

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 21, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 21, 2007 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski (9:00 p.m.), Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, Village Clerk Susan Maggiotto.

**CITIZENS:** Twelve (12)

**PRESENTATION**

**Mayor Kinnally:** We are in receipt of a plaque from the Children's International Summer Villages Program, the New York Chapter.

**Village Manager Frobel:** Hastings, for the first time, was invited to participate in this program. It is 36 youngsters from the countries listed on that plaque.

**Mayor Kinnally:** Argentina, Australia, Brazil, Canada, Czech Republic, Hungary, Israel, Sweden, and the United States.

**Village Manager Frobel:** They were all in the area for three weeks this summer, and they visited our pool on two occasions. The youngsters spent a few hours interacting with our staff and with the residents. It was a wonderful opportunity for everyone.

**Mayor Kinnally:** "Presented to the Hastings-on-Hudson Recreation Department for helping to promote world peace. The Children's International Summer Villages New York Chapter promotes friendships and understanding among children, young people, and adults in all parts of the world by teaching them to live and work together in peace and friendship and barring all prejudice."

**APPOINTMENTS**

**Mayor Kinnally:** Advisory Committee for the Disabled, Richard Barrett, term expiring in 2010; Architectural Review Board, Robert Kornfeld to fill the term expiring 2009; Village Arts Commission, Liz Liebeskind to fill the term expiring in 2009; Draper Park Review Board, reappointment of Michael Ankuda to a two-year term expiring in 2009; Youth Council, Barbara Pichler to fill a term expiring in 2009. I thank all those who are being appointed, and all people who have expressed interest in serving our Village.

### APPROVAL OF MINUTES

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of July 24, 2007 were approved as presented.

### APPROVAL OF WARRANTS

On MOTION of Trustee Quinlan, SECONDED by Trustee Goodman XXX with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 5-2007-08	\$ 2,420.61
Multi-Fund No. 6-2007-08	\$514,165.74
Multi-Fund No. 8-2007-08	\$147,138.22
Multi-Fund No. 11-2007-08	\$202,578.66

### PUBLIC COMMENTS

**Stephen Kanor, 101 Lefurgy/385 Warburton Avenue:** I am still concerned about priority and public safety. I have a letter from the Westchester County Board of Legislators, who I contacted after leaving the meeting here two months ago. They have repaired the pedestrian walkway on the Warburton Avenue bridge, and they have funding to take care of the rest of the bridge to rebuild it. So that has been solved.

I am still concerned about safety issues which I have been fighting for. It is not in my best interest to have people uninjured. I make a living if somebody is incapacitated in some way so I am working against myself. Finally, after two months of complaining, one of the stop signs, the one that was hidden at the Hillside School at Edgewood, was trimmed in the last few days. That is a simple thing which should have happened two months ago when I first brought it everybody's attention. What I do not understand is the priority of things which take essentially no time: to do the sidewalk there, to distinguish that from the road, I understand takes time. To paint the lines is no big deal. After my being on this camera I have had about 20 people say thank you for being there, not just for safety, but for the struggle to have things done. The struggle that I had, a ten or five minute removal of trees completely obliterating, as I have shown you with photographs, a stop sign at a critical intersection: something is not right in the ability and the communication of the Village on issues such as that.

Why is there such a struggle? The guy across the street has a dead tree limb; he said he came down here and raised hell after a few years of no response. Still, there are not stop signs on

many corners. Right across from the Mayor's house, at Euclid and Villard, no stop sign. There is poison ivy growing across the town sidewalk and if you walk by in shorts you will brush against it. The curb at Main and Warburton.

I have a question for the Village Attorney. The ditch which is missing because of flooding in front of my house and my neighbor's house has started to erode under the sidewalks, which are new, which I have had to pay to have redone. If the erosion caused by this happens to cause the sidewalks to crack is that still my responsibility?

**Village Attorney Stecich:** If the Board or Manager refers it to me, I will take a look at it.

**Mr. Kanor:** These are trivial things on safety. The street sweeper going down Warburton is sweeping a clean street, but there are so many streets that it misses. They will plow some streets 20 times and some hardly at all. After the streets are paved the services and the contractors are allowed to dig the street, but nobody is held responsible when it starts to erode our streets. There is no follow through. Finally, back on Mount Hope, where they have worked again to fill a hole that they had filled.

**Mayor Kinnally:** Who is the "they?"

**Mr. Kanor:** I assume the town because it says Hastings Department of Public Works on the horses that were left there for a month and a half. I do not know if, in fact, you repaired the street. I feel like some kind of nut. But if enough people had not come to me and said thank you I would not be here again. We should do something in some way. Show a list of priorities. We will take the corner off the curb in ten months or ten minutes or some period of time, some way of letting people know when something is going to happen. I would be glad to trim the trees around the stop signs. Somebody did at the pool. It is not a big deal.

**Marilyn Meese, 44 Ridge Street:** I have a comment about the proposed Ridge Street extension. I did some research into the Planning Board meetings of last February. I have with me the Ridge Street report from January 16, 2002. I am waiting to get a copy of the Ridge Street study, prepared by the Westchester County Department of Planning. They would be helpful if this should come as an agenda item before the Board again, because there are excellent recommendations that have been overlooked by Mr. Wolf and Ms. Griffin, including that any increase in parking should be off-street. It also suggested that there are problems in changes to the natural slope, with retaining walls, fills, etc. The street has physical constraints and would be better as a walking street. There should be sensitivity to the need for greenspace since none is available. The Village should consider the de-mapping of the paper street portion of Ridge Street to prevent the larger portions of undeveloped land from being developed to access Ridge Street. And the suggestion to create additional parking along Southside Avenue on the MTA/Metro-North land.

One of the things that is dearest to our hearts with respect to the need for greenspace and for a quality of life in that part of town, and on Ridge Street in particular, is that we are moving in the direction of a trailway path going from the end of Ridge Street where it is in the woods over to the quarry lane trail. That then connects with the Rowley's Bridge trail. This system would enhance the Village as well as the property values of people there.

**Sandeep Mehrotra, 338 Mt. Hope Boulevard:** I am here representing the Conservation Commission. A couple of months ago, based on a directive from the Board of Trustees, the Conservation Commission embarked on coming up with some sustainable initiatives for making a greener Village. We were tasked for that by Trustee Swiderski. We have brainstormed and come up with a number of alternatives that I would like to share with the Board today. These are list of action items. We are still working on this and trying to prioritize the list. We would welcome it if you want to prioritize and send us your selections.

The other reason I am here today is, we wanted to embark upon, at no cost or obligation to the Village, as part of the energy services program, an energy audit. This is a free service that NYPA provides. One of the members of the Conservation Commission is an employee of NYPA and would like to say a few words about the details of the program.

**Mayor Kinnally:** This is not really public comment. This is more in the nature of a presentation. I am looking at this list and it is wonderful. We have talked to the Manager about some of the items on here already. We can go through this later in the meeting.

**Trustee Goodman:** I had two items that someone sent to me.

**Mayor Kinnally:** Danielle, if people have e-mails and they want to send it to us, fine. Public comment is to hear from the public. I do not think we should spend our time reading stuff that we have gotten if it can be circulated among the Trustees.

**Trustee Goodman:** It was two comments, and it was to do with Mr. Kanor.

**Elisa Zazzera, 68 Southside Avenue:** There is a wonderful new display case for announcements of organizations and town things, and I would like to thank Sue for making that happen. It is a new, easy-to-use display downstairs in the hallway as you come in.

