

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 15, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, May 15, 2007 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Attorney Marianne Stecich, and Deputy Village Manager Susan Maggiotto.

CITIZENS: Twelve (12).

Mayor Kinnally: I am going to ask for a brief executive session to have consultation with counsel concerning a real estate transaction and also two items on personnel.

EXECUTIVE SESSION

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board recessed for session with Counsel and for Executive Session to discuss real estate and personnel questions.

[BOARD RECONVENES AT 8:25 P.M.]

APPROVAL OF MINUTES

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

APPOINTMENTS

Mayor Kinnally: I will announce the appointment of Bennett Fradkin as chair of the Architectural Review Board. Christina Griffin is stepping down as chair.

PUBLIC COMMENTS

Charles Hevia, 2 Marianna Drive: I have two issues I would like to bring to the Board's attention. I did go to the Parks and Recreation Commission meeting and I discussed the issue of opening the bathrooms at Zinsser and at Uniontown. They said that they could not open the bathrooms because of budget and maintenance and cleaning. But it is a health issue at this point. We do not have any access to running water at these parks.

I spoke to Mike Gunther tonight, since his son is on my baseball team. Mike said it would be no problem, he would clean the bathrooms. What we need is a direction to Mr. Gomes to open the bathrooms.

Mayor Kinnally: Mr. Gomes has said that his recommendation would be to open the bathrooms, and he was going to discuss it with Little League to parcel out the responsibility of opening and closing. It is not something we would want to keep open 24 hours a day. He has not had a response to that. The concern is not just the cleaning. One of the concerns is the vandalism that we experience all the time up there.

Mr. Hevia: This issue of vandalism has been going back and forth between Little League and Mr. Gomes for at least three years that I know of. The question is a health issue. We do not have running water for our children.

Mayor Kinnally: There is running water at Uniontown.

Mr. Hevia: Other than the fountains.

Mayor Kinnally: That is running water.

Mr. Hevia: Do you want your child cleaning his hands there? I have had children with diarrhea leaving the outhouse and having to go home because they cannot clean themselves.

Mayor Kinnally: We are addressing that, and let us hope we can get some accommodation with Little League and the coaches to deal with that.

Mr. Hevia: Mike Gunther said it would be no problem to clean that. Number two is the condition of the fields. Currently there is nothing level about them. I would like to level the playing fields, but I would not want the bill to pay for it. There are other resources. We should address the earmarks from New York State. That is a big possibility. I see the villages around here getting their share of the pie, and we should address where we can get these funds. The Little League is a 501(c)(3). They could get grants, but we first have to know what we are dealing with, what it would cost to fix these fields so they would be safe for our children to play on. At this point I see the bumps, I see the drainage problems, I see the fencing being torn down. We could address these issues as long as we know what we are dealing with, what the dollar amount is, and go after that money either from New York State or grants, have different streams feeding this improvement to our fields. All I would like is a contact with the Trustees to move forward and take that first step, find out how much these fields are going to cost.

Mayor Kinnally: That job in the first instance would fall to the Parks and Rec board. I did speak with Ray today, and they will take it up at this point. There is not money, but there are items in the capital budget addressing some of the fields.

Mr. Hevia: I agree but, again, I do not think the Village should pay for it, and Ray would probably spend less time on maintenance if we had new fields. Just like a new car, we would not be fixing it up all the time and we would not have patchwork fixes. Ray is in charge of that budget, but the capital budget is a different thing. If you want me to address it with Ray I can do that, that is not a problem. But we have to move forward because I have been addressing this issue for three years. I would like to get an estimate of what these fields would cost us, and contact our state legislators to find out how much they can get us. Let the Little League board address its issue, too. Let them get a piece of the pie here. Let them get grants, and we could address that issue. We could have safe playing fields. Again, the primary issue right now, the short-term issue, is those bathrooms.

Trustee Goodman: I met with Mr. Hevia, and there is even a bigger picture here, and that is the buildings can perhaps be rehabbed and refreshments served. Particularly the one in Zinsser, which is off the Aqueduct, is a perfect opportunity, especially since we are talking about developing income stream from trails. Mr. Bolger was here a couple of meetings ago with a proposition of putting us on the map and having people come up from New York City to use the Aqueduct. Someone could make a going business out of the refreshment industry. Trail amenities, we do not have any. We have two buildings, one in Uniontown, one in Zinsser. It is an opportunity for a small business. You could get the economic development committee involved.

Mr. Hevia: They would not clean bathrooms.

Trustee Goodman: A public/private partnership. You could have the cleaning go off to the person who would be doing the concession. We have to think big in terms of the rehab and looking for the money.

Trustee McLaughlin: I wanted to make the same point with respect to Uniontown, in that I know the store on the corner near Uniontown gets a heavy business when we have Little League events at the field because there is not anything at the field. It would be an opportunity to offer perhaps our local merchants the opportunity to bid on running that concession stand one day or one and a half days a week during the playing season.

Mayor Kinnally: Okay, good point. Any other public comment?

Michele Noe, 20 Marble Terrace: It is exciting to see the affordable housing moving

forward, but I am curious about what the process will be for deciding who will be living there.

Deputy Village Manager Maggiotto: Sue Smith, who is the chair of the Affordable Housing Committee, has collected a mailing list of interested people. A of people who come in to Village Hall and we take all their contact information. When it gets closer to completion, I would say maybe six months prior to expected completion, they will develop an application that will be sent to all the people who have requested it. There will be a lottery, as there was for the houses.

Ms. Noe: So who will be evaluating the applications?

Deputy Village Manager Maggiotto: People on the Housing Action Council were the ones who did it for the two houses.

Mayor Kinnally: There is also a number of that that will go through Town of Greenburgh. Is that right?

Deputy Village Manager Maggiotto: I was just talking about the Hastings process.

Ms. Noe: How many will be for the Town of Greenburgh, do you know?

Trustee Quinlan: Four for the town, 10 for the Village.

Ms. Noe: Does the Village have any involvement in the people who Greenburgh selects? No. And when you said six months, do you have an estimated time of completion?

Deputy Village Manager Maggiotto: I think six months prior to whatever the estimated date is would probably be enough time to get that underway.

Trustee Quinlan: The income limits are set by either a state or a federal standard or a county standard. So it is not a standard that the Village sets. It has to be strictly adhered to, and I do not recall what it is but it is more than you might think it is.

Ms. Noe: It is not that. I just think it is great that there is a process in place, that we are not inventing the wheel as to how to weed through all the applications.

Deputy Village Manager Maggiotto: We follow the preferences set up in our affordable housing policy, which gives preference to municipal workers and volunteer firefighters.

Trustee Swiderski: Local teachers.

Trustee Quinlan: Michele, I have a copy of that that was just provided to me by Sue Smith because I am the liaison to affordable housing. It is the procedures that they have to follow, If you would like to call me I will make a copy for you.

Julius Chemka, 8 Ridgedell Ave.: My first item today, and I have got a couple that I would like to discuss, watching your last Board of Trustees meeting on TV, especially about Boulanger Plaza, I know you do not want to hear about it but it is true. You cannot get out of your car. I pulled in the other day and I could not even get my door open. I am pretty athletic yet at my age, but I could not move at all. At the meeting, Lee, you mentioned a couple of times about design. If it was done according to design it would be okay. Are going to get the guy to redesign it, or the contractor to live up to it? In the discussion that I heard you already lost two parking spaces with the new design. Is that true? And that is not counting the one that used to be along the wall by Aluisio's store.

Mayor Kinnally: It is counting that, Julie.

Mr. Chemka: It is counting that, okay. Well, that is losing two. And then you were talking about repainting the stripes. They are talking about grinding it off, putting asphalt over it. Please do not do it.

