

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 11, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 11, 2007 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Deputy Mayor Diggitt McLaughlin, Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Mayor Wm. Lee Kinnally, Jr.

CITIZENS: Twenty-four (24).

EXECUTIVE SESSION

On MOTION of Trustee Goodman, 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.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled a meeting immediately following the Regular Meeting for advice of counsel.

Deputy Mayor McLaughlin: I would like to explain to you why I am sitting in this seat. Every year the new Board of Trustees at its first session adopts its operating rules. One of those rules is how the Deputy Mayor is chosen. In the first quarter of the new Board year, which began April 1, the senior Trustee, Trustee Swiderski, was Deputy Mayor. The second quarter, beginning July 1, is the second-ranking Trustee, Trustee Quinlan. The third quarter begins October 1 and that is me. Should Mayor Kinnally be unable to attend any Board meetings in the next quarter, Trustee Goodman will be the Deputy Mayor.

Mayor Kinnally had surgery several days ago and he is recuperating at home.

APPROVAL OF MINUTES

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of November 20, 2007 were approved as presented.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Executive Session of November 20, 2007 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 34-2007-08 \$ 7,047.10

Multi-Fund No. 35-2007-08 \$250,078.11

PUBLIC COMMENTS

Deputy Mayor McLaughlin: Now there is the section of our meeting where the public can comment on any items not currently on our agenda for the evening. Is there anybody who would like to speak?

Trustee Swiderski: Diggitt, it might help to clarify that we are putting off discussion of the resolution.

Deputy Mayor McLaughlin: Under Board discussion and comments is the proposed leaf blower legislation. One of our resolutions is for a public hearing on that next Tuesday night. If you are here to speak to that, you do not need to. We will have a public hearing next week where you can speak to it.

Jim Metzger, 427 Warburton Avenue: The Village looks great with the holiday lights. I suggest that we leave those up a little longer this year than we have in the past couple of years. As long as it is getting darker earlier it adds a festive atmosphere. If it has not already been said by enough people, shop Hastings first. We need to improve the economics in the Village, and there is no better time than the holiday season to show your support for our local merchants.

Stephen Kanor, 101 Lefurgy/385 Warburton: I have been approached by 20 or 30 people who have seen what I had to say many meetings ago about the condition of the Village. They have said, you cannot imagine, or we have tried to do something, or we have attempted to communicate. That is what I find wrong with the Village and the way it is run. For example, at our corner of Lefurgy and Mount Hope, where children walk to school, is a step-off because the rains have caused a tremendous channel between the road and the sidewalk. I called the Village offices, and I have given you each a letter of this, but I would like to repeat it for the audience. I was told, I will put this on a list for Mr. Gunther. I asked when I would be told of its repair: I cannot tell you. When can I expect an acknowledgment from this office? I do not know. The official who took my phone call was unconcerned and very officious. That is what everybody who has approached me has told me: that unless they went ballistic they did not get a response.

I am told there is not a lot of funding and a shortage of men to work. I notice that we spent a lot of money and time hiring somebody to do the lights, and they are beautiful. On the other hand, there are some critical things in town that do not get any attention. So the first thing I ask is that there be a response: your tree limb is about ready to fall down, we will take care of it in a week, a day, 10 years, or never. That is what is missing from the Department of Public Works. When I last came before the Board I talked about the safety issues around the school. I did not know that in three days they were going to take care of quite a few things. So there is something in the give-and-take which I think irritates people. I am sure that everybody in this room has a similar tale. There is something missing in how things are done. For example, they put up beautiful green crossing signs at the school, the Mount Hope crossover going across the avenue. But the most critical place does not get one of these signs; Olinda, where one would put a sign in the first place. There is one stuck up on Mount Hope where there is absolutely no crossing.

The supervision of what is going on is missing in its entirety. There are sawhorses, or barricades, slopped all over the place. On Lefurgy Avenue we have four where the yellow lines were painted. Do not know why they are there. We tried to keep people from parking there so the kids could walk on the sidewalk. There is no signage so the police could not ticket. But the yellow lines are there, people pay no attention to them. So now we have four sawhorses for four months sitting on Lefurgy Avenue. Looks like hell.

There is something missing in how these people are directed. That little bit of snow we had, Mount Hope was half plowed. The downside had not been touched, but most of the streets had. There are GPS systems now that track where snowplows go. I slid down Mount Hope, whereas the upcoming side was totally plowed, as were most of the roads in town. That is historically true. There are some areas that the plow goes over and over and there are some areas that are left out.

There are two things that I would like to have permission to fix. The curb break on the corner of Warburton and Main Street I would love to be able to fill in with some epoxy. It would take me about 15 minutes. I would also like to take a grinding stone to the sharp protrusions in Boulanger Plaza. It would take, again, 15 minutes to do that. Maybe the Department of Public Works intends to do that, but I do not see any clues. In Boulanger even before the free parking I noticed cars parked for extended periods of time. The truck of the company across the street that repairs computers is there all day. Do we not mark tires? Anyway, on and on. But the DPW or the Village needs to communicate with people that have a problem. There must be some scheduling. It does not appear that way, though. It appears that it is a bandage or triage, and it would be helpful if you would tell us exactly what is going on. I understand there is an enormous amount of things. But the lady who answers the phone: I am told I do not know, I will tell him, I cannot tell you when. And nobody gets back to me. I find, and many have, as I said, found it disturbing.

The other thing is some way of letting people know when there is an emergency, a 911 situation, some whistle broadcast. I brought this in from the Town of Groton: if you hear a steady siren tone for three minutes or more turn on a radio or TV to tune into the emergency alert station for official information. I would like this town to get some way of blowing the whistle, and people knowing to tune in to some emergency notifications.

Village Manager Frobel: Thank you for your comments. I apologize for your encounter with one of our employees that was not met with your satisfaction. I will point out, though, that we do have numerous citizens contacting us and thanking us for the fine job the men and women of our DPW do. By your own admission, we have made improvements over the past year. But we will continue to work on them, and thank you.

Village Technology Director Zaratzian: Mr. Kanor brought up the emergency notification. We do have a siren for big emergencies. We also have a radio station, at 1620, the TV station, and we are on the Internet and e-mail. So any emergencies, we notify all the time.

Mr. Kanor: Nobody that I spoke to here knew that.

Deputy Mayor McLaughlin: If you have ever gotten an e-mail from me, it says at the bottom that 1620 AM is our 24/7 emergency.

Mr. Kanor: But the siren.

Village Technology Director Zaratzian: We took one of our old sirens and had that installed right after 9/11.

Mr. Kanor: I am telling you, nobody has a clue that that exists or what it means.

Deputy Mayor McLaughlin: Would it be possible to periodically put a crawl on WHOH?

Village Manager Frobel: I have talked to Chief Pecylak about it, and there is some dispute as to how we would use that in an emergency. One way would be an alarm, and then go street-by-street with our PA system alerting the homeowners as to the nature of that alarm. We are still working on that aspect of our notification. It does depend on the type of emergency, if it is a winter storm event or something that we have a lot of lead time. But I think your concern is a very sudden, abrupt notification, correct?

Mr. Kanor: Yes, I am not watching these things consistently. I might even be sleeping.

Village Manager Frobel: That is the concern, Raf. If we have a lot of lead time we get notification out very quickly and effectively. But if it is a very sudden, a mishap somewhere with a power plant, let us say, that is where we need to work on better notification.

89:07 REQUEST TO DEPARTMENT OF TRANSPORTATION RE RESTRIPING OF BROADWAY

Village Manager Frobel: This is the result of an initiative by some of the neighbors, and also the result of our traffic study, in which we have talked about traffic calming initiatives. This resolution was drafted by Trustee Quinlan.

Trustee Quinlan: This resolution is probably word for word the recommendation of the Safety Council to the Board of Trustees after their meetings and hearings. The Safety Council, of which I am the liaison, consists of the Police Chief, fire chiefs, the superintendent of the DPW and regular citizens that include at least one fireman and other concerned citizens. When they make a recommendation to make the Village safer I am hardly in a position to substitute my judgment for theirs. Even though I agree with this resolution, the fact of their collective wisdom to me is what makes this Village safe. That is what they are there for, and that is one reason why I am offering this resolution.

Trustee Swiderski: We went through a traffic study process, where dozens if not more than 100 people participated over the course of a walkability exercise, as well as a series of meetings where people gathered and came up with recommendations. That resulted in a set of traffic recommendations that we then reviewed and prioritized, and held another meeting where we went through the first five of the ten that were in the traffic study one by one, going through them on reasonableness, expense, and general desirability. This was, number one, both out of the traffic study conference session that we ran, and in our own internal prioritization. So if there is some wondering how a village arrives at the consensus as to what is important or not, that is a short-form description of how we got to where we are.

Is it the only traffic problem we face? No. Is it the most important one? Arguably, a lot of people feel so. It is a major artery through the Village and ideally should be more heavily trafficked on foot, but is not. I am as guilty as others of finding myself going faster on it than I should be, coming down from High Street toward the center of the Village. It is a dangerous road. What capped it for me was the realization that the communities to the south and north had figured this out and restricted traffic on that road to a single lane and yet we had not. Neither one of those communities seems to have traffic problems as a result. I am comfortable in kicking this into the lap of professionals who will do even more work on the proposal and determine whether there will be adverse traffic impacts. A process has been followed. I am completely comfortable with that process, and I am pleased that Trustee Quinlan has prepared the resolution and will be happy to vote for it.

Trustee Goodman: When we looked at the transportation plan we prioritized it, and traffic calming on Broadway was number one for each of us. Our expert proposed an expensive fix, not only narrowing Broadway, but adding a raised median with landscaping. We are not going to do that. We are looking to narrow without the expense and in a way that is reversible down the road if someone decides this is not workable. We found a cost-efficient way to make the road safer, and the state can agree or not agree. The other thing that gives me a level of comfort is, after the safety committee recommended this we had a work session at which both Chief Bannon and Chief O'Sullivan were present and were repeatedly asked for their opinions. They also concurred with the narrowing, but expressed their preference not to have the raised median. There have been some issues raised that we do not have the statistics to back this up. Since we have been speaking to this, to my attention have been brought to two serious accidents. There are many near misses. I do not want a near miss on my watch turning into a fatality. For that reason I will support the resolution.

Deputy Mayor McLaughlin: The resolution is only to authorize the Village Manager to write to the state Department of Transportation asking them to involve themselves in this process. This is not a resolution in which we are going forward on a massive undertaking coming out of our Village coffers. So bearing in mind what the resolution is about and what we are voting on tonight, is there anybody who would like to speak to this from the floor?

Tom Donohoe, 19 Maple Avenue: I sent to the Board a report in *The Economist* magazine concerning the roundabouts.

Deputy Mayor McLaughlin: Tom, this is a not a resolution about roundabouts.

Mr. Donohoe: I understand, or I am trying to look ahead as you have, that you may have to go to a roundabout. Ms. Goodman asked for statistics. I gave you that article, which proves that roundabouts are very successful in reducing accidents.

Kevin Dawkins, 126 Washington Avenue: My street is at the intersection with Broadway. There are a few more adverse traffic incidents than two cars crashing into each other. I not only live at 126 Washington, I work there. I am surprised to hear there are no statistics that the police department has on the number of times they are called down to investigate accidents either at Olinda or at the intersection of Washington and Broadway, but within the last two weeks there has been one each week. It seems as if there is almost one a week. That is anecdotal; it is not a statistic. But I hear the squealing of tires and that terrible thud of metal way too often. This is a reasonable and affordable proposal to reduce the number of accidents at both those intersections.

John Spiciarich, 765 N. Broadway: About the holiday lights, I think they are on way too long. But to the question at hand, thank you for taking this big step. I live on Broadway, and six or seven years ago I wrote letters about the danger walking up Broadway towards Dobbs Ferry, how unsafe and unpleasant it is. This is a major step, and I want to thank the Board and all the volunteers, and the people who have come to the meetings on many nights to get to this point where we are going to push on with the state and make Hastings safer.

