

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
February 24, 2010**

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

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

Public Comment:

Linda Hacker-Toner: The dog run committee held a fundraiser and raised over \$7,000. When the ground thaws, work will begin and the committee hopes to open in mid May. An indemnification form will be prepared by the Village Attorney and reviewed at the March 2, 2010 meeting. The Village Clerk will notify CLG Insurance. The Village must keep the original indemnification forms and will give keys to residents as they sign the forms.

Richie Stark commented that the highway department has done a great job and with the huge storm coming, is hoping they can keep up. Mr. Stark asked if the email addresses for the Trustees were final and added that he would like to post them. Mr. Stark was advised that those addresses were available.

**RESOLUTION OF THE VILLAGE OF PIERMONT BOARD OF
TRUSTEES CONFIRMING THE STATUS OF THE PIERMONT POLICE
ATHLETIC LEAGUE AS A CRIME PREVENTION PROGRAM OF THE
PIERMONT POLICE DEPARTMENT**

WHEREAS, The Village of Piermont formed the Police Athletic League as a Crime Prevention Program under the auspices of the Piermont Police Department in 1982;

WHEREAS, The administration of the programs provided by the Police Athletic League has been provided by Village of Piermont employees since 1982 (there are currently two (2) paid positions in the Village's annual budget, with one currently vacant, as reflected in the monthly payroll certified by the Rockland County Department of Personnel);

WHEREAS, the annual budget adopted by the Piermont Board of Trustees appropriates certain funds for salaries, supplies, and materials relating to the programs offered by the Piermont Police Athletic League;

WHEREAS, the Village of Piermont's primary insurance carrier has requested that the Village Board of Trustees confirm that the Piermont Police Athletic League is a Village entity;

THEREFORE BE IT RESOLVED, that the Village Board of Trustees resolves that the Piermont Police Athletic League is a Crime Prevention Program provided to Piermont residents by the Piermont Police Department, and that there has been a program paid for and staffed by Piermont employees since its inception.

The resolution was moved by Trustee Gussow and seconded by Trustee Silverberg. Upon vote the resolution carried.

RESOLUTION OF THE VILLAGE OF PIERMONT BOARD OF TRUSTEES AUTHORIZING THE PIERMONT FIRE DEPARTMENT TO UTILIZE AND MAINTAIN THE “ELEANOR STROUD SKATING POND”

WHEREAS, the Village of Piermont was assigned a certain lease between United Water (as a successor in interest to the Spring Valley Water Company) and the Town of Orangetown for the premises commonly known as the “Eleanor Stroud Skating Pond” on February 14, 2007;

WHEREAS, the Village of Piermont is authorized to use the premises “as an ice-skating rink” in connection with the Village's recreation program under said lease (a copy of the lease and assignment is attached hereto and made a part hereof);

WHEREAS, the Piermont Village Board is desirous of designating certain Village employees to construct ice-skating facilities and other structures appurtenant thereto, and to otherwise maintain and operate the ice-skating program at the subject premises in accord with the provisions of the lease;

WHEREAS, the Piermont Fire Department has undertaken, with the assistance of the Piermont Department of Public works, to operate the ice-skating recreational program at the subject premises since 2007;

WHEREAS, it is in the best interests of the residents of the Village of Piermont for the Piermont Fire Department to continue the operation of the ice-skating program at the subject premises, and to manage and maintain the other services being provided incidental thereto, for the remainder of the lease;

THEREFORE BE IT RESOLVED, that the Village Board of Trustees resolves that the Piermont Fire Department to continue its operation of the ice-skating program at the subject premises for the remainder of the lease with the assistance of the Department of Public Works.

The resolution was moved by Trustee Gussow and seconded by Trustee Moran. Upon vote the motion carried.

Walter Sevastian recommended getting a renewal started in the near future to ensure it will be completed by 2015.

The Budget Workshop calendar was reviewed and agreed on by the Board. The Village Clerk will post the Workshop schedule.

