

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**APRIL 15, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 15, 2008 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 Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Seventy (70).

**Mayor Kinnally:** I am going to take a few things out of order this evening. I called to order the Regular Meeting first, and I would like to do one or two things in the Regular Meeting, recess, come back and have the Public Hearings, and then go back into the Regular Meeting.

On the agenda of the Regular Meeting there was supposed to be the Deer Committee report by Dr. Jacques Padawer. That will be presented at our first meeting in May, on May 6.

Last week Trustee Peter Swiderski spoke very movingly and eloquently about an incident that occurred in Hastings last Monday, April 7. Andrew Swiderski was prominent in that incident, but more prominent was Dylan Fisher and our first responders: the Police Department, the Fire Department, and the Ambulance Corps. Peter spoke last week about our being in the midst of heroes. Indeed, we were, and are, in the midst of heroes. Andrew Swiderski had an accident last week on a swing between Farlane and Hillside Avenue. He slipped, and found himself swinging by his neck. Dylan Fisher was driving a taxicab and came by the scene, saw that Andrew was in distress, stopped, went over, extricated Andrew from his plight, and, in fact, saved his life. We thought it would be appropriate this evening to pay tribute to Dylan Fisher. I would ask him if he would come up here with his dad and his sister. Peter, Drew, Tracy, Sophie?

On behalf of the Village, and I know I speak also for Peter and for Tracy and his whole family, I would like to give you this certificate of heroism, presented to Dylan D. Fisher in recognition of your prompt and heroic actions taken on April 7, 2008 in saving the life of Andrew Swiderski.

[APPLAUSE]

**Trustee Swiderski:** We all want to think that in a moment like that we would react that way, that quickly, but you do not know. The lieutenant said to me that some of his men have 20 years of training and he would like to hope that they would move that quickly in a

moment of distress and emergency and do exactly what Dylan did that day. Dylan gave me my son, he gave us our family back, and Dylan has gained a family. Welcome to the Swiderski family. Thank you.

**Mayor Kinnally:** Thank you again, Dylan. Speaking of families, I am going to move up announcements and announce the addition to the Maggiotto family this morning, Sadie Sue, a new grandchild. Congratulations to all.

[Recess 8:10 p.m.]  
[Resume 8:35 p.m.]

### **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. 69-2007-08 \$399,221.84  
Multi-Fund No. 71-2007-08 \$ 1,284.06  
Multi-Fund No. 72-2007-08 \$ 1,277.70  
Multi-Fund No. 74-2007-08 \$ 10,892.24

### **PUBLIC COMMENTS**

**Mayor Kinnally:** Items that are not otherwise on the agenda.

**Elisa Zazzara, 68 Southside Avenue:** I would like to thank all of you for allowing myself and the people that I worked with to do Climate Action Week and the fair on Saturday. I know it took a lot of effort for various Village departments to come together to do it, and I really appreciate that work, and Diggitt particularly for getting all of those departments together. If I might just thank particularly the Buildings folks: Nick Callas, Rich Strobel, Tim Braig, and, of course, Ray Gomes and Lisa Carmody. They were just wonderful hosts for us at the building and we put them through their paces. Raf Zaratzian and Jen Corso, thanks very much for videotaping.

Since I am always up here speaking about waste, we hired Synergist to coordinate our composting. We had special compostable cups. We threw out 39 pounds of recyclable bottles and cans, 69 pounds of compostable material, and 38 pounds of garbage, which leaves us with a diversion rate of 74%, taking stuff out of the waste stream and into reasonable places.

**Trustee McLaughlin:** Can you explain the rate that you just quoted? You said a 76% diversion rate. In other words, of all the garbage only 24% was actually garbage.

**Ms. Zazzara:** Was waste. We had compostable, recyclable, and garbage. Some people did not use the bins, so certainly some waste did not make it into this count. But according to the bins that were put out and that were used, 74% of the garbage in these bins was diverted from waste and put into other reusable things.

