

**INCORPORATED VILLAGE OF PIERMONT  
BOARD OF TRUSTEES MEETING  
June 3, 2008**

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

Absent: None

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

Public Comment:

Chief O'Shea reported to the Board that on May 22, 2008 Police Officer Kerr arrested two people for peddling magazines without a permit; that in addition he handled a heated domestic dispute and a call of a suicidal person; that all of these incidents happened within a half hour of each other; that the arrests were made, the suicidal person was transported to the mental health center and the domestic dispute was resolved all while working alone; that a member of the sales group that Police Officer Kerr arrested was charged with attempted murder in the Town of Ramapo several days after the incidents in Piermont; and that due to this outstanding Police work Police Officer Kerr will be granted a Chief's Meritorious day off.

The Mayor and the Board of Trustees congratulated Police Officer Kerr on his outstanding job.

Bob Samuels, 193 Ferdon Avenue, questioned the reason for the bridge detour even when the bridge is not being worked on; that the bridge was closed all week-end and there was no work taking place over the week-end; that it causes him to go all the way around to get home and that the intersection of Valentine and Ferdon is dangerous and something needs to be done there before there is a major accident.

Al Bartley, DPW Supervisor, stated that there is footing work being done on the bridge footings and that he thinks they do not want any weight on the roadway adjacent to the bridge for that reason but he would speak to them this week to see if they can open the area on week-ends.

Richard Stark, Franklin Street, asked if the new municipal search letter is going to be available for the public.

Walter Sevastian answered that he is drafting a new form letter in connection to sale of properties and will make it available as soon as possible.

Mayor Sanders thanked the Friends of the Piermont Parks for helping to decorate the Village for Memorial Day; that red, white and blue flowers were planted at the war memorials thanks to the efforts of Carol Cameron and Yvonne Trinkwater; that Carol planned the flowers for the new Art Rittenberg field to reflect the home teams colors; that the Main Street planters are packed with oddities and standards by Susan Freiman and Dan Sherman; that this year the Friends planted Gair Memorial twin gardens at Ash Street with shade perennials; that these gardens were planned by Carol and Dan Sherman and planted by Dan, Sandy Sheridan and Georgie Burck; and as always Al Bartley and the highway Department helped make it all work.

Trustee Gussow asked if the huge flag by the memorial was permanent.

Al Bartley explained that the 11' x 18' flag was a contribution from George Lynch and the VFW; that they tried to get it up last year but couldn't; that this year they constructed sleeves and concrete footings and are planning to leave it up through Flag Day and to make it part of the tribute every year; and that it had special meaning because George Lynch passed away this year.

#### Public Hearing Amendments to the Noise Ordinance

Trustee Moran made a motion to open the Public Hearing on the Noise Ordinance Amendments, which motion was seconded by Trustee Gussow and carried unanimously.

Mayor Sanders stated that the amendment to the noise ordinance is specific to the noise caused by construction; that the amendment limits construction noise to week-day hours of 8 A.M. to 6 P.M., Saturdays 9 A.M. to 5 P.M and Sundays and holidays from 12:00 noon to 5:00 P.M.; that the decibel levels that are in the code are specific to the business area; and that this amendment to the code is enforceable.

Deputy Mayor Devan stated that the decibel meter was never fully addressed and should be addressed separately and that this addition meets with his approval.

Trustee Gussow stated that the decibel level serves a purpose; that there is a law that can be used if there are constant complaints; that this equipment could be rented and used.

Trustee Blomquist stated that he thought all the bases were covered on this issue.

Roberta Ebert, Harbor Cove, asked why any construction was permitted on Sunday.

Mayor Sanders stated that New York does not have any blue laws and some homeowners only have Sundays to accomplish home repairs;

Richard Stark asked how this ordinance would help the woman that was dealing with the marble grinding by her residence.

Walter Sevastian stated that if the neighbor is grinding marble after the permitted hours he would receive a violation and have to appear in the Village and face fines; most noise ordinances are not enforceable if you are speaking in terms of decibel levels, but noise at the property line and times are enforceable.

A motion to close the public hearing was made by Trustee Gussow, which motion was seconded by Deputy Mayor Devan and carried unanimously.

A motion to approve the amendment to the noise ordinance was made by Deputy Mayor Devan noting that the amendment would not have any negative consequences on the environment, which motion was seconded by Trustee Moran and carried unanimously.

#### Public Hearing on Amendments to Parking Code

Trustee Moran made a motion to open the Public Hearing on the Amendment to the Parking Code, which motion was seconded by Trustee Gussow and carried unanimously.

