

**INCORPORATED VILLAGE OF PIERMONT**  
**BOARD OF TRUSTEES MEETING**  
**February 17, 2009**

Present: Mayor Christopher Sanders, Deputy Mayor Fred Devan, Trustees Joan Gussow, Audie Moran, Mark Blomquist, Walter Sevastian, Esq.-Village Attorney, Denise Ehrhart-Village Clerk-Treasurer

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

Public Comment:

Edward Stoker – President of the Emerald Society – thanked Piermont for the continued support. Every year since 2000 they have held their annual fundraiser 5K run in Piermont. Mr. Stoker said they were surprised by the fee this year of \$1,875. He further stated that this was approximately 50% of what they collect and is concerned with the process.

Brian Nugent, representing the Emerald Society, did some legal research into how these fees came to be. He said the question is not should taxpayers pay overtime, but does the village have the power to impose these fees. He doesn't believe the Village does and that the process was fundamentally flawed. The change was made by resolution of the Board should have been a local law with a public hearing. Mr. Nugent asked the Village Board to examine the process and if there should have been a public hearing, which can be done later on, then the Board could impose the fees. He asked the Board to deem the current permit approved without fees.

Two residents spoke in support of the Village Board decision to charge event holders for police and DPW overtime.

Four parties spoke against these fees being charged to charitable organizations.

The Mayor said that these are taxpayer dollars paid by residents and the Board needs to keep everyone in mind. The Board needs to shave money off of residents tax bills. The Mayor thanked everyone for their comments.

The Village Attorney stated that when events take place in a Village, State law allows Villages to charge fees. There is a section in Village Code - Chapter 102 – Fees, that allows the Board, by resolution, to amend fees. Mr. Nugent's comments on the process are well taken and the Village Board should schedule a public hearing giving 10 days notice.

Board comments:

Trustee Blomquist: there is no easy answer. The board's responsibility is to watch taxpayer dollars; all points were well taken.

Trustee Moran: fundraisers are an important part of our country. Everyone gets to pick and choose who to donate to. Trustee Moran would like to see the organization make as much money as possible.

Trustee Gussow: the Village has to charge fees and she would like to hold a public hearing and decide when to start charging those fees.

Trustee Devan: for years the Village has hosted events with no fees and now there is a need to consider the fees.

Trustee Devan made a motion to hold a Public Hearing on an amendment to the Fee Schedule on March 3, 2009 at 7:45 p.m. The motion was seconded by Trustee Gussow and upon vote the motion carried.

Pat Esgate said she pays \$24,000 in taxes. Route 9W has potholes the size of craters and asked if the Village could contact the state to fill them in. The residents on 9W need the Board's help.

The Mayor met with Ellen Jaffe and was told that Route 9W is on the list for repair.

Howard Dean said he has lived in Piermont for 13 years. He took pictures on the Sparkill creek and Route 9W and sent them to the Village and 17 other agencies showing where the abutments cause water to back up. He owns businesses in Sparkill and Palisades and knows that the Village has a long term lease on the pond. He asked the Board to move the wall back sooner than later.

Board comments:

Trustee Devan said the Board should consult with the Village Engineer and see what happens during storm surges.

Trustee Gussow said she cannot comment tonight.

Trustee Moran felt that without the benefit of an engineer, she can't comment.

Trustee Blomquist agrees with Trustees Devan and Moran.

The Mayor agreed that the engineer should look at the area.

Al Bartley does not feel the Village should bear the responsibility and that multiple agencies should handle this.

Old/New Business –

The Mayor commented that the Stimulus Package was signed by the President. The Village's capital agenda (Shovel Ready Projects) was discussed with Ellen Jaffe.

Mayor Sanders said that EMTs are needed in the Village and that daytime coverage is extremely short. The County Health Department has approved one-time, daytime EMT training course to be held at the Piermont Fire Department, pending site approval from NYSDOH. Several police officers have volunteered to take the courses and the County will provide a certified instructor at an approximate expense of \$9,500 for the first 6 volunteers and \$1,300 for each additional 1-6 students above the initial 6.

Trustee Blomquist said that Piermont is the last unpaid EMS service and the Village would like to keep it that way.

Howard Dean asked if the Village could use Orangetown instead of Piermont and Trustee Blomquist replied that Orangetown is a paid service and if we use them we would pay them.

Richie Stark commented that the Village dive team responds to river incidents and asked if the Village could get reimbursed.

Mike Miller stated that there is an EMS line on the Orangetown tax bill. He was advised that this line item charge covers paramedics not EMS.

