all the time.

With no further public comment item number five the proposed Railroad station lease agreement with the Piermont Historical Society was discussed.

Walter Sevastian, Village Attorney, stated that he missed the last meeting but has prepared a one year lease agreement with the attached schedule of repairs to be completed in lieu of rent and all utilities will be the responsibility of the Historic Society; that the use of the building must be discussed and the insurance liability should be discussed; that since this is Village property it could be covered under the umbrella policy for the Village; that he will check into either a deed restriction or restrictive covenant that could be placed on the land that would run with the land to protect its use; that he would talk to the insurance consultant and would recommend a two-year lease with a 12 mo. notice because of the cost and amount of work that needs to be completed.

Bill Elson stated that until the inside space is renovated it can't be used; that they do not anticipate the interior being complete until the end of the year at the earliest; that there is landscaping a drainage that needs to be done; that Margaret Grace suggested that it may be used as a diorama with the public viewing the interior from the outside and perhaps installing a sound element with steam engine and narrative history of the railroad in Piermont; that they discussed staging exhibits on a semi-regular schedule; that when complete the first floor could occasionally be used for meetings; that heating and cooling the building has been discussed and perhaps a forced hot air heating and cooling system would work; that the building does not have a good carbon footprint because of its age; and that the first thing they would do is install a security system; that they had asked for a contract agreement naming them trustees and guardians and not just a lease; that they would ask for a two-year agreement; and that the structure has been reviewed by the State historic Board and they are waiting for the papers of acceptance.

Walter Sevastian stated that an agreement naming the historic society trustees or guardians is making them semi-quasi employees and a lease is just cleaner.

Mayor Sanders stated that the intent of the lease is to not have a perpetual lease that is not reviewed; that the initial two-year lease with a 12 mo. notice makes sense because of the amount of work that needs to be done; that the renovations are being done in kind with the historic home that it once was and that they are trying to maintain the historic nature of the building without the requirement to bring it up to current code; asking the Building Inspector for cooperation to protect the historic building because of its irreplaceable value to the Village.

John Angelis, Building Inspector, stated that if the building is on the State Historic listing it is granted leniency from the 2007 building code.

Richard Stark stated that he has concerns regarding the two-year lease with a 12 mo. notice because it is actually a three year lease; that the public is excluded for the next three years and the use should be discussed with the public.

Mayor Sanders stated that the intent is not to exclude the public and that the proposed renovations could take three years.

Pat Esgate stated that in support of Rich Stark the public should weigh in before it is turned over to the Piermont Historic Society.

Bill Elson stated that the Historic Society made a presentation concerning the renovation of the train station and proposed moving it into the Village proper and that set off a fire storm and one of the most heavily attended public hearings; that the public did not want it moved and turned into a tourist attraction creating a Disney like atmosphere in the Village.

Mayor Sanders stated that this conversation has been going on for over a year; that the lease agreement was not drawn up by the Historic Society but by the Village Board and the Village Attorney; that the use has not and will not be determined until the renovations are complete; that the work needs to get started and the item should be placed on the May 20th Village Board agenda.

Rich Esnard, 659 Piermont Avenue, stated that the purpose of the Historic Society is to preserve and display and that the interior is yet to be decided because of the work that needs to be done.

Trustee Moran stated that the Community Playgroup leases the building on Hudson Terrace from the Village and questioned if we have the right to tell them how to use the interior of the building because of the lease; that the Village of Piermont is not interested in spending money to restore the train station; that without this renovation it would not have any use.

With no further comment the Board moved to schedule a Public Hearing on the proposed amendments to the Zoning Code for definitions and word usage. Mayor Sanders made a motion to send this item to the Planning Board for their opinion at the June 12th 2008 meeting and for a Public Hearing at the Village Board on June 24, 2008; which motion was seconded by Deputy Mayor Devan and carried unanimously. Trustee Gussow was absent.