Mayor Sanders stated that the Board considered the request for the use of the bicycle rack in a parking space at a previous meeting; that the proposal is to amend the parking code for the parking space in front of 460 Piermont Avenue and place a sign that stated "No Parking between 6:00 A.M and 9:00 A. M." and in order to insure that the parking space is available after Bunburys' closes for parking, Bunburys' must remove the bicycle rack from the parking space within ½ hour of the closing of the business.

Walter Sevastian, Attorney stated that the Board can make a motion to approve the amendment to the Parking Code for the parking space in front of 460 Piermont Avenue if they find that there will be no adverse environmental effect or impact on the physical or environmental conditions in the neighborhood or district.

Al Bartley, Supervisor DPW stated that he would order the sign for the parking space and it would read "No Parking 6:00 A.M. to 9:00 A.M.".

Public Comment:

Rich Stark stated that the community market has installed a bicycle rack on the sidewalk in front of the market; and asked if they had permission to do that.

Mayor Sanders stated that he was not aware of that and that he would send the Code Enforcement Officer over to explain the code and make any changes necessary.

Trustee Moran made a motion to approve the amendment to Section 190-39.1 Schedule XI A Street parking at 460 Piermont Avenue, which will entail adding a sign to read "No Parking 6:00 A.M. to 9: A.M." with the condition that Bunburys' remove the bicycle rack within thirty minutes of the closing of Bunburys' which motion was seconded by Trustee Gussow and carried unanimously.

Bid Opening for Phase II of Road Resurfacing

Mayor Sanders stated that the Village received one bid from Tilcon for the road resurfacing program ; that the bid came in at \$379,520.00; that this bid is within .5% of the original construction cost estimates that the Village Engineer prepared for the work; that the contract is a unit price contract which came out to \$88.50 per ton; that the 2006 price was \$77.30 per ton; and that he broke down the work into sections with estimated cost; that these are summarized and categorized as Business District sidewalks, North Parking Lot, Piermont Avenue paving and sidewalks, Hester Street curbing and drainage, Paradise Avenue paving, Ash Street paving and sidewalk "esplanade", Franklin Street paving and curbing, Ferdon Avenue; that there are soft fees included in these estimates, such as top soil and stripping fees might be eliminated if the County agrees to do the stripping; that the total to do all of this work is \$908,000.00; that he has worked hard with Al Bartley and Ken DeGennaro to determine the capital projects that the Village really needs to have done; that some of these can be deferred to 2010 but that may be penny wise and dollar foolish; that he has looking at the budget and bond council interest rates are favorable now; that the costs could be less if it is offset by more than a ¼ % interest rate on "rated" paper; that he doesn't believe that asphalt is going to cost less next year than the \$88.00 a ton that it costs now; that these are things to be considered but the only thing the Board is approving tonight is the bid by Tilcon for \$379,520.00 and the decision to get this phase started.

Deputy Mayor Devan made a motion to approve the low bid from Tilcon based on the unit price of \$88.50 per ton, which motion was seconded by Trustee Moran and carried unanimously.

Special permit application by Cingular Wireless to install a cellular antenna to existing building at 1-10 Roundhouse Road

Christopher Fisher, representing AT&T, stated that AT&T has entered into a lease agreement with Piermont Plaza Realty LLC in order to install a wireless telecommunications facility on the property located at 1-10 Roundhouse Road; that the property is located at the end of Ash Street and is at a vantage point that permits line of site within the center of the Village; that they are proposing to mount six small panel antennas to the existing cupola of the building and installing all associated equipment cabinets internal to the existing retail building; that the panels are four foot tall and eight inches wide; that they would be bracketed to the cupola and can be painted white to match the cupola; that this site covers the area in need and that the other proposed site #504 is not a real site it is an estimated area that another antennae could be installed; that they will consider all of the questions and return to John Angelis to make an application to the Planning and Zoning Boards.

Steve Kane, RF Engineer, stated that the antennae on the cupola would be situated on the north, east and west sides of the cupola; that typically river coverage is not something considered; that he could activate it for river coverage to answer those questions; that this site was considered because of its location and clear view up Ash Street and to the north and south.

Walter Sevastian, Attorney stated that the Village Board retains Site Plan Approval but they usually refer to the Planning Board to conduct the site plan review and then the application comes back to the Village Board; that in 1996 Federal Law passed regulatory procedures for wireless communications that pre-empts zoning; that the law is clear that the Federal government has stated that these type of facilities are minimally intrusive and municipalities cannot keep them out; that they pose no health concerns; that he could prepare a resolution for the Board to pass this to the Planning Board and Architectural Review Commission and that the Village Board can establish themselves as Lead Agency.