The week started with a movie called *The 11<sup>th</sup> Hour*. Last week I gave all of you a copy. I hope you have had an opportunity to see it, and if not I implore you to look at it. It is 90 minutes long; about 45 minutes in you are really depressed, but it gets better. It is an important message to keep the momentum going because I feel that we have momentum.

**Clarke Jackowe, 5 Spring Street:** Spring Street seems to be the only street in downtown Hastings that has street cleaning twice a week. I was wondering why that was necessary for Spring Street, twice a week, Friday morning between 3 and 6 a.m., and Monday morning between 3 and 6 a.m. No other street has that. One time a week would be fine.

**Village Manager Frobel:** I will look into that for you. I cannot answer that.

**John Gonder, 153 James Street:** The bus is back. You have made a lot of progress over the last several years. The police made them paint it a rust brown, and there are no lights on it now. I would like you to revise your ordinance that you cannot have a commercial vehicle that was manufactured as a commercial vehicle parked in residential parking. Very simple, but I will be here fighting and we will get it done eventually.

**Kelly Topilnycky, 18 Maple Avenue:** Maple Avenue does have street cleaning twice a week. It is once one side and once the other, so it is two separate days.

**Mr. Jackowe:** On Spring Street it is only one side of the street that you can park on. Maple, you can park on either side of the street.

**37:08 LOCAL LAW NO. 2 OF 2008 – TAX EXEMPTION FOR VOLUNTEER FIRE AND AMBULANCE DEPARTMENT MEMBERS**

**Village Manager Frobel:** We have held our work session on this. We have had a public hearing as well. This is something that originated with the Town of Greenburgh. We view it as continuing the program already in place, offering exemptions for our volunteer firemen. This would allow up to a 10% exemption. We also view it as part of our concerted effort to encourage people to continue to provide volunteer firefighting services, and we view this as

something that is very much in keeping with that policy. We expect this to be eligible for upwards of 48 volunteer firemen and their families, with a cost to the community of about \$17,000. We support this, and hope the Board will adopt it this evening.

**Village Attorney Stecich:** Mayor, just one correction. The reference in 260-41 should be to the requirements of section 260-40.

**Trustee McLaughlin:** We have a totally volunteer fire department. We can keep them only because of their loyalty and our dedication to keeping them. Something like this matters to them, although in terms of that \$17,000 that it costs the Village it is so cheap. We have been told that if, for instance, we had a part-time professional fire department of only three firefighters for three shifts it would cost us at least \$1.2 million a year. So this is a tiny cost for us to maintain the firefighters we have. They have terrific training, they are incredibly dedicated, and we also support this.

**Mayor Kinnally:** Just a point of clarification. The \$17,000 number that Fran quoted is not costing the Village. It is being spread out among the other taxpayers. We are still going to raise the same amount of taxes through the tax levy, but in order to raise that money everyone else's taxes will have to go up a small percentage to absorb that loss because our assessment will go down.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 2 of 2008 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 260 Taxation, to Permit a Partial Tax Exemption for Members of the Volunteer Fire Department and Ambulance Corps as follows:

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

Section 1: Chapter 260 of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new ARTICLE VIII:

#### ARTICLE VIII

#### **Exemption for Members of the Hastings-on-Hudson Volunteer Fire Department and Ambulance Corps**

**§ 260-39. Exemption granted.**

Pursuant to § 466-d of the New York Real Property Tax Law, an exemption of 10% of the assessed value of residential property owned by an eligible person (or an eligible person and his/her spouse), as defined in ' 260-40, is hereby granted with respect to Village taxes. This exemption shall not apply to special assessments.