**Peter Wolf, 1 Scenic Drive:** About a year ago we bought a two-family house at 433 Warburton, where we previously lived. We intended to creatively and ecologically renovate the house. Because of the current building requirements we could not use the existing footprint, and because of the zoning requirements we had to go before the Planning and Zoning Boards to come up with a plan. The plan we came up with necessitated the extension

of Ridge Street by 66 feet. We planned to pay for this extension, which would give the Village more parking, and a turnaround.

We came here first last year to air the project in principle, and received a favorable reaction from the Board. We were instructed to go to the Planning Board, the Zoning Board, and the Safety Council for their approval. The message that we received was that if we obtained approvals from the various boards, the Board of Trustees would expeditiously, and likely, approve the project. We then went to the Planning Board, where we obtained site plan approval, a positive view preservation recommendation, and a recommendation to the Board of Trustees for the approval of the Ridge Street extension. At the Zoning Board we received a view preservation approval for variances which were contingent upon receiving the Board of Trustees' approval for the extension of Ridge Street. At the Safety Council we were told they had no objection to the proposed extension.

We have returned to the Board of Trustees, and been here numerous times, seeking approval of a 66-foot extension, which improvements and easements on the property would have been gifted to the Village. But each time we come there seem to be new requirements and new hurdles to surmount. When we first came, we were told that the Village's engineer had to review and assess the runoff. He came up with a better idea, which we adopted and submitted. The next time we were told that the wall had to be assessed. We tried to go back to him, but he claimed to be a civil engineer and so referred it to a structural engineer, and that was approved.

Now we receive two and a half pages of new criteria which we are being asked to respond to. Many of the questions we cannot answer: questions, for example, about migratory birds, amphibians, and aesthetics. Even an ornithologist would be hard-pressed to answer questions about migratory birds on a site that does not have trees, which is about the size of this meeting room. I cannot imagine how a herpetologist would assess the effect of amphibians for an area that is 0.04 acres and situated on a plateau 50 feet above the river. For aesthetics, I guess we would need a philosophy professor to discuss what must end as being subjective conjecture at best.

We had asked three times earlier whether there was further information that was required, and questions, and we were told no. Yet each time we come to address the last meeting's inquiry we are presented with new inquiries. So based on the last several meetings we have concluded that we do not believe that we will obtain a favorable decision from this Board anytime soon, and so are withdrawing our application.

We believe that the neighborhood will lose. Warburton Avenue will lose three parking places. Ridge Street will lose four parking places as well as a viable turnaround. The Village as a whole will continue to pay \$2,400 per annum for a turnaround that basically

does not work. They will lose the tax revenue from the increased value of the renovated and enhanced 433 Warburton. And we will continue to have a dilapidated fire trap which is a risk to public health and safety. The Village will continue to have a greater threat of flooding because of the unimproved property.

The reason that I came here tonight to discuss this as opposed to just withdrawing it or submitting it in writing is because I think that there is a serious issue about process. We are not tearing down the Taj Mahal and replacing it with a multi-story fast food eatery. We are here because we are trying to renovate a two-family house. The way that the laws in Hastings exist one must go through this process, and we believe that the process needs to be defined. You cannot have a process whereby the finish line keeps getting extended every time you try to go through the next hurdle.

We also believe that the Board, instead of looking at the facts, and one of the facts, for example, was concerning the runoff. To me it does not matter whether there is a 50-year storm or a 500-year storm, or it rains for 40 days and 40 nights. The point that we were making was that in doing this project we were obliged to mitigate the site and there would be less runoff regardless of how long the storm was. We also feel that the Board was ignoring their own engineer; the Board was ignoring the recommendations of the Ridge Street committee. We still stand by what we said before and it seems irrelevant to go through that now, but we do not agree with what was said earlier.

The Board is ignoring the Planning Board, which recommended the approval of the extension, and the Board is ignoring its own deliberations in a message which you gave us last year. The Board is under no compunction whatsoever to grant that request, but we believe that under the circumstances where they said this is what is needed to be done and, when we do, it is not approved, that the Board has to look at its own process. It should also look at the time and money that has been wasted. We were at Zoning Board meetings for up to two hours and 40 minutes; we were at the Planning Board meeting for up to two hours. And it is not only our time, it is their time. So if their recommendations were not going to be adhered to, then it should not have been referred to them.

But most of all, I think that this process has a chilling effect on anybody who wants to develop anything positive in Hastings. If they look at what we have gone through they are going to think twice and three times, if they are going to do anything at all. Hastings was a vibrant place when I came here some decades ago, and now there are a lot of vacancies downtown. Why would somebody want to try to take on the project if they think that they are going to go through the same type of process that we have just endured?

Finally, I want to add a footnote which has nothing to do with this, but is because I have been sitting here for meeting after meeting after meeting. One of the things dealt with the

comprehensive plan and the debate as to whether members of the Board of Trustees, Planning Board, and Zoning Board should be on the committee. I have always been an advocate of a master plan. I wrote to *The Enterprise* 20 years ago advocating a master plan. I strongly believe that there should be a member from the Board of Trustees, the Planning Board, and the Zoning Board, and I also think that a member from the Conservation Commission, the Architectural Review Board, and especially the LWRP should be on there as well. The ARB design guidelines, which took a long time to prepare, should be considered by the committee. And the LWRP has been dealing with a lot of these issues for a decade. This Village has spent tens of thousands of dollars on studies, and they should be made available to the comprehensive plan committee. Why reinvent the wheel? Those who ignore the lessons of history are doomed to repeat them.

Finally, I would like to make one suggestion. The head of the Conservation Commission is a hydrological engineer. If you are considering stormwater and floodplain, why not get the advice from the Conservation Commission on these issues because they are knowledgeable and they provide that assistance to other municipalities for a price.

**Trustee Goodman:** I had two items, one from Sharon Friedberg. She wanted to voice her concern about the lack of sidewalks and the condition of sidewalks along Broadway. Michael Ambrozek expressed concern about the runoff, sewers and curbing along Minturn.

I bring these to your attention to dovetail with Mr. Kanor's comments about the maintenance of infrastructure. I thank all of the citizens who bring these things to our attention. In response to Mr. Kanor, you are not crazy. I do deeply apologize to you and any citizen who feels that we do not work fast enough. I thank you for the time that you spend looking at these things and writing us letters.

When new things come to our attention we go out and we meet the residents. Diggitt and I, on Thursday night, are going up to Minturn. We do that with some regularity. It is a practice, it is not something we publicize. But I felt I should bring it to your attention so that you do not feel that you are being ignored. We pay high taxes here and we are doing our level best to deal with process issues. I hope that the comprehensive planning process will look at capital improvements, scheduling projects, setting priorities, process and how we do things across the board. So thank you, and thank you, Peter, for your comments. I had just spoken to Sandeep about input on the stormwater regulations. The Conservation Commission should play a role and, hopefully, we can have a joint work session with them about this.

### **64:07 AUTHORIZATION TO RECEIVE BIDS - SANITATION TRUCK**

**Village Manager Frobel:** Last Tuesday evening you heard from me about our need for capital equipment. We talked at some length about replacement of the sanitation packer. I had mentioned the discussion of whether a 25-yard or a 31-yard truck would serve us best. We took the Board up on the suggestion and made arrangements to have one of the larger trucks in the Village today, driven by several of our driver/collectors, and I am pleased to report that it is the consensus of all our drivers and management that the 31-yard truck would work well. It is five feet longer than our existing 30-yard truck, but with changes in the technology and the design of the vehicle there are a few spots in the Village that are tight but we feel that is workable. We are looking for your authorization to bid that vehicle.