Deputy Mayor Devan asked if this was the only site considered in Piermont; and inquired if it covers all of Piermont.

Trustee Blomquist stated that there is a problem in the Village with 911 calls; that they are often sent to Westchester; and asked if this new facility would eliminate this problem.

Trustee Moran asked if another facility was being considered on Route 9W; and asked if the other site shown is an active site or not.

Mayor Sanders wanted to know if this proposal would take care of the existing voids or if the potential site at 504 is needed also or if they are interchangeable; and asked if a seventh panel would be helpful to allow better cell phone coverage on the river.

Public Comment:

Curt Lowey, 117 Shad Row, asked if there was any financial benefit to the Village from this application; and he asked if the residents were notified.

Richard Stark asked if other carriers could co-locate on the cupola and if so how many, because this could become a huge eyesore.

Greg Toner, Orchard Street, asked if they would be meeting with the Police and Fire Departments to ensure that these antennae would eliminate calls bouncing to Westchester and if these would provide reliable 911 coverage.

Trustee Gussow made a motion to declare the Village Board of Trustees Lead Agency for purposes of State Environmental Quality Review; which motion was seconded by Trustee Blomquist and carried unanimously.

The applicant was instructed to contact John Angelis, Piermont Building Inspector for instruction on how to proceed to the Planning Board.

Continued discussion- Parking Space/No Parking Zone across the street from 171 Hudson Terrace

This item was continued to the June 24, 2008 Village Board meeting.

Resolution Honoring Ted Jessup & George Lynch

Mayor Sanders stated that the Board of Trustees of the Village of Piermont acknowledge the contributions and dedication of Theodore "Ted" Jessup for all the years of service to the Village of Piermont, its residents and in particular to the Veterans of Foreign Wars Memorial Post #7462 of Piermont and the commemoration of Memorial Day in the Village over the years; that the Board hereby declares this Memorial Day, May 30, 2008 as Theodore "Ted Jessup Day; and that the proclamation was delivered to Ruth Jessup by Police Office Patrick Gaynor, also a veteran.

Mayor Sanders stated that the Board of Trustees of the Village of Piermont acknowledge the contributions and dedication of George Lynch for all the years of service to the Village of Piermont, its residents and in particular to the cause of veterans and their families and to his leadership of the Veterans of Foreign Wars Memorial Post #7462 of Piermont and that the Village Board of Trustees hereby declares his Veteran's Day, November 11, 2008 as George Lynch Day.

Trustee Blomquist made a motion to approve the resolution honoring Ted Jessup and George Lynch, which motion was seconded by Deputy Mayor Devan and carried unanimously.

Resolution Honoring Dan Sherman

Mayor Sanders stated that the Board of Trustees of the Village of Piermont acknowledge the contributions and dedication of Dan Sherman for all the years of service to the Village of Piermont, its residents, and in particular his work to create the beautiful memorials that grace the Piermont Pier and beautify the Village; and that the Board of Trustees of the Village of Piermont hereby declares Solstice day, June 21, 2008 as Dan Sherman Day.

Trustee Gussow made a motion to approve the resolution honoring Dan Sherman, which motion was seconded by Trustee Moran and carried unanimously.

Closing Ash Street for the Sock Hop on Friday, June 13, 2008

The Mayor referred to a letter dated May 27, 2008 from Lynn Bonne requesting permission to hold another Sock Hop between hours of 7:00 P.M. and 10:00 P.M. in Flywheel Park on Friday, June 13, 2008; that part of Ash Street needs to be blocked off for the 24 antique cars and police presence for traffic control; and that he would request a motion.

Trustee Gussow made a motion to approve the closing of Ash Street for the Sock Hop on Friday, June 13, 2008, which motion was seconded by Deputy Mayor Devan and carried unanimously.

Minutes

Trustee Moran made a motion to approve the Minutes of May 20, 2008 which motion was seconded by Trustee Gussow and carried unanimously.

Warrant

Deputy Mayor Devan made a motion to approve the warrant # 060308 in the amount of \$17, 823.67 which motion was seconded by Trustee Moran and carried unanimously.

Old/New Business:

Mayor Sanders requested that the Village Board make a motion to permit him to enter into letters of understanding with the Village employees. Deputy Mayor Devan made a motion to allow the Mayor to proceed with the employee letters of understanding, which motion was seconded by Trustee Gussow and carried unanimously.

Mayor Sanders requested a motion from the Board of Trustees allowing him to proceed with a letter to Rockland County Personnel establishing official hours in the Village- 40 hours per week for Police and laborers and 35 hours per week for clerical staff.