Fred Olsson, 1 Glenwood Avenue: You may have driven along Route 25 on Long Island, which is a single-lane road for many miles. It is heavily trafficked, but it moves beautifully. If you get behind a slow driver you may be held up for a few minutes. On each side of the road there is a large path for bikes and for people to walk. This is what I hope will happen, and if it happened from Yonkers up to Dobbs Ferry it would be beautiful. If there is any restriction of traffic on Broadway, let us live with it because there is nothing wrong with people not going 40 miles an hour through our town. Twenty-five miles an hour is great, and then you can hit the accelerator when you get out of town. I am very pleased to see that something is happening in this effort.

There are two dangerous roads in Hastings. One is James Street, extremely dangerous. If a car is coming you have to get over, you cannot pass. Washington is another one, very dangerous. It is an accident waiting to happen, cars parked on each side. And when a person is coming up and you are going down to the station, some people do not get over enough and you think you are going to hit them. I suggest a one-way going down Washington. If not, if we have all-way stops at Washington and Olinda, that would also help a great deal.

Mike Perih, 14 Harvard Lane: The resolution to talk to the DOT, the wording of it: is that something that we are going to discuss tonight in terms of what sort of a mandate is there from the people, what percentage of the town? We do not want to contact the DOT and say we are overwhelmingly in favor of this until we find out if we are. Does contacting the DOT constitute a point of no return? Once we get these people involved and they say here's some money, go do it, does that mean that we cannot turn back even if people start objecting? The statistics show that the road is doing pretty good in terms of accidents per mile. I have to strongly disagree with one comment about the traffic on the two-lane sections. Anyone who doubts this, simply take a road trip in the middle of the day, Yonkers up to Ossining. The two-lane sections are all bad; the four-lane sections are basically good. It is not a matter of there being different amounts of traffic on the road. It is a through road. It is just that some towns have a capacity to handle it. I have a friend that lives in Dobbs and he has heard about this issue, and he called me up and said you have no idea what you are in for if they reduce that road. All you have to do is stop in some of these towns with the blocked-up roads. You will have a lot of free time, you will be there awhile. Ask the people what it is like having to plan your entire day around the traffic. Ask the people in Ardsley, ask the people in Dobbs and Tarrytown.

We are all in favor of safety on the road. But this is the “nuclear option,” as they say at the State Department. This is the most drastic thing we can do. Why do we not do the simple things first: the sight lines at the intersections, trim back some of that vegetation. That is easy. We can do that in a week. There is an old sidewalk there. Let us clean it off and see what we have before we build a new one. Maybe we just have to repave it. I used to walk on it all the time when I was a kid. It is not going to cost us a quarter of a million dollars to repave it. It is not a bad sidewalk. I was on it just the other day as a study.

Kids walking to school. We always used to go through the Burke Estate. It seems like the kids do not go through the Burke Estate anymore. Maybe we could find out what is obstructing that and reopen it. Because a kid walking to school on the main road, in my day he would get laughed at. They would say, what are you doing up there on the road? You go through the Burke Estate, you do not go out on the road.

Last but not least, the speeders. We have three million cars a year. I am not sure how many speeders we had last year, but it is less than 1% and it is probably a tenth of 1%. It seems to punish the other 99% who are behaving responsibly by blocking up the road. I am not sure that is fair. Maybe we could find some new places to park our patrol cars because the people that come through here know where we park the patrol car. Once these people get a few tickets they are going to slow down.

Tom Patrick, 2 Burnside Drive: I am on the corner of Broadway and Burnside. I have been there nine years. I would not like to end on that story. I would like to tell a very short story about a child, about this high. A few years ago, it was winter, the streets had been plowed. There was a hill of snow this high, and he was walking that ridge to school. He could have slid under a bus. My heart went out to that child. I do not care what it costs, what we need to do. That is the child we have to protect.

Mr. Donohoe: You are all worrying about the cost to some extent. But to have one child killed is too great a cost. So now let us think in terms of what your expert, that wonderful Swiss man who had to put up with a lot of abuse from everybody, came up with. He said it is a roundabout. I gave you the information from *The Economist*. There is a big roundabout up around Croton. I would suggest that yes, start with the striping. Do not just bring it up to Olinda, bring it up to Broadway, and I would suggest you continue that stripe to Farragut.

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 send an official written request to the New York State Department of Transportation for the reduction of Broadway from four (4) lanes to

two (2) lanes by means of restriping as follows: Northbound from Warren Street to Olinda Avenue, and from Edgars Lane to the Dobbs Ferry border; and Southbound from Dobbs Ferry border to Riverview Place, and from Olinda Avenue to the Yonkers border.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

Trustee Goodman: There was some indication that when we sent this off to the state we were going to send a copy of the transportation plan with it. I am hoping that is not going to happen because we have not finished reviewing it. A copy of the draft that the Trustees have not reviewed should not find its way to Albany.

Deputy Mayor McLaughlin: But that is not part of the resolution.

Trustee Goodman: I know. But with the letter, I thought there was going to be other information sent. I want to make sure that we are giving clear guidance, that we are going to have another work session to deal with things like the roundabout.

Deputy Mayor McLaughlin: We are planning another entire work session.

Trustee Swiderski: For the remaining five proposals.

90:07 AWARD OF BID – FIRE TRUCK

Village Manager Frobel: We held several work sessions and discussed the need for this during our budget deliberations. The department prepared the specifications, we have received a bid that the chiefs have reviewed and are comfortable with, and we are looking for consideration tonight for awarding of the purchase of the fire truck.

Trustee Swiderski: In a resolution of two or three sentences lies the capital expenses that both form why we have the taxes we do and why we have the services we do. These are big-ticket items. They require an enormous amount of work both to prepare bid documents for and to run the bid process. It is bread-and-butter municipal government procedure and policy. It might seem uninteresting to most, but it is where our services get delivered. It is what puts the tires on the ground.

Trustee Goodman: I would like to acknowledge the chiefs who are here. Chief Gagliardi and Chief Safarty, who schooled us in what we needed to know to take a vote on the pumper truck that is going to be at the Riverview Manor station house, I thank you for your time and your service to us. This is fire equipment that will not only keep the residents and citizens safe, but also the men who volunteer their time. Thank you.

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 award the bid for the Fire Department Pumper Truck to Excelsior, Mamaroneck, New York, in the amount of \$522,456.00 to be paid from bond proceeds.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

91:07 AWARD OF BID – AMBULANCE

Village Manager Frobel: Likewise, specifications were developed by the fire chiefs and we went out to bid with this. We mailed them to several vendors and received a bid that meets all the qualifications that we specified. We also had this as the subject of several work sessions, and during our budget deliberations. We are looking forward to having you pass this resolution and accept delivery of this piece of equipment.

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 award the bid for the Ambulance to Eastford Fire & Rescue Sales, Yorktown Heights, New York, in the amount of \$147,993.00 to be paid from bond proceeds.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	

Trustee Danielle Goodman	X
Deputy Mayor McLaughlin	X
Mayor Wm. Lee Kinnally, Jr.	Absent

**92:07 AFFIRMING VILLAGE INTEREST IN SETTING ASIDE SITE FOR
CREATION OF AFFORDABLE HOUSING BY HASTINGS-ON-HUDSON
AFFORDABLE HOUSING DEVELOPMENT FUND COMPANY, INC.**

Village Manager Frobel: Several months ago you heard from the Affordable Housing Development Committee in their efforts to seek out sites that may present opportunities for affordable housing. The resolution is comprehensive, and was prepared by Attorney Keaney, who is here this evening to answer any questions. Passage of this would be in keeping with your policy of meeting our commitment to address our affordable housing needs.

Jim Keaney, 27 Villard: I am here on behalf of the Affordable Housing Committee to ask for your support of this letter of intent, not an obligation at this point. We have identified a site on Mount Hope Boulevard which the Village owns and that has been vacant for many years. I believe it would be a good site for affordable housing. We are trying to get the county to come up with a funding program. The county's funds are limited. They like the biggest bang for the buck. They would be looking for a program that would develop more units than would be suitable there. However, we have another site in mind that a private owner would be willing to make available for affordable housing. We are trying to put together a package whereby county funding would be available that would pay the acquisition costs for the private owner, and the Village would donate this land. We do not know if this is going to fly. The county has never done this before, but they are open to listening to it. We think it is a creative idea to create more affordable housing in this Village, which is needed here and certainly needed on a regional basis.

Trustee Quinlan: What type, in terms of the size and scope of housing, are you considering putting on this site?

Mr. Keaney: We would be thinking of what we did on Warburton Avenue toward Pinecrest, In the one-family zone you can have a first floor dwelling with an accessory unit. If we did that, that would be two units. This other site that we are thinking of is similarly in a one-family zone, and if we did the same thing there, there would be four units. The county would be interested in that, and would be able to spread the acquisition costs over four units.

Jacque Lhoumeau, 157 Southside: What is the location of this?

Mr. Keaney: It is on the west side of Mount Hope as it goes down towards Stanley, where it takes a dip down and makes that strong curve. Cliff Street comes off and then Mount Hope goes down, and it is on the west side.

Deputy Mayor McLaughlin: The property is between 342 and 360 Mount Hope. It is currently an empty lot. There is a section of Mount Hope that looks like it was once intended to have a separate lane and now it is just a wide area in the front. This parcel is visibly empty and overgrown and has, I believe, broken stone walls between the property. The property rises away from the street.

Mr. Metzger: I am not intimately familiar with the houses that were built at the foot of Pinecrest, but I do understand anecdotally that there were a number of issues with financing and having the Village oversee the construction. The construction period took an inordinately long amount of time. I understand that there are some issues in those houses in terms of the quality of the construction. It is premature to raise that issue now, but I want to make sure that if the Village is going to be involved in putting this together that we have experts who are implemented at the earliest possible time so that we do not run into these issues. I understand that we had to look outside the Village to find somebody that met the financial requirements. It would be nice to put that process in place before we get started so we do not end up building something that we cannot supply to people who already live here.

Deputy Mayor McLaughlin: Has the committee decided if these will be rental units or be sold? How far along are you in your thinking on these particulars?

Mr. Keaney: We have not gotten to that point yet. The first step is to go to the county and see if they would be available to fund a feasibility study.

Deputy Mayor McLaughlin: I have a question about the Village's accessory apartment regulation in terms of these. I was under the impression when the accessory apartment legislation was passed that the permit goes with the owner, not with the property. An accessory apartment is not a permanent structure, but must be renewed.

Mr. Keaney: I believe that is correct. I think it has to be renewed every two or three years, and a new owner has to renew it as well.

Deputy Mayor McLaughlin: But I was under the impression that a property could not be sold as having an accessory unit. Is that part of it?

Village Attorney Stecich: It was because they did not want anybody building new houses with accessory apartments. There was an exception for affordable housing units in connection with the Pinecrest apartments.

Deputy Mayor McLaughlin: So future affordable housing units can be built under the amendment that was made to old accessory housing. An accessory unit is not an addition to the neighborhood permanently. Is that not the way it works?

Village Attorney Stecich: Well, essentially it is. But you have to get your renewal like with any other accessory apartment. You would have to meet the standards. Under the accessory apartment law the part of the house where the accessory apartment is going to be had to be in existence at the time the law was enacted. But an exception was cut out for accessory apartments in affordable housing units.

Ms. Lhoumeau: What are the rules on who are eligible for that rental, and should they be also people who are applying for affordable housing?

Mr. Keaney: On the two houses on Warburton we required that the apartment be rented to somebody who would be eligible to purchase the affordable housing, in other words, somebody on the same list. You have to come within certain income limits, and you also have to be on a priority list of firemen, school district employee, municipal employee, senior citizen, somebody who lives in town and grew up in town and wants to stay here.