Mayor Kinnally: Let me give you an update. Fran and Christina Griffin have coordinated with the contractor. The contractor has said that he will reseal the parking lot. Not paint over the lines, but put another sealer, I do not know what that is, it has not been defined, on the parking lot and re-stripe the entire parking lot from scratch. They may paint the lines over first and then seal, it has not been finalized. Christina is trying to set up a meeting between the contractor, the paver, Christina, Fran, and Susan. Fran gets back tomorrow, so depending upon his schedule in the next few days that meeting will be held. And then we will see exactly which is involved, the time period that is involved, and coordinate it with the Chamber of Commerce and the merchants as far as closing the lot and getting the work done.

Mr. Chemka: Is that going to cost the Village any money?

Mayor Kinnally: All on the contractor. Nothing to do with the Village at this point.

Mr. Chemka: I hope you hold on to that bond before it is done and it is done right, and widening the spot so I can get out. You think you are going to get in the side door with a package that you just bought in the store, you are never going to do it.

Mayor Kinnally: Some spaces are designated for compact cars.

Mr. Chemka: That is the second thing I am going to bring up. I feel like a second-hand citizen when I go in there and I cannot park. You have got six spaces for compact cars in there. You have got eight spaces for compact cars out front here. That is 14 spaces. On the bottom of this driveway, all you need is two on one side and two on another. Some of the compact cars are higher than a regular car and you cannot see over them anyway. But why, in that corner, are you putting compact car parking there?

Mayor Kinnally: To increase the capacity of the lot.

Mr. Chemka: But when I go in there and the lot is filled, and there is a spot there and I cannot park there after I pay the same amount of taxes as the compact cars pay, it is wrong. There is no problem with the swing or anything there. I like the car that I have, and if I cannot park in a public parking space that I am paying for, it is wrong. And especially six. I do not think they need any. They can pull into any parking spot, whether it is a big one or another. Please, do not crucify us because we have a regular size car.

Mayor Kinnally: We will take a look at it.

Mr. Chemka: I wish you would. I feel guilty, and I am not guilty. I feel like I am not a citizen because I cannot pull in my own parking lot with my own regular size car. Number three, I want to find out why those police barricades are on the corners of Main Street and so on. The one on the south side of Main Street has a sign there no parking here to corner. Police barriers are the ugliest things I have ever seen in my life. You have two of them there, you have one in front of the store on Warburton Avenue. There is no sign there that says no parking here to corner. The one by the parking lot in front of the wine store, there is no sign there no parking here to West Main Street. I think those signs should be put up in those two places where they don't have the sign, and strict enforcement. If somebody goes in there it should be no parking-no standing signs on those corners. We had them before, they worked well.

Mayor Kinnally: I hate them, Julie, and I talked to the Manager and to Mike Gunther about it. They are supposed to get striping down there, and enforcement is going to be heavy. But the question is getting the striping machine and getting this done. It is going to be done.

Trustee McLaughlin: Saturday wound up being an unofficial Trustees' day at Boulanger. Jerry did a fact-finding mission, Peter did a fact-finding mission, and Danielle and I went down and did a fact-finding mission. Danielle and I walked over the entire new area and took note of every broken brick and every piece of cracked concrete. I photographed most of

them, and we measured the parking places. Then we went over the Steinschneider. It may be that the parking spaces at Steinschneider are straighter. It looked as though the parking spaces at Boulanger are more of an angle to get in, in addition to being, in some cases, nearly 20 inches narrower. We found at least 15 inches variation in some spaces.

Trustee Goodman: The smallest space that we measured was spot number 18. The spots near the pharmacy and the hardware store are the smallest. Two of them were around 87 inches. Steinschneider were 108 inches. I did some research on the Internet about parking spaces. Ordinarily the spots are 108 inches, or 9 feet. So in the smaller spots we have 87½ inches, 87 inches, 87 inches, then we have an 89½. Then on the other side of the median, the east side of the lot, they are a little bigger: 9¾ 96, 101½. Thee handicapped spot is also a problem, near Main Street. It was tight, and also there is curbing there.

Trustee McLaughlin: You are right in talking about the narrowness of the spaces. But I have a photograph showing a truck pulled into one of the compact car spaces.

Trustee Goodman: And he fit nicely.

Mr. Chemka: You are talking about compact cars again. Why are we giving them special things? They can pull into a regular size parking area. These are seniors who like to have to have a bigger car like mine with a big door.

Trustee Goodman: I assumed that they were there so there would be clearance on the turning radius.

John Gonder, 153 James Street: Three quick items. One is, I requested signs to be put up by Pulver's Woods to curb your dog and also the leash law. I called up and they say, write an e-mail. I do not do e-mail. Write a letter. I do not do letters. I talked to other people, department heads. This is over two to three years. I am up to here with some of the dogs. I live next to Pulver's Woods. They do not use leashes and they do not clean up. It is not a big expense. You have signs in Uniontown ball field that say dog waste transmits disease, contaminates our drinking water, please curb and clean after your dogs. It is required by law, \$100 fine. That is at Uniontown. Then you have one between Goodwin and Hudson on Summit. Here in the park, at least 20 to 30 people walk their dogs up there and maybe one-third of them do not follow the ordinances and laws. So I would like some help with a couple of signs.

Mayor Kinnally: We will make note of it.

Mr. Gonder: Next, the deer population in this town. Several years ago I told you about a

billion dollars across the country in vehicle damage and in regard to people's diseases and bodily injuries. Plus the deforestation that they are doing. You told me there is a committee. What is this committee doing and what are we doing? Did you know that the deer population doubles every two years? President's Day, I had six in my yard and six in Pulver's Woods right over the wall, 12 at a time. The most I saw previous to that would be nine at a time, so they are doubling every couple of years. I hope you do something about it.

Mayor Kinnally: We are part of the consortium with the Town of Greenburgh that has been looking at this, and we had a grant last year for a project up at Hillside Woods. I do not know where things stand with the Town of Greenburgh at this point.

Mr. Gonder: I talked to somebody from Greenburgh and they were useless. But we have to do something. Five to seven years ago, if I remember, either in Dobbs Ferry or Yonkers, on the Aqueduct somebody got killed or hurt very seriously. They were near a young fawn, and a doe kicked him. I had one raise up at me, and I have had three deer ticks in the last year. So I know it is a concern, and I hope something is done about it.

Mayor Kinnally: One reason we joined with Greenburgh is because it is really a regional concern. I had talked to the DEC a number of years ago to have them look into the situation on the Aqueduct, and they will not deal with it. It is a health concern, it is a safety concern. It is causing all kinds of grief in the community.

Trustee Quinlan: Peter has been compiling a list of problems that the Conservation Commission could take a look at, and one of them is the deer population. It is a regional problem, and we will try to work with Greenburgh because it is getting out of hand.

Mr. Gonder: At the October meeting you talked about school buses on private property. You people took care of it briefly and then it came back. I was told he had 15 days to paint it. Well, yesterday he painted it. It is a rust color. But there must be a law that you cannot have lights like a school bus. The only vehicles I know that can have lights up high would be police cars, ambulances, maybe utilities, maybe firemen going to a fire or a blue light. But this thing has red and yellow lights up high. I do not think anyplace in Hastings except Uniontown would put up with this. You would not have it in Villard, you would not have it in Hudson Heights, you would not have it in Pinecrest, you would not have it in Ravensdale, but yet we have to put up with that.

Village Attorney Stecich: I did not know it happened again. I went through the law with Deven before and told them which things to enforce, and it worked before.

Mayor Kinnally: She will contact Deven and work on it. Where is he parking it?

Mr. Gonder: In the property of the residence.

Mayor Kinnally: Then Marianne will take care of it, as she did last time.

Mr. Gonder: I appreciate it.

Cindy Travis, 429 Warburton Ave.: Have any of the Trustees or the Mayor or the Village Manager heard back from Con Ed about the tree trimming? At the last meeting it was put to them to please come back and answer the questions that were posed by the Trustees and some of the community.

Mayor Kinnally: Susan, do you know?

Deputy Village Manager Maggiotto: No.

