

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**DECEMBER 5, 2006**

A Public Hearing was held by the Board of Trustees on Tuesday, December 5, 2006 at 8:50 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Marjorie Apel, Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Nineteen (19).

Mayor Kinnally declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the December 1, 2006 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 3 of 2006 to Adopt Term Limits for the Offices of Mayor and Trustees.

**Mayor Kinnally:** This being a public hearing, anyone wishing to be heard either in favor of or in opposition to the proposed local law please come forward, give your name and address for the record.

**Randy Paradise, 35 Floral Drive:** I am not in favor of the proposed law. You may hear arguments about power corrupting, even though I do not believe there has ever been a whisper of a charge of corruption against anyone who has ever sat up on this dais, certainly not in the 17 years that I have lived in this Village. You may hear arguments about the overwhelming power of incumbency and how difficult it is to overcome, although the Trustee who brings this resolution before us is a Trustee who gained his seat on the Board by defeating a multi-term incumbent in just the last election, and the same could be said about Trustee McLaughlin. There may be arguments about the arrogance of power and the mindset of people who just want to hold on to it and, after a certain number of years, well, their best years are behind them so why are they still on the Board.

What all of these arguments have in common is that they will all be only about the five of you who sit up on that dais; you, and the people who will come after you. Those arguments will not address all the other residents of Hastings who care about the future and the direction of their Village, and every year, regardless of the weather or other circumstances that impinge on their lives, get themselves out of their homes and down to their polling places and they vote. Those people will probably not be addressed in the arguments in favor of this resolution. But you five who sit up here, you are their representatives tonight. I want you to ask yourselves, is the argument so compelling, is the threat that we would face by not enacting this legislation so dire that it justifies infringing on what I think is the single most

sacred right that we have as Americans? And that is the right of a free people to come together and decide for ourselves who is going to govern us and to make that decision without restrictions.

At bottom this law says that it does not trust the people to do that anymore without restrictions. It says that after a certain length of time it no longer matters what we think about a certain candidate or what their record may have been or where they stand on the issues. It does not matter what we think, it does not even matter what we want because you five sitting up here at this moment in our Village's history will say, "We know better." You should trust the people of this Village more than that. You should have a little more faith in the people who, after all, came down out of their houses and voted for you.

**Planning Board Member Barr:** I know this proposed legislation applies to the Village Trustees. There was talk that perhaps in the future it would extend to the commissions and boards. What struck me as being strange and prompted me coming here is, that if I look at the length of service of people in the Village who have served, I am probably the only person who would have been affected if there was such a law, except maybe also the Mayor. Practically nobody has served these limits. So it would seem a rather draconian limitation on the right of the electorate to make the choice in terms of if we had a serious problem then we put a serious law in.

Two of you were just elected. The rest of the Board has turned over fairly recently. The Planning Board has three new people on it, and it has turned over regularly. If occasionally the Village thinks there is some value in historical perspective and chooses to elect somebody, or reelect them or reappoint them, there is this very heavy foot coming down for a problem that does not exist. Very few people would have been affected by it and why restrict the people's right to choose who they want. That is our democratic right, and you limit it if you have got a serious problem. If we had a problem where we had people on for years and years on all those boards, or where you had people getting personal benefits from it, the people who do this are not. People are living in the Village longer and they may serve for more years. It is putting a very heavy foot on a very important right and maybe it is not the wisest thing. I am surprised that with all the issues you folks have to deal with that it even came up on the agenda.

**Sue Smith, 645 Broadway:** I would second all the things that have been said, where term limits have been effective in our broader government picture usually they are places where there is seniority and the opportunity for becoming chairs of committees and the perks that go with that. I also think of pork barrel kinds of opportunities. That is just not a factor in Hastings.