Trustee Swiderski: We have our units on Warburton, we have 14 coming to completion on Warburton as well. I guess one day we will have six on 9-A. If the plans for this site and the other site are realized I believe we will be at 30 units.

Deputy Mayor McLaughlin: But has not the county raised our quota?

Trustee Swiderski: Excellent. Always good to raise the bar.

Mr. Keaney: I believe they are going to raise their limits. But Peter, you mentioned a very good point. We do have a number of rental units coming soon on Warburton and Division. If there is anybody interested in those units and wants to find out what the qualifications are, they should contact the Village and they will be referred to Sue Smith and she will check it out for you. We would like to have as many people from town as possible to call.

Trustee Swiderski: *The Economist* had an article in its latest issue about how the increasingly expensive suburbs are fighting these actions of trying to keep affordable housing in their community and build new housing. It is nice to see us succeeding, certainly better than many other communities in Westchester. Huge kudos to the Affordable Housing Committee for lining up these properties and doing a lot of unsung labor on it.

Cyndy Travis, 427 Warburton: I live across the street from the 14 units that are coming on. I am surprised that they are looking for people to live in it. Can I just call out to all the firemen, policemen, DPW, and teachers to come be our neighbors. It is right across the street from Antoinette's. I would like the people that they told us were going to be moving in there, the firemen, the policemen, teachers, etc. to really be those people because I do not want it to go to people not like that. Not being prejudiced. Thank you.

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

WHEREAS, the Board of Trustees recognizes the importance of providing adequate and affordable housing for residents and employees, and the public benefit to be derived from affordable housing; and

WHEREAS, the Affordable Housing Committee has identified a site (Sheet 33 Block 707 Lots 19, 20 and 22) located on Mt. Hope Blvd. ("Site") which it believes has potential to be developed as a site for affordable housing; and

WHEREAS, the Site is presently vacant and is owned by the Village; and

WHEREAS, the Affordable Housing Committee, through the non-profit Hastings-on-Hudson Affordable Housing Development Fund Company, Inc., is developing a package proposal for County funding for acquisition and construction of affordable housing, which would include the Site; now therefore be it

RESOLVED: that in view of the salutary purpose of the project which is in furtherance of the Village's Affordable Housing Policy, the Village of Hastings-on-Hudson indicates its support for the project as follows:

1. The Village is prepared to enter into negotiations with the Hastings-on-Hudson Affordable Housing Development Fund Company, Inc. regarding the transfer of the Site in order to facilitate the creation of affordable housing.
2. This resolution shall not be deemed to represent an obligation of the Village to transfer the Site or to approve any planning steps that may be legally required. The terms and conditions of any such transfer must be agreed to, if at all, by resolution of the Village Board of Trustees. The Hastings-on-Hudson Affordable Housing Development Fund

Company, Inc. would be responsible to seek any approvals that are necessary from the Planning Board or the Zoning Board of Appeals or otherwise in connection with its plans for the Site. Further, it is understood that, at such time as a formal land transfer may be requested, the Village Board will comply with all pre-requisite steps required by Village law before any binding transfer can be made, and any such transfer will be subject to such documentation as the Village and its legal counsel shall approve.

3. The Village is aware that the Affordable Housing Committee will be approaching governmental entities, including Westchester County, in order to develop a financing package. No costs in connection with tests, surveys, title or otherwise associated with such financing are the responsibility of the Village. No permission is given to the Hastings-on-Hudson Affordable Housing Development Fund Company, Inc. or the County of Westchester or their agents or contractors to perform tests or surveys in the absence of the execution of a license agreement or other permission by a proper Village official.

ROLL CALL VOTE	AYE	NAY
Mayor Wm. Lee Kinnally, Jr.	Absent	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	

93:07 ADOPTION OF LOCAL LAW NO. 5 OF 2007 – STORMWATER MANAGEMENT

Village Manager Frobel: This local law is somewhat technical, but we have had our public hearing, we have had some work sessions. At your last meeting we had our expert here explaining it to us in some detail. At this point I believe we are ready to have it adopted.

Village Attorney Stecich: We should probably dot all the i's and cross the t's before we enact this, and also enact a declaration of no environmental significance because this is the sort of law that is subject to SEQRA. It is very clear it is only going to have positive environmental impacts, so I would recommend that the Board resolve that enactment of this local law would not result in any negative environmental impacts.

Trustee Goodman: I expressed my desire to tighten up this law down the road. We can probably do better, but we are going to take this as a first step. I was concerned that the law did not go far enough. Water quality is very important and probably there is more work to be done in this area down the road.

Mr. Metzger: I am speaking as a member of the comprehensive planning committee. Would it be possible for our committee to get a copy of this law, if and when it is enacted, so we could review it as part of our process?

Deputy Mayor McLaughlin: Absolutely. Any other comments?

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

RESOLVED: that enactment of the Stormwater Management Local Law No. 5 of 2007 would have no negative environmental impacts.

ROLL CALL VOTE	AYE	NAY
Mayor Wm. Lee Kinnally, Jr.	Absent	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	

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 hereby adopt Local Law No. 5 of 2007 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 250 Stormwater Management and Related Sections in Chapter 295, Zoning

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Chapter 250 of the Code of the Village of Hastings-on-Hudson is hereby repealed and replaced in its entirety with the following as attached.

ROLL CALL VOTE	AYE	NAY
Mayor Wm. Lee Kinnally, Jr.	Absent	

Trustee Peter Swiderski	X
Trustee Jeremiah Quinlan	X
Trustee Danielle Goodman	X
Deputy Mayor McLaughlin	X

**94:07 APPROVAL OF GRANT APPLICATION FOR QUARRY TRAIL
COMPLETION AND QUARRY PARK DEVELOPMENT**

Village Manager Frobel: We are recommending that the Board consider the submittal of a grant as we begin to develop Quarry Park. The grant has been broken into four sections. The first is to bring about the completion of the Quarry Trail. We recently went out to bid for that project and the bids came in somewhat higher than we had budgeted and higher than the grant had awarded us. But we do have some options as to how we may be able to address that even if this grant is not successful. The first element of this grant is seeking some additional money to complete that aspect of the program.

The second part is to begin the environmental testing. Malcolm Pirnie have developed some cost estimates for what it would take to bring that site into compliance with state and federal guidelines. So part of the grant is to have an offset of monies received for that testing. Two is broken into A and B, and the second part is the cleanup of the site. We are hoping that through that grant we can receive some money to assist us in the cleanup.

Part three is the development of the design of the park. We have recently prepared specifications and we have interviewed landscape architectural firms. We are hoping to receive money to offset those fees through this program as well. The final part, which is the construction of the park, would also be part of this overall program. We have tried to take a complete look at it. It is a very large program. There are a lot of unknowns, but we believe that even if we are funded in some of these initial phases we could be on our way toward developing that property into what promises to be a lovely community facility. There is quite a bit of money available on the state level for programs like this. We are optimistic we will receive something, if not all parts of the grant as submitted.

Trustee Goodman: I refer to my habitual concern about our debt service, our priorities in spending money. We spent some money already tonight, and we need more money for the fire services. Just so there is no mistake about the numbers involved for the Quarry Park and Trail, we would be applying for a grant of \$965,000, of which the local matching share would be another \$965,000. That is a lot of money, particularly when \$965,000 would buy the new hook and ladder truck that we need. These are the kinds of things I worry about. This is going to be borne on the backs of the residential property owners if we are not successful in raising money from other sources. This could be something that we would have to support from the Village coffers.

That being said, this is a unique site, a historic site. It is one of the few that has an access to the Hudson River via the Quarry Trail. It is located on the east end of the boundary of a very densely built neighborhood with few parks, the Warburton neighborhood area. Our trail system and park system is an asset. I was recently at a climate warming/transportation/legal seminar which makes it clear that any village or town that is located along a railway is going to be under extraordinary pressure to develop buildings along the railway. There is a population explosion predicted for this area. I think that the new buzz word is TOD, transportation oriented development. It is going to be all around us. There is going to be inordinate pressure on us. How visionary and lucky would we be to be among the few that has preserved a trail system and a park system that could be the marvel, and exemplary environmental asset, to the community around us.

So while I swallow hard about the money, I am hoping that the Quarry Committee, a group of very dedicated citizens who have produced probably one of the most miraculous reports that has come to the Village government from a group of citizens, is going to help raise a lot of money. My question to Fran is, if we apply for the grant for the \$965,000 and we are awarded the \$965,000, when is our matching contribution due? At the time we start to draw from the grant, or do we have time to come up with this money in some way?

Village Manager Frobel: We would pay the money upfront and expend the money, and then get reimbursed. As we go through it and begin to spend down, we would need to be setting money aside to pay ourselves.

Trustee Swiderski: What period of time is that grant open for?

Village Manager Frobel: Typically, a program of this size would be at least 24 months to get it all done. It would take probably longer than that. We historically get extensions on our grants because we do not spend them within the allotted time. But I would say with some certainty at least two years to spend this down.

Trustee Swiderski: So the winning of the grant essentially encumbers us with a million-dollar expense.

Village Manager Frobel: We could abandon portions of it. I will be surprised if we receive the full amount, but if we did then we would look at whether phase one and two is realistic or whether we are in a position for three and four to move forward. We will know in short order how successful we have been in securing the matching money. And you are right, that is the key element to this. Getting the grant almost seems to be the less stressful part. It is coming up with the match that we need to be concerned about.

These numbers are on the high side. We have learned that we need to be conservative in what we expect will be the expenditure at the end of the day. I do not want to ask for too little under this program and come back and need more money to make it work. The big unknown is the environmental. The testing will reveal how large an area of the 5.5 acres will need to be remediated. We have it assuming a full remediation, worst case scenario.

Deputy Mayor McLaughlin: For all five acres?

Village Manager Frobel: We have gone on that basis. We have reason to suspect it would be somewhat less, but we do not know until we do the testing. There are a lot of unknowns. The biggest unknown is the actual cleanup because that is dependent upon the testing and the plan that the DEC will accept. There are different ways that we can remediate. This is the choice of being a complete cleanup, because with a complete cleanup you are eligible for the 50% grant of our 50% match. In other words, we are asking for 100% of the grant, 50% of it under this program. The other 50% would be eligible for another grant from the DEC for the cleanup and a loan for the balance.

A lot of different things have to occur to make this work. This is a major undertaking, and it is a commitment as to whether you feel we are in a position to move forward. We know how long it has taken us to bring to completion some smaller projects in the community, and this will take quite a bit of time and staff effort. But there is a spirit to make it work, and this is a valuable property that I would like to see back in use for the community. This grant seems to be a wonderful opportunity to at least get you halfway there.

Deputy Mayor McLaughlin: How much, if any, of our share of this could we meet with in kind contributions, whatever that might be?

Village Manager Frobel: We figured this out with all cash. There is very little in kind work we can do in this program. The cleanup would be specialized, the landscaping design is specialized. Staff time perhaps a little, but that is not enough to even talk about.

Trustee Quinlan: For the past almost two years this has been a high priority item for me. The quarry is not only underutilized, it is not being used at all. It is a number of acres in a critical part of our village that we can save as green and open space in passive recreation. As Danielle indicated, the pressures of development on our small village are increasing every day. We own the property. We have an opportunity to make it into a beautiful park right along the Aqueduct in a portion of our Village that could use a park. Although this part of Hastings has the Aqueduct, this would be a tremendous, beautiful, passive park. We have the trail going down to the river. It is incumbent on us to make this into a beautiful park for the enjoyment of every resident and nonresident until the end of time. We are looking at something that is going to last forever once we save it, clean it up, and preserve it. It is a lot

of money. But there a lot of different ways that we can raise the money in phases. Much like Kinnally Cove, it can be done in phases. Perhaps we could apply to the Hudson River Trust Fund. An argument can be made that this links us to the river, and it is an important trail.