**§ 260-40. Eligibility.**

Such exemption shall be granted to an enrolled member of the Hastings-on-Hudson Volunteer Fire Department or Volunteer Ambulance Corps only if:

- A. The member has been certified by the Hastings-on-Hudson Fire Chief as an enrolled member of the Hastings-on-Hudson Volunteer Fire Department or Volunteer Ambulance Corps for at least five years.
- B. The member resides in the Village of Hastings-on-Hudson.
- C. The property is located in the Village of Hastings-on-Hudson and is the primary residence of the member.
- D. The property is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for the member's residence but is used for other purposes, such portion shall not be exempt and the remaining portion only shall be entitled to the exemption provided by this article.

**§ 260-41. Permanent eligibility.**

Any enrolled member of the Hastings-on-Hudson Volunteer Fire Department or Volunteer Ambulance Corps who accrues more than 20 years of active service and is so certified by the Hastings-on-Hudson Fire Chief shall be granted the 10% exemption as authorized by this article for the remainder of his/her life, as long as the other requirements of §260-40 are met.

**§ 260-42. Permanently disabled volunteer.**

Any volunteer firefighter or volunteer ambulance worker who receives the exemption provided by this article who becomes permanently disabled due to the exercise of his

or her duties as such firefighter or ambulance worker and who is therefore prevented from being certified as an active service member shall be entitled to the annual certification during the period of his or her disability.

**§ 260-43. Application for exemption.**

Application for the Volunteer Fire Fighter/Ambulance Worker exemption shall be filed with the Village Assessor on or before December 31 of each calendar year.

Section 2: This exemption shall be in lieu of any exemption currently being granted to members of the Hastings-on-Hudson Volunteer Fire Department or Volunteer Ambulance Corps.

Section 3: This article shall apply to assessment rolls prepared on the basis of taxable status dates occurring after January 1, 2009.

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

**38:08 APPROVAL OF RENEWAL OF CABLE FRANCHISE AGREEMENT WITH CABLEVISION OF SOUTHERN WESTCHESTER, INC.**

**Mayor Kinnally:** We have members of the Cable Committee here this evening: Bob Perlstein, Paul Hammons, and Kevin Dawkins. Bob, do you want to give a brief overview of what we get in this, and a little history of the tortured negotiations that ensued.

**Robert Perlstein, Terrace Drive:** We have been negotiating this agreement for years. What we get is continued cable service to residences, public buildings, and most businesses. We achieve now, after the temporary operating authority, the continued collection by Cablevision of PEG franchise fees and payment to the Village of PEG monies. The Village gets a 5% franchise fee based on Cablevision's gross revenue. We have achieved certain goals in connection with the boilerplate language of this agreement. We maintain our intellectual property rights. We have improved language with respect to allocation of bundled services and other provisions. The committee would like to recommend to the Board that we adopt the proposed agreement.

**Trustee Quinlan:** Bob, thank you for all your hard work. I know how many hundreds of hours you put into this. Could you give us a more concrete example of the kind of monies we are going to receive from the cable franchise?

**Mr. Perlstein:** The term of the agreement is 15 years. We do not know if the agreement is actually going to last 15 years because of possible federal and state legislation and preemption regulation, but if it lasts 15 years I do not know how much the Village will receive in terms of the franchise fee. Raf can probably indicate that to you. But in terms of the PEG payments, Cablevision should collect, and pay to the Village, in the neighborhood of \$250,000 to \$260,000. This is front-loaded in year one, when we will receive about \$62,000.

**Trustee Quinlan:** Raf, do you have any comments on how much we might receive for the franchise fees?

**Village Technology Director Zaratzian:** It is based on state law, and it is 5% of whatever..

**Trustee Quinlan:** Whatever they collect in a year. Do you know how much they collected last year?

**Village Technology Director Zaratzian:** We collected about \$115,000. It continues to rise every year and, hopefully, it will continue to keep going. If the state continues to hold the franchise, the franchise fee will be in place.

**Mr. Perlstein:** Cablevision has waived any offset rights it might have had to make any deductions from that franchise fee, any credits they might have been allowed, under real property law. For certain activities, they have said the franchise fee will not be reduced by any of those possible deductions.