**Mayor Kinnally:** There was discussion earlier in this meeting about process. Part of the way that this has progressed is that the Manager looked at what we had in the Village, looked at what our needs are, recognized how tight some of the areas in the Village were, but, more importantly, reached out to the people who are working with this equipment, both management and staff, to take a look at what would work, what might work, what the pluses and minuses were. Suggestions were made to get a test drive. The process was to reach out to as many stakeholders to get input from them. I agree with the Manager, that the consensus of all involved is that it is drivable within the community and the volume is such that we can more than fill this unit on an ongoing basis.

**Trustee Quinlan:** When Mr. Bannon came before us at a work session, he indicated that he thought we should purchase the bigger truck. That convinced me because he is the gentleman that drives the truck. If you want to find out what to do when you are sitting behind this big podium, you listen to the people that are on the front lines doing it. When he recommended that we get the bigger truck, I made up my mind right then that we should. I am glad that everyone has come around and agreed to that tonight.

**Trustee McLaughlin:** I have been thinking about the larger truck since our work session last week. Our work session was something that I wish a lot of Villagers could have seen because we learned a lot. I had not thought about the dynamics of using garbage trucks in a village like Hastings, where we have narrow streets with curves on hillsides. The garbage trucks have to get up those hills when they are full, they have to back around corners when they are full. The homeowner does not want those trucks trampling the garden or doing anything else. The guys in the DPW perform an amazing jobs when they drive garbage trucks in the Village. To learn that the larger garbage truck would fit on the Village streets is an amazing benefit for the people of the Village. I join with Jerry in appreciating the fact that members of the department came in, they had studied the situation, and that they were able to work with Village management to make this happen the best way for all of us.

**Michael Funaro, 25 Chestnut Drive:** I saw the truck today being tested in Hastings, and it appeared to be a New Way King Cobra truck. That seemed to be the model; I know a little bit about refuse packers. Would you happen to know the name of the truck?

**Village Manager Frobel:** I do not.

**Mr. Funaro:** You are speaking about size issues. The truck which I saw today, which is made by a manufacturer new to the market and has not been around that much and has not been in Westchester much, only offers compaction of 1,000 pounds per cubic yard, which is how much garbage can physically be moved into the compartment by the packer which crushes the garbage. There are several trucks made by more respected manufacturers which pack significantly more garbage per cubic yard into the truck. For example, Heil makes a unit which packs 1,300 pounds per cubic yard. Dobbs Ferry and, I believe, Scarsdale already use those packers.

So you could take what would be held in a 31-yard truck and put it into a 27-yard truck. If maneuverability is a concern, they have another type of chassis which several other municipalities now use, called cab-overs, which is a flat front. The wheels are beneath the driver. The turning radius is significantly less. The truck that I saw today, which was the King Cobra, was from Elmsford. The steel in that truck is 33% weaker than the steel in the packers that we have now and in the other packers that would offer higher compaction. Really, it is a company that just bought another company and they have not been around much. I don't understand why it would make that change. The quality of those trucks is nowhere near the quality of our current trucks.

**Village Manager Frobel:** I do not know the vehicle we will end up with. Our specifications will be more generic in nature, although our bias is towards the Leach body. We have had very good luck with them, and I think that is what the men are looking for. Our lead mechanic has been in the business for quite a while, and he was with us today as well, Jerry Daley. He is of the opinion that the vehicle that we are looking at, and he will help write those specs, will meet our needs well into the future.

**Mr. Funaro:** I believe that the truck that services my neighborhood is a 31-yard unit. It is the larger unit. Is this new unit is even longer than that?

**Mayor Kinnally:** Yes, the new configurations are longer.

**Mr. Funaro:** Leach did not change their trucks at all.

**Mayor Kinnally:** I cannot say. All I am telling you is that on the 31-yard packer, the chassis is longer than the old ones. Our concern was that the length of the entire chassis

would make maneuverability around the Village that much more difficult. That is why we tried to get a loaner to see how they could be maneuvered about the Village.

**Mr. Funaro:** In terms of changes to the chassis, we own the current model Mack chassis that would be on the new truck. They did not make any changes to that model chassis, which is just a standard Mack chassis, Mack Granite. So then the changes which you are speaking about must be changes to the length of the packer body. Can I can meet with the people writing the specifications?

**Mayor Kinnally:** You can talk to Mr. Frobel after the meeting.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to receive bids for a sanitation truck.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Peter Swiderski	Abstain	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**Trustee Swiderski:** I abstained because I was not here for the discussion.

#### **65:07 AUTHORIZATION TO SELL EXCESS VEHICLE**

**Village Manager Frobel:** Periodically we look to dispose of equipment that is no longer of use to the Village. The 1991 Mack 25-yard sanitation truck is beyond repair. We are looking to bid it out and determine if there is any value to it.

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees declare the following as an excess vehicle and authorize the Village Manager to sell same by public bid:  
1991 Mack 25-yard sanitation truck - 70,000 miles.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**66:07 SCHEDULE PUBLIC HEARING - ESTABLISH FLOODPLAIN DEVELOPMENT PERMIT APPLICATION FEE**

**Village Manager Frobel:** The local law on floodplains for which we had a public hearing earlier tonight has a provision in it whereby a community has the right to charge a fee. We are suggesting that the fee be set at \$250 to process applications under that law.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees authorize a Public Hearing for Tuesday, September 11, 2007 at 8 p.m. or soon thereafter to consider a permit application fee for floodplain development as required by Proposed Local Law No. 5 of 2007, Flood Damage Prevention, §146.10.C.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**67:07 AUTHORIZATION TO APPROVE - ORGANIC WASTE AGREEMENT BETWEEN ARDSLEY AND HASTINGS**

**Village Manager Frobel:** The Trustees are well aware of our efforts to find a reliable place to dispose of our yard waste. We thought we had one with the City of Yonkers in November, 2005. They determined in May, 2006, that they were going to terminate that agreement. Both the Village and Ardsley were in the same situation. We had been told with a 30-day notice that we needed to find a new location. Using these facilities under a County permit is a great savings to the community, \$5 a yard versus what it costs us now, almost \$18 per yard

to dispose of yard waste. In October, 2006, Ardsley stepped up and went through the effort of getting a permit from the County to operate a transfer station, and we have been using it since. In May, 2007, Yonkers reestablished our right to use their facility, and we have been using them as well periodically. What is before you tonight is an intermunicipal agreement between Ardsley and Hastings which would formalize the relationship we have had since this spring.

**Ms. Zazzera:** Has there been consideration of making our transfer station in Hastings? Do we have land?

**Mayor Kinnally:** We do not, and we had looked into it. We cannot meet the state requirements.

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to approve the Intermunicipal Agreement as attached with the Village of Ardsley for the transfer of organic yard waste at a cost of \$5 per cubic yard.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**68:07 AUTHORIZATION TO APPROVE - SELECTION OF PROPERTY**  
**APPRAISAL FIRM**

**Village Manager Frobel:** The Village's appraiser, Robert Balog, has suggested that we employ an outside service to determine the assessed values assigned to property located at Riverpointe, units 1 through 15. They applied and received an adjustment to their values this past spring. The adjustment made by the Board of Assessment Review was unacceptable, or at least it did not go far enough. They are exercising their right to take this to the next level. It is Mr. Balog's recommendation that to put the Village in a strong position we have an outside firm verify his work and conduct an appraisal of the property.