I know how much money all of you make, and I do not think that that is the reason that people put up with being a Trustee or the Mayor. There is no personal gain. There certainly is a sense of knowing more people in town and having a chance to vote on issues, and I did that myself for six years, three terms. But in fact most everybody cycles in and out fairly quickly. There is very little of people who stay for such a long time. I do not always agree with what the majority of voters do, but they have their say and it is a very effective way to clean house when they need to, when they feel it is important. This is a totally unnecessary, make-work kind of thing.

**Jean Nasser, 136 James Street:** I am a lifelong resident, and I am also against this. I am one of the electorate you have all been talking about. I agree with the people here. I am not one of the faces that you see every month like the people who have been up here already. I am one of the small minions who are at home watching. But I also do not think this is a good idea. I have lived here all my life. I have seen elections where we have not even had opponents. It is a very small political arena. It is sometimes hard to even find a good candidate to oppose someone who is running. But I would like to have the right to use my vote to pick the best candidate. It may be someone who has been there for two terms already, but if the opposite party, whichever it is, is trying to find someone in the bushes to run against them just to run I do not want to lose my vote for the best person just because someone wants to put someone up against an incumbent. I urge you to not vote for this.

**Jim Metzger, 427 Warburton Avenue:** I am in favor of term limits. People have the right to come and vote, and it is great that we had an exceptionally large turnout in the last election. If there is such a consistent turnover in boards, then all of this is moot, it does not matter whether it is a law or not. So as long as that continues to happen I do not have a problem with that. Here is where my problem comes in. We have a situation where it is sometimes difficult for people to run because they do not want to challenge an incumbent. In the last Village election we had a situation where there was a lot of animosity thrown around because somebody did not want to leave and I believe they would have had to leave due to term limits. It created a huge rift in the community that I do not think needed to be there. If anybody thinks that there is only one person in this Village, which is comprised of an incredible number of talented people who can do any given job, that is wrong. We need to give the opportunity, make it little bit easier, for people to stand up and say they want to run. And they may only want to do that when they do not have to challenge someone who they respect on the Board, someone who they might be friends with on the Board. So by instituting term limits it creates a situation where more people can be in the government rather than less people.

I think this is a good idea. We are talking about 10 years, we are talking about five terms for the Trustees. We are not talking about three or four or five years. That is a significant amount of time for people to have a significant impact on the Village. People who are Trustees could then run for Mayor. People who are sitting on boards could then run for chairmanship of the boards. There is a way around this, as well, for people who are already sitting. Term limits is an important thing to encourage change and to encourage people who might otherwise not want to stand up to challenge somebody; to be able to come up and do that without having a one-on-one challenge.

**Alexander Navarrete, 357 Farragut Avenue:** I would like to find out from each Trustee exactly how long they have been on the Board, whether as a Trustee or as the Mayor. Just for the record, because I do not really know.

**Trustee McLaughlin:** Six months.

**Trustee Swiderski:** I am finishing up my second term, so it is heading toward four years.

**Mayor Kinnally:** Twenty-seven years. Thirteen as Trustee, 14 as mayor.

**Trustee Apel:** I am finishing up my third term.

**Trustee Quinlan:** Has it been six or eight months, Diggitt? Eight months, I think.

**Mr. Navarrete:** So just for the record we have a number of Board members that have been here for a pretty short time. I think two of you were just recently elected, and prior to that you had Trustees that had been on the Board for a long period of time, correct?

**Mayor Kinnally:** Eight or 10 years.

**Trustee McLaughlin:** No, one Trustee served three terms and one Trustee served four terms.

**Mayor Kinnally:** So six and eight years.

**Mr. Navarrete:** So one was six, and the other one was eight. I was part of those elections because I was here. I had just recently moved here so I began to see the process. I have not been here for the mayoral contest, but my understanding is that you ran unopposed the last two times. Is that correct?

**Mayor Kinnally:** I think I ran unopposed the last six times. I was opposed the first time I ran for Mayor. I do not think I had opposition after that.