**Trustee Goodman:** This is a revenue stream that is not residential property taxes. We should be giving you and the committee a parade. Thank you for your hard work.

One of the things in this resolution has to do with impact on the environment. What we are being asked to do is say there is not a negative impact by this franchise agreement. In paragraph 2.24 on page six, and I ask this question only because of the Con Ed issue we had last summer, this franchise agreement is giving Cablevision the right and authority to cut trees, bushes, etc. In the Con Ed issue the Village interceded. We had an arborist, we had a lot of people interested in our trees. This agreement seems to subvert that. In other words, we have a lot of trees on Village property, so the Village would have no right, as this is

worded, to protect our trees. I am sorry to bring this up now, but it was off my radar screen, and I was reading this, and now it is on my radar screen, particularly since we are saying there is no negative impact. Is there anything we can do to that paragraph? They can roll into town just like Con Ed tried to. This seems to be that we're giving that right and we have no authority to intervene.

**Trustee McLaughlin:** Also, if you recall, when Con Ed was here last year they had very specific distances from the wires that they would allow themselves to trim. This is very general language on that same thing. It does not have that kind of restriction.

**Mayor Kinnally:** Marianne?

**Village Attorney Stecich:** I was not involved in the negotiation of it.

**Village Technology Director Zaratzian:** I could be wrong, but I doubt very much that Cablevision is going to want to come in and cut down trees. It is going to cost them too much money. I think what they are saying is that if, as with all utilities, there is a problem and they have to come in and do work, and there is a tree that has fallen on the line, they may have to cut it down. That is what we are dealing with here. This is not new language. It's been there before. And most utilities have the ability, as Verizon does with the telephone lines, to prune back a tree if it is on its wires.

**Mr. Perlstein:** I do not know if the Village Attorney has anything to say about that, but my suggestion would be that if this language is a matter of concern that we spend some further time.

**Village Attorney Stecich:** There is the following sentence that says: Franchisee shall comply with all generally applicable laws and regulations in the Village pertaining to the subject. Perhaps the Village should come up with regulations for touching street trees. Then it is applicable across the board; it would be applicable to Con Ed, and that is a way to deal with it.

**Trustee Goodman:** In Greenburgh they passed a law and then Con Ed refused to come in and cut the trees. They said the trees needed to be cut, you cut them. Greenburgh had to cut the trees, and it cost the municipality a lot more money. We have to be careful.

**Village Attorney Stecich:** But your regulation does not have to be the same as Greenburgh. Just say that before you can take a tree down you have to get permission, whatever. You come up with what regulations you want. Just a suggestion.

**Mayor Kinnally:** The point is well-made and taken. We will not go back and explain the situation to them.

**Robert Hock, Director of Government Affairs, Cablevision:** The ministerial effect of approving this document is not changing the current rights that Cablevision has with regard to an emergency situation when there are trees down on lines. We know about these storms that we get every springtime: power goes out over cable, not only television but now Internet and telephone. Voiceover IP is carried over our system. There has to be some way, especially in those emergency situations, for our crews to get things up and running. There is recognition in here that the franchise shall apply with all generally applicable laws and regulations of the Village relating to the subject. So whatever guidelines the Village has, by ordinance, we have to follow with that.

In addition, you have a community relations office and myself in the area in case there is a problem, where people like Rafael know they can get hold of me. When the work was going on on 44 Main Street to pull the fiber into the new Community Center there was a time where some of the plates on the street moved. Rafael knew he could call me, and we took care of that situation rather quickly. By approving this you are not changing any situation that is existing. And I do not believe that it is the kind of environmental impact that SEQRA refers to in terms of the ministerial act of approving the contract.

**Trustee Goodman:** I was not referring to the emergency cutting. Of course we know that has to be done. But Con Ed came in with a prophylactic pruning which, in some cases, was severe. I was concerned that this paragraph would be waiving our rights to intercede.