Macedonia Baptist Church has requested a waiver of fees for the use of the Goswick Pavilion for their annual picnic on Saturday, July 17, 2010. The Board agreed that there will be a \$300 rental and \$500 refundable deposit due for the event.

Richie Stark commented that this is a local church and asked if the Board will be granting no waivers? The Mayor responded that they are not granting waivers.

Trustee Gussow made a motion to approve the minutes of February 2, 2010. The motion was seconded by Trustee Moran. Upon vote the minutes were approved.

Trustee Blomquist made a motion to approve the warrant in the amount of \$65,923.19. The motion was seconded by Trustee Moran. Upon vote the warrant was approved.

Trustee Gussow met with the Rowing Club. They would like to know where they can they move their boats when the north parking lot is being paved. They will talk to Phil Griffin about moving the boats back onto his property. The Rowing Club wants to install posts to hold the boat racks prior to the paving.

Trustee Silverberg suggested that due to the lack of parking in the Village, the Board should look into the future parking spaces to be used by the Rowing Club.

Trustee Silverberg made a motion to enter executive session to discuss litigation with reference to the Clarkstown Landfill and personnel contractual matters. The motion was seconded by Trustee Gussow. Upon vote the Board entered executive session.

Trustee Gussow made a motion to exit executive session. The motion was seconded by Trustee Moran and upon vote the Board returned to open session.

WHEREAS, the Clarkstown Landfill was closed in 1990, and cleaned up by the Town of Clarkstown and the State of New York pursuant to the provisions of the New York State Environmental Quality Bond Act ("EQBA"); and

WHEREAS, the EQBA regulations require the State of New York to seek cost recovery of a portion of the State and Municipal funds spent to remediate the landfill; and

WHEREAS, the State is seeking cost recovery of numerous commercial and industrial Potentially Responsible Parties ("PRPs"), several of whom have formed a group known as the Clarkstown Landfill Joint Defense Group ("JDG") to raise settlement funds for the purpose of negotiating a global settlement to settle the State's claims; and

WHEREAS, the State's total claim is presently \$24 Million; and

WHEREAS, the JDG has retained counsel, Wagstaff & Cartmell, LLP of Kansas City, Missouri, to jointly represent its members and seek cost recovery from numerous municipalities and businesses in Rockland and Westchester Counties and New Jersey that are alleged to have disposed of wastes in the Clarkstown Landfill; and

WHEREAS, although the State has not made a direct claim against the Village of Piermont, the Village has received a demand letter from JDG's counsel, alleging the Village's past use of the landfill; demanding a significant contribution to the settlement, and threatening litigation in United States District Court in the event a settlement is not reached; and

WHEREAS, the complexity of the case renders it necessary to retain the professional legal services of special environmental counsel to represent the Village, and

WHEREAS, Kimberlea Shaw Rea, Esq., is an environmental attorney serving as special environmental counsel to the Town of Ramapo, one of several municipalities that received a demand from the JDG, and is presently discussing joint representation of other Rockland County municipalities who desire joint counsel to represent them in the Clarkstown Landfill matter; and

WHEREAS, Ms. Rea has served as joint defense counsel to groups of multiple municipal PRPs in several other EQBA cases that resulted in favorable settlements and is qualified to represent the Village in this matter; and

WHEREAS, it is in the interests of the Village to retain qualified environmental counsel and be benefited by cost savings through appropriate joint representation of the Village and other municipalities; and

WHEREAS, Ms. Rea has requested waivers of both the Town of Ramapo and the Village of Piermont, stating that neither party sees a nonwaivable conflict of interest; and

WHEREAS, the Village of Piermont agrees to such waiver; and it is hereby

RESOLVED that the Mayor be, and hereby is, authorized to execute on behalf of the Village conflicts waivers and documents necessary to retain the legal services of Ms. Rea, at a proportionate hourly rate of \$100.00 per hour, provided such documents are in a form acceptable to the Village Attorney.

A motion was made by Trustee Gussow to adjourn the meeting. The motion was seconded by Trustee Moran and upon vote the meeting adjourned at 8:25 p.m.