Ms. Travis: Some valid questions were raised. Is it possible for the Trustees, somebody on the Board, to reach out to that gentleman and ask when he is coming back?

Mayor Kinnally: That is something that the Manager should take care of. But I do not know if he indicated he was coming back, or he would supply the information to the Village. I think that is what he said.

Ms. Travis: Yes, I think he said he did not know some of the answers and he would get back to you. But could it be made as more of a public process because it would be good to have it known? Everybody is talking about this tree maintenance program; our concerns are still based on the timing, and the fact that it seemed like they were more telling the Village what was going to happen and let bygones be bygones. We are trying to come together and pose some questions. We would like to invite the Board to come on Sunday. We are going to gather at the train station because we need pool our questions. Everybody is very concerned about their trees, so I am reaching out to you to let you know. But more importantly, I would like to see if Con Ed has responded.

Mayor Kinnally: Apparently not yet, and the Manager has been out of town. That does not mean that they have not contacted him.

Trustee Quinlan: I had a discussion with Jennie Lee, who is on our tree commission. She is also concerned about it, and she made some suggestions to me that I am going to pass along to the Board. She asked the Board to request the name and qualifications of the Con Ed arborist that is going to be there. That is something we should do. Also, the location of

where the firms are going to start their work, a specific work schedule, and what company they are going to hire.

Mayor Kinnally: They identified the name of the company at the last meeting.

Trustee Quinlan: She asked us to ask them for an estimate of the scope of the work, and she has recommended that Con Ed pay for us to hire an arborist to follow the work. I am going to give a copy of the e-mail to Susan for Fran, and ask them to follow up.

Trustee McLaughlin: We had a meeting with Paul Feiner, and he suggested that the municipalities pass a resolution asking Con Ed to pay for us to hire our arborists. Paul has since that time run this issue by Con Ed and they have refused, saying that they have competent arborists on their payroll. But I do have the names of the people at Con Ed who have responded to Paul Feiner, which I will pass on to you.

Fred Olsson, 3 Glenwood: Five years ago I gave the town a copy of the American Disabilities Act hoping that they would conform with it, and they have not done it. Later on, I bought four signs and presented them to the town, and they gave me a check for the four signs. They put up two. Every day this past week all of the spaces have been full at Zinsser. At 200 spaces, you are required to have eight. Can anybody answer why we do not conform? It is a simple matter to do it. If you were handicapped you would understand. It is difficult to walk three or four blocks to your car. I have a ruptured anterior tendon, which has caused me to fall seriously several times. I do have a cane which I use when I go to work. I wonder if there is anyone who can tell me why we do not do it.

Mayor Kinnally: I cannot tell you that. I brought it to the attention of the people who were looking into it, and I will get an answer for you.

Mr. Olsson: Who are those people?

Mayor Kinnally: Well, it would be the Manager, it would be the staff, and it would be the committee on the disabled.

Mr. Olsson: The Manager has looked into it for a year now.

Mayor Kinnally: I will bring it up with him again.

Trustee Goodman: Mr. Olsson, I was recently appointed as the Trustee liaison to the disabled committee. I promise I will look into it.

Mr. Olsson: Well, okay, but I do not believe you, really. I am sorry to say that because it has been five years.

Mayor Kinnally: I will look into it. I do not understand why it has not been taken care of, but it will be looked into.

Mr. Olsson: You told me that a year ago. You said we will address it, and you have not done it. When I go to get the 9:44 train, and I get down at 9:30 and there is no place, what do I do? I miss the train.

Mayor Kinnally: Even if we put them in there, there is no guarantee that you will have a space.

Mr. Olsson: If you had the legal amount I would not mind, but you do not.

Mayor Kinnally: I cannot argue with you. I am not disagreeing with you.

Mr. Olsson: I do not want to argue. I am sick of arguing. Do you want me to call the Justice Department? We have friends there, and they can come and tell you how to do it. Would you like that?

Mayor Kinnally: No, and I do not think that is necessary.

34:07 RENEWAL OF EASEMENT AGREEMENT – 45 MAIN STREET

Mayor Kinnally: This was a matter that we had an executive session on with counsel earlier this evening.

Trustee Quinlan: I am satisfied that the Board of Trustees has followed up with the suggestion that the developer pay for the use and enjoyment of an easement on Village property to give Village residents some tax relief. This will be in the amount of \$15,500 for 11 months. We are moving in the right direction, at least on this small topic. Thanks to everybody.

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

RESOLVED: that the Mayor and Board of Trustees extend until January 1, 2008 the Temporary Construction Easement Agreements regarding Christie Terrace and the Ambulance Corps lot between the Village of Hastings-

on-Hudson and A&F Commercial Builders, LLC relative to the construction at 45 Main Street at the rate of \$1,500 per month, starting February 1, 2007.

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

45:07 APPOINTMENT OF VILLAGE NATURALIST

Mayor Kinnally: Fred has been serving officially and unofficially in this capacity for quite a while. His term had lapsed, and this is housekeeping to make him legal and legitimate again.

Trustee McLaughlin: When does the term run to and from?

Mayor Kinnally: One official year, which would be from the first Monday of April until the first Monday of April the succeeding year.

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

RESOLVED: that Fred H. Hubbard, Ph.D., is hereby appointed to the position of Village Naturalist for a term of one (1) official year.

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

VILLAGE MANAGER'S REPORT

Deputy Village Manager Maggiotto: We have all noticed the flashing red light at the corner of Main and Warburton. That light is a 50-year-old light and they do not make them like that anymore. We can repair it, but the part has not come in yet. As soon as it is in we will be able to make a repair to get it back to normal until the next time. We are going to have to replace that light. We will have to perhaps budget for it next year. It is now a three-way stop sign. Please remember to stop and try to make that corner as safe as possible. We thank you for your patience.

The comprehensive planning process is underway. We have sent out a notice on our e-mail inviting people who are interested in being part of the committee to contact the Village Manager or any of the Boardmembers. Send in a letter, a note, a résumé, because the Board will be putting together that committee soon.

The pool is opening in a few weeks, on May 26. We are still in the early bird cost for pool membership until May 31. Get your pool passes, join the fun, and support the pool. Camp registration is underway as well at the temporary Community Center in the meeting house of St. Matthews Lutheran Church at Five Corners.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Fred Yaeger called today to say he did not have anything to report. I asked him some questions about the testing. He said that they have not finished their planning, and he expected that the active testing both on land and in the water would begin within the next two weeks. I will reach out to the new liaison with the Village to see where they are on the technical aspects. It is important that this season be the season that they finish the testing so we can get the analysis done, and get the design process and the PRAP and the ROD process underway, by the end of the year at the DEC.

2. Term Limits for Members of Boards and Commissions

Trustee Quinlan: We asked Marianne to contact the attorney general to ascertain whether having term limits on the appointed boards and commissions was something we could do legally. We got a response in February. We did it for two reasons. One is to see if it was possible to do if we can get a majority of the Board. The other reason was that we have been doing it on the ZBA so it was interesting to note if we were doing the right thing. We got a letter from Katherine Sheingold, the assistant solicitor general for the state of New York in charge of opinions. In summary, she states: We conclude that the Village may establish term limits for the members of the Planning Board and the Zoning Board of Appeals, that

such term limits are rationally related to a legitimate government purpose. We had only asked about the Zoning Board and the Planning Board.

We had lengthy discussions about why I believe that term limits are good in government. Term limits encourage political newcomers to participate in government. They also can be used as a tool to make governments more responsive to public needs through the continuing process of renewal. They can help reduce potential abuses of power by people that stay in office too long. Those are legitimate governmental purposes. We have term limits for various officials throughout the country, including the President of the United States.

I am suggesting to my fellow Board members to think about at least continuing the term limits for the Zoning Board of Appeals and establish term limits for the Planning Board and the Board of Assessments. All boards are important, but these two boards have a lot of responsibility for the financial situation in the Village. It is easy to see how the Board of Assessments does that, but also the Planning Board with their site plan approval, whether they approve condominiums, single-family homes, commercial. These are all tax-based items, and the public needs to have a review of those.