**Mr. Hock:** That is the case. The utilities own many more of the poles than we do. That may be a proactive action on their part. We have an arrangement where we use those poles, but that kind of action you would more see from a utility that has ownership.

**Trustee Goodman:** Point 5.42 regarding the PEG grants says if any new or renewed franchise agreement is granted, the same PEG agreement would apply. Many residents are waiting for Verizon to come in because they are looking for competition to Cablevision. This agreement seems to say that whatever we do with Cablevision, we are then bound to do with Verizon. I was concerned that if Verizon comes to negotiate again and they decide that this first installment, \$61,000, is too great for them because they do not have enough customers signed up that we will be preventing Verizon to come in. I wanted some reassurance that this paragraph was not restraining our ability to negotiate with Verizon.

**Mr. Perlstein:** It is. It does. Verizon will have to agree to the exact same provision. We made a specific agreement with Cablevision as to keeping the payments equal. But in fact,

under applicable regulations, there are level playing field rules and you have to treat each provider equally. It does not mean that every word in the agreement has to be the same, or even that every provision has to be the same. Although a lot of attention was focused on the PEG collection and payment in this agreement, we agreed with Cablevision that we would make the same demands on Verizon. Now, this was a Verizon choice. Verizon could have been here, could have negotiated other payment provisions for themselves. They chose not to do that, and I do not think it is right to characterize that we have somehow prevented Verizon from entering here because the \$61,000 initial payment is going to be too great for them. They are huge. I do not think a \$61,000 entry fee is a big obstacle to them.

**Trustee Goodman:** All of us, get calls, stops on the street: when is Verizon coming? They have made calls to Verizon, and Verizon says we do not have a deal with your village. Then it comes back to us. So I was worried, concerned, about that.

**Mr. Perlstein:** No, it is a good question. And we, as a village, are locked into making the same financial demands on Verizon that we have made on Cablevision. It will be to our great benefit that they have the same financial responsibilities. We have negotiated with both of these companies for years. Verizon chose to bow out to see what we did with Cablevision. Our only choice was to negotiate the best deal that we could with Cablevision, and we think we have done it. I do not think anything in this agreement is a realistic obstacle to Verizon if they want to come in here.

**Mayor Kinnally:** I had a conversation with John Butler of Verizon within the last two weeks, indicating to him that we were putting this on our agenda this evening. He asked if Verizon could have a copy of the franchise agreement once it is approved. I said of course. But this provision was subject to negotiations with both Verizon and Cablevision.

**Trustee McLaughlin:** Just gratitude once again to the Cable Committee, to Bob and Paul and Kevin, for the years of work they have put into this. Thank you.

**Michele Hertz, 62 Euclid Avenue:** Will this be changed so the trees are protected?

**Mayor Kinnally:** The rules and regulations of the Village are going to protect it.

**Ms. Hertz:** But what rules and regulations do we have for trees?

**Mayor Kinnally:** We have a Tree Board, we have regulations as far as tree cutting. We have addressed this with Con Edison, and I am sure . . .

**Village Manager Frobel:** We have the arborist, who is available any day of the week.

**Ms. Hertz:** But does Cablevision know? We do not have any laws that protect the trees.

**Village Attorney Stecich:** It says regulations. It does not have to be in a code. It is a regulation if it is a practice of the Village.

**Village Manager Frobel:** You know how successful we were last summer in watching Con Ed closely. We can tell the cable company that we are going to be watching them every bit as closely as we did Con Ed. I am comfortable with our arborist. There are best management practices that they will have to follow if they decide to cut trees. And we will be very vigilant in this regard.

**Ms. Hertz:** I just want to make sure that Cablevision understands this, and if it is not written in there carefully then why would Cablevision even care that we have an arborist? They could just come in.