As to the environmental testing and remediation, that would be \$30,000. It is not a little bit of money, but it is worthwhile and has to be done. What is down there and what is not down there we have to find out anyway. We could do so in some creative ways, and Fran could figure out how we could manage to come up with the \$30,000. As to the bigger ticket items, Fran just hinted on there being low interest loans. Chris Lomolino is in the audience today. She had a discussion with me on a no-interest loan, and I would like her to share her knowledge of that. She was one of the founding workers on the Quarry Committee. The Quarry Design Committee is prepared to establish a 501(c)(3) foundation to raise money. They are prepared to take the step that could lead to charitable donations as a local match for the grant.

There are a lot of different ways we could raise the money without increasing taxes, and we should try to do it. If we cannot, we do not have to. The grant can be abandoned. As for the time periods, it is interesting that no one can figure out how long these grants last. As I have been sitting up here for the last two years I keep hearing people say this grant has been extended and that grant has been extended. It seems to me that we have not lost a grant for not using it. Somehow they are always extended. It is a worthwhile resolution, so let us try.

Deputy Mayor McLaughlin: This was one of the reasons I wanted to become a Trustee, to see the quarry become a park. I am delighted that it is happening in less than two years since Jerry and I took office. There are any number of issues. Danielle has raised several of them. It is a lot of money for us to pledge the residents of Hastings-on-Hudson to pay. But it comes down to a yes or no decision. Are we going to be a Board of Trustees that says yes, or are we going to be a Board of Trustees that turns our back on this? One of the reasons why this is such an awful cleanup is because Boards of Trustees in Hastings history did turn their backs on this property and used it as a dump. You may have seen pieces of the buried truck sticking up above the dirt. We do not know what else is in there, but it was no way to treat the magnificent park that used to be there. We know that nothing we are going to be able to do will ever restore that park to the beauty that it was, but we can make a try. So I am delighted that we have come to this point.

Christine Lomolino, 24 Aqueduct Lane: I am speaking to you tonight with a few different hats on. One is as the founder of the Friends of the Old Hastings Marble Quarry. I am also speaking as the president of the 24 Aqueduct Lane condominium association, and am bringing a message from the Historical Society. I want to dispel the notion that the matching funds are going to be borne by the taxpayers of Hastings. The match may involve some expenditures from the general fund, but the vast majority of the match money can come from

low-interest loans, zero percent for three years, provided by the Environmental Facilities Corporation. This is a revolving loan fund that is exactly for small villages and towns that wish to do projects like this one. There is foundation money available, and there is additional grant money available. There are also programs that the Quarry Committee will launch to approach foundations and enable the residents to contribute to a 501(c)(3).

We anticipate that not a large amount of money for this project will come from funds that might be used for fundamental services in the Village. We do not see this project as being in competition for a fire truck and that sort of thing. This is a separate budget, and it will be for separate funds that are only available for this kind of project. We have had meetings with the DEC, we have had discussions with their grant staff. We have gone to the New York State Department of Parks, which is very interested in this project because it directly abuts the Old Croton Aqueduct. We have been very encouraged by the response. Our committee will work very hard to put grant monies in place and to create matches for those grant monies. It is a wonderful opportunity. I hope that the vote is a yes vote and that we get these funds. We had originally thought we would have to piece together the money for this project from lots of very small grants. This is a sizeable grant and it would take us a very long way. This project has been worked on by Village residents in committee since 2001. The great thing about the project is that it is not a huge site. While it is an undertaking, it is something that could be completed within the next couple of years. So it is not the kind of site like the waterfront, so complex that it could easily take a generation. This is one that we can actually have results for the community. We have a very dedicated band of people working on this, and I think there is widespread interest in the community to get this done. This is a dump created by the Village in a residential community, and it should be remedied.

Although the quarry is located south of Washington, when it is made a park it will be a gem in our park system and will be used broadly by the entire Hastings community, not just people who live south of Washington, because all users of the Aqueduct can easily take a detour through there. All the users of Draper Park can take a detour into this beautiful Quarry Park. At some future point the Board will see some of the drawings, plans, and proposals from landscape architects. We have proposals from four prestigious landscape architecture firms. It is exciting to see what could be done on that site. This is the only place along the 26 mile length of the Aqueduct where there is pedestrian access from the Old Croton Aqueduct to the Hudson River. So that makes it particularly exciting.

Our condominium association urges you to vote in favor, the Quarry Committee urges you to vote in favor. I have a message from Janet Murphy, the president of the Hastings Historical Society. She says she wishes she could have been here tonight, but asks me to convey her encouragement to the Board to vote in favor of the grant application.

Mavis Cain, President, Friends of the Old Croton Aqueduct: You have seen me here before on this subject. It was six years ago that the Friends leafleted the entire neighborhood around the Aqueduct saying clean up the dump, partly because we were concerned about seepage into the stonework. Brian Goodman, our wonderful British colleague, was terribly concerned about it. That was the beginning of the agitation to do this. But we never dreamed that it would go along so beautifully and become a big idea for a park.

I want to encourage you to face the fund-raising with courage. We have had a major fund-raising campaign to save the keeper's house, which also is a national historic landmark, as is the Aqueduct. It is amazing how people will support something they believe in. We have succeeded in raising \$900,000, \$600,000 a federal grant. We have matched the required amount, which was only \$175,000. We have done that just through neighborhood pleas, local companies like Verizon and Con Edison and Entergy. People want to give. The love for the outdoors is there. Oddly enough, of the three villages where we just sent a mailing to the residents, Hastings did not respond quite as actively as Dobbs Ferry because, after all, the keeper's house is in Dobbs Ferry, but they contributed a little more money. We estimate about 600,000 people use the trail per year. The more publicity the Aqueduct gets, the more people use it, the more groups hike on it. That brings commerce to our villages. And it is certainly the prettiest section of the trail. From Odell up to Rockefeller Preserve is the nicest part. We are all in this with a love of the environment and a love of saving greenspace. Have the courage to vote for it.

Bert Flanz, 11 Villard Avenue: I am very glad to hear that there is so much support and interest on the part of the Trustees. That has been the problem for so many years. I go back some 40 years with my interest in the quarry. From the taxpayers' point of view, quite aside from the beauty of the place, the quarry has been a very good investment. The Village bought it from in the early 1960s for something like \$20,000. For all these years the Village saved a lot of money by not having to truck all the refuse up to Croton. If you would get some figures on that, it would far exceed any amount that was mentioned today for the potential investment that might have to be made. It is a terrific proposition and I may not see the completion of it, but I would like to see the beginning of it.

Mr. Dawkins: I am the liaison from the Parks and Rec Commission to the Quarry subcommittee. The effort that Christine spoke about, upcoming fund-raising endeavors we can pursue, is a synergistic situation. It is difficult to raise money. People want to know who else is in on this. To have the support of the Village will propel the fund-raising opportunities we are looking for. Chris and the other members of the subcommittee have identified many government as well as non-government opportunities. I would like to thank the Village Manager and the Village Planner for all their time spent on this and efforts putting this Department of State grant together on short notice. It is that kind of synergy that will continue to move this project forward. The fondest wish of everybody on this

committee is we could do this without spending a dollar of Village funds. I do not know if that is reasonable, but we are certainly trying to do that. As a member of the Parks and Rec Commission and the subcommittee, I encourage the Board to view this positively.

Mr. Metzger: The worst case scenario is about a million dollars in taxes to the Village. If we assume that there are 7,000 residents in the Village, it comes out to \$143 per person. That is a couple of pairs of sneakers, a good dinner out. That is a pretty cheap price to pay to put a park of this nature together. I was fortunate enough to talk to Chris at the beginning of the process. I helped her in a small way to help initiate this. It is thrilling to see how far we have come in the last four or five years. I believe this can become a centerpiece of the park system in our Village. I highly encourage us to vote for that.

Ms. Cain: When Jim estimated about \$143, that is just about the average gift that was given when we did this three-village mailing, which just went to “resident,” not even the name of the person. The average gift was \$96, so that is pretty impressive. So there is hope.

Ms. Lomolino: We told every responder to the RFP that it was important to design the quarry in stages so that we could pay as we go. Built into the design is the ability to proceed at a pace that the Village Board feels is suitable. Recently Fran Frobel brought to my attention that our state senators have earmarked funds and our congresspeople have member funds. Nita Lowey has solicited the Village for projects that she should put on her list. We expect to meet with her and tell her about this project. We expect to solicit the local politicians to support the project. So there are various pots of money that we will line up to be the Village’s match, and the smallest pot of all would be the general fund.

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

RESOLVED: that the Mayor and Board of Trustees approve the application of the Village of Hastings-on-Hudson to the New York State Department of State for the 2007 Environmental Protection Fund Grant Program for Quarry Trail Completion and Quarry Park Development Phases 1-4 in the amount of \$965,000.00 with a fifty percent (50%) match.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

95:07 AGREEMENT WITH TOWN OF GREENBURGH FOR SUBMISSION OF APPLICATION FOR SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM (SMSI) FOR SHARING OF DATA AND TECHNOLOGICAL SERVICES

Village Manager Frobel: We have been approached by the Town to join with five other villages to apply for an incentive grant to look at improving our recordkeeping for land transfers and our infrastructure. We are hopeful that if it is funded this will give us an opportunity to get a better handle on some of our infrastructure items that need to be tended to, and we would be able to develop a system of routine maintenance from that.

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

WHEREAS, the New York State Department of State has established the Shared Municipal Services Incentive (SMSI) Grant Program allowing two or more municipalities or agencies to cover costs associated with shared services, cooperative agreements, data transfers, and to eliminate redundancies between such agencies through technological means; and

WHEREAS, the Village of Hastings-on-Hudson (“Village”) wishes to make improvements to the current sharing and transfer of data with the Town of Greenburgh (“Town”), and

WHEREAS, the Village believes that a successful grant, and the subsequent result of sharing resources between Town and Village, would promote advancement through the use of technology, lessening the amount of redundancy, and at the same time, creating municipal efficiency; and

WHEREAS, this grant will require a 10% matching of awarded funds to be provided, solely, by the Town and will not place any burden upon the Village’s financial resources; now therefore be it

RESOLVED, that the Village Board of the Village authorizes the submission, by the Town, of an application to the New York State Department of State for the 2007-2008 Shared Municipal Services Incentive Grant Program to promote, through technology, the inter-municipal sharing of data and services between the Town and Village.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

96:07 AUTHORIZATION OF COUNTY OF WESTCHESTER TO ACT AS PURCHASING AGENT FOR VILLAGE OF HASTINGS-ON-HUDSON

Village Manager Frobel: A bit of administrative recordkeeping on the county's part. The Village has been a participant in this program since the early 1980s, and it has been brought to our attention through correspondence from the county that we were remiss in not passing a resolution authorizing participation in the program.

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

WHEREAS, by Act No. 8-1983, the County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (3) days after the receipt of said bill by the local government and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorizes the County Purchasing Agent to act as Purchasing Agent for the Village of Hastings-on-Hudson on a continuing basis, and be it further

RESOLVED: that the following officers and employees are hereby authorized to sign appropriate requisitions: Village Manager, Deputy Village Manager, and Department Heads, and be it further

RESOLVED: that the following named officials are hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills: Manager, Deputy Manager, Treasurer, Deputy Treasurer, and be it further

RESOLVED: that the following named official is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in accordance with County Act No. 8-1983: Village Clerk.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

97:07 ACKNOWLEDGEMENT OF ABANDONMENT OF DESIGN AND ENGINEERING WATERFRONT INFRASTRUCTURE PROJECT GRANT

Village Manager Frobel: This is a grant received a number of years ago for the design of infrastructure on the waterfront. We are probably years away from reaching agreement as to how we envision the waterfront being developed, and with that would be the accompanying infrastructure. Given that, and given the fact that ARCO will be paying for our share of the design work, we have been advised by the state that it would be in our best interest to turn back this grant money and allow the state the opportunity to reallocate it to a community that is further along in their work. The fact that we have outstanding grants that need extensions works against us when we apply for other grants. This will free us from that obligation, and will allow us to aggressively pursue other funding opportunities.