Trustee Swiderski: We did talk about it in reference to the Board of Trustees earlier this year, and my sentiments were clear. They extend, for the most part, to boards and commissions. People on the boards and commissions serve at the pleasure of the Mayor, the Village Manager, or the Trustees, and generally serve for two-year terms that do not automatically entitle them to a rollover into a new position at the end of those two years. We have, on occasion, swapped people out even though they were not stepping down. Besides that, turnover is healthy enough as it is. The Planning Board has had three new appointments in the last year. New blood flows onto these committees and commissions and boards fast enough, if you are looking for turnover.

We have over 100 people serving on boards and commissions. If we forced a term limit of four terms, or eight years, that would mean eventually that we would have to replace 15 people alone, on top of natural attrition in a given year who would time out on boards and commissions. The natural attrition as it is is around ten. So from a practical point of view we would have some 25 new people we would have to locate to serve. I am not saying that is impossible, and I am not saying it is necessary enough to merit it. I look at the Planning Board now and see an exceptional group of professionals. I do not know if they can be matched, but I do not see why we have to bend over backwards to try to do so. The same applies to some of the other boards where the skill sets of the people serving are remarkable. Setting an arbitrary time limit to flush those people off those boards seems unnecessary. If they no longer jibe with the community vibe over the years, or having gotten sloppy in attendance, we can always change them. In some ways what happens is, term limits will end

up substituting for courage on the Board to swap people off these boards and committees.

If we are worried about hurting people's feelings, and I am not suggesting that is necessarily Jerry's justification, that is not reason enough to make turnover mandatory. However, if we feel people are not quite in synch with where things are heading in the Village, or are not pulling their weight, we can always remove them. That is part and parcel of our responsibility. If you do not like the people we select, you can vote us off. In that way, our role echoes, for example, what you see in elected government, where appointed positions are handled by executive or legislative branches and reflect the mood and sense of the time. The same thing applies here. I do not see the need for it. From a practical point of view, it introduces logistical problems I do not know we are up to, and from a moral point of view I am not sure it is necessary.

Trustee McLaughlin: Last year we discussed term limits for ourselves, and the appointed boards were in the idea by default. I started out wishy-washy but that was the first night we discussed it. At the end of that evening Randy Paradise got up and spoke. As Randy spoke he turned my heart and made me into a wholehearted supporter of no term limits, and that was the way that I spoke subsequently when we did have the vote on a resolution. By and large, that is still how I feel.

The Zoning Board has a limit of two terms of five years. I believe that in early 1984 the Board discussed term limits for the Zoning Board. The idea then was that the Zoning Board is the one board that is, on the one hand, appointed, but on the other hand not subject to local review. It is able to overturn decisions, and there is nobody who can correct what it does. Since they held this unique position they should be subject to some sort of check, and therefore term limits were considered a reasonable check. We five can be recalled every other year at the wish of the voters, and the people on all the other appointed boards can be recalled at our wish. But the other boards exist as advisory boards; only the Zoning Board is different. I am going to bear that in mind when I continue my thinking on this. If you are going to pursue this and bring up a resolution, I do not know how I will come down on that.

Trustee Goodman: I, as a citizen, spoke on this on more than one occasion. Being here now does not change my mind. I respect everything Peter said, and he is moving me some. But I still feel that term limits encourage renewal and renaissance. It is not easy. Tonight we are going to go into executive session to talk about boards and commissions. The Board of Trustees does not have all that big a say, I am finding out, and I am disappointed in that. Term limits with respect to the Planning Board, the Zoning Board and the Board of Assessment would ensure wider participation. It ensures democracy. The Planning Board makes many important decisions. As a citizen I have sat, I have watched them draft statutes. I have watched the Board of Trustees pass their statutes, sometimes without a written record

of what the Planning Board has done. A piece of paper is generated that summarizes what they did. I am for renewal, I am for renaissance. It is healthy. There are a lot of strong personalities in the Village, and when they vacate a spot somebody who has been in the shadows who is talented and creative steps up to the plate. I have seen it happen in many settings. I would be inclined to vote for it but I am not sure where we are going.

Mayor Kinnally: What is the sense of the Board? Do we want to ask the Village Attorney to draft something, do we want to put this on for further discussion, do we want to limit it to just the Planning Board, do we want to limit it to the Zoning Board, do we want to have both of those boards, are there any other boards that you wish to add to this list? Do we want to pursue it farther?

Trustee Quinlan: I would like to, obviously. The scope would be to keep it on the Zoning Board, including the Planning Board and the Board of Assessments. If we do not have a consensus on that and I do not have a majority here that believe the term limits exist, then my alternative would be let us be consistent and let us have a resolution to take it off the Zoning Board. The Planning Board is just as important as the Zoning Board, and the Board of Trustees does not get to review their site plans and approve them, as we will soon see on 9-A. We do not get to review the Board of Assessments when they make an assessment of a property either upwards or downwards. So we are in the same situation as we are on the Zoning Board. I am for setting up term limits for all three, but at least take off the Zoning Board and be consistent.

Mayor Kinnally: Let me discuss the Board of Assessment Review. That board has a recent vintage in the Village because in the past the Board of Trustees sat as the Board of Assessment Review. It was felt that we had enough on our plate, and if we could get people who were somewhat knowledgeable about the process to assist us that it may go a long way to lightening our burden, and also casting the net wider and getting other people involved. It is a very difficult board to get people. It is now populated by former Trustees who went through the Board of Assessment Review process when they sat on the Board of Trustees. The learning curve is steep. I would not want to jettison people off that board quickly because there is a great deal of wisdom in keeping people who are knowledgeable, because if that is not the case, the assessor will have more impact than the Board of Assessment Review as to how these applications should be decided.

Trustee Quinlan: I am seeking a ten-year limit as I did for the elected officials, which I do not think is a short period of time. Was John Huelsman a Trustee?

Mayor Kinnally: Yes, he was, years ago. So what would the Board like to do? We are not going to decide it tonight. We have to give counsel some guidance.

Trustee McLaughlin: I am persuaded by Jerry's point that I should not close my thinking now. Now, does that mean that we should ask counsel to draft a resolution. I do not know that I am prepared to go that far, but I would be willing to have another discussion about it and see if that advances my thinking one way or another.

Mayor Kinnally: Do you want to put it on for another discussion?

Trustee Quinlan: Whenever we have enough time. Diggitt, if you would like to think about it further and discuss it, I totally support you on that.

Trustee McLaughlin: Could we discuss it at our July meeting?

Mayor Kinnally: I do not see any reason why we could not.

Trustee Goodman: That would be fine.

Trustee Quinlan: We could discuss it again in July. In response to Peter about the turnover of boards and commissions, I totally respect the following three individuals. But I think the public should know that Patricia Speranza's term started April 22, 1995, David Hutson's term started on April 22, 1994, and William Logan's term started on April 22, 1993. So we are not having a big turnover on the boards and commissions. That it is very important for the public to know, and this is something that I am just learning; I have been a Trustee for a whole year, and we are going to air this out very shortly, I assure you. It seems like the appointments to boards and commissions may not be as democratic as some of us think. That is a big stumbling block on appointing new members and having new members not reappointed. You will hear more about that in the future, but I want you to keep it in mind because it is a problem.

Mayor Kinnally: So we will put it on in July.

Randy Paradise, 35 Floral Drive: I cannot begin speaking without thanking Trustee McLaughlin for her extremely kind and flattering words, and I am here to try to do it again.