**Village Manager Frobel:** I could put those comments in a cover letter to the company, heightening their awareness of how sensitive we are to the trees in the Village. The gentleman from the company is here and he is hearing it himself, so we will put them on notice.

**Jim Metzger, 427 Warburton Avenue:** A number of us were involved very deeply with the Con Ed issue. This agreement should have something that says with any preventive work they need to notify the Village so it does not become de facto. Con Ed was very good at agreeing to that, and Fran's office was notified. People were available to monitor the work as it happened. In an emergency situation they absolutely have the right to do what they need to do. But in a preventive situation, somebody in the Village should be notified before that work is done so we can monitor and oversee the work.

**Planning Board Member James Cameron, 94 Maple Avenue:** This is a once in a 15 year opportunity to get the right wording on this issue. Verizon probably has other rights on cutting trees under their present telephone line agreement. If we want the two agreements to be the same we should change this present agreement to say what we want it to say, rather than require some side agreement or present principles we have or do not have. This is your last chance to do it and I suggest you do it, for the next 15 years. Also, I would like to make sure we are dealing with a level playing field in a different regard. I am questioning whether the fees that you are requesting of Verizon apply to all their telephone revenue.

**Mayor Kinnally:** This is a cable franchise. We are not assessing any other operations.

**Planning Board member Cameron:** I would like the point I made on the 15-year agreement and the trees to apply, though. We are changing as a town, we are getting stronger and stronger on the environment, and we ought to have the tools to enforce it.

**Trustee McLaughlin:** I agree with Jamie. Rather than simply having a letter from the Village Manager, perhaps that language should be in the contract.

**Mayor Kinnally:** If we can get some reaction from Marianne on this.

**Village Attorney Stecich:** I am a real nitpicker with agreements, and I am comfortable with this language even though I had nothing to do with this agreement.. It says that they have to comply with all regulations of the Village. I think what Fran is talking about is not a side agreement, but explaining what the Village's regulations are with respect to the trees. If that is made clear, I do not think there is issue and I am comfortable. If the regulations are made clear, it could be done in a letter from the Manager. It could be done another way. The agreement itself is protective: it says you have to comply with the Village regulations.

**Trustee McLaughlin:** If the Village regulation is not a resolution it is not a statute. Then how does it protect us if it is simply a letter from the Village Manager?

**Village Attorney Stecich:** It is a regulation if it is a policy that is enforced by the Village, if it is the way the Village does business. The problem in getting too specific is that what are you supposed to do if, in four years, you do get protective, you do change your regulations. You are not going to come back and modify this agreement. They will say no, we only have to do this much. If they have to comply with the Village regulations, you are protected more.

**Trustee McLaughlin:** Is your suggestion then that we create a new regulation?

**Village Attorney Stecich:** I believe the Village has regulations. If you want to clarify them, maybe in a document called regulations relating to trees or whatever, that might make everybody feel more comfortable. It also clarifies things, certainly, for Cablevision. That would be a good idea.

**Mr. Perlstein:** I agree that this language sufficiently protects the Village. The sentence which the Trustee cited gives us the ability to protect the trees. If you go on to the next paragraph, it further limits what Cablevision can do in that regard. I am comfortable with it.

**Mayor Kinnally:** The best way to address this is to embrace the language that gives us the most flexibility. I tend to agree with Marianne: instead of saying this is what you have to do, we have an opportunity to evolve these things over time. Just as we experienced with

Con Edison this past summer, we learned a lot so we are able to anticipate future problems and to plan accordingly. To the extent that the Manager has come up with practices, and we can delegate to the Manager to come up with regulations dealing with protection of Village property, including trees and shrubbery and vegetation on public property, then that probably gives us what we are looking for.