Trustee Goodman: I took to heart statements that were made about the fact that grants are not easily awarded by the state, that they are hard work to get, and that we should not turn back the money lightly. I did my homework because these are monies that were awarded to us. I take Fran's comments to heart that we are some time away from deciding on the infrastructure. But I needed more than that so I went to the Record on Decision which was issued by the state DEC in September, 2006, for the south end of the waterfront. The ARCO end of the waterfront is a little more ripe, and we have a better idea about where the pollution is and the nature of the pollution. But since this grant applies to the entire waterfront, I looked to the part that was less settled to see how many years we are away and how bad

might it be if we design something like a park; this money is design money and we would be talking about putting in parks and siting public amenities.

There is a concept plan in the LWRP documents that lays out where some of the parks would be. They are heavily in the southern end so I overlapped that with the pollution data fields from the Record on Decision. The state anticipates five years of using an air sparging and soil vapor extraction for benzene and chlorobenzene. Benzene will cause blood dyscrasia and bone marrow problems, it increases the risk of leukemia, and it is a Group-A carcinogen. Chlorobenzene is a neurotoxin, damaging to the neuro system. And in the middle of all this, we have located parks.

I would like to turn back the grant because I do not want to give any more validation to this concept plan when the concept is not aligned with the pollution data. The state says that they are going to have to address residual contamination and may impose use restrictions on the southern end. I am not sure why we applied for the grant in the first place or why the state gave us the grant in these unsettled circumstances, but I do not want to bind any future Board to plans, nor do I want to spend the money improvidently. Grant money should be used wisely. It is not free money. It is our money, it is just from a different pocket. I am in favor of returning the grant based on the disconnect between our concept of where we think things should be, and the pollution field data.

Trustee Quinlan: It has been my position that the development of the waterfront is in the distant future, at least 10 or 15 years. Mobil-Exxon and Uhlich are not even at the table. The remedial plan to clean up that portion of the waterfront is totally inadequate so it is impossible for us to figure out where the infrastructure should be at this time. I have some different ideas about the roadway than the LWRP, and where the infrastructure should be located. There has been a lot of discussion by this Board and in the public about ARCO providing the infrastructure when they do the cleanup of their portion of the site. My lonely opposition to that idea I have stated at these meetings. I do not think the infrastructure should drive the planning, I think the planning should drive the infrastructure.

I do not have any problem with abandoning this grant. It is totally premature. Although there was some discussion of ARCO subsidizing some of the infrastructure, this Board will drive where the infrastructure belongs, not ARCO. If they want to give us the money, that is fine. I am in favor of abandoning this grant and getting new grants for our quarry and other projects that we can enjoy in our lifetimes.

Deputy Mayor McLaughlin: Yes, I agree with that. Thank you, Fran, for working this out. I am especially grateful for the fact that this will make it easier to get grants that we can use in the near future.

Trustee Swiderski: I think the simple, compelling fact that there are monies available and offers to carry out such studies compensates for the fact that we are giving up monies. The larger question of whether it is appropriate to plan for infrastructure now is not one I am interested in addressing. It is immaterial because we have got offsetting money. So that discussion can be put off to some other time, and meanwhile I have no trouble in giving up money if, in fact, there are other monies that compensate accordingly.

Michelle Hertz, 62 Euclid Avenue: Thank you so very much. I have been following this for a long time. This seems almost like a miracle.

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

WHEREAS, the Village of Hastings-on-Hudson (the “Contractor”) entered into an agreement identified by the NYS Comptroller’s Contract Number C006426 (the “Agreement”) for funding of the Design and Engineering of Waterfront Infrastructure with the New York State Department of State (the “Department”) under Title 11 of the Environmental Protection Fund; and

WHEREAS, the Contractor is obligated under such Agreement to proceed expeditiously with such Project and to undertake and complete such Project in accordance with the Work Plan which is an Appendix of and fully incorporated into such Agreement; and

WHEREAS, the Contractor is unable to proceed expeditiously with such Project and is unable to undertake such Project in accordance with the Agreement; and

WHEREAS, the Agreement also provides that such Agreement may be terminated by the Department if the Project is abandoned by the Contractor; and

WHEREAS, it is in the best interest of the Department and the Contractor that the Project be deemed abandoned and the Agreement terminated, now therefore be it

RESOLVED: that the Contractor agrees as follows:

1. The Project has been abandoned by the Contractor;

2. The Contractor has undertaken no tasks under the Agreement for which payments are or would be due under such Agreement to Contractor by the Department and Department is under no obligation to make any payments under the Agreement;
3. The Contractor recognizes that, based upon the Agreement, the Department will immediately proceed to terminate the Agreement;
4. The Contractor agrees that it will not object to such termination.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

**98:07 SCHEDULE PUBLIC HEARING FOR COMMERCIAL TRASH
COLLECTION FEES INCREASE**

Village Manager Frobel: You have held several work sessions and we have given you a lot of information on this. We are at a point now to ask you to hold a public hearing so we can proceed toward adoption of these new fees, to go into effect perhaps early next year.

Village Clerk Maggiotto: May I suggest one change in the language: "To consider the advisability of *revising* fees for commercial trash collection," which is more accurate. Some fees actually will go down.

Deputy Mayor McLaughlin: Yes. Is that in agreement with you, Danielle?

Trustee Goodman: Yes. Thank you, Susan.

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 schedule a Public Hearing for Tuesday, Dec. 18, 2007 at 8:00 p.m. to consider the advisability of revising fees for commercial trash collection.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Danielle Goodman	X	
Deputy Mayor McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	Absent	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: The calendar for 2008 is at the printer for its second draft. We expect to have that in the hands of our residents either the end of this month or very early in 2008.

The county is going to be stepping up their efforts to encourage recycling. The public is going to see little change in practices. Our drivers have been instructed to be on the lookout for those who do not participate in our recycling program. A sticker will be left on your trash asking you to participate and instructing you that this is the law and that we would like to see compliance. Although Hastings does very well in recycling, we are looking to do even better.

Deputy Mayor McLaughlin: When New York State first mandated municipal recycling, I think it was in September, 1989, in the next couple of years Hastings always led the pack. I am curious to know what compliance we have now and what education could be useful.

Village Manager Frobel: Let me try to find out. There is going to be an effort on the county's part to reeducate or re-inform or re-stress the importance of recycling. But let me find out where the Village stands in comparison to other communities.

Trustee Swiderski: My understanding is that Hastings has always had an exemption not applied to the rest of the county regarding gray paper. Maybe it is the time to review whether that exemption is appropriate and whether people should be reeducated on what is right or wrong in terms of what you throw out. It is not clear to me that what we are adding to the waste stream and to the recycling stream is necessarily correct, but that it is more an artifact of what we won in the past in negotiation with the county. Maybe it is a good time period to resolve that now.

Village Manager Frobel: Very good. I will work on that.

Ms. Lhoumeau: We need new recycling bins, especially in view of this new law going into effect.

Village Manager Frobels: I spoke today with Michael. Raf had gotten me some prices, and I will dust that off. This may be a nice time to refresh everyone's memory with some new recycling bins as well.

Ms. Lhoumeau: I live on 157 Southside. For people who live above the stores, we have an especially difficult time with recycling because we do not have basements or storage areas. I can take out my garbage a couple of times a week, put it in a can. But with the recycling there is only one night. You have to get everything out that one time. Metro-North has these big box things where recycling can be stored. Could the town have, perhaps in a couple of our parking lots in the center area, some areas where recycling could be put any day of the week and then be picked up on the appropriate day?

Village Manager Frobels: I will give it some thought.

Trustee Goodman: It is an excellent suggestion. I myself routinely miss recycling dates and take my own stuff to the DPW. Also, in light of sustainability, broken laundry baskets that you are going to throw out make excellent recycling bins. There are other household items, cardboard boxes, etc., that can also be used. So in the spirit of saving tax dollars, some sustainable items turned into recycling bins would be greatly appreciated.

Elisa Zazzara, 68 Southside: A subject near and dear to my heart, recycling. I would venture to guess that Hastings is not doing as well as it used to. On Southside, when I walk on garbage day, I see nothing but recyclables put out in garbage bags. I am concerned because my sense from the notice that Westchester County sent out to us, and what I am hearing tonight, is that the plan for public education is not in place either by us or Westchester County. You had mentioned, Mr. Frobels, that there will be no change in practices. There has got to be a change in practices. If everyone puts their garbage in a black plastic bag and half of it is recyclable we will not know that. I cannot imagine they are going to open up garbage bags and start sifting through stuff.

Village Manager Frobels: No, we are not going to do that.

Ms. Zazzara: So how do we make sure our recyclables are going in? Can we supply an amount of clear plastic bags and have them available at local shops for people to buy so that it is easy for our garbage collectors to see if there are recyclables in there?

Village Manager Frobels: I will have to give it some thought. The county met with us yesterday, and what we are going to be on the lookout for is homeowners who have no recyclables. In other words, when we go to the home on recycling day and there is nothing out there we are going to have to assume they threw it out in their trash. We are going to try

to take that approach, but we can probably do better in terms of public education. that is what we are going to be working on, and the county, over the next several months as they have explained it to me.

Ms. Zazzara: I wrote to you some months ago. I am happy to offer some time and services on whatever level to help this. There is a lot of stuff to be mined and we can be doing a much better job, so please take advantage of that.

Ms. Travis: On public education, maybe a good, broken-out list of what to recycle when. I have read details in the things we have gotten in the mail, and I see people doing the opposite. So maybe a big announcement on the Website and Village e-mails to start getting people ready.

Village Manager Frobel: Our staff did a video presentation last summer. We can do a refresher. That generated some questions and improvement, but let us continue that effort.

Ms. Lhoumeau: The A&P sells clear plastic bags that say "recycling." Are we allowed to use those?

Ms. Zazzara: As far as I understand we are not. You are not supposed to put your recyclables in plastic bins.

Deputy Mayor McLaughlin: That is an interesting question: that the A&P is selling something that will confuse our residents in terms of our rules. Either we should talk to the A&P or change our rules, and I guess our rules are set.

Ms. Lhemeu: I could bring in a sample bag to the Village to show what it is.

Village Manager Frobel: That would be helpful.

Ms. Lhoumeau: Living in a small apartment building with no super and a landlord who is off-site, who is responsible for providing recyclable areas? I know my landlord might be responsible for providing bins to put my garbage in, but is my landlord responsible for providing an area to put my recycling in?

Village Attorney Stecich: Not that I know of, but I will look at it. Generally that comes up when there is site plan approval. But these buildings would have to be so pre-site plan approval that it probably would not have come up.

Deputy Mayor McLaughlin: That does sound like something, though, that we should be looking at.

Village Manager Frobel: I will ask the Building Inspector. Perhaps he is familiar with some of the local codes. But let me find out for you.

BOARD DISCUSSION AND COMMENTS

1. Update on the Comprehensive Plan Committee

Trustee Quinlan: I went to the last meeting. It was very interesting. It is hard to remember exactly all the things that they talked about, but it is a very strong committee and they are working very hard. I thought there were a lot of interesting conversations preliminarily about their plans and studying other comprehensive plans. They are reading the Vision Plan, the LWRP, the zoning code, other plans from other communities. There were some interesting discussions of their relationship with the LWRP. They are meeting regularly. It is an exciting committee. They set a timeline for themselves that hopefully they can do within two years. Diggitt, I am glad that you and I spearheaded this after our last election, and it is working well and I have great hopes for it for the future. The meetings are televised on Channel 75.

