

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
May 6, 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. Mayor Sanders noted that the School Board Election and Budget vote is scheduled for May 20, 2008 and urged everyone present to vote.

Public Comment:

Bob Samuels, 193 Ferdon Avenue, 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 read an article in the New York Times regarding electronic recording devices for speeding vehicles and requested that the Board inquire about obtaining one because it would save the Village from paying retirement and sick leave for an additional employee.

Chief O'Shea responded that this is something that can be looked into but most of these devices are used for catching people running red lights; that the device for speeding cars is quite expensive but he would check into a possible grant for obtaining one.

Explore New York 400

Richard Esnard, 659 Piermont Avenue, stated that he would like to request that the Village board of Trustees pass the Explore New York 400 Resolution which would allow Piermont to participate in the Quadricentennial Celebration; that the resolution would affirm that Piermont supports the Hudson, Fulton, and Champlain Quadricentennial Commission, and therefore it would make Piermont eligible for State and Federal grants, Piermont would also be given the right to use the Explore NY 400 logo and be linked to its website; the Quadricentennial is a celebration of the 400th anniversary of the exploration of the Hudson River by Henry Hudson and the exploration of Lake Champlain by Samuel de Champlain and the 200th anniversary of Robert Fulton's steamship voyage up the Hudson; that this is a year-long celebration and will focus on the River villages and crossings; and the Village of Piermont resulted because of a direct result of commerce on the river and should be part of this celebration; and that this resolution would make Piermont eligible for mini grants of \$1,000.00; and several larger events could come to the Village upon signing the resolution such as the Half Moon docking and the Pegasus.

Trustee Moran asked Chief O'Shea if he would have any concerns with the docking of the Pegasus and Half Moon.

Chief O'Shea responded that he doesn't have concerns because he would increase patrol if the boats docked there.

Mayor Sanders stated that he went to the Historic Hudson River Towns Meeting regarding Hudson River Villages and Towns from Yonkers to Albany on both sides of the river; that they are organized and working to make sure that they get their grants for their programs; that he would look forward to looking into grants for Piermont; that Piermont has something other villages or towns don't have and that is the Pier; that the Pier is an asset that could be greater utilized; that he recently had a conversation with the Director of the Children's Shakespeare Theatre and the group is planning to perform "Much Ado About Nothing" next year; the Pier would be great venue for a performance; that other industrial towns and villages along the river have gone through changes but our connection to the river and the history of the mill, railroad, drawbridge and pier are all directly related to the river.

Bob Cone, Franklin Street, stated that there are World War II era residents that were born and raised in Piermont like Catherine Smith and Anna Hickey that might be interested in participating in a round table discussion about Piermont during that period of time and perhaps recording it for oral history.

Bill Elson, 377 Piermont Avenue, stated that the Historic Society of Piermont has been conducting oral histories and compiled a number of oral histories already; that when the collection is complete they are planning to loan them to the Library for residents to listen to at their leisure.

Bike Rack at Bunbury's

Tim Bartz, 680 Piermont Avenue, owner of Bunbury's stated that he is confused because he has a copy of the minutes from May 29, 2007 and thought that the Board had agreed to grant the bike rack and stripe the space as a dedicated bike parking space; that he agrees that the striping was not done; that a problem occurs after the bike rack is removed for the evening, the following morning a car is often parked in the space and the bike rack cannot be returned early enough to accommodate his bicyclist customers; that these are the customers that keep his business viable; that without the bike racks in place on a Saturday or Sunday he loses half his revenue; and would like a solution to this problem.

Trustee Moran read a letter dated February 6, 2001, from a previous owner of the store which stated that a bike rack was placed with permission from the Board and property owner to the north. Trustee Moran stated that Mayor Traynor had spoken in error when he said that the Market was permitted to leave their bike racks on the street at night, they were required to remove the bike racks nightly.

Mayor Sanders explained that the driveway to the north was no longer available to Bunburys, instigating the need for the initial discussion on this issue in May 2007; that the Village needs the bike racks off the street at night because parking is at a premium in the Village and we would like to accommodate Bunbury's need for the bike racks during the day; that possibly the Village can restrict parking in the early morning hours which would allow time for Tim to replace the Bike racks first thing in the morning; and due to limited sidewalk space, Bunbury's would have to find a solution for the night before garbage pick-up.

Chief O' Shea stated that this could be handled like the Lighthouse parking was handled by restricting parking; that the parking could be restricted from 6:00 A.M to 9:00 A.M. which would prevent a car from occupying the space in the early morning hours to allow Bunbury's time to place the bike racks back into the space in time for their early morning business.