**Mr. Metzger:** It was my impression that the protection that was afforded us from Con Ed doing what they wanted to do when they wanted to do it did not originate from the Village but started in Greenburgh and made its way up to Tom Abinanti's office, our county legislator. It was not until a meeting at which Tom told Con Ed's attorney you have the option of negotiating this issue with 22 villages in Westchester County or you can agree to the issues that Hastings has raised and then work with the county. A group of citizens challenged Con Ed. I was not privy to all of the discussions but I understand that there were liability issues that you could not address that we, as citizens, could. We had public meetings, Andrea Stewart-Cousins attended, and it was by going outside the Village that we were able to get a large and strong enough group of legislators to tell Con Ed that what you think is going to happen is not what is going to happen. I fear we are going to have that same problem in the future with these other services.

**Mayor Kinnally:** But, Jim, we solved it locally. Forget about what the county did. We dealt with Con Edison locally.

**Mr. Metzger:** We only solved it locally because Con Ed was being threatened, and I use that term in quotation marks. It was not an actual threat, but they were being told that life can be very difficult unless you start to agree with the issues that have been raised in Hastings. I do not believe it came from the Board telling Con Ed what they could and could not do. The Board then assisted us in hiring an arborist, who is wonderful, and we said we are going to oversee what you are doing so that you do not overstep your bounds. But it was the bigger picture of Greenburgh and Westchester that got Con Ed to sit up and take notice. If it just comes from our rules and regulations, I do not know that that is going to be strong enough to protect us.

**Mayor Kinnally:** Jim, I am missing your point here. This is a franchise agreement that we have with the cable provider.

**Mr. Metzger:** I do not believe we have regulations in place that will protect us if at some point they decide we are having too many outages so we are cutting all the trees down.

**Mayor Kinnally:** I am not saying we do, but this document gives us the flexibility to come up with those. I am not going to rely upon the town and county.

**Mr. Metzger:** I think we need the regulations before we make this agreement.

**Trustee Goodman:** The tree regulation, or tree ordinance, is a loose end. We did not enact it at the time because the trees needed to be cut to protect our first responders because they have to go into the street when the tree comes down and there is a live wire. Con Ed was holding a gun to our head, and we would have liability if we told Con Ed they could not come in. But we said that when the dust settles and Con Ed goes and we see what is left, we did have a thought that we should pass a law. So this is just coming back to us, and I think we need a law and a reasonable one, but one that is not going to keep the utilities from cutting. That was the result in Greenburgh. I do not hold Greenburgh up as any model unless you want to cost us some more money.

**Mayor Kinnally:** The issue before us is, do we want to accept this franchise agreement, mindful of the fact that we have to continue to be vigilant about our trees. The Manager is copiously taking notes, and we will be coming up with some regulations. At the very least, if anyone is going to prune trees in a non-emergency situation the Village has to be given meaningful prior notice.

But I think we should move on this. As has been indicated tonight, people have been clamoring, where is Verizon. Verizon is going to be nowhere unless we move this. We, frankly, would like to get this money into our budget for 2008 - 2009. No reason to rush, and you have identified some very good items to look at. But we do not have to change the language of the agreement; rather, the change has to come organically from us. We deal with situations like this all the time, and we can come up with regulations or best practices. But I would like to see the Village move on this tonight, up or down.

**Trustee Quinlan:** To the Cable Commission, I want to apologize that we brought this issue up so late. It just came to my attention tonight, too. But late is better than never, and I agree with you, Lee. I think it has to be clear we do not have any applicable laws or regulations.

**Mayor Kinnally:** We do have laws.

**Trustee Quinlan:** Is it the tree law?

**Mayor Kinnally:** And we have set up a Tree Board.

**Trustee Quinlan:** I know we have a Tree Board, and I know that it is a very good board and we have some good commissions. But could I take a look at the tree law, Marianne? I do not think it applies to this. If it does, then I do not have to worry about it.

**Mayor Kinnally:** I do not know if it applies to this, but the question was do we have any tree laws. We do. I know it applies to cutting down trees on private property of a certain size in the Village. The trees are a certain size, and the property has to be a certain size.