Deputy Mayor McLaughlin: They are very well-run. They are in and out in less than two hours.

Trustee Quinlan: One of the most exciting things about that committee is that there are a lot of new faces, people that have not been involved in government before, people that are getting interested in government, and people that have not lived here forever. Although there are some that have, like Harry, it is just a great mix of people and it is very exciting.

2. Proposed Leaf Blower Legislation

Deputy Mayor McLaughlin: Our status on the proposed leaf blower legislation is that Attorney Stecich sent us a draft yesterday afternoon. The public has not seen the draft, and there are issues in the draft that we need to discuss tonight. At the end of this, Marianne has suggested that we set a hearing date, which we can set for next Tuesday night since we have not had a hearing on this as it stands, although we have had a work session. I believe, Susan, that the announcement has already gone to the paper to set the hearing for next Tuesday.

Trustee Quinlan: Not that I want to delay it at all, I want to have it next Tuesday, but we had a resolution setting a public hearing for trash for next week. This is a surprise to me. This is the first I hear tonight that we are going to set a public hearing. Do we need one?

Deputy Mayor McLaughlin: Yes.

Trustee Quinlan: And why did I only hear about it tonight?

Deputy Mayor McLaughlin: We need a public hearing because it is changing the Village code, right?

Village Attorney Stecich: The issue came up that some people wanted to vote on it tonight. I said no, you have not had a public hearing yet. And people seem to be in a hurry so you can have a public hearing whenever you want to. If you wanted it for next week, you could.

Trustee Quinlan: I do not know how we could have voted on it tonight when it is only under Board discussion and comment. You cannot vote on something under Board discussion and comment.

Deputy Mayor McLaughlin: That is why I asked Marianne. She said the public has never seen the draft that we have before us, so obviously we could not vote on it because we would need a hearing on the draft. But the draft is not complete anyway because we have not really settled on some of things that are in it.

Trustee Goodman: So procedurally we notified the paper, but the Board did not have notice of that.

Deputy Mayor McLaughlin: No, but we do not have to have the hearing next week, right Susan?

Village Clerk Maggiotto: No.

Deputy Mayor McLaughlin: Susan put the notice in the paper to get it in on time.

Village Attorney Stecich: Just in case.

Deputy Mayor McLaughlin: If you do not want to have a hearing next week we do not have to have a hearing next week.

Trustee Quinlan: No, I want to have a hearing, but what is on the agenda for next week? We already have a public hearing.

Village Manager Frobel: It should be very light. We may have the intermunicipal agreement for the property on Warburton Avenue. That has been in the works for quite a while because the meeting is right on the heels of tonight and tonight was a very heavy agenda. The next meeting will be very light.

Trustee Quinlan: We can have it next week. I do not want to be a stickler for procedure, but I do not like surprises.

Deputy Mayor McLaughlin: At this point we have the draft that Marianne has given us. I am going to read it, then we can determine if the points in it are the ones we want. If you want to continue next week on a discussion and not have a public hearing, we can do that. Let us see how we work things out tonight.

“Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1. Section 217-6 of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new paragraph to the list of acts that are declared to be loud, disturbing, and unnecessary noises in violation of this Chapter.”

Here is the following new paragraph:

“J. The use of leaf blowers except between March 15 and April 30 and October 1 and December 15, and then only from 9 a.m. until 6 p.m. on Monday through Friday, 10 a.m. until 6 p.m. on Saturday and holidays, and 10 a.m. until 4 p.m. on Sunday.

Section 2. Section 217-7 - Permitted noises. Paragraph C is hereby amended as follows:”

Then there is one thing here that is language to be deleted, am I right? It is that paragraph, as it stands, minus this? The paragraph as it stands is paragraph C:

“C. Sound created by lawnmowers, chain saws, rakers, leaf blowers, or similar equipment in use between the hours of 7 a.m. and 8 p.m., prevailing time, Monday through Saturday, and 10 a.m. to 8 p.m. prevailing time, Sunday, provided that they conform to the decibel level restriction set forth in Sections 217-5 and to the steady state and impact vibrations restrictions in 217-8.”

The proposal is to remove leaf blowers, or just the phrase “leaf blowers,”

“Section 217-16. Enforcement - Notice of Violation and Noncompliance is amended as follows:”

The new language is in italics in the draft I have, and I will tell you what it is.

“If, in the judgment of the Building Inspector, there is a violation of the performance standards contained in this chapter...”

And the next phrase is in italics, which means it will be new.

“other than of Sections 217-6 or 217-7...”

That is the italicized phrase. And the last phrase is, as it currently reads:

“the following procedures shall be followed.”

Village Attorney Stecich: Do you want me to explain that? Because it is totally out of context.

Deputy Mayor McLaughlin: Should you explain it now, or when we go through it?

“Section 4. The following new Section is added to Chapter 217.

Section 217-17 - Penalties for Offenses of Noise Provisions.

Any person violating any provision of Sections 217-6 or 217-7 shall be guilty of an offense punishable by a fine of not less than _____ and not exceeding _____.”

The question has been raised to us, do you want to have an increasing penalty for multiple offenses; do we want to be able to fine the property owner as well as the person using the leaf blower.

“Section 5. This Local Law shall take effect immediately upon filing of the New York Secretary of State.”

Trustee Goodman: As a citizen, when this kind of stuff would happen, local laws, new laws, and I would be sitting there and not having anything to read, it would upset me. So I apologize to the public that you are going through what I did as a citizen and did not like. I apologize that there were not handouts on the table, which there should have been extra copies for you to follow along. I do have an extra copy here and so does Jerry. So if someone would like to have these extra copies to follow along they may, and I will do my best that that not happen to you again. It is not fair, and it is not the way to proceed with a new law that has generated a lot of public interest.

Village Attorney Stecich: Probably to see the draft is a little more confusing than to understand what the substance of the changes would be. This is plugging in changes to an existing law. Essentially what it provides is that you cannot use leaf blowers except between the times, and the Board may change the dates on these, of March 15 and April 30, and then October 1 and December 15. And then the time limits that Diggitt read.

The reason the enforcement provision was different for these is that right now, under the performance standards, the enforcement provisions are the Building Inspector gives a warning and you have a certain amount of time to cure it. That did not make sense for something like leaf blowers, where it should be stopped and fined immediately. That is why there is a fine provision, so it can be dealt with by fine. Even though there are a lot of paragraphs there, it is just to clean up the law. It is really just one provision limiting leaf blowers to particular months and times.

Trustee Goodman: We could proceed in a couple of different ways. The most expeditious way is to take an already existing statute and amend it. That seems to be the route we are going. We are not inventing a new environmental ordinance. We are just taking a nuisance ordinance and amending that. I had thought we wanted to develop a legislative history with an intent and a purpose; something that looks at the carbon footprint and the public health issues. Certainly this embraces some of that, but not all of it. If our desire is to be quick and expedient, then just taking a garden variety nuisance ordinance and amending it does something, but I do not think it goes the whole way. And certainly we could do this now expeditiously and revisit it to pass what I would call truly an environmental ordinance, where you would look at multiple pieces of equipment. We have had input from a lot of people, and some of the complaints this will not address.

Deputy Mayor McLaughlin: Do you feel that we should toss this and start over?

Trustee Goodman: No. We can tinker with this, pass it, be done with it, have a ban in place. I predict it does not do everything that we wanted or we intended, but that is okay, because we can revisit it and pass an environmental law where you develop your legislative history, look at the carbon footprint, and do a lot of other things. There are other pieces of equipment that people complained about: the mower vacuum devices, the weed whackers, the hedge trimmers. There are more than just leaf blowers. This is the simple, expedient route. But the public should understand what they are getting and we should understand what we are doing. We received some information from the Lung Association and some information from a resident who is a professor emeritus.

Deputy Mayor McLaughlin: Elizabeth McFall sent us all of the letters that were submitted to the City of Yonkers when Yonkers was considering this.

Village Attorney Stecich: Just to clarify, it is not part of a nuisance ordinance; it is part of performance standards. If you read it, there are purposes in there that deal with reducing dissemination of smoke, gas, dust, odor, and other atmospheric pollutants. Just so you understand it is not just a nuisance; it is part of a more comprehensive chapter of the code that deals with a lot of stuff. Probably when the code was recodified General Code reorganized it. It took things relating to noise, vibration, smoke, dust, other atmospheric pollutants, and whatever, and it is all in this one section. I know what you are saying, but it does deal more broadly than just the use of garden equipment.

Trustee Goodman: What I am saying is we can do that, but we should acknowledge that that is what we are doing and the public should understand it.

Trustee Swiderski: The point is well-taken, and that is as far as the point should be taken tonight. A wise man I worked with said do not let the best be the enemy of the good enough. I completely agree with you. We could do more, and we suffer from the tendency of bogging ourselves down. Let us acknowledge that we may not be meeting everybody's expectations and let us cut to chapter one. Because I think you are right, there is a greater issue here. But I also want to pass something in time for next spring of 2008.

Trustee Goodman: Agreed.

Deputy Mayor McLaughlin: Marianne and I had spoken today about the fact that the back story that we have built here, with the hearings and work sessions, with the respiratory concerns and the concerns about unburned fuel and sustainability and environmental health and so on, are not addressed in this and what does that do to us in the future if it is challenged. Marianne felt that we were not leaving ourselves open to challenge. We want this to be a bulletproof law, and as she has drafted it she believes it is.

The first proposal is between March 15 and April 30, and October 1 and December 15. Peter, do you want to comment on that?

Trustee Swiderski: April 1 and April 30 I would be more comfortable with.

Deputy Mayor McLaughlin: Okay. And October 1 and December 15?

Trustee Swiderski: Either it is November and December, or October 15 to December 15. One or the other, but I do not want more than two months. I want three months in total, and those would be the three months I would be comfortable with.

Deputy Mayor McLaughlin: There was some concern that having a period of things either starting or stopping in the middle of the month could be confusing.

Trustee Swiderski: It is easier to enforce, for people to remember rules, if it is a full month. In the window of October 15 to December 15 we seem to capture 95% of what is going on.

Deputy Mayor McLaughlin: So the entire month of April and October 15 to December 15 would work for you.

Trustee Swiderski: Yes.

Trustee Quinlan: I am willing to be flexible, but I think the spring is a little different than the fall. I was thinking about April 1 to May 15 on the first end. But people who are wiser than I know when they have to clean up their yards. Maybe April 1 to April 30 is fine, Peter. I am not going to disagree with that. March 15 to April 30, as they have it in here, is fine, too. I am more inclined to do the six weeks in the spring. Remember I promised I would look at the leaves this year for the first time? I was looking at the leaves every day and there are a lot of leaves out there. I would say not October 1 definitely. I was thinking more November 1 to December 31. All the leaves have fallen now, but I am concerned that people are still cleaning them up and there is not snow on the ground. I do not want to hurt the industry in terms of getting to all their people in a short period of time. This is going to be a big change for them. But I am pretty flexible on that. Whatever you guys want to decide as long as it is not too long.

Deputy Mayor McLaughlin: So you could go with October 15 to December 15, or you could go with all of November and December. April would be okay with you.

Trustee Quinlan: Whatever the consensus is I am fine with.

Trustee Goodman: For the spring March 15 through April 30 was fine by me. I would not shift into May because the weather starts to warm up. In the conversation I had today with our local expert, Dr. McFall, she spoke about the need to avoid this equipment in weather that gets warmer and humid. It is better to operate the equipment when it is a little cooler. So I was looking for a six-week winter cleanup, and eight weeks for fall, 11/1 through 12/31. I would stay out of October, again, because of the warmth and because the leaves substantially are not falling until around Halloween now. I am looking for eight weeks because I am considering people who do their own cleanup, that do not have services. My neck of the woods, people do own this equipment and they use it. In the cooler weather I think it is less of a respiratory issue, so I would be looking at November and December. That is a total of 14 weeks permitted as opposed to what the Conservation Commission suggested, which would be eight weeks total.