Walter Sevastain, Attorney, stated that in order to restrict the parking the Board must set a date for Public Hearing Notice to amend § 190-39.1 of the code and place signs in that parking spot. A Public Hearing will held on June 3, 2008 at 8:15 P.M. to amend this Section of the Code for this one parking space.

Bid Opening Sidewalk Replacement Program Phase III

Mayor Sanders stated that the sidewalk bid was opened and the Board had received a letter from Ken DeGennaro, Village Engineer with recommendations; that the low base bid in the amount of \$698,855.00 from Bellevista was recommended as fair and reasonable for the scope of the work; that they also submitted an alternate bid for \$107,680.00 for the work on Route 9W; that the work on Route 9W priced out higher because of the location; that three bid packages were picked up by contractors and one bid was received; that the unit cost bid allows the Village flexibility for the scope of work; that we can coordinate the sidewalk work with road repaving; that because the bid was done in unit cost per item the Board cannot select which part of the work should be done and when; that Main Street is a critical phasing area and suggestions have been made that August would be the best time for the sidewalk repair; and that he would like to move forward with this because it is seasonal work that cannot be done in cold weather.

Deputy Mayor Devan stated that Main Street has been delayed for years; that if the Board wants to Bond for under one million dollars for road and side walk improvements they can bypass rating agencies; that the bond amount must be under one million for the fiscal

year; and that it is a good thing that the bid was accepted as a unit cost per item because it allows the Board to phase the project; and the proposal seems reasonable.

Al Bartley, Supervisor, Department of Public Works, stated that it is very hard to find anyone to do this kind of work with Belgian block; that the last time they bid they only got one bid; that the estimate for road resurfacing is around \$250,000.00; that if the Board approves this because of the way the bid was structured, they can delete part and not do all of it; that his fear is that everything is getting more and more expensive partly because of the gas prices and that the road re-surfacing is going to cost a lot more each year that we delay it.

John McAvoy, owner of the Turning Point stated that his establishment is closed the last two weeks of August.

Richard Stark, 6 Franklin Street, stated that the economy is on a downturn and can't understand that only one bid came in and that he thought that they would have multiple bids; and that the Board should request more bids so that they have more of choice.

Margaret Grace, 22 Stevenson Street questioned the plateau for borrowing; stating that there are other issues looming, such as a larger space for the clerks and police; and asked if the total amount permitted to bond was one million per fiscal year.

Deputy Mayor Devan said she is correct all bonding for a fiscal year must be under one million to avoid an expensive time consuming report for the rating agencies.

Deputy Mayor Devan made a motion to approve and accept the bid as per the May 2008 pricing for Phase III subject to construction scope of work completed, which motion was seconded by Trustee Moran and carried unanimously.

Building Department Permit and Inspection Fees

John Angelis, Building Inspector, stated that he listened to the concerns at the last meeting and visited other building departments for a comparison of fees; that Nyack is the most similar to Piermont because of the business, marinas, residential and mixed use buildings; that Fred Devan had asked that the fees be presented as packages and that it was has been submitted; that Piermont has not raised its fees in the last ten year; that Nyack raises their fees every few years; that the numbers that he has proposed are currently 8% above Nyack because Nyack is due to raise their fees again and this proposal will keep us current; that he plugged in all of the numbers for multiple inspections and estimated the cost of construction to give the applicant a base to start at;

that the intent for the demolition permit cost was to charge one price across the board instead of charging based on the cost of the demolition; that this way a homeowner that may have high labor charges for hand removal will not have to pay based on that cost; that this is more fair; that a year building permit is appropriate; that the renewal fees are not discretionary; and that if someone wants to have a fee reduced or waived because of a hardship they are instructed to apply to the Village Board for that relief.

Bill Elson stated that the increase in fee plan sounds excellent and well thought out; that the \$200.00 fee per sq. ft. is reasonable and using that to set the cost of a permit is a good idea; that he does have an issue with the more expensive charge for a \$500,000.00 job and te proposal fees at 8% above Nyack; that the builders are facing extra charges for fuel and the costs are going up astronomically; that psychologically its not good.

Bob Cone asked if a decimal point was misplaced.

John McAvoy questioned the Building Permit fee renewal charges.

Rich Stark stated that these fees are more reasonable.