Unlike the issue that comes up with elected officials, I do not have constitutional or democratic arguments to bring to this, but instead practical ones. There are two, and they concern the planning commission. Although it is the only commission that I have ever appeared before, it is a commission whose function I am more familiar with from dealing with a planning commission at a suburb of another city. If the last contested election in this Village from two years ago was about anything it may well have been about the course of

development within the Village. When it comes to questions of development within the Village, the front line of defense for the residents is not the Board of Trustees. It is the planning commission. To create, by statute, a planning commission where the average length of experience would be less than five years, which is statistically what is going to happen if you put a cap at ten years, not every commission member will stay for the full ten years. The average length of experience will be somewhere between three and five years if we are fortunate, if people stay around for as long as we would like them to. That does not provide as much protection for the citizenry as we would all like. Mr. Quinlan brings up three members of the planning commission who have been there for more than ten years. I do not know what the rest of the makeup of the planning commission looks like.

Trustee Swiderski: Three people have been there for one year or less, and one has been there for four years.

Mr. Paradise: So out of seven members we have three who have been there for more than 10 years, we have three who have been there for less than a year, and one who has been there for about four years. That is the kind of good mix that I would look for on a commission. Not just a commission that would be made up of people who would be new and learning the ropes, but at least one or two members, hopefully, that would not only have the experience of knowing how to deal with the issues as they come up, but who would also, hopefully, carry the institutional memory, that would remember issues as they have come up in previous instances, so that they would be ready to counter arguments that will certainly be brought forward by developers as they come into the Village. Creating a commission that has fewer than five years as your average length of experience, if I were a developer it would be something I would be licking my chops over. If there were property available here it would be a much more, not necessarily pliable, but less ready, possibly less aggressive, commission. We do not want to devalue experience, and I do not think that is what the intent of the resolution would be. But that might be the result of the resolution. When you remove that kind of experience completely from the board you lose something that is of great value to the members of the community.

The second issue is the question of whether or not this is a remedy for a problem. And if it is a remedy for a problem, then it is incumbent upon the people who back this resolution to clearly identify a problem. Are the commissions overburdened by superannuated members, are they burdened by people who are not effectively performing their jobs? If it is a remedy for a problem, then the problem needs to be stated. If it is not a remedy for a problem, but just an idea that, in theory, could work well, I would urge caution, because this village is not a classroom in political science. This is our futures that you are talking about. Before something like this goes forward you would want to carefully consider the unintended consequences.

On the previous question where we dealt with elected officials, I felt fairly confident that my views were the views of the majority of the Village. I do not know what the feedback was, if members heard from members of the Village. On this one I might not be in the majority. But I am going to take this opportunity, knowing that the meeting is televised, to ask my fellow residents to let their views be known. I would be very curious to hear, on the future meeting when you come to discuss this, what you have heard from the other residents of the Village.

Mr. Metzger: I have appeared before this board arguing in favor of term limits for the Trustees in previous discussions. It may even be more important to have term limits for the other commissions that we are discussing. I have been privy to Planning Board meetings in the last year since new members have joined the Planning Board that have raised the level of discussion about the issues in this village far beyond anything I heard in the previous seven years. I am not disparaging the people that sat on the Board during that time, except I think when people get comfortable in a certain situation they tend to repeat that information, they go with those same views, and you keep hearing the same arguments.

We have three new people on the Planning Board. They all have planning or development backgrounds. They are bringing issues to the table that we were not hearing before. They are doing research that I do not think anybody was carrying out before. I was at the work session last night and it was fascinating to hear people who have been in the Village and working on the Board for 12, 13, 14 years discussing the issues with people who have been on the Board for less than a year. There was no difference in the level of the discussion. They appeared to get up to speed very quickly, they knew the issues, they were studying the situation. With a ten-year limit you will have people that can hand that information down. You would have someone at a ten-year period, they would leave. Somebody who had been on the Board for eight or nine years would move up into that position. So we are not talking about a wholesale clearing house and bringing in new people. We are talking about a constant feeding-in of new ideas, new people, in the Village.

Some people do want to get locked into serving. If the term limit were eight years or ten years, would more people be willing to step up? Some people may like the idea that there is a term limit. They come in, they do their duty for the community, and then they leave. It is good to have change. A of people do not bother applying to sit on boards because they feel there is no reason to; nobody is leaving. If we tell them people are going to be leaving I think more people will step up.

Ellen Hendrixx, 136 Circle Drive: Further to the discussion, as a recent Boardmember I am concerned about the interaction between and among the different boards and how they

can work together to encourage better workings for the Village, and to make sure that by the shared ideas we raise the profile and the ability for these boards to function.

3. Televising Work Sessions

Trustee Goodman: I asked for this to be put on the agenda because a couple of issues have arisen over time that make me think that we might want to talk about televising work sessions. But on further reflection, after understanding the nature of work sessions and their purpose, I would like to propose that discuss how we are going to handle the recording of certain types of interactions that the Board has. There are times when there are work sessions regarding public works, which means planning projects and spending the public's money. Other times there are discussion either by the Board of Trustees or the Planning Board about drafting statutes, ordinances. I am concerned that if we are going to be a government that examines itself, and we should be that kind of government, we should be objective about our work product. I do not think we should get emotionally hooked in to our projects.

Sometimes we will pass a law and it is good, sometimes it will not be. Sometimes we will build a project and the public will be upset. Walking on the street and dealing with the Boulanger lot, standing at the pay station and taking notes and talking to people, I am asked how did this happen. There are a lot of things in the Village lately where people are saying how did this happen. So I think it is incumbent upon us to have a recorded record of certain kinds of interactions, and that would be discussing public works. We should not be in a work session that is not televised, or no minutes. It should be in the form of a special meeting.

When we draft statutes, and last night the Planning Board was talking about steep slopes and a lot of their discussion, or their conundrum and their ability to agree on certain issues, had to do with intent, purpose, and goal, that is all legislative history. They could have the discussion and reduce it to a piece of paper and we could pass the law. And the law, even though we try to draft it as well as we can, can be ambiguous. If someone wants to know the intent, the purpose, behind this word or this phrase, that should be recorded somewhere.. I am not looking to make extra work for anybody. I am not looking to run up the costs of government. But I am looking to have a permanent recording that we could go back and look at. Laws are important, and sometimes they miss the mark. And public works are important, and sometimes they miss the mark. Sometimes they are great. What did we do right? Let us go back. What were we thinking.

Mayor Kinnally: Rather than setting up artificial lists that may be too narrow or too broad, we could look on a case-by-case basis and decide to televise, as we did with the joint meeting

with the Planning Board on 9A.

Trustee Goodman: I do not know. At 10:30 on Thursday night an e-mail came out from the Village that on Monday the Planning Board was having a work session on steep slopes. There are property owners, perhaps, with steep slopes who would like to come. I thought that the notice was short. I asked if we could have this televised. I was pretty much told you cannot order anybody around, and I was not trying to order anybody around. But I begged for a record to be kept of that, and I felt strongly enough that I went and I took my own notes. Diggitt came, too. It is important. You probably all should have been there. And you do not have a tape to watch. I believe that because Jerry stepped in there was a tape recording made. But that was only after some jostling.

Mayor Kinnally: I do not think we should all have been there. This was a work session at which the Planning Board was trying to get their arms around what they wanted to do with their experience with steep slopes. They go through their process, and then their recommendation comes to us and we look at it anew.

The problem of having the Board of Trustees at everybody else's meetings is twofold. Number one, people tend to defer to the Board of Trustees and ask if this is something you want. That is exactly what we do not want to happen. We want them to be as independent as possible. The second thing is, when this issue comes to us, whether it is the Planning Board or the Zoning Board of Appeals or anything else, we should look at it anew. They are there to do their best to give us their slant, their take, their experience on what they have found to be defective. This is something we always want boards and commissions to do: to bring it to us and say, there is a glitch in this, there is a shortcoming, we think we can make it better, these are our recommendations. And then we discuss it, just as they discuss it, at a public meeting with a record.

I do not say no to having certain things taped. It is a problem both personnel-wide and money-wide, but we can look at that. But we should not have a hard and fast rule, every meeting, every work session has to be taped.