The Mayor asked the Board to authorize him to sign a letter of authorization for the Cost Control Associates to conduct an energy study in the Village of Piermont; that he discussed this with Al Bartley and he recommended this because the company will check for lower prices and save the Village money.

Trustee Blomquist made a motion to authorize the mayor to sign the letter of authorization, which motion was seconded by Trustee Moran and carried unanimously. Trustee Gussow was absent.

Trustee Moran made a motion to approve the minutes of April 15, 2008 and table the minutes of April 17, 2008 until Trustee Gussow returns, which motion was seconded by Deputy Mayor Devan and carried unanimously. Trustee Gussow was absent.

Deputy Mayor Devan made a motion to approve the warrant of \$55,492.91 which motion was seconded by Trustee Blomquist and carried unanimously. Trustee Gussow was absent.

Old / New Business:

Pete Cocker, Tappan requested permission for the Police Athletic League (PAL) to purchase new bleachers for the park by the pavilion at a cost of \$6,000.00; that the funds for this purchase will come from PAL fund raising activities; that the new bleachers are OSHA (Safety and Health Administration) approved; that he would like to request that the money made from scraping the old bleachers be set aside for mulch to be placed under the new proposed bleachers. Deputy Mayor Devan made a motion to approve PAL purchasing and installing the new bleachers and the Village setting aside any monies made from the scrap metal sale of the old bleachers for mulch to be used under the new bleachers, which motion was seconded by Trustee Moran and carried unanimously. Trustee Gussow was absent.

Mayor Sanders requested that the Board approve a color for the Bridge Street Bridge to be painted at the request of Paul Van Hagen and the County; Deputy Mayor Devan made a motion to approve the reddish brown color Pantone #492u, which motion was seconded by Trustee Moran and carried unanimously. Trustee Gussow was absent.

Deputy Mayor Devan requested that the conflicting numbers for building department fees be reviewed and Mayor Sanders stated that he would like this item to be placed on the May 6th agenda because of all of the previous public comment on the subject.

The Board discussed the Pavilion fees and Walter Sevastian stated that he would review the Pavilion form; the Board discussed charging the same fee for non-profits as everyone else either \$100.00 or \$150.00.

Mayor Sanders mentioned that Al Bartley, Supervisor of the Department of Public Works would like it announced that the Department is holding its annual open house on Saturday, May 17th from 10:00 A.M. to 2:00 P.M. and all are welcome; and that Mr. Bartley has requested \$1,200.00 for the installation of mulch and associated materials for the new playground equipment at the park. Deputy Mayor Devan made a motion to approve the \$1,200.00 expenditure from the Parks budget line, which motion was seconded by Trustee Moran.

Walter Sevastian, Village Attorney informed the Board that he received a letter from one of the Assistant County Attorneys regarding Lot "S" – the County currently owns the property and is interested in selling; and that he is checking cross easements regarding the property. (See attached correspondence).

Walter Sevastian, Village Attorney requested that the Board approve a resolution regarding the Senate / Assembly bill regarding personal injury and public employees to eliminate and distinguish between private and public employees. Resolution to be attached. Deputy Mayor Devan made a motion to accept Walter Sevastian's resolution which motion was seconded by Trustee Blomquist.

Mayor Sanders requested a motion from the Board to approve the Village Clerk for over 24 sick days to be used in this fiscal year. Trustee Blomquist made a motion to approve the use of over 24 sick days in this fiscal year for the Village Clerk, which motion was seconded by Deputy Mayor Devan.

Trustee Blomquist relayed information from Assistant Fire Chief Fagan regarding the Field Day planned for September 19, 2008 that will require that Ferry Road be closed for a few hours to bring in the large equipment.

A motion to adjourn the meeting at 10:15 P.M. was made by Trustee Moran, seconded by Deputy Mayor Devan and carried unanimously.

Distribution:

Mayor and Trustees
Village Attorney and Assistant Attorney
Police Chief
Fire Chief
Building Department
Fire Inspector
Village Engineer
Planning and Zoning Boards