Trustee Gussow made a motion for the Mayor to proceed with the letter to Rockland County Personnel; which motion was seconded by Trustee Blomquist and carried as follows: Trustee Moran, aye; Trustee Blomquist, aye; Trustee Gussow, aye; and Deputy Mayor Devan abstained.

Mayor Sanders reported to the Board that he has been working with Sylvia Welch toward getting a Historic Preservation Grant for restoring the Rockland Road Bridge; that if this works out there is a possibility of getting an 80 to 20 match for restoring the bridge; that several concepts could be developed for this approach; that Lichtenstein Engineers were working on the Bridge project in 2005 and he would like the Board to authorize a \$5,000.00 agreement to have Lichtenstein update the estimated costs for the restoration of the Rockland Road Bridge.

Trustee Gussow stated that she thinks this is a brilliant idea; that accepting a narrow bridge with benches is more appealing and would take some weight off of the bridge or if that is not possible perhaps the bridge could be restored as a pedestrian bridge.

Deputy Mayor Devan made a motion to approve up to \$5,000.00 to be funded from the Engineering line for the exploration of possibilities for the Rockland Road Bridge; which motion was seconded by Trustee Gussow and carried unanimously.

Mayor Sanders stated that Brooker Engineering has revised their proposal to design a concept plan for the North Parking Lot; the original proposal came in at \$36,000.00 and the revised proposal is \$21,000.00; that he would requests the Board to consider this item and be prepared to address it at our next meeting; he stated that this item should be placed on the June 24, 2008 Village Board agenda.

Mayor Sanders requested that the Board approve a 50% down payment to be paid to Craig Gordon of Now Age Media for the web site development to start this project; that the total cost would be \$2,700.00 with the balance due at the project completion.

Trustee Moran made a motion to approve the down payment of \$1,350.00 to Craig Gordon of Now Age Media to implement the web site development; which motion was seconded by Trustee Gussow and carried unanimously.

#### Department Reports

Chief O' Shea reported that the Department has successfully been enforcing seatbelt safety and other arrests; that they have been enforcing bicycle safety and State laws such as no riding two abreast; that some of the cyclists have gotten very nasty when they were fined but the residents were very happy to see the Police dealing with this problem and hopefully this will help; that he also spoke to the president of one of the cycling groups; that he just got a \$5,000.00 grant from Stop DWI, to set up a DWI Sobriety Check Point in June ; that a van and a breathalyzer are provided through the grant; that State code for

more than two abreast and pass on the right going over the double yellow and traffic lights by the Macedonian Church; most of the cyclists were cooperative; that fines can be from \$50.00 to \$250.00; that the attitude will be corrected if they are fined and then we will get their cooperation; that he is working on the overtime report and will provide a report from January to June 08 and he will break it down by individual months; that the report will be presented to the Board for the first July Village Board meeting; and the last thing that he would request permission to use the baseball fields for the PAL summer travel baseball program which runs from June 19<sup>th</sup> to July 18<sup>th</sup> and they would make other arrangements if the Pavilion was rented.

Deputy Mayor Devan made a motion to allow PAL the use of the fields Monday through Thursday 5:30 to 8:00 p.m. for six weeks June 19<sup>th</sup> through July 18<sup>th</sup>; which motion was seconded by Trustee Blomquist and carried unanimously.

Mayor Sanders requested that the Chief speak to the Rowing Club regarding their storage of a trailer behind the rowing items; and the Chief said that he would contact the rowing club by e-mail to have the trailer removed.

Al, Bartley, Supervisor, Department of Public Works, reported that he hired Joe Palkovic as a seasonal laborer for 40 days that the Village Board budgeted for; that he is good kid and a member of the Fire Department; that he received a very detailed report from the energy audit; that some of the cost saving measures can be accomplished at minimal cost; that the report from Cost Control Associates has not been started because of the situation with the clerk, they need access to some of the records, he did supply them with information regarding street lighting and they are going to start with that; and the Dentist at 449 Piermont Avenue stated that he will be moving into the apartment above the office and if he does, he is entitled to garbage pickup because it would be owner occupied.

A motion to adjourn the meeting at 10:00 P.M. was made by Deputy Mayor Devan, seconded by Trustee Moran and carried unanimously. The Mayor abstained.

Distribution:  
Mayor and Trustees  
Village Attorney and Assistant Attorney  
Police Chief  
Justice Laura Weiss  
Court Clerk  
Fire Chief  
Building Department (2)  
Fire Inspector  
Village Engineer  
Planning and Zoning Boards