Trustee Goodman: I am not even suggesting that. And the Board of Trustees would not have to be there if we could sit at home in our own time and watch what is happening. In this Village one hand does not know what the other hand is doing. I still keep up, I read minutes, I watch the tapes. If you deny me the opportunity to watch the tape, then I am going to have to go to the meeting. I do not want to intrude. I quietly sat in the back, did not utter a peep, did not issue an opinion. But they were talking policy, and they could even be going down the wrong road. There was no saying, we are stuck on a particular point and maybe we should look to the Board of Trustees for guidance so that we do not draft something that is

going to be sent back to us. Then there is the public. What about the kids? Because kids do watch HoH TV. They are completely denied legislative process. We delegate this task. We could keep the task. When it comes to drafting statutes it should be something that is recorded.

Mayor Kinnally: By law it has to go to the Planning Board. We are not delegating it.

Trustee Goodman: All I am saying is it should be recorded when ordinances are drafted. Because you know what? I do not want to have a running battle of e-mails back and forth about the fact that this is not recorded. It is law.

Mayor Kinnally: Nothing was drafted last night. Direction was given to the Village Attorney incorporating what the sense of the Planning Board was. She will draft it, and there will be public hearings.

Trustee Goodman: I am here because I feel deeply about a lot of things. I am unhappy, and cannot make it more plain, about the failings of what has gone on here procedurally in the past. It is laws that are going to be passed that the public has to live by. If you send around an e-mail telling people on a late Thursday night to show up on a Monday, it is not going to happen. It is due process, it is property rights, it is tax monies being spent, and I do not think it would create a lot of extra taping. It does not happen that often. I would ask for some sort of automatic ruling so it is not at somebody's discretion. It is something that should be consistent and counted on. I appreciate we have an open government here, and I appreciate the work that is done by Raf Zaratzian and Jen Corso. They spend long hours at it. All I am asking is if you could revisit this issue on these two things.

Trustee McLaughlin: I had also been unhappy about the problem that I saw presented by work sessions on the Board of Trustees. This came to my attention when Boulanger began taking shape. The thing that made it come to my attention was the handicapped spaces and the fact that there was no curb cut in the center of the divider. I knew that we had discussed having a curb cut. I was so certain that we had, I went back and looked through the transcripts of our Board meetings where we discussed Boulanger. I could not find it, and then I realized that was taken care of at a work session, and there was no record of what had transpired at the work session.

I expressed my unhappiness about this to the Mayor. I hope I am not misrepresenting you, Lee, but what you said to me was, what happened at a work session that I could not find out about? My feeling is not so much what happened in a given instance as the fact that as a Trustee I cannot go back and follow a discussion that I have participated in, and I cannot go back and see what earlier Trustees were thinking at a work session. I wondered what the

open meetings law says about work sessions. Our Handbook of Village Officials says that a meeting is the official convening of a public body for the purpose of conducting public business. Any time a quorum of a public body gathers for the purpose of discussing public business, the meeting must be open to the public whether or not the body intends to take action. This includes workshops and work sessions. Chance meetings or social gatherings are not covered by the law because these are not official meetings; however, public officials should not discuss public business at chance meetings or social gatherings.

Then it explained that the open meetings law requires a notice announcement. It requires minutes, it describes what should be included in the minutes, and we have not done this for work sessions that I am aware of. The minutes that are required are not the kind of minutes that we take because we take a transcript, which is an invaluable tool to us, and we do pay for it. Somewhere in deciding what to do about our work sessions there is the fact that our work sessions are, in fact, regular Board meetings that should be conducted like regular Board meetings. That leaves the question of how do we handle the transcript or the minutes. We certainly do not want to, for the economy of it, reduce our standard Board minutes to the way they used to be. But can we afford to take the elaborate minutes of the meetings that we have previously called work sessions? That is a tough one, and I acknowledge that I have brought up a problem here that we are going to have to resolve. But I do hope that in the future we recognize that our work sessions are full-fledged meetings.

Mayor Kinnally: They are not full-fledged meetings because no action is taken.

Trustee McLaughlin: It says that any time a quorum of a public body gathers for the purpose of discussing public business, whether or not the body intends to take action. And this includes workshops and work sessions.

Mayor Kinnally: We are not taking any actions.

Trustee McLaughlin: But it says whether or not the body intends to take action.

Village Attorney Stecich: It is a meeting. It is clearly a meeting that needs notice.

Trustee McLaughlin: Also, the fact is that we are present as a quorum to discuss business. I have not understood the distinction between a work session and a regular meeting, since it is the same people discussing the same stuff. I have not understood what made a work session exempt from the regular rules of minutes and taking attendance and so on.

Mayor Kinnally: Because we do not take action.

Trustee McLaughlin: But, Lee, it says right here whether or not the body intends to take action.

Mayor Kinnally: No, I heard you say it, but we have nothing to report, do you not understand? The minutes reflect action taken at the Board of Trustees meetings.

Trustee McLaughlin: I understand that. That is when you are talking about the kind of formal minutes that the other villages take. But, in fact, the discussion that we have is what is valuable about our work sessions.

Mayor Kinnally: That is more transcript than anything else.

Trustee McLaughlin: It is a transcript, yes.

Mayor Kinnally: That is different. When I first got on the Board the minutes consisted of the following: roll call, warrants, resolution X, discussion by the Board, maybe comments from the public. That is all it would say: discussion by the Board, discussion by the public, roll call vote, next item.

Trustee McLaughlin: I understand. I have been a secretary of official groups and taken just those minutes. So our transcript is unique and very valuable.

Mayor Kinnally: So you are asking for the transcript.

Trustee McLaughlin: That would be useful. Where did the business of the curb cut go? We talked about it, I thought we agreed on it.

Mayor Kinnally: No. We talked about it, and the decision was not to have the curb cut in the middle. We discussed that in conjunction with the handicapped spaces. We wanted to move the handicapped spaces to the outside because it would be more convenient and closer to the sidewalk to allow them not to be in the middle of the traffic in the parking lot.

Trustee McLaughlin: But do you not understand that I now have to depend on your memory?

Mayor Kinnally: Or your notes. I remember very clearly that we had that discussion. In fact, we may have talked about this also at a regular Board meeting. But it was in conjunction with a few things. It was in conjunction with how wide the island should be, it was where the pay station should be, it was where the handicapped spaces should be, and it was whether or not we wanted to have a delineated median strip that cut across the parking

area, through the median, and on to the other side. One of the discussions was we were losing too much in the way of space to do that. That is one reason why we did not want to have the handicapped space. It has to be larger, and you have to have area on both sides to allow the handicapped passenger or driver to get out and freely navigate.

Trustee Swiderski: But back to the principle. I do not mean to stop you short. My memory is as yours, but that is neither here nor there. The solution that Jerry and Patty came up with was fairly elegant. It leaves a recorded record of the meeting. I was not particularly moved by any of these arguments except for one that Danielle made, which is very compelling. It comes in light of the struggle we are having over the Finneran law at the village officials committee, where original intent has always been an argument: what was intended by the law. We are fishing through documentation, finding scraps of old letters, and there is precious little else. It would have been useful to have a cassette where we could hear the conversation that preceded the drafting of that law. From an expense point of view, from an effort point of view, preserve a record that if somebody is intent on tracking down what was said at that meeting, it is available. I do not think anyone felt constrained by the presence of a tape recorder, so the argument that the camera impedes freedom of speech in any way does not work. It did not involve a professional operator, and it does not involve expense beyond pennies. Not that I want to short-circuit the discussion, but I think it worked out well. So can we at least agree, moving forward, that that serve as a base minimum for work sessions?

Mayor Kinnally: Across the board?

Trustee Swiderski: How many are there a year in total? Ten, across all committees and boards and commissions? If there are ten a year I would be surprised.