**Mr. Navarrete:** Is there any reason why that occurred?

**Mayor Kinnally:** You would have to ask the nominating people. I do not know.

**Mr. Navarrete:** I just wanted to lay the record straight because I really did not know.

**Danielle Goodman, 28 Ashley Road:** I am not here to talk about corruption or the power of incumbency or anything like that. I am in favor of term limits, because I am in favor of renaissance and rebirth. There is nothing wrong with limiting people's terms to 10 years. If we look at Trustee Quinlan, and thank you Trustee Quinlan for bringing this up, it is an important subject. I do not think it is a waste of time. It is a wonderful concept, and I am going to use you as an example. You were limited in your term on the Zoning Board. Had there not been a term limit with the Zoning Board you might still be there.

One of the arguments I heard against term limits is that it denies the public. I do not think it denies the public. What it does is force an individual to move to the next level. If you look historically at what happens here, whether a term is limited voluntarily by stepping down or a term is limited by the voter, if a person wants to serve they will find a way. That is what Jerry did. He stepped down from the Zoning Board after serving two terms. I think he had to sit out a year, and then he ran for Trustee. Having participated in the election, I can say that it is not an easy process here. It is up close, it is personal, and it is in your face. Jerry did not get support from Board members, who did not endorse him because they did not want to disrupt the functioning of this Board. So he and Diggitt had to go it alone. They did not have a long list of endorsements. That is how up close and personal it is.

So it is not a bad thing. There would have been less rancor in the Village had there been term limits. It does not deny you. We are saying 10 years. So you could be a Trustee for 10 years and then a mayor for 10 years. If that is not enough, that is 20 years, you can go back to the Zoning Board or the Planning Board. That is 30 years. And when you are done with that you can go to the senior commission, that is 40. And when you are done with the senior commission you can go to the arts council. All that happened with the two new Trustees. We have had a rebirth here of committees. I have heard that there is a proliferation of committees. I guess people think the inmates are running an asylum now. This is wonderful; this would not have happened. That is what happens when there is a changeover. All I am saying is, make the changeover happen automatically. You have a lot of the other arguments, where you cannot have a lot of rookies on the Board. In our village government

we have the council/professional manager form of government. A lot of the things that I looked at in the treatises written about term limits do not apply here. They do not apply to our model of government, and they do not apply to how things practically work. Our former mayors, God bless them, come here and they advocate. Our former Trustees sit on committees. We are not denied their participation. All that term limits are going to do is to ask you to move over after your 10 years is up and let someone else who does not have maybe the rigors or the time to go through a campaign. You, by staying past your time, limit the population who are gifted who do not want to be politicians. So think about that.

**Julius Chemka, 8 Ridgedell Avenue:** I am opposed to this term limits law. You are taking away my right to vote for whoever I want after 10 years if I think he or she is doing a good job. The people in Hastings should make that decision, and have in the past. They are smart enough to know if a person has done a good job for the years he has served, and vote him in or out. We have been blessed, at least since 1981, by one young lady and one young man who have served more than the two five-year term limits. We would not be the village we are had not those two people been allowed to run longer than the 10 years. We are putting something in that is not necessary. After a person has been in for a two-year period people in Hastings know that they have done a good job or not. They are not going to vote him or her in the next time.

This is up to the people of Hastings. After two years or four years they know who they want, they know who is doing a good job. You do not need this legislation. Corruptibility, there is no such thing. I have been living in Hastings for all my life and I have yet to see corruptibility in any of the Trustees or whatever. Let us be logical about this. We do not need this extra legislation, and I thank Mayor Kinnally and Ms. MacEachron, they have done a great job and we were blessed for having them for more than 10 years.

**Mayor Kinnally:** Anyone else wishing to be heard? If not, I will entertain a motion to close the hearing.

### **CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Apel, SECONDED by Trustee McLaughlin with a voice vote of all in favor, Mayor Kinnally closed the Public Hearing at 9:15 p.m.