**Trustee Quinlan:** He wants to charge us \$400 per property, for a total of \$6,000.

**Village Manager Frobel:** We were able to reduce that to \$325 per unit.

**Trustee Quinlan:** That is even better. If we want to defend these suits we are going to have to pay for appraisals and witness fees. We are facing a lot of tax cert cases. It is their right to bring them, and it is our right to defend them. I am suggesting we pay the money.

**Trustee Swiderski:** Do we have access to the units or are these visual inspections externally? What rights do we have, if we are seeking an appraisal of property?

**Village Manager Frobel:** I would defer to Marianne.

**Village Attorney Stecich:** I would ask either the appraiser, or Ira Levy, the Village's counsel for tax certs.

**Trustee Goodman:** Is there a standard rate for this service?

**Village Manager Frobel:** I am comfortable with it. I think it is fair.

**Trustee Goodman:** This is a Ginsburg townhouse development. I assume we were told how much money this was going to bring in. Does the Village have a file on this project, the statements that were made, or anything else about promises about taxes? We gave approval based on our understanding that this was going to be an economic benefit s, and now we are defending a lawsuit to reduce the taxes. I am wondering if I might see the paperwork.

**Village Manager Frobel:** Sure. Let me find out for you.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to approve the retention of RESCOM Consultants LLC at 481-A Heritage Hills Drive, Somers, New York, 10589 to conduct and prepare real estate appraisals on the townhouse units at 1-15 Riverpointe Rd.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	

Mayor Wm. Lee Kinnally, Jr.

X

### **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** Con Edison is 80% complete with their work in the Village. Today I met with the Village arborist. He is in the Village at least once a week, at my request, to perform audits of what has been performed on the trees and to troubleshoot some of the sites that were stopped during the week because of a challenge to what was proposed. There are about six more trees to be removed. Owners' permission has been received. I should caution homeowners that if logs or pieces of wood are still left on your property crews will be back this week to pick that up. They want to do that in one sweep. I will have a report from the arborist after completion of this work.

On the community center, we are still awaiting the installation of a canopy for the front of the building. We are working on that list of items that needs to be addressed throughout the building. There are odds and ends; some larger than others, but nothing that cannot be taken care of. September 8 is the date that we are looking to for our dedication, and we invite the community to attend the dedication ceremony for the building.

### **PRESENTATION** – Conservation Commission - New York Power Authority

**Mr. Mehrotra:** I am representing the Conservation Commission. I distributed a list of some of the initiatives that the Village can consider. But before embarking on any of these things, the first step we felt from the commission perspective was to have a Village energy audit. This is a free service available through the New York Power Authority. I would like the Board of Trustees to authorize the Village Manager to contact NYPA to start the process and get the details as to how this audit would be conducted. To further elaborate on that, I invite Kerry-Jane King, who serves with us on the Conservation Commission.

**Kerry-Jane King, 87 James Street:** I work at the New York Power Authority in the energy services division. The process is very simple. The Village Manager would contact the account executive in the marketing department, and the account executive would put together a meeting with representatives from the energy services program, the transportation program, and the research and development program, which will look at opportunities for such projects as distributed generation. Then, at the meeting, the energy services group would discuss the type of projects that the Village is interested in and would do a tour of the municipality, look at the public buildings, and come back and then look in greater detail at the opportunities. Generally what is considered is lighting, heating/ventilation/air conditioning upgrades, windows, roofing, energy management systems, and high-efficiency motors. Street lights and traffic lights can be included; anything that is powered by the New York Power

Authority is included. The program plan can be as aggressive or as small as the Village wants it to be.

The project team will put together an outline proposal, and if the Village is interested in pursuing it the Power Authority then develops a feasibility study, laying out a plan for an energy audit and a more in-depth study presenting some estimates as to costs and savings. The initial analysis costs nothing. The whole program really costs the Village nothing because the cost of the upgrades is recovered through the electric bill savings, usually over the period of about ten years, to the Village. So the Village will see no increases in costs and, as a result, will hopefully see some immediate decreases in electric bills and, eventually, significant decreases in electric bills once all the costs of the upgrades has been recovered. It is a win-win. It costs the Village nothing, and eventually saves the Village a significant amount of money and also helps the environment. It makes the Village more sustainable.

**Village Manager Frobel:** Is there an obligation that we continue to buy our electric power from New York Power Authority for a certain period of time?

**Ms. King:** No, I do not think there is a commitment. Obviously, the costs need to be recovered. Some customers choose to pay not through their electric bill savings. Normally, the Power Authority will just add a surcharge to the electric bill. But some customers prefer to pay through a monthly bill independent of their electric bill. I do not think there is any obligation to stay with the Power Authority.

**Trustee Quinlan:** You say the initial evaluation is at no cost. Would that be just the report that would indicate what improvements can be made?

**Ms. King:** Yes, it would be an outline proposal of what can be done. If that looks acceptable to the Village, the Village would enter into a contract for a feasibility study and an independent consultant would do an in-depth energy analysis and determine exactly what the energy savings and the costs will be.

**Trustee Quinlan:** In order to get this no-cost evaluation, would you need Board action?

**Village Manager Frobel:** I could do that administratively. I have talked to Mr. Copeland, our account representative, about this a couple of times. There are some attractive features to it. I like to think we have implemented a number of cost-saving measures already. There is an obligation, I am certain of it. You stay with the company, which we probably would. We are in a consortium with the county; we are not going to go out and shop our own electricity. We are not large enough. The infrastructure costs come out of that report, and the next step is an expense to have the feasibility study done. Then they engineer some things for you, and there is some cost there. But let us take the first step and see.

**Trustee Quinlan:** I would recommend that we at least get the no-cost evaluation done and see where we go from there.

**Trustee Swiderski:** This is a no-brainer. I do not have any questions regarding the idea. And to Sandeep, it was not many months ago that we handed you a list of priorities. I am delighted to see coherent, real, practical, cost-saving, sustainable steps.

**Trustee McLaughlin:** Thanks to Sandeep and the Conservation Commission for coming up with this. You have worked hard, and I cannot wait to see what you come up with next.

**Trustee Goodman:** Kerry-Jane, thank you for stepping up and volunteering for the Conservation Commission, and Sandeep. Both of them bring an expertise to us that they practice in their professions. The Village is now a beneficiary of that.

**Trustee McLaughlin:** On the form Sandeep gave us, to the right are three columns: technical rank, cost basis, and total rank. Is the Conservation Commission going to explore these some more, and then come back? What is this for?

**Mr. Mehrotra:** This was the result of a brainstorming session where we started with all feasible alternatives. Now we want to prioritize them. First, we evaluate them on a tactical basis, whether they are a high-priority item or a low-priority item. Then some items would require a significant investment, some of them would be relatively inexpensive. So when we come up with an overall prioritized list it considers both costs and effectiveness. You might have something that is very cheap to implement and is very effective. That will automatically come on the top. But other items might be very effective but also very costly. So it is a way of comparing apples to apples, and coming up with a coherent list.

## **WATERFRONT CLEANUP REPORT**

**Joseph P. Sontchi, Environmental Business Manager, Atlantic Richfield:** Last week we began the investigation on the northwest corner, and last week's activities were primarily health and safety training. We had all our contractors in, we had representatives of the New York State DEC attend as well. The first phase of the investigation consists of 14 cell borings in the on-shore portion. Progress is going better than I expected. We have completed seven of the 14 borings. We were shooting to get one a day done, and we are doing two to three. The things we are seeing are what we expected. At least visually, the materials range between a liquidy substance to a rubbery substance, depending on where you are.