Mayor Kinnally: But Neil was a great believer in work sessions, and I came not to like them because I found that there was great animation because it is more of a relaxed atmosphere, and then when we got to the regular Board meeting to discuss the item, everyone was spent and there was no discussion about it. So we have cut back on them. A lot of times the Manager will come up with a list or we will have a list, and the question is, what are we going to do with them. Are we going to put them on for formal discussion or whatever. So we have a work session, sort it out. Nothing is decided, and then the real discussion can take place at the regular Board meeting. If that is the sense of the Board, then we will go for it.

Trustee Swiderski: Did that feel like it was sufficient, Jerry, on Monday?

Trustee Quinlan: I agree with having a recording of work sessions. I think we all do. The only disagreement that we are having now is whether it should be where there are budgetary

or legislative issues or the chairman of the board or one of the members feels that it should be tape recorded. I would like to thank Patty Speranza. I asked her to make arrangements to have it tape recorded. Although she is well beyond her term limits, she is an old and close friend of mine and she is a great Planning Board member. She said sure, let us just do it. I do not care what the parameters are; I think it is easier if you have an objective parameter than just leaving it up to someone's discretion. But we all agree that it should be done.

Trustee Swiderski: I think everything is pretty objective, parameter being just record them all. There is just not enough of them to bother coming up with rules. If there were 100 a year it would be one thing, but we are talking a nominal number.

Trustee Goodman: I will push the envelope here. We do have the comprehensive planning work session. Some people have been waiting for 20 years for this, so I hope that would be televised. Also, waterfront zoning. I do not think that should just be taped, I think it should be televised. Last night at the Planning Board there was discussion about revisiting downtown zoning, and about how people had to look back through their notes because there was not a particular record of this one issue other than the eventual passing of the zone.

Trustee Swiderski: There was an item thrown out last time around prioritization of issues for the Conservation Commission. What initiated it was the pileup of a number of issues that we have discussed on this Board and has had discussion over the years including, coincidentally, the deer issue. We agreed to distribute a list of those seven issues to everybody on the Board. And then everybody was asked to rank, in order, what was important to them so that we can provide some guidance to the Conservation Commission on where we would like some of their attention over the next year. The issue that received the greatest interest was exploring what the municipal government could be doing from a conservation point of view to increase efficiency, increase conservation. Number two was to look into restrictions on pesticides, and that was close behind. Number three was the issue of noise and pollution around leaf blowers. Number four was following up on the deer study underway in Greenburgh. Below that, the other issues lined up in lower-priority order: a green building code; environmental issues around the waterfront; and then last was Indian Point. Finally, one of the Board members wanted walkability to be included on the list.

Mayor Kinnally: We will pass that on to the Conservation Commission.

Trustee Goodman: I am thinking about it a little differently now. With the possibility of looking at zoning on the waterfront, I cannot imagine doing that without sustainability built in to the zoning code.

Trustee Swiderski: When are we facing the zoning review on the waterfront?

Mayor Kinnally: It will be part of the LWRP in the next year or so.

Trustee Swiderski: We can always turn to the Conservation Commission and add that to the list, or reprioritize. This is not a set list. It is to provide some direction.

Mayor Kinnally: I would certainly expect that they will be brought into the discussion, either formally or informally, to whatever is done on the waterfront.

Trustee Swiderski: We have a meeting of the village officials committee here in Hastings on Thursday at 7 p.m. to talk about next steps. That is not an open meeting.

Trustee McLaughlin: Jane Gross asked that this letter be read at tonight's meeting.

"I am Jane Gross and live at 1 Ashley Road. My neighborhood, as usual, was hit hard in the recent storms. We are always hit hard because of our proximity to the Saw Mill River, the brooks that crisscross many of our properties, and the fact that we live at the low point in a hilly community. Water is familiar to us. We expect to get wet when it rains. We protect ourselves as best we can with sump pumps, dry wells, or by regrading our property. These are expenses we expect to incur as homeowners.

"But rain and groundwater are one thing, raw sewage is another. During this storm, and during Hurricane Floyd, the storm sewers in my neighborhood were so overwhelmed that some of our houses were flooded with backup from the sanitary sewers. My house was one of those. The water, human waste, and clotted toilet paper were three feet deep in my basement three different times over that Sunday night and Monday last month. Once the fire department pumped it out, twice it was done by my guardian angels at Hastings Electric.

"Some of you may have read a story I wrote in the *New York Times* about the incredible help I got, as a woman alone in an old house, from the local craftsmen and volunteer fire department. The Mayor, I know, did because he wrote to thank me. I'm grateful for the kindness of Hastings finest, and I don't mean only firemen. I'm even grateful in a weird way to have been hit by raw sewage rather than rain or groundwater, because as a result my homeowner's insurance covered \$5,000 worth of cleanup and replacement appliances.

"But neighborly kindness and a homeowner's insurance policy are not a replacement for good government. Why are our sewers so inadequate that this has happened twice in the ten years I've lived here? Why have improvements been made elsewhere in the Village, something I learned from the firemen, and not on Ashley, Nepera, Clunie, and other low-

lying streets? No doubt upgrading the sewer system to meet current needs is hugely expensive, but it is the responsibility of the Village to do just that. A more basic responsibility, I would say, than a new recreation center or humongous lights at Chemka Pool even though it is open after dark very rarely.

“Shortly after Hurricane Floyd the Village spent \$60,000 to study whether the brook that crosses my property should be buried in concrete rather than allowed to spill the banks as it often does. That brook sometimes rises to within feet of my house, but not one drop of it has ever wound up in my basement. What winds up in the basement is an inch of groundwater seeping through the foundation during a downpour. I can live with that. I can’t live with the sewer lines into my house erupting like water cannons and spewing huge volumes of really disgusting stuff.

“Insurance companies consider rain storms and floods to be acts of God, and thus don’t routinely cover their damage. But sewage damage is not just Mother Nature having her way with us from time to time. It is the result of inadequate infrastructure, which I pay taxes for the Village to maintain. I’d like the Board to clarify the following matters. Are the storm and sanitary sewers near my home older, or so different from, those elsewhere in the Village? If so, why would the Village make improvements in the hilly areas that don’t get flooded while letting those of us in the flats make do? Does the Village have plans to upgrade the sewer system in my neighborhood and, if so, when? And in the meantime, shouldn’t the Village, rather than private insurance, cover the costs of sewage damage when it’s caused by the Village’s decision to abandon the infrastructure in its most vulnerable neighborhood? Thank you for your time and consideration.”

Mayor Kinnally: We will have to discuss that with the Manager. We had the engineering study done over in that area, the Fenwick drainage issue. The issue of the infiltration of the storm and sanitary sewers is part of what Susan has been working on with the storm water runoff. Susan, you want to discuss that briefly? What we are doing here as far as making sure that our storm water does not go into the sanitary sewer.

Deputy Village Manager Maggiotto: That is certainly part of a whole program, and we are all under imperatives to deal with storm water whether it is by local law or whatever measures we are taking. We have to make a report every year on the steps that we have taken. The next thing is reviewing all our legislation to see where we might be able to beef it up. But it is a very costly problem and every municipality is facing the same thing. Our infrastructure is old. We repair sewers when they break. We are not on a replacement schedule for sewers. When we have a break, then it gets repaired.

Mayor Kinnally: Part of the problem is that our sewers go underneath the Saw Mill, across the road, and we tie into the sewers downstream. It is not necessarily just our sewers.

During the storm that whole area was pressurized because of all of the water that was over the banks on 9-A, on the Saw Mill River Road, and everything else. There was no place for anything to go and it just infiltrated. There was discussion at a prior meeting about whether or not the federal government comes in with any of this. Fran said that sooner or later they are going to have to because there is no way. This is a regional problem just like the deer are a regional problem. Our sewage leaves Hastings and uses the trunk line to go down to Yonkers. If those sewers are inundated there is no place for that sewage to go.