Deputy Mayor McLaughlin: My preference is for the month of April and the months of November and December. May was not even a consideration for me because of the pollen, which is an awful problem for people who suffer allergies. The leaf blowers blast it all over the place. That is a problem with the summer months, too. Also, the thing about the end of winter is that it is over with and everything is already on the ground. Autumn, things take their time about arriving on the ground.

It did occur to me that if we push it to the end of December, people do not have their windows open. There probably is not going to be too much use, but on the other hand it avoids the dread middle of the month and people are not going to be confused. If they want to use their leaf blowers to get the place ready for Christmas, fine, they will not be bothering most of us. So I could live with the two months because I figured that especially in the month of December it is not going to be the kind of nuisance it is earlier that we are trying to avoid. There is not going to be pollen and there are not going to be open windows. But in the spring, when people are really savoring the use of their outdoors for the first time, I am reluctant to give over six weeks of that time to noise. Since all the crud is already on the ground people who are getting out of the house for the first time can get their work done in that month. So I am with Peter on that. I do not know where to go from here. We seem to be pretty solid on November/December.

Trustee Swiderski: I am fine with November/December. If that is what everybody else is for, I am for that.

Trustee Quinlan: And I will compromise and just do the month of April. I am not so sure that is long enough, but other than just the noise there are health issues also, and an environmental issue maybe even more than the noise. I get used to the noise, sadly. So I am willing to go along. It looks like we have a consensus for the months of April, November, and December; three months out of twelve. That leaves nine months no leaf blowers, three months leaf blowers. Does that sound right to everybody?

Trustee Goodman: I was looking for the extra two weeks in March only because if you get a lot of rain in April, again I am thinking about the people doing their own work, we can always fine tune it.

Deputy Mayor McLaughlin: What we have covered in the past is the fact that if there is some kind of emergency the Village will hear about it and the Trustees can vote to lift it for, say, the next week or the next two weeks.

Trustee Goodman: Do we need to make a provision for that in the law, or is that just something that we will do?

Village Manager Frobel: I saw myself coming to you, if that were the case, for your relief from this during a certain period of time.

Village Attorney Stecich: You are the ones enforcing it.

Deputy Mayor McLaughlin: If there is a summer storm we will need to lift it anyway. All right, so we are settled on that for the months. Now, the hours.

Trustee Swiderski: I have a proposal to address and simplify things. I would propose that we scratch everything from after the date and modify section 2 so it does not exclude leaf blowers and we set time limits on everything that makes noise.

Village Attorney Stecich: It does not work, though, because these other things are things that you can use all year. This other thing is prescribed noises.

Trustee Swiderski: That is fine. We are saying these are the hours.

Deputy Mayor McLaughlin: We have specifically restricted leaf blowers, but in terms of time of day section 217-7 only talks about hours of the day, so that the hours of the day can be assumed to be included or excluded for leaf blowers in that first provision.

Trustee Swiderski: We are totally complicating people's lives. Is it a lawnmower we can run at 7:30 in the morning and not a leaf blower? So simplify it by eliminating the special timing clause. And for the hours here, I do not know about 6 p.m. I was going to say 9 to 8 and 10 to 8 on Saturday and Sunday.

Deputy Mayor McLaughlin: 10 to 8 on Saturday and Sunday?

Trustee Swiderski: I am thinking of the summer. It is light out until 9 o'clock. 10 to 7, 10 to 6?

Deputy Mayor McLaughlin: Sundays?

Trustee Quinlan: This is where the problem begins with moving the times to section 2-C, because if you are not allowed to have leaf blowers after April 30 we are not talking about the summer.

Trustee Swiderski: No, we are not.

Trustee Quinlan: There are not going to be any leaf blowers in the summer.

Trustee Swiderski: Jerry, you are dead on. You are absolutely right.

Trustee Quinlan: That is the problem. I am not saying it is unsolvable, but you know what happens. It kind of mixes it up because you say no lawnmowers.

Village Attorney Stecich: Peter, it may look confusing on this sheet, but not when you look at the law as a whole. It should deal with the two separate things.

Trustee Swiderski: If it is not intrinsically obvious to everybody else I rescind the idea. In which case I would say 10 to 6 on Saturday and Sunday for clarity's sake, and the hours are fine with me otherwise.

Deputy Mayor McLaughlin: Jerry, I thought you had proposed 4 o'clock on Sunday.

Trustee Quinlan: But this is where I think we are going to have a bit of a battle on the hours. I think they should only be operational Monday through Friday from 9 to 5. Let us be reasonable. November 1 is usually right around when the time changes. It is dark at 4:30 now. And then November 1, when the time changes, this is when the noise really bothers me. So it is a work day, 9 to 5, for most people.

Deputy Mayor McLaughlin: And not for a mother who has got a child she is trying to get down for his nap.

Trustee Quinlan: Exactly. That is a very good point, Diggitt. And not so much for a nap, but kids do go to bed early. I was thinking about 9 to 5 Monday through Friday, 10 a.m. to 5 on Saturday, and 1 to 4 on Sunday and holidays. It just gives you more peace. I know that we may have a problem with that, but those are my suggestions.

Deputy Mayor McLaughlin: They work for me.

Trustee Swiderski: I would rather keep Saturday and Sunday the same for simplicity's sake. It is not an issue of what people can absorb and remember.

Deputy Mayor McLaughlin: Do lawn services customarily work Saturdays?

Trustee Goodman: Some of them do.

Trustee Swiderski: And Sunday?

Female Voice: And holidays.

Female Voice: Not Sundays.

Trustee Quinlan: I agree with you, Peter, about the simplicity. That is a point well taken. But Saturday is a day that I do chores, and Sunday is a day that I try not to do chores.

Trustee Swiderski: I pretty much do them all the time.

Deputy Mayor McLaughlin: In fact, Peter, people do tend to use their Saturdays and their Sundays differently. You have only to look at who is in what store on what day to know that people do their shopping on different days, they do their whatever on different days.

Trustee Swiderski: But that is my point.

Deputy Mayor McLaughlin: Yes, but then does it not make sense to acknowledge the difference in the two days when you set the hours?

Trustee Swiderski: Well, no. When you say people do things differently, they do things differently. I do not discriminate between Saturday or Sunday for when I get stuck doing chores, and I do not know how many people do. The Sabbath is a day of rest, I think.

Deputy Mayor McLaughlin: How about a day for having your neighbors over and not wanting the guy next door using them?

Trustee Swiderski: I hear the argument. I am thinking in terms of simplicity of implementation; I am not thinking in terms of quiet at lunch on Sunday.

Deputy Mayor McLaughlin: Fran, how is it likely to be in enforcement terms?

Village Manager Frobel: From what we found from neighboring communities, the ordinance is going to be difficult to enforce. So anything you can do to make this part of it as simple as possible will help us. But initially there will be some bumps in the road.

Trustee Goodman: The times, for me, make a difference. Are we 100% banning all leaf blowers? There is no issue, gas- or fuel-powered versus electric? The proposal before us from the Conservation Commission only dealt with fuel.

Deputy Mayor McLaughlin: No, we have agreed on all leaf blowers.

Trustee Goodman: I have to advocate then for the people that own the electric blowers that only have, now, eight weeks to do their cleanup. Some of those weekends are going to be rainy in the fall.

Trustee Swiderski: They have 12 weeks.

Trustee Goodman: Eight weeks in the fall to get their leaves up. So on the weekends I was thinking 9 to 5 for Saturday and 10 to 4 on Sunday, only to give people who do their own chores a chance to do them.

Deputy Mayor McLaughlin: So you are suggesting 9 to 5 Monday through Saturday.

Trustee Goodman: I have a concern. The daylight takes the hour away. I would have given the landscapers 8 to 5 to do their work Monday through Friday, and then 9 to 5 Saturday, 10 to 4 Sunday and holidays. I will go with the conventional wisdom, but if you are taking away electric blowers you are going to impact on people, my neighbors anyway, who were out two Sundays ago doing their own work. Not everybody can afford a lawn service, and I do not want to make life any harder on folks than it already is.

Trustee Swiderski: You are not taking away their right to use it in those public periods.

Deputy Mayor McLaughlin: And you are not taking away their right to rake.

Trustee Goodman: When you have three kids and you are taking them to soccer games and other things all of Saturday, that leaves them with Sunday to do their grocery shopping and their chores. I am trying to deal with this in a human fashion. I know the ethics have to change, the behavior has to change. But how we behave towards that will make a difference in people's lives. To the extent that this is a first step and can be retooled, it may have to be. If there is an outcry and people cannot get their work done, then we will have to revisit it.

Trustee Quinlan: If you have three kids, then your problems are solved. You get them out there with rakes. That is what I did with my three boys anyway.

Deputy Mayor McLaughlin: Jerry, you are holding on your proposal?

Trustee Quinlan: I have to be flexible. I am not going to go crazy about this. If everybody else wants to give them longer hours to operate leaf blowers, then so be it.

Deputy Mayor McLaughlin: Peter, what are you suggesting?

Trustee Swiderski: On Saturday on Sunday, whether it is 9 to 5 or 10 to 5, or 10 to 4, whatever it is, just the same on both days out of sheer mercy to the police and to the citizens.

Deputy Mayor McLaughlin: So how does 9 to 5 on weekdays and 10 to 4 on weekends work as the two time blocks?

Trustee Quinlan: I can live with that.

Trustee Swiderski: Contractors will not be, but that is okay.

Deputy Mayor McLaughlin: If you cannot please everyone, you have got to please yourself.

Village Attorney Stecich: These two are really just administrative.

Deputy Mayor McLaughlin: Right, they are. So there is really nothing in section 2 about paragraph C except that we agree to remove the phrase "leaf blower" from that paragraph. And in section 3 it is the addition of the phrase beginning with "other than." And then in section 4, the following new section which has to do with penalties, these are important points. Do we want to fine the property owner as well as the person using the leaf blower?

Trustee Swiderski: No.

Deputy Mayor McLaughlin: You do not want to fine the person who hires the guy? Who is going to take the hit?

Trustee Goodman: Absolutely you want to fine that person.

Trustee Swiderski: No.

Trustee Quinlan: The only way that we are going to be able to enforce it is to fine the property owner. You are not going to be able to track down the company or the person using the machine.

Trustee Swiderski: Well, the ticket is issued on the spot, is it not? While there is noise?

Trustee Quinlan: But let us say the property owner is not liable and you hand the ticket to the guy who is operating the leaf blower. That may be a company that is easy to find, and it may be a company that is not easy to find. It may be a guy who is working for that day. It could be anything. As a lawyer, you have to understand tracking the money, tracking enforcement, is very difficult. You have the property owner, the property owner has an address. We know where they live, we know who they are, and you fine them.

Trustee Swiderski: I do not want to be the person who gets that ticket for what a contractor did while I was not there.

Trustee Goodman: You hired them.

Trustee Quinlan: Let us say you are at work, and the guy comes off-hours and you get a \$100 fine. You are going to go to him and say you made a mistake. I want \$100 off my bill or I want to hire somebody else. You are not going to get any enforcement if you do not fine the property owner.

Trustee Swiderski: You must not like your jobs as Trustees. I do not know. The first time you get a ticket for your contractor's error it is going to be a shock to people.

Trustee Goodman: But you own property, and with property comes responsibility. This statute will be available on-line for people to download. We are all making contracts with our lawn services through the winter months. When you sign on the dotted line you provide the contractor with a copy of the law.

Trustee Swiderski: Okay.