Bob Samuels asked if there was any cost to the patient. The Mayor replied that the Ambulance corps is not structured to independently "soft" bill the patient.

Mayor Sanders advised that he has set up a meeting to discuss the Ferdon Mill Pond with Connie Coker and Ed Devine for March 5, 2009 at 7:30 p.m.

With regard to recycle bins for the business district, Al Bartley met with R.C. Solid Waste and needs to set up a meeting with the merchants.

John McAvoy stated that the merchants are in favor.

Department reports:

Al Bartley - Ash Street drainage was 75% complete; the Bridge Street project is complete; he submitted the CHIPS reimbursement; Columbia University leases the building on the pier and they are to pay for 100 tons of stone each year. The Village needs to do maintenance and should contact them to cover the materials. There was damage incurred from the sidewalk project to Dale Nelson's property and Bellavista will not pay for it. Joe Santos offered to make the repairs and Dale Nelson wanted her own landscaper who has sent the bill.

Walter Sevastian said the Village could pay the bill and then go through insurance or to court.

The Mayor said the Village needs to speak with the Nelson's.

Mr. Bartley advised the Board that the Village needs rules and regulations on signage at the Skating Pond. The board will consult with the Village Attorney to review which regulations were necessary to limit liability.

MS4 Stormwater Management Information Hearing: Ken DeGennaro, Village Engineer, made a presentation (report attached).

Mike Miller questioned the storm drains on the Landing and whether or not they were included in the Village process.

Mr. Miller was told that they private, the Landing is considered an independent operator and is subject to the same regulations and procedure.

Richie Stark asked if illegal hookups were the Village's responsibility to look for and Mr. DeGennaro said that they are found by doing catch basin inspections annually. Mr. Bartley added that by cleaning 196 catch basins 2 illegal connections were identified.

With regard to Ritie Street drainage improvements, Mayor Sanders advised that the Village needs to secure funding to complete the project.

The Mayor said there was a proposal from the Village Engineer for the project in the amount of \$20,000. Ken DeGennaro said they could stagger their fees and charge ½ when the project goes to bid and the balance when funding is secured and the project was complete.

Board comments:

Trustee Blomquist suggested doing this piecemeal until we know we have the funds.

Trustee Devan had no comment.

Trustee Gussow agrees with phasing it in.

Trustee Moran also agrees with Trustee Blomquist.

Trustee Moran made a motion to approve the proposal from Brooker Engineering on the Ritie Street Drainage Improvements in the amount of \$24,000, \$10,000 due at bid and the balance upon completion. The motion was seconded by Trustee Gussow. Upon vote the motion carried.

The Final design on the North Parking Lot was received from the Engineer and the Mayor authorized the Engineer to prepare bid specs.

Trustee Gussow made a motion to declare the Village lead agency and to adopt a negative declaration (attached) prepared by the Village Engineer. The motion was seconded by Trustee Moran and upon vote the motion carried.

Trustee Gussow made a motion to seek public bids on the North Parking Lot to be returned April 3, 2009 at 11:00 A.M. The motion was seconded by Trustee Moran and upon vote the motion carried.

The Rowing Club corral to be placed in the North Parking Lot was proposed with a 72' long roof at 12' high.

Trustee Gussow felt that the structure is huge for the space.

Trustee Moran said she was not aware there would be a roof and wants to work on a solution.

The Mayor said that the location is good and asked that the Rowing Club come back with a different plan.

Trustee Devan agrees with the Mayor and Trustee Gussow's comments about the roof.

NYMIR made recommendations on some problems in the Village playgrounds. None of them are considered "critical". The Mayor wrote a letter concurring with the recommendations on items 002 through 004 but challenged the recommendations for the rocking equipment in Kane Park and asked the Clerk to mail the letter.

Trustee Moran met with Al Bartley in Kane Park and felt they were safe.

A review of revised Brooker Engineering fees was tabled to March 17, 2009.

Motion to authorize the Mayor to sign a service agreement with Pomassi Elevator for maintenance with no increase in fees was made by Trustee Devan and seconded by Trustee Moran. Upon vote the motion carried.

A memo was received from Rockland County with reference to Catch Basin Mosquito Control. Walter Sevastian will research the law and report back to the Board on March 3, 2009.

Trustee Blomquist's presentation on generating revenue was tabled to March 3, 2009.

A request was received from Escape New York to hold their 15th Annual bike ride through Piermont on September 26, 2009. Trustee Gussow made a motion to approve their use of the Pavilion on September 26, 2009. The motion was seconded by Trustee Devan. Upon vote the motion carried.