Trustee Quinlan: Why would the sewage go into Jane's basement and not mine?

Mayor Kinnally: I do not know. It may have to do with pressure. It may have to do with valves or baffles that are on your system that prevents water from backing up. And you are not in a low-lying area.

Trustee Goodman: Can we put the Boulanger lot on for the next meeting so that we can have a firm timeline for when we are going to have our solutions and the work done?

Mayor Kinnally: If we have the timeline we will put it on.

Trustee Goodman: But we should have a timeline. It is a simple thing. There are two issues.

Mayor Kinnally: No, it is not simple. First of all, we do not have the information, as I said earlier. What does the contractor mean by sealing the lot? Before we allow him in to seal the lot we would like to know what he is going to do.

Trustee Goodman: So let us have him here so the public can see that something is going on.

Mayor Kinnally: As I said earlier, they are trying to set up a meeting with Fran and Christina, our engineer, the contractor, the paver to see exactly what is going to be done, what the timeline is, and then to reach out to the merchants and to the Chamber of Commerce to coordinate this. It is going to take two days to do this job properly, and the last thing I want to do is not bring all of those interested parties into the decision-making.

Trustee Goodman: I recall that they said that August was the best. We are already going to be into June, and then there is July, and then there is August. I could see how things could drag along, and we need to get on top of it. People are still complaining about the pay station. So this is a two-pronged problem: the pay stations and the striping. Although it is a problem, we should line up our solutions. Do we need different pay stations? Then let us go

look for them. Let us put prototypes up. We have to get some resolution.

Mayor Kinnally: I agree, and that is what the Manager is charged with, and we have already started the ball rolling.

Trustee Quinlan: It is my understanding by the Village rules that any Trustee can put any item on the agenda, and there is no discretion. So we should respect Danielle's request and put it on.

Mayor Kinnally: I do not have a problem putting it on, but what I am trying to do is to have it be a fruitful discussion. Christina knows the urgency of the situation. I had a conversation with her this week, I had a number of conversations with her last week. Fran is the one who is going to coordinate this. He will be back. I believe Fran also knows the urgency of this situation. We want to get it done right, we want to get it done quickly. I do not want to compromise the former with the latter. We have the contractor's attention, the contractor has said that he will address the situation and make it right. I want to know what he means by making it right.

Trustee Quinlan: I do not think we have to make a decision on June 5. But if we put it on the agenda, and people know that we seriously are going to consider it, they will have the options for us by then.

Mayor Kinnally: I do not think the Board of Trustees has to deal with this. The contractor has said he will do it. We want to know what he is going to do and when he is going to do it. I do not think the Board of Trustees has to approve the contractor doing what he is supposed to do unless the Board wants to have full-blown discussion about what he is going to do. It is up to the Board.

Trustee Goodman: I am only saying keep it on the radar screen. The last time we were here I think I heard the same thing, and the time before that.

Mayor Kinnally: I just told you that Christina has said to me that she has had a conversation with the contractor, who said we will take care of the concerns having to do with the paving and the striping.

Trustee Goodman: And the public is owed time to come in and let them air their complaints with the lot so that when you sit down to fix it, if there is something else that comes up, you know the full array of what the complaints are. Everybody did their best with this project. There are some very good aspects to things. But if we get personally invested in the work product and we cannot be objective, then we have lost the mission here. All I am

saying is go stand in the lot, and you will get complaint after complaint after complaint. People should be able to come in and air their complaints.

Mayor Kinnally: They have been doing it.

Trustee Swiderski: They have been doing it.

Mayor Kinnally: Do you want to have a special meeting, when we are ready to resolve these issues, to have people continue to air their complaints, dedicated just to that? If that is the sense of the Board, fine. But we have public comment. Nobody is shy about complaining about the lot. I can probably, from memory, go through the list. It is the pay station. It is the striping, people are having problems seeing it. Fran reported last time that he has spoken with the vendor. The vendor says it may be a sensor. They are looking into it. I do not know if there is any resolution right now, but someone was supposed to come down and deal with that. If you want to have it on, we can have a work session on it. I do not know if we want to chew it up. We have never said to people who come up here, we do not want to listen to you about Boulanger. We would have to be pretty deaf not to have listened to people about Boulanger.

Trustee McLaughlin: We have heard and heard and heard and heard the complaints about the narrowness of the parking spaces. It does not matter whose fault it is that the striping appears to be so capricious. But how are they going to re-stripe it?

Mayor Kinnally: Pursuant to the specifications that we designed.

Trustee McLaughlin: Right. And were those for wider spaces? I have never read an analysis of what went wrong except that they were not the way it was laid out.

Mayor Kinnally: They were not the way it was laid out. Some of them are wider than they should be, some of them are narrower than they should be. They were spec'd out 8 ½ feet for the general ones, 8 feet for the compacts, and then whatever the handicaps are supposed to be. Fran gave the report on what it was. Does the Board want to revisit that?

Trustee McLaughlin: Might we reconsider the number of parking spaces, take one away and make them larger? People are now telling me people say they do not shop in the Village anymore because they cannot use the parking lot.

Mayor Kinnally: Where are they telling you this? In Hastings?

Trustee McLaughlin: But you go to the parking lot and it is all full.

Mayor Kinnally: You have X number of feet and X number of spaces we are trying to accommodate. And that was what the discussion was: how many are we going to lose.

Deputy Village Manager Maggiotto: The primary objective was not to lose spaces. We heard that over and over and over. We heard it from the Chamber, we heard it from everybody. The spaces are mostly the size that they were before, except for the ones that are too small.

Trustee McLaughlin: What I do not understand is, since the central island was made shorter and that parking space against the far wall was removed, logically that turning area should be bigger. So why are people complaining that they cannot turn there?

Trustee Swiderski: That is a very good question.

Trustee Goodman: Could we at least expect something from the Village Manager on the next meeting?

Mayor Kinnally: The reason the meeting has not taken place is Fran was not here. Fran comes back tomorrow, and I told Christina to coordinate with Fran when he is available and we will have the meeting. I never want to shut off discourse, but everybody has had a pretty good opportunity to come down here and to air their grievances concerning the lot. And we have written records of that.

Ms. Travis: This is about being able to contact Board members. There are names listed on the committees and commissions that are no longer on the boards.

Mayor Kinnally: We will get them updated.

Ms. Travis: Also there is no way to contact those boards. There are no phone numbers or anything. Is there a way to instruct people how to contact the boards?

Mayor Kinnally: I do not know if people want to have their numbers listed. It is a privacy thing.

Trustee McLaughlin: Can we give them Village e-mail boxes?

Mayor Kinnally: I do not know. I am sure there is flexibility.

Trustee Quinlan: When anybody wanted to communicate with me on the Zoning Board of

Appeals they would write the Village and Susan would make sure that the letter was in my packet when I showed up at the next meeting. So it is very simple if you have a question, and I hope the public can understand that.

Deputy Village Manager Maggiotto: We get e-mails that say please forward to the Planning Board, please forward to the Zoning Board, and we are very happy to do that.

Mr. Olsson: I spoke to our paving superintendent in New York, and we have this kind of problem. The product that he would use would be an asphalt sealant, which is no problem. But I would have him take one line put down a sample and show you to prove the quality of the product. I believe that you never get anything done by committee.

Trustee Swiderski: You are in the wrong town.

Mayor Kinnally: He has to prove to us that it is workable.

Mr. Olsson: Just have him put a sample down. It would take ten minutes.

Mayor Kinnally: As we did before. I will have Fran deal with that. I have been notified that the Cablevision draft contract is in the form ready to come before us for a public hearing. The question is will it be on May 29 or June 5, or at some other time. May 29?

On MOTION of Trustee McLaughlin, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Board of Trustees scheduled a public hearing on the Cablevision proposed franchise agreement on May 29, 2007, at 8 p.m.

EXECUTIVE SESSION

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting for discussion with counsel, and personnel.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:35 p.m.