Trustee Gussow questioned why the cost was set at 8% higher than Nyack and John Angelis answered that Nyack is due to raise their rates again.

Trustee Moran stated that John Angelis has done a great job and these increases are keeping up with other similar Villages.

Deputy Mayor Devan stated that this proposal seems very reasonable.

Trustee Gussow stated that she prefers this proposal to what was presented previously.

Trustee Blomquist stated that this version of increases is cleaner and easier to understand.

Deputy Mayor Devan made a motion to approve the increases in permit costs; which motion was seconded by Trustee Gussow and carried unanimously.

Creation of policy with reference to interior inspections for the purposes of C/O's, Violations, etc.

John Angelis stated that Grandview and South Nyack conduct interior inspections prior to issuance of a clear title report or Certificate of occupancy; that he has conducted interior inspections at the owners request; that these inspections are ordered by Title Companies at the time of sale; that he has received calls from property owners, their agents title companies and buyers attorneys requesting interior inspections; that a typical interior inspection takes between fifteen and thirty minutes; that the Village charges \$250.00 for a municipal search; that interior inspections help to protect the property owner.

Walter Sevastian, Village Attorney, stated that a valid certificate of occupancy shows a buyer that the municipality has no violations against a property; that some municipalities look in the building file for a valid certificate of occupancy or if there isn't one that municipality may issue a pre-date letter; that other municipalities may eyeball the property from the outside to see if there are illegal sheds, decks or additions; that Clarkstown does exterior inspections; that the purpose of a building permit is to insure that the homeowner is protected; that licensed workers were used and the work would pass inspections for electric, plumbing, etc.; that there are several ways that the municipal searches could be done; a paper search could clearly state that the files were checked and no violation was found and if the owner requests a site visit an additional charge could be added for an on site inspection.

Sally Savage, 99 Orchard Terrace, stated that she is blown away by all of this stuff; that the public should be educated as to what they are allowed to do in their own homes without permits and what improvements would required permits.

Bob Cone stated that when someone is purchasing a property it is their responsibility to hire a home inspector to check out their purchase; that many people selling their houses can't afford to fix everything and the sale price reflects that; that if they are required to fix everything it could create a huge problem; that checking records and stating no known violations is enough.

Margaret Grace stated that she agrees with Bob, that the buyer should hire their own engineer; that interior inspections could expose the Village to liability if something is overlooked or incorrectly addressed.

Curt Lowey, Shad Row, stated that some sellers and buyers do not want everything fixed because it allows them to negotiate a better price; and that the buyer should beware.

Richard Stark stated that he is opposed to these interior inspections; that the building inspector stated that these interior inspections take fifteen to thirty minutes and what if he misses something, is the Village liable?

John McAvoy stated that he would be satisfied with outside inspections; and questioned who does the house inspections in Grandview and South Nyack?

Deputy Mayor Devan stated that the emphasis should be on whether the homeowner requested the interior inspection.

Trustee Gussow stated that she has broad experience with Clarkstown certificate of occupancy; that she sold a house there that had extensive interior work done to it and there was no interior inspection; that the buyers paid for an inspection of the house; and that this item needs to be clarified.

Trustee Blomquist stated that this is fairly well regulated between buyers/sellers; and that these interior inspections should not be forced on homeowners;

Audie Moran stated that a friend of hers in Nyack purchased a house with an in-ground that did not have a certificate of occupancy and was told to take the pool out.

Mayor Sanders stated that the policy is too important to rush a decision and requested that this policy review be continued at the meeting on May 20, 2008.

Community Playgroup Lease

Mayor Sanders stated that he and Trustee Blomquist visited the site earlier this year when the Board was discussing the possibility of moving the Clerks office to that building; that there are three classrooms presently used by the Piermont Playgroup; that if they do not need all of that space part of it could be divided off for the clerks office; that the list of expenses attached to the package is not last years expenses and subsequently the monthly charges are not correct; that the Village has no intention to evict anyone; that the building is a community center building and that use should continue; that PAL and the Community Playgroup share the space now and there is a possibility that if the space is utilized better, space could be found for the clerks office; that this might be helpful for the playgroup because it would cut their costs; and that this issue can be continued until the May 20, 2008 agenda when an updated list of expenses and the proposed lease will be available.

John McAvoy, stated that his wife is on the Board of Directors for the Playgroup; that they currently are not using all of their space; that a division of space might be o-k; and that the Village needs to check the deed for the property because he thinks that there is language in it pertaining to use for educational purposes in the building.