The next phase of the investigation, which will be the offshore portion, is scheduled for later this fall. We had representatives of the drilling company and the barge company in yesterday looking at logistics and trying to figure out the safest and most effective way to get this done. As far as overall progress, we are still waiting for the DEC to issue their remedial action plan for the offshore portion. They have been on-site daily working with us, so we are trying to make sure they get all the information they need to answer all their questions.

**Mayor Kinnally:** Is it the DNAPL coming out of the bore holes?

**Mr. Sontchi:** In some locations it is. In some locations it looks more rubbery. It varies elevation-wise as well.

**Mayor Kinnally:** Is the DNAPL being found in the areas that you thought it would be found?

**Mr. Sontchi:** In the borings we have done so far, it is consistent with what we thought.

**Mayor Kinnally:** It is not as widespread as people had feared?

**Mr. Sontchi:** We have only got a limited amount of information right now, so I do not have a clear picture on where everything is at.

**Mayor Kinnally:** How deep are the bore holes?

**Mr. Sontchi:** On the more northerly portion they go down about 35 feet. As you move south the silt layer comes up, so we are stopping at that layer. That is about 20 to 25 feet.

**Mayor Kinnally:** When do you think you will be finished with that phase?

**Mr. Sontchi:** If progress continues, early next week we will be done.

**Mayor Kinnally:** When will the offshore phase begin?

**Mr. Sontchi:** It will begin this fall, and I am waiting for a date from the drilling company. They are checking on availability of the equipment that would best work.

**Mayor Kinnally:** How long will it take for that equipment to be delivered on-site and to be mobilized?

**Mr. Sontchi:** As soon as I get an answer from them I will let you know.

**Trustee Swiderski:** What is the purpose of this set of 14 drillings you are doing now? What does it add to the database of drillings done in the past, and why are you doing it?

**Mr. Sontchi:** There is a wall that is part of the OU-1 and OU-2 remedy. We want to make sure, as does the state, that this wall is not driven through this liquidy material. The problem is, you drag that stuff down and you take it down to the sand layer below and you can contaminate groundwater.

**Trustee Swiderski:** So this is to determine the exact boundaries of where the barrier you plan to put that will isolate the most contaminated part.

**Mr. Sontchi:** Exactly - where is it put relative to the shoreline: is it closer, is it farther out.

**Mayor Kinnally:** They need to extend, or square off, the pilings. The question is, how far out into the river is this wall going to be put. They are going to lose some river, but there is a question of the contamination. It is a debate, and there is no winner or loser. They have to figure out where this is going to go, and the answer will not be found until they get into the river.

**Mr. Sontchi:** Correct.

**Trustee McLaughlin:** You are planning a total of 14 soil borings onshore, and you have done seven. In the fall there will be the offshore borings. What sort of scattering, how far apart, will they be?

**Mr. Sontchi:** There will be 24 of them, and they generally follow a line. The first row will be about 20 feet offshore, and then the second row will be about 40 feet offshore. The length is several hundred feet. It starts at the northwest corner and goes all the way down to Building 57, which is just north of the water tower.

**Trustee Swiderski:** If you post the results of your borings on your Website, there is a subset in this community who will actually be interested.

### **BOARD DISCUSSION AND COMMENTS**

**Mayor Kinnally:** Before we start, we have this evening behind the camera Jen Corso, and many times Raf is behind the camera. This is supposed to be public access, with the emphasis on the public. In the past we have been blessed by people who have volunteered to operate the camera. So now are soliciting people in the community, age is no factor, who can man this camera and relieve our professional staff. Raff and Jen can train them. We

have had high school students in the past, we have had people of all ages. If we can build a cadre of people it would allow us to televise many more meetings than we can presently.

## **1. County Legacy Grant Program**

**Village Manager Frobel:** In 2001 the county, in recognition of the demands placed on active athletic fields, offered a program called the Legacy Grant. It is a partnership with municipalities. In exchange for taking over either county road ownership and maintenance, or addressing affordable housing initiatives, the County grants money for improvements to athletic fields. Several communities have availed themselves of this and are very satisfied. The down side to it is taking over County roads. Every 2.3 miles of road would give you a \$500,000 grant. Ownership of the road is permanent. It is a complete turnover; you would be responsible for any reconstruction, catchbasin cleaning, pothole repairs.

It is typically an 11 to 15 year program. During that time the parks are held in joint ownership between the county and the community. The fields are allowed for use by any other community in the county, depending on the availability. But it does offer some attractive features. If you have a field that you want to rehabilitate, or any other kind of active recreational facility, or you want to build a field, this may be something you would wish to consider.

The county owns Warburton Avenue and a portion of Farragut from Five Corners to the Saw Mill Parkway. The application process is fairly simple. I called the staff member to find out if this was one of those programs that have been legislatively created but unfunded. But there is money available. I should point out that they would retain ownership of the Warburton bridge.

**Mayor Kinnally:** It is a commitment, and we cede some authority over the facilities.

**Village Manager Frobel:** You do during the duration. It could be upwards of 15 years, depending upon the amount of money they are granting. The staff that we talked to from other communities indicate that is not a major concern. Often their fields are so overused or oversubscribed that the opportunity for other communities coming in is pretty limited. Several of the communities are considering artificial turf. That technology has come a long way from the days when it looked like carpeting. Very expensive, but something that is very permanent. So it is something that you may want to consider.

**Trustee Goodman:** Is it just fields, or could it be for passive recreation?

**Village Manager Frobel:** That was the demand. They saw a lot of soccer use and football and how those two sports clash now, competing for the same fields. It is strictly active use.

**Trustee Goodman:** The \$500,000 does not require anything more from us?

**Village Manager Frobel:** There is no match.

**Trustee Goodman:** Except we now would take on paving roads, maintaining roads, and also parks that are Village parks. Well, we do not ever keep people out.

**Village Manager Frobel:** No, you don't. It would only be the field that they participate in. If another community needed a field, Ray would coordinate that. If the field was available, they would have an opportunity to use it.

**Trustee Goodman:** So this could be a way of us finding money to help the Little League either at Uniontown or Zinsser, where our ball fields are.

**Village Manager Frobel:** Right. And Ray felt Zinsser was a good candidate for this.

**Trustee Goodman:** My only issue with it was just building a new field, a field at a different location. But if we can take the money and put it into renovating, that would be fantastic.

**Village Manager Frobel:** I did pursue the affordable housing initiative. There is an element in the act that allows them to negotiate your affordable housing commitment and how you can meet that through this grant. So they are open to that, but the staff member I spoke to who's been there awhile seemed unfamiliar. He said if you were serious about it, then we would turn you over to some other staff members who would pursue it.

**Trustee Swiderski:** The fragment that you mentioned, Warburton and Farragut, certainly does not add up to 2.3 miles, right? So it would be some fraction of \$500,000, right?

**Village Manager Frobel:** I suppose, yes.

**Mayor Kinnally:** There is a formula based on mileage. But it is the whole length of Warburton Avenue, except for the bridge. That is different than when I first spoke to the individual. He told me that the bridge would be part of it.

**Trustee Goodman:** We have to borrow money to pave. I do not think the public understands that. Every time you see roads being paved we have borrowed the money to pave the roads.

**Mayor Kinnally:** Not all of it. Some of it comes out of our operating budget.

**Trustee Goodman:** But we are borrowing significant amounts of money. Does the county paves Warburton and a little bit of Farragut Parkway?

**Mayor Kinnally:** Yes.

**Trustee Goodman:** We should do a cost benefit analysis. We might be smarter to renovate the field without taking this money.