Trustee Swiderski: Marianne, what do other communities do?

Village Attorney Stecich: I did not do the research on this, Kevin and Fran did.

Village Manager Frobel: I cannot recall what they have done. Let me check my notes.

Deputy Mayor McLaughlin: As a person who has hired contractors, I cannot imagine that the employer is not responsible. I understand your point that you cannot be responsible for what is done behind your back. But are you imagining that there are going to be contractors touting for business in Hastings who are going to assure their employers that they are willing to take the hit for behaving illegally? Are people going to use that as a piece of business promotion? I am willing to absorb the cost of a \$100 ticket in order to blow your leaves? I cannot imagine a contractor saying that. And if word gets around that there is a contractor who uses a leaf blower, the other contractors are all going to be before us demanding to know why that guy is able to get away with it and they cannot.

Trustee Swiderski: But that is always the case in the law. There are always people who follow it and those who do not.

Deputy Mayor McLaughlin: But do you construct your law to pander to the people who get around it?

Trustee Swiderski: I am not suggesting we do. I am just deeply hesitant to fine the property owner. I do not know what is done elsewhere. Maybe I am totally off base here.

Village Manager Frobels: We surveyed 12 different communities, and I do not see where that was a question we asked: who received the summons for the violation. I would strongly suspect it was the homeowner because it could be a homeowner using the equipment. Nothing says it would be a private contractor.

Deputy Mayor McLaughlin: The lawn services asked us to guarantee them a level playing field because they did not want homeowners using equipment they were not allowed to use, and we agreed with that.

Trustee Quinlan: The other problem you have, Peter, is let us say you have someone operating in a condo association or a co-op association or an institution or a school. What are you going to do, give the custodian a \$100 ticket? No, the school board has to pay the \$100 for sending him out there in violation of the law. Are you going to have the custodian pay the \$100?

Trustee Swiderski: That is a fair example, a good example.

Mr. Metzger: Who do you call when there is an issue at 6:15 at night? Do we call Devan Sharma at home and ask him to come in, or do the police deal with this?

Village Manager Frobels: The police are going to have to do it.

Mr. Metzger: In our neighborhood we have people who are very nice. When they are blowing the leaves off their own property they go a couple of doors to the left and a couple of doors to the right. They end up blowing the leaves off about five or six properties. So if the police show up and someone is blowing leaves into my front yard that I had nothing to do with, who do I complain to when I get that ticket?

Village Manager Frobels: I would suspect you would explain that to the police officer when he arrives on the scene.

Mr. Metzger: It is a nice theory.

Village Manager Frobels: Well, why would it not work? I do not understand.

Mr. Metzger: Because to start going out and arguing about something that you had nothing to do with, I may not even be home. And if the guy is standing in front of the yard and he is

blowing leaves in my yard, and I find a ticket in my mailbox, I am going to prove that I did not hire this guy? When you hire a plumber you assume that he has a certain level of professionalism, he knows the rules in which he has to install plumbing.

Deputy Mayor McLaughlin: Does a plumber not have to be licensed?

Mr. Metzger: Yes.

Deputy Mayor McLaughlin: The guys who work for landscapers are not licensed.

Mr. Metzger: The landscapers are not licensed like contractors are licensed?

Deputy Mayor McLaughlin: I do not know if landscapers are, but the guys who work for them are not.

Village Manager Frobel: No.

Mr. Metzger: Then I would think that the owner of the company would be the person who would take the hit. If his guys are out there flouting the law, then the person who hires them and has not trained them properly is the person that should pay the fine. If the homeowner is using the leaf blower in violation of the law, then the homeowner would pay his own fine.

Village Manager Frobel: Well, we can research that further. I would defer to legal counsel.

Trustee Quinlan: Do people really come on your property and do your leaf blowing?

Mr. Metzger: They really blow the leaves off of my sidewalk. And it is from a property at least two doors down from me. Once they fire that thing up they are up and down. They figure we will be nice guys and we will clean all the sidewalks off.

Trustee Quinlan: Maybe they will not be nice anymore. And it is not an automatic fine.

Trustee Quinlan: You could come to court. Our judges are very wise and understanding men. If you tell them you were home and your neighbor was blowing leaves on your property, they are not going to impose that fine on you, I do not believe.

Mr. Metzger: Can I call you if I have a problem with that?

Trustee Quinlan: No.

Mr. Metzger: Would you be my attorney, Jerry?

Trustee Quinlan: Unfortunately, I have a conflict at this time. But in the future perhaps, Jim.

Village Attorney Stecich: Not dealing with Jim Metzger's issue, but with yours, Peter, I would expect that for the first round there would be warnings. So Peter, if your contractor got a warning you are going to speak to your contractor.

Deputy Mayor McLaughlin: How do you feel about that?

Trustee Swiderski: The examples Jerry gave were very compelling, but wow.

Deputy Mayor McLaughlin: It sounds like we cannot resolve this without having some research about what works in other communities.

Trustee Quinlan: And we might learn more at the public hearing.

Deputy Mayor McLaughlin: Do we postpone the public hearing?

Trustee Swiderski: No.

Deputy Mayor McLaughlin: But then that means that we are not going to have this.

Trustee Swiderski: Since the majority of the Board feels other than me, I am not going to insist that it hold up the legislation and the public hearing. Let us write it in as you see it said, and we can change our minds at our next meeting after we hear that every other community does it differently.

Village Attorney Stecich: I could take Fran's list and check the codes on-line. And, as Peter says, you can always cross it out.

Trustee Goodman: I think the enforcement is going to be much easier and better with the homeowner. And I think the homeowner should bear that burden. You will get better compliance.

Trustee Swiderski: I do not know what cudgel we have with the maintenance crews. With a homeowner, I do not know what we can use to enforce payment, but at least there is something there. But I am reacting emotionally to the idea of coming home and having a ticket in my mailbox because I was gone that weekend and some guy was cleaning my lawn at 5 p.m. I would not react well.

Deputy Mayor McLaughlin: I am nonetheless comfortable with fining the property owner. Jerry and Danielle, do you want to fine the property owner as well as the person using the leaf blower?

Trustee Quinlan: I do not like double fines.

Trustee Swiderski: One or the other.

Deputy Mayor McLaughlin: Okay, so we are only fining the property owner.

Trustee Swiderski: Let us talk about how much, since we are having so much fun.

Trustee Quinlan: I was thinking \$100 for the first offense, and \$200 for each additional offense in the same calendar year.

Trustee Swiderski: That will get their attention.

Trustee Quinlan: We are talking about a calendar year. It is not going to go up and up and up. If we are going to have a law and we are going to have trouble, if the public sentiment is restrict the use of leaf blowers, then let us do it. And if you are not going to do it, then let us just take this and throw it away.

Deputy Mayor McLaughlin: When there have been draconian laws, judges have shown a reluctance to either enforce the sentencing or something like that if a law is simply too restrictive. So if we find that our judges are not doing this we will know that there is something about the law that is too strict.

Trustee Swiderski: And it is perceived as too strict by the general public if the bills are contested broadly.

Trustee Swiderski: What are the other fines we charge for things in this village?

Village Attorney Stecich: There is nothing typical. It depends on when the law was passed.

Trustee Quinlan: Forty years ago it was \$10, and now it is \$100.

Deputy Mayor McLaughlin: Danielle, how do you feel about the \$100?

Trustee Goodman: It might make Peter feel better about the property owner to do the first one at \$50, and the next one at \$200.

Trustee Quinlan: That is fine.

Trustee Swiderski: I am fine with that.

Trustee Goodman: The first one, if the fine is a little lower, then you can chase your landscaper.

Trustee Quinlan: That is a good point. And then after the second one, now you are really on notice that it is happening.

Deputy Mayor McLaughlin: So \$50, and any subsequent offense is \$200. Any subsequent offense or any subsequent offense in the calendar year?

Village Attorney Stecich: It has to be the calendar year.

Deputy Mayor McLaughlin: All right.

Trustee Goodman: I want to acknowledge receipt from Elizabeth McFall of a letter supported by various documents that she retrieved on our behalf from the City of Yonkers laying out the health effects. She collected letters from Mt. Sinai, Nyperg Federated Conservationists, Hudson Health Plan, American Academy of Pediatrics, St. Joseph's Medical Center, the Asthma Program Director at St. John's Riverside, Pediatric Pulmonary Physicians, and the American Lung Association. And today, to our Village, came a letter from the American Lung Association supporting this measure as something that can provide us with real health benefits.

In addition to passing our own law it suggests that we urge the EPA to set stringent emissions limits for small engines. While these engines are going to be used here for 12 weeks, the industry should become more responsible. In our initial work session I brought up the fact that the EPA was in its notice and comment period, and we should think about taking a position.

Deputy Mayor McLaughlin: Would we need to have a resolution on that next week?

Trustee Goodman: I think we have to figure out what emissions. It is a little more detailed than that.

Trustee Swiderski: I am not eager to spend time on that.

Ms. Zazzara: More of a question actually. In section 3 it says “if, in the judgment of the Building Inspector, there is a violation.” Does it mean only that the Building Inspector...

Village Attorney Stecich: It means that this enforcement provision in the whole code does not apply to the leaf blower part. The Building Inspector will not have anything to do with this. Just a simple violation, somebody calls the Village Manager. He can call the police, whoever can enforce under the law. So that is why it says “other than of these sections.”

Ms. Zazzara: Then with regard to the fine within the calendar year, I get a \$50 fine for the first offense, or a warning. The second offense within that same year I get a \$200 fine. Next year I am in violation of it again. Do I get a \$50 fine?

Village Attorney Stecich: \$50.

Ms. Zazzara: So it starts again. I do not understand the benefit to that.

Deputy Mayor McLaughlin: It would be difficult to keep track of year to year.

Village Attorney Stecich: And also you remind people. They might not remember the hours from year to year.

Lauren Heyman, 39 Lefurgy Avenue: I want to thank the Board for being so responsive and proactive in initiating this ordinance. I am very impressed.

Mr. Olsson: I could not tell you how disappointed I am that you are going to allow leaf blowers at any time. In the Town of Greenburgh it is against the law to use a leaf blower above 65 decibels. There are times when there are three teams of leaf blowers. We cannot even talk in the house. Most people who engage leaf blowers are probably not home. If you were home you would agree that it is extremely disturbing. Even around the Municipal Building I hear them in the morning sometimes, and it is unpleasant. It is also unhealthy for people who have respiratory problems. It is extremely disturbing for retired people.

There are towns that do not allow any leaf blowers. I daresay you can rake faster than you can blow leaves. I see the fellows blowing leaves when there are no leaves. One innocent leaf is being blown down the street. When I came to Hastings it was a quiet, peaceful town. It is awful and disturbing, especially on Sunday. On Saturday? Religious people, day of rest? It is so awful I cannot tell you. I would almost like to move out of town if we are going to have leaf blowers. So many people, maybe all of you, have leaf blowers, but there is nothing wrong with raking. And the plume of soot, you have feces and everything, and you are breathing it. I have a respiratory problem, and I am being injured by it. I do not know whether you consider that. I think the law is awful.

Ms. Lhoumeau: I would also like to back the 100% ban. But I have been noticing something new this year: the smaller landscapers are making a plywood box on the back of a pickup truck and then getting a machine that vacuums up leaves into the back of the pickup truck. It is very makeshift, so it grinds and vacuums and you end up with tremendous leaf debris clouds. Not so much if it has recently rained, a lot if it has not. I do not know where that is going to fall under the regulation, but I have seen a bunch of them this year. In terms of respiratory illness and air pollution, it is something you have to keep an eye on.

Deputy Mayor McLaughlin: It sounds to me like something that was created in response to knowing that this legislation was coming down the line, does it not? It seems like they are preparing for the next round.

Trustee Goodman: Actually, they have been around for a long time. I have seen them.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:20 p.m.