Sally Savage stated that she reads to the kids once a week and there are not enough kids enrolled in the program presently; and that the playgroup may welcome the reduction in rent.

Margaret Grace stated that she is doing a story on the building and the Playgroup; that they expressed some concerns regarding mixing up people going to the building with the children; that the rooms could easily be divided and handicap access could be created by a handicap ramp being added to one of the window spaces; that the use of the building to accommodate the clerks, playgroup and PAL would be good use of our tax dollars.

Drainage Improvements to Bridge Street as part of the County's renovation project

The Village Engineer provided two bids for the instillation of drainage improvements; that MacNamee bid \$19,950.00 and Calmart bid \$21,812.00.

Mayor Sanders stated that McNamee is on site is the contractor on site; that this is a difficult site because of the de-watering and staging issue; that he spoke to Al Bartley regarding the issue of having our Village DPW or another contractor doing the work but because of the staging it does not make sense; that the money for the project would come out of CHIPS (Consolidated Highway Improvement Program) and the County is going to pay the \$5,400.00 portion of the project.

Deputy Mayor Devan made a motion to accept the bid from McNamee for \$19,950.00 (letter dated May 6, 2008) with McNamee billing the County \$5,400.00 (letter dated April 21, 2008) Piermont monies will be paid out of the CHIPS fund; which motion was seconded by Trustee Moran and carried unanimously. Materials for this project were previously approved at less than \$10,000. Mayor Sanders will request an updated estimate of the cost of materials from the Village Engineer.

Review and Approve estimate from Brian Brooker Engineering for preparing bid specs for Phase II Road Resurfacing

Mayor Sanders stated that he spoke to Ken DeGennaro and was hoping to have a bid package together by May 16, 2008 and that between advertising and the ten business day to pick up bid packages this hopefully could be done on the June 3, 2008 meeting.

Deputy Mayor Devan made a motion to approve the estimate from Brooker Engineering for the preparation of bid specifications for Phase II Road Resurfacing, which motion was seconded by Trustee Gussow and carried unanimously.

Minutes

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

Trustee Moran made a motion to approve the minutes of April 29, 2008, which motion was seconded by Trustee Blomquist and carried unanimously. Trustee Gussow abstained.

Warrant

Deputy Mayor Devan made a motion to approve the warrant of \$28,866.20 which motion was seconded by Trustee Moran and carried unanimously.

Old/New Business:

Mayor Sanders presented the Board with a copy of letter to the Planning Board Chairman regarding a constructive conversation that is taking place with Rich Rose, Orangetown Parks and Recreation, regarding transfer of ownership of the Lower Erie JTrail.

Al Bartley stated that the Piermont Department of Public Works currently maintains the trail and cautioned the Board that the trail does have some drainage issues.

Trustee Gussow presented a letter from Maureen O'Connell requesting the Board make a resolution of support for the application of the Rockland Farm Alliance to the New York Greenway Council for projects that provide for the planning and implementation of programs to maintain existing farms and to encourage new farms to be established within Rockland County; that the request for the grant of \$25,000.00 will be submitted by the Village of Chestnut Ridge to the New York Greenway Council and this grant will provide funds for studying, implementing and maintaining farms and farmland within Rockland County.

Trustee Gussow made a motion that the Board adopt the above resolution, which motion was seconded by Deputy Mayor Devan and carried unanimously.

Police Chief O'Shea reported to the Board that the Police Radio Room (closest to the front of the building) is in need of an air conditioning unit; that the window does not open in that office and because of the additional computers in the space it is very hot; that he has spoken to Al Bartley regarding the problem and Al said that it would cost about \$500.00 to run the electric and another \$350.00 for the unit; and requested that the Board allow the electrical work to be performed and the purchase of an air conditioning unit for the amount of \$850.00.

Deputy Mayor Devan made a motion to approve \$850.00 for this work to be taken out of the building repair line 220; which motion was seconded by Trustee Gussow and carried unanimously.

Deputy Mayor Devan made a motion to go into executive session which motion was seconded by Trustee Blomquist and carried unanimously.

A motion to return from executive session was made by Deputy Mayor Devan and seconded by Trustee Blomquist and carried unanimously.

Mayor Sanders requested that the Bond Resolution for Paradise Harbor Tax Certiorari settlement be added to the May 20, 2008 Village Board meeting.

A motion to adjourn the meeting at 11:15 P.M. was made by Deputy Mayor Devan, seconded by Trustee Moran and carried unanimously.

Distribution:
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