**Mayor Kinnally:** There are strings. I was approached by people in the county and I brought this to Fran's attention. This would become a county park, and I am not sure that we have first dibs on it. That is one of the things we have to look into. So there is no free lunch here, and it comes at a significant price. The county makes a one-time investment in the field. We then maintain the roads in perpetuity and the field in perpetuity. So the cost benefit is a significant thing. We have to take a look at it.

**Trustee Swiderski:** You are right except for the last part of your statement. We are stuck maintaining the fields anyway in perpetuity as it is. So the right way financially to think of this is it is a half-million dollar payment up front and what is that worth in present value versus the net present value of whatever it costs to pave two miles of road every ten years out to whatever is the standard, 40 or 60 years, before you stop accounting for it.

**Mayor Kinnally:** But it is not just paving. It is rebuilding, and there is a world of difference in maintaining a dirt and grass field versus putting in a new artificial turf field. We should look at it, but people have identified some of the shortcomings.

**Trustee Quinlan:** This is something that may work if you had open space to create a field. My reservation, and forget about the cost analysis for a second, which is very important, is let us say we took the money and improved Zinsser and Uniontown. Then Zinsser and Uniontown become county parks, and that is something that I cannot support. Although we are limited in our playing fields, I was president of the Little League, I was instrumental in having Uniontown developed as a Little League field, I am not prepared to make Zinsser and Uniontown County parks for any price. To maintain the roads is very expensive. If we had open space to create a county park, I would think about it. But I am not ready to turn over our fields to the county for something that may cost us money in the end.

**Trustee Swiderski:** Does it have to be the playing fields? Can it be the revamping of the tennis court, things like that?

**Village Manager Frobel:** Probably. It has to be active recreation.

**Trustee Quinlan:** But then the tennis courts would become county courts.

**Village Attorney Stecich:** In terms of how much it binds you on the use of the park, the IMA refers to schedule D. It says, "The municipality shall operate the property for the accommodation of the public for park purposes in accordance with the terms and conditions of schedule D." But schedule D is blank. I know it exists because I have seen it in other municipalities. You should see those terms and conditions so you know what you are getting into.

**Mayor Kinnally:** The county has volunteered to make staff available to us to help with a presentation. They are not looking for a commitment now. This program has been going on for awhile and they passed it on for our consideration. It is one more thing to put on for either a work session or continued discussion.

## **2. Pool Membership Discount for Volunteer Firefighters**

**Village Manager Frobel:** The Board asked me to look into discounts for pool membership for our volunteer firemen. The Parks and Recreation Commission took the matter up at their July 9 meeting. The Commission suggested a 10% discount for volunteer firemen and their families. Right now 13 volunteer firemen and their families are members. If that number held true, you would be looking at about \$660 less revenue. My recommendation is that you consider it. It makes good sense. It is a small token in terms of our appreciation for their service. The Parks and Recreation Commission brought our attention to the stress they feel to meet their revenues. The pool is to be a self-sustaining program, but that kind of contribution to the effort is certainly worthwhile. So it is something we should consider during budget time.

**Trustee Quinlan:** I brought it up first although other Boardmembers commented on it. It is a small token of our appreciation. I would have liked a greater discount, and I am disappointed that the Rec Commission only feels that 10% is appropriate. But it is a start, and I would rather take 10% than nothing. What the volunteer firemen give to this community deserves more, but it is a start so I would like the Board to consider it.

**Mayor Kinnally:** Fran, what would we do next with this?

**Village Manager Frobel:** During budget time, when we go over the budget and we firm the revenue projections, we would bring it to your attention. Maybe a simple motion at that time directing Ray Gomes to offer this discount to the volunteer firemen.

**Trustee McLaughlin:** How many firefighters in total does the Village have? About 150?

**Mayor Kinnally:** It is about 120.

**Trustee McLaughlin:** So about 10% of our volunteer corps are members of the pool. Do you suppose that this will encourage more individuals or families to join?

**Village Manager Frobel:** Might very well.

**Trustee McLaughlin:** It seems to me that is a pretty low percentage.

**Village Manager Frobel:** I would have thought it was a little higher, perhaps, as well. But I thought 13 was a good number, that there are that many that participate without a discount. I would hope they would come back, and it would grow.

### **3. Kinnally Cove**

**Village Manager Frobel:** The cove specifications are in the hands of the New York State Parks, Recreation, and Historic Preservation group upstate. They are reviewing them now. We expect them to be distributed to interested bidders this week. We will have a mandatory on-site visit this month with interested parties. We expect to have the recommendation to you at the second meeting in September.

**Trustee Swiderski:** Who is reviewing that currently?

**Village Manager Frobel:** The New York State Office of Parks, Recreation, and Historic Preservation. They are one of the principle funding sources.

**Trustee Swiderski:** But they are not funding it, so what is their involvement?

**Village Manager Frobel:** They are contributing upwards of \$100,000 to the program, so they have the right under their rules to review the specifications. There will be no surprises. They have been kept very closely informed throughout, and they have been granting us renewals every year to get us this far. They are eager to have this go out to bid and to see if we have a project.

**Trustee Quinlan:** The last time that we reviewed it was the first time that I had been asked to review it in a public meeting. It was interesting, it was informative, I learned a lot. But there were three phases, as I understood it. That was something that the prior Boards had indicated was important. Now it seems to have folded into two phases. If I wanted to approve the funding for, let us say, what was in phase 1 of the previous plan: the riprap, the boardwalk, the sand beach restoration, and the landscaping, would I be able to do that now that the bids are going out in two phases and not one?

**Mayor Kinnally:** I thought we indicated last time that depending on how the bids come through we can cherry pick what we want, and that we are not wedded to any particular item, whether in phase 1 or phase 2.

**Trustee Quinlan:** So the answer to my question then is yes.

**Trustee Swiderski:** Well, not necessarily. The discussion last time was whether the things would be logically grouped so they could be priced that way. But I do not know if that logical grouping, that ramp idea and the offshore wave break, the attenuator, versus what you just described, I do not know if that is broken into separate logical components. We discussed that they would be grouped in a way that would be called “adds.” You could say no to marsh grass or the ramp but yes to something else. Has that logical grouping been done in the documentation going out to the contractors?

**Trustee Quinlan:** Peter, I do not mean to interrupt you, but I am looking for an answer to my question before we get an answer to yours.

**Trustee Swiderski:** I think that is the question. The question was not the phases. It is the grouping of the changes in a manner that allows adds to occur.

**Trustee Quinlan:** My question is, could I approve the riprap, the boardwalk, the sand beach restoration, the landscaping, and nothing else. Am I permitted to do that?

**Village Manager Frobel:** The answer is yes. I have gone over these specifications before we shipped them off. You are going to have a total project cost. You are going to have the cost for the boardwalk, the shoreline stabilization, the cove cleanup. And then you are going to have another deduct for the boat launch, canoe launch, and the wave attenuator. You are going to have that broken out and you can decide that that is too expensive, or we are not keen on the design but we like the boardwalk and we want to see the shoreline cleaned up. You are going to have a project when we come back to you in September, and you are going to be able to decide whether 1) it is affordable, and 2) even if it is affordable, are we still keen on the idea that we have the canoe launch.

**Trustee McLaughlin:** I thought that the money for Kinnally Cove was coming out of the ARCO Riverkeeper fund.

**Mayor Kinnally:** Part of it is. There is a grant component here.

**Trustee McLaughlin:** Do we have that grant already? Has it been officially awarded?

**Mayor Kinnally:** Yes.

**Trustee McLaughlin:** So there is \$100,000 that we already have no matter how, or if, we pare down the plans.

**Village Manager Frobela:** Yes.

**Trustee Quinlan:** And we also have another \$15,000.

**Village Manager Frobela:** Right.

**Trustee McLaughlin:** But none of that \$115,000 depends on yes, we have a ramp, no, we do not; yes, we have a wetlands, no, we do not.