**Trustee Quinlan:** Anyway, it is my understanding that this would not cover the regulations of this contract. I think that is true. So let us get that straight. But having said that, I also think we should move on this tonight. The Cable Committee has done hundreds of hours of work. They are comfortable with it. So I am going to ask Fran, and maybe we should put it on for Board discussion and comments every meeting until we do it, to come up with either laws or regulations so that we do not keep facing this issue from Con Ed, from Verizon, from cable. Does anyone have a problem with that?

**Trustee Goodman:** No.

**Trustee McLaughlin:** No.

**Trustee Quinlan:** So that we can do this tonight but not forget to address this issue soon.

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

**WHEREAS,** the Village of Hastings-on Hudson (the “Village”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”); and

**WHEREAS,** the Village, jointly executed a franchise renewal agreement with UA-Columbia Cablevision of Westchester, Inc. d/b/a TCI Cable of Westchester (“TCI”) on September 1, 1995; and

**WHEREAS,** Cablevision of Southern Westchester, Inc. (“Franchisee”), or its predecessor, with the approval of both the Village and the New York State Public Service Commission (the “Commission”), acquired certain assets from TCI including the cable system and franchise in the Village on March 4, 1998; and,

**WHEREAS,** Franchisee has submitted a proposed Franchise Renewal Agreement to operate a cable system within the Village, and

**WHEREAS,** The Village and Franchisee have mutually agreed to the terms of a Franchise Renewal Agreement, and

**WHEREAS,** a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Village to be heard, was held before the Village on May 29, 2007, now therefore be it

**RESOLVED:** that the Village of Hastings-on-Hudson hereby establishes itself as the lead agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA) and makes the following finding:

- (a) That the Village Board's execution of the proposed Franchise Renewal Agreement is a Type II Action under the State Environmental Quality Review Act (SEQRA). Specifically, this action is covered under 6 NYCRR §617.5 (20): "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment." Accordingly, it has been pre-determined that adoption of this proposed Franchise Renewal Agreement will not result in a significant impact on the environment, and no further action is required relative to this matter under SEQRA;
- (b) That, notwithstanding the Village Board's finding that the renewal of the cable television franchise is not an "Action" subject to the requirements of SEQRA, the Village Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed Franchise Renewal Agreement, and be it

**FURTHER RESOLVED:** that the Village Board determines that it is in the best interest of the public to award a Franchise Renewal Agreement to the Franchisee, and be it

**FURTHER RESOLVED:** that the Village Board hereby authorizes the Mayor to enter into a Franchise Renewal Agreement with Cablevision of Southern Westchester, Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Hastings-on-Hudson.

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

**29:08 FARMERS' MARKET**

**Mayor Kinnally:** There are many people here and there are three topics that I am sure will be discussed tonight. The first is the Farmers' Market and how great it is. The second is, should the Farmers' Market be at the Municipal Building parking lot. And the third is, what impact, if any, does the ADA have on the operation of the Farmers' Market.

In the interest of our getting out of here before tomorrow morning we could all take notice of the fact that the Farmers' Market has been here for a long time. It provides a vast array of services, people love the Farmers' Market. Everybody is familiar with how the Farmers' Market operates and the good things that they have here. It does not advance our cause any to have people come up and say we should discuss that.

I would like to have a brief session with counsel before we open it up, but in the spirit of openness because we have so many people here I am going to ask everyone to limit their comments to three minutes per person. If you agree with something someone has said it is not a sin to say I agree with that person and you do not have to elaborate. Everyone is going to get an opportunity to speak. Danielle ran the meeting when I was out earlier this year, and she suggested that instead of having people raising hands we would go up and down the rows, and everyone will get an opportunity to speak at least once.

[Recess for advice of counsel 9:30 p.m.]  
[Resume 9:50 p.m.]

**Mayor Kinnally:** We are calling the meeting back to order and will take