Trustee Gussow made a motion to approve the Clearwater's 2009 Summer Schedule. The motion was seconded by Trustee Devan and upon vote the motion was approved.

Trustee Gussow made a motion to approve the minutes of February 3, 2009. The motion was seconded by Trustee Devan. Upon vote the minutes were approved.

Trustee Devan made a motion to approve the Warrant in the amount of \$138,083.43. The motion was seconded by Trustee Gussow and upon vote the warrant was approved.

Trustee Blomquist made a motion to approve a waiver of the fee only for Empire Hose Company to use the pavilion on July 11, September 5 and October 31, 2009. The \$500 deposit for the use of the pavilion will be required. The motion was seconded by Trustee Devan and upon vote the motion carried.

A motion to enter Executive Session to discuss Personnel was made by Trustee Moran and seconded by Trustee Blomquist. Upon vote the motion carried.

Trustee Gussow made a motion to exit Executive Session. The motion was seconded by Trustee Devan. Upon vote the motion carried.

Motion to adjourn was made by Trustee Gussow and seconded by Trustee Moran. Upon vote the meeting adjourned at 10:45 p.m.

## **MS4 Program, "Municipal Separate Storm Sewer Systems"**

Village of Piermont is considered an operator of the storm drainage system in their right-of-way, which consists of pipes, catch basins, and stormwater outfalls to streams and rivers.

We recently completed a five year program where an annual report was filed with the NYSDEC. This report consisted of descriptions of:

1. Public Education and Outreach
  - This meeting, brochures at Village Hall, advertising in public newsletters, "Dump No Waste" markers on catch basins)
2. Public Involvement and Participation
  - Keep Rockland Beautiful Program, cleanups by local Boy & Girl Scouts)
3. Illicit Discharge Detection and Elimination
  - Passed new local law (Chapter 170) based on NYSDEC model language was adopted by the Village in 2006. This law also gives the Village the right to assess penalties for violators. Examples of illicit discharges are sanitary sewers or washing machine outletting to catch basins, dumping oil or chemicals into catch basins.
  - Mapping of stormwater outfall system, will have to be expanded for the entire drainage system.
4. Construction Site Stormwater Runoff Control
  - Erosion control during construction. System is approved by the Planning Board and inspected during construction by the Building Inspector.
  - New local law passed based on NYSDEC model law Chapter 169, Stormwater Control
5. Post Construction Stormwater Management
  - Post construction
6. Pollution Prevention/Good Housekeeping
  - Focuses mainly on the DPW garage and staff. The garage is new and has upgraded features for spill control, the staff attends annual seminars and workshops regarding this measure.

Change to law is the transfer of SWPPP (Stormwater Pollution Prevention Plans) from the NYSDEC to the local municipality.

- The SWPPP is a compilation of material that outlines pre and post construction drainage measures.
- The Village is now required to review and approve these and authorize a Notice of Intent (NOI) which is a Notice of Intent for land disturbance.
- By the definition of Land Disturbance Activity in the latest Village Code, this is land disturbance greater than 10,000 square feet.
- The Village will also be responsible for inspections during construction to ensure the SWPPP is being followed.

Potential audits of municipality by NYSDEC to make sure the MS4 operations are adequate.

Clarkstown has been audited and Ramapo is scheduled for one in February. Piermont can expect to be audited based on their status as a river Village that has their own DPW. This will be mainly bookkeeping.

State Environmental Quality Review Regulations  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Name of Action: North Parking Lot Site Plan  
Date of Determination: February 17, 2009  
Lead Agency: Village of Piermont Board of Trustees  
SEQRA Status: Type II Action  
Type of SEQRA Review: Uncoordinated  
Conditioned Negative Declaration: No  
Location of Action: East side of Piermont Avenue, approximately  
300 feet north of the intersection of Piermont Avenue and  
Ash Street.

Description of Action: Reconfiguration of an existing Village owned and  
operated parking area, approximately 150 feet by 225 feet,  
for a total site disturbance of approximately 0.7 acre.  
Project includes new curbs, asphalt pavement and  
subbase, drainage improvements, minor regrading, and  
pavement striping.

Reasons Supporting This Determination:

The Village of Piermont Board of Trustees, as Lead Agency of an uncoordinated review of a Type II Action, has identified the proposed Action as a Type II Action. By definition, a Type II Action has been "determined not to have a significant impact on the environment" and no further review under SERA regulations is necessary. As per Section 6 NYCRR Part 617, State Environmental Quality Review, the reconstruction and repaving of the existing north parking lot is considered a Type II Action listed under Sections 617.5 (C) (2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site".