**Village Manager Frobela:** No, it is devoted to improvements to the cove.

**Trustee Swiderski:** Is marsh still a component of the plan?

**Village Manager Frobela:** It is going to be an option.

**Trustee McLaughlin:** It sounds as though we are dealing with two separate entities of New York State. We are dealing with Parks and Rec, and we are dealing with the DEC. Both of them have to have input on this?

**Village Manager Frobela:** The DEC has already approved it. That was what took so long to get our permit.

**Trustee McLaughlin:** So we do not need to go back to the DEC as long as we do not change any fundamental elements.

**Village Manager Frobela:** Right. I should point out, the only thing we have gone back to the DEC for clarification on was the hull. There is a debate as to whether we want to remove the sunken hull or fill it in. Our preference is to fill it in. We think that is adequate. To remove it would be that much more costly because it requires underwater cutting of the steel. We are hoping that the DEC will understand that we want to just fill it in.

#### **4. Village Parking Situation**

**Trustee McLaughlin:** I asked for this to be on the agenda tonight. Many of the problems with the Wolf-Griffin project were created because of their remedy of parking problems in the neighborhood. I have heard as I walk around the Village that there is opposition to a new business at 555 Warburton, and the opposition relates to parking. As we talk about Kinnally

Cove, those of us who go use the waterfront park can already speak to the fact that parking there is problematic. There are neighborhood parking needs. If you live on the south side, if you live in the center of the Village, you have parking problems all the time. We have talked about the desirability of neighborhood parking permits. Marianne has told us that we would have to get approval from New York State and it would not be easy. It may be that this will be something that we need to hand to the comprehensive planning committee and say this is your baby. It seems to me that there are so many problems that we should not continue to deal with them one at a time on an ad hoc basis, but I do not know where to begin to organize my thinking to make it better.

**Mayor Kinnally:** If you want the comprehensive plan committee to fail, saddle them with parking.

**Trustee McLaughlin:** Then it looks like we have to do it. The issue of neighborhood permits has come up very tentatively. Marianne, you told us maybe 15 months ago that it had to be approved by the state legislature and that it was not an easy sell. It requires some heavy lifting in Albany. Then I suggested that again, and you said no, it might not be that difficult. So I am curious to know what we would do about neighborhood parking permits.

Fran, I do not know if you recall the day last winter when a lot of cars on Washington Avenue were ticketed. A neighbor called very upset that the cars were being ticketed. We learned that most of them belonged to Dobbs Ferry residents saying they do not have parking. I do not want to seem like I want to stick it to Dobbs Ferry. We could tell Dobbs Ferry people they could park wherever they wanted as long as they did not leave their cars, since that is what they have offered us on their riverfront. But seriously, I wonder if there are constituencies in the congested communities for neighborhood parking, and how that would affect the workings of the Village.

**Mayor Kinnally:** Many areas are affected. It is not just Dobbs Ferry. It is Hastings people from discrete areas parking in other areas. I do not think these permit things can be in commercial areas. But you have part of Warburton, areas of Maple, Southside, Villard, I do not know where else. But those are the areas when people leave their cars and walk. The first tough decision is do we want it, and then how do you decide what areas and how do you define those areas.

**Trustee McLaughlin:** Central Boston has neighborhood parking, but they issue more permits than spaces, so having a neighborhood parking permit by no means guarantees that you will get a parking place.

**Mayor Kinnally:** And 20% of the parking spaces have to be open, I believe. And you have to make accommodation for handicapped. I do not know, whatever the Board's pleasure is.

**Trustee McLaughlin:** I wish we could look at this and resolve it. We are not going to make people happy. We would have to build a second story over the Village and fill it with cars in order to make people happy. But the fact that it keeps coming up and that we either deal with it or we do not does not make people happy either. It is not the best way to deal with it. But I do not know what the best way would be. Who do we ask to study this? Do we ask for a study? What do we do? We definitely have a problem.

**Mayor Kinnally:** Are you volunteering?

**Village Attorney Stecich:** Could I say one thing in terms of how difficult it is? I am not saying it is impossible. I am just looking at the recent updates. Irvington has one now. In the last few years Bronxville got one for a short period: Mount Kisco, Tuckahoe, Tarrytown. I can show you how the laws read. For instance, Irvington's says that they can establish a residential parking permit system, and it defines which streets they can have it on, and 20% has to be open to anybody. It tells you what showing they had to make. It cannot be just that people cannot find parking spaces. You have to make s showing that there are safety concerns by the fact that there are not parking spaces. I will get you the statement of purpose that the legislature used in passing it. I am not saying it cannot be done, it is an act of the legislature, not just of the assembly or the senate. They actually seem to consider it. It does not seem to be one of those rubber-stamp things.

**Mayor Kinnally:** And the governor has to sign it.

**Village Attorney Stecich:** Sure. And the laws are quite limited. It is only generally a couple of blocks. That is the more difficult issue for you. It is not whether you can get it passed, it is how do you define where there is a problem. You have the problem all over and I have never seen a broadly based law.

**Trustee McLaughlin:** In Boston you can live on Beacon Hill and park a mile and a half away from your home and still be in your parking district. Most people do not think that permit parking is going to make them walk a mile and a half. It is entirely within the realm of possibility that we would go through all this and find that it does not work, that people would not be happy with the result anyway. But I would like to examine this and see what we come up with so we know we have done it.

**Village Manager Frobel:** I was going to suggest that having the comprehensive plan committee look at that as one element is a good idea. I have met with two businessmen in the community who have mapped out several suggestions for expanding our available parking. They have done a lot of work. Some of their suggestions involve acquiring privately-owned property. I do not think anything is new that is coming forward to me under

that cover. But not a bad idea to have it as part of the comprehensive plan to come up with a strategy as to how we can address it in a coherent manner rather than piecemeal. I did not realize that at 45 Main Street there was parking in back of that building at one time. They point out to me there were 30 spaces lost there. There was a list of places that we have lost parking spaces because of development, and they are trying to come up with alternatives as to how we can add off-street parking. I could use some help, a consultant or a group of citizens who could take come up with suggestions and bring it to the Board; it may entail acquiring privately-owned property if that is what we have to do.

**Trustee Goodman:** Thank you, Diggitt, for bringing this up. It is a quality of life issue, and we have been ignoring it. It impacts on the downtown particularly and our ability to serve our merchants. Parking is something people focus on and as a government we should do something about it. Should we ask the comprehensive planning committee to look at it or make a subcommittee of that body, or convene a committee of citizens? What we need is a professional to advise us, but that is going to cost us money. I am trying to think how we could get around that. It is one thing to pass a law. It is another thing to understand how the law is working in the places where they have passed the law. As Marianne points out, we have a systemic, diffuse problem, not a single problem. And as we look at things like affordable housing and adding accessory apartments to neighborhoods, that is a real problem.

**Trustee McLaughlin:** When the accessory apartment resolution was passed, a point of opposition was we do not need more cars on our streets. It did not matter where people lived, whether on Washington Avenue or Euclid, they had too many cars on their street already. The law requires one off-street parking place other than the one that the owner uses.

**Mayor Kinnally:** The problem with that law is that they do not have to use that space.

**Trustee McLaughlin:** And it is often complained about when people come for renewals.

**Village Attorney Stecich:** But the interesting thing is, and I have probably been there for every accessory apartment renewal, nobody has ever come to complain.

**Trustee McLaughlin:** I thought they had. Okay.

**Trustee Swiderski:** It is not dealt with because in many ways it is intractable and many-faceted. There are two categories of problems. There is commercial parking, which is completely distinct, and in some ways at odds with, issues of residential parking issues. So in one category you do not want residential permits because you do not want to discourage people from coming out of town because you want activity in your downtown. And that is at odds with those neighborhoods that border the commercial area and would like parking restricted more to, if not their own residents, at least Hastings residents. Then you have an

overlay on that of how one would manage such a residential permit system. It is not trivial. Do you allocate it two per home? The number of cars you actually have? Do you reward a family that has five cars versus one that has one? So there is that whole overlay issue.

We have fewer people in this village than we did 10 ten years ago, but we have more cars and more driving. The ugly truth is that it is a behavioral issue more than anything else. People own more cars and they drive more locally than they used to. We can sit here and be righteous about that, and preach about people driving less and walking more but, ultimately, those behavior patterns are nationwide. All that lends to the problem's intractability.

Finally there is another overlay on this, which is perception. I am not going to say there is not a problem, but very often when the problem is studied it is not nearly as bad, certainly in commercial areas, as is often feared. It is not just an issue of there is no parking; it is an issue of there is not parking in the parking lot *I* want to park in at that very minute—even though across the street there might be parking.

Somewhere between all these different overlays is a complex and intractable problem. Going to your point, I do not think a committee of citizens will do. It has to be expertise applied, some sort of formal analysis of what the actual issue is. Because otherwise it becomes a carping session where people complain about perception. It is a very complicated, fact-based issue.

**Trustee Goodman:** I was trying to save us money. But here is a question and a comment. Does the Zoning Board not deal with parking? Some part of the zoning code has to do with parking. Could we somehow get them involved, because they see the problems? Is there not some expertise amongst either the Zoning Board or the Planning Board about the issue?

**Village Attorney Stecich:** You have to come to the Zoning Board for a variance if you do not have sufficient parking. You would think it would come up a lot more than it does, but it does not. When it comes up it is one of those big applications like 422 Warburton. But the Planning Board does not.

**Mayor Kinnally:** People do not use their driveways or their accessory apartment tenants do not use the allotted space, or there is storage of things in the driveway. You cannot say to the person you have to use your driveway.

**Trustee McLaughlin:** Neighbors have complained to me about the fact that there are houses in the neighborhood that have parking spaces in the driveway and the owners never use them; cannot the Village do something about that: Well, no, of course not. It is their property and they are allowed not to park there.

But I take everybody's point, that it is a big intractable problem and maybe it is simply the nature of our society that it will continue to be big and intractable. In places that are built-out and congested, for instance, some of the neighborhoods in San Francisco with houses crowded side-by-side, lots of people trying to come and go, and the residents have their cars. It has lots of parking problems, and that is the way it is.

**Speaker:** If it is studied, parking should not be looked at in isolation but in the context of the walkability of the community; what we can do to the Village to make it more pleasant to walk; the consideration of things like bike lanes. I lived in the city before, and nobody thinks anything of walking a mile, two miles. And here there is a perception of great distance walking from your home into town. That can be changed with streetscaping. It should be looked at in the broader context of different strategies to manage that.

**Kelly Topilnicky, 18 Maple Avenue:** Coming back to that it should be professionals making the determination about the parking issue, in one way, yes, that is good. But in another way you are not getting the view that you would get from people who live in an area. Yes, it is my perception, but I could tell you the time of days that we have a problem with parking. We know the people who park on our street who do not live on our street because it is an overflow for the Village and commuters. It should be a combination of professionals and a citizens' group or volunteers. It has to have clear, concise direction. Break it down. There is commercial, commercial merchant parking, then there is residential. Our street is a residential street, but everybody parks from the commercial district.

Has anybody ever thought about building a second story to the parking lot?

**Mayor Kinnally:** Yes. The Chamber of Commerce looked into that about 20, 25 years ago. It did not go anywhere, but it has been looked at.

**Ms. Topilnicky:** You could change the meters from six hours to four hours. Also permit parking for some of the Village streets, the ones that have free parking right now, like one side of Maple. If you made that permit parking, the Village would immediately get revenue.

**Mayor Kinnally:** That area of Maple is in the commercial district and it is not eligible for permit parking. It is zoned commercial.

**Ms. Topilnicky:** No, it is not. It is zoned residential. Our street is residential from here up.

**Village Attorney Stecich:** The first part of it is in the CC, and then on one side it is 2-R and then 1.5. But for this part down here, it is CC.

**Ms. Topilnicky:** I am not talking about right in front of the police station. I am talking about from here up the street it is zoned residential. I know it is zoned two-family.

**Village Attorney Stecich:** Two-family on one side, and 1.5 on the other.

**Ms. Topilnicky:** Yes, and I did not say the permit parking should be for the entire street because you are saying you have to have 20% open. I would say only do one side of Maple and up. Not down here because then you would interfere with the merchant parking and patrons coming to the Village. Again, you mentioned 555 Warburton, the Devlin project. It is an issue because there is no parking to accommodate what he is requesting. So you are forced almost to turn away people who want to bring business into the Village. That is seriously detrimental to the Village.

## **5. Other**

**Trustee Swiderski:** We recently repaved the area adjacent to the high school, and it is not yet restriped; that corresponds to an area in the traffic study that had a proposal for substantial remarking of the paved surface to accommodate parking on both sides, as well as some traffic calming, etc. Is it worth considering trying to reconcile the striping that was anticipated for that area with what is proposed in the traffic study, so that we do not have to paint the new stripes black because in four weeks' time or in three months' time we decide to re-stripe that entire area as according to the traffic study? Could you look at the traffic study and see if there is a way you can limit what you do so it does not automatically preclude us

**Village Manager Frobel:** I am not that familiar with the traffic study changes. I suspect there is not time because we are feeling the pressure to get it done before the start of school. I did speak with the superintendent of schools to see if he wanted to make any changes, anything we could do now to help his situation with parking and traffic. He said no, that they are going to have some suggestions later in the year, perhaps. But for now we are going to put it back the way it was.

**Trustee Swiderski:** Maybe there are one or two small modifications that could be made that would not automatically preclude the parking study's recommendations from being implemented without having to black over stuff. Clearly, we need crosswalks. School is about to begin. Clearly, the fundamentals need to be done. But if there are any tweaks that can be done to leave open a minimum of blacking out of lines, it is just an idea.

**Village Manager Frobel:** Let me look at it and see.

**Trustee Goodman:** Our committee person, Mary Jane Shimsky, has indicated we needed to appoint an escrow agent s regarding the \$5,000,000 Ridge Hill traffic settlement.

**Mayor Kinnally:** I suggest that we appoint Fran as the escrow agent. Any discussion or public comment?

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees designates Village Manager Frances A. Frobel as the municipal official from Hastings-on-Hudson to authorize and certify withdrawals from the escrow account established under the escrow agreement among the Town of Greenburgh, FCYonkers Associates, LLC, and the Bank of New York as escrow agent.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**Mayor Kinnally:** On cable negotiations there has been progress, glacial, but progress. The state liaison has come up with a number of suggestions, and we are trying to engage both Verizon and Cablevision. Unfortunately, Emilie Spaulding, our liaison with Cablevision, is no longer there. A new person has to come in and get immersed in this. But Raf and Bob Perlstein and the rest of the committee are trying to move this thing forward, and I will have a progress report on September 11.

### **EXECUTIVE SESSION**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel items and acquisition of real property.

### **ADJOURNMENT**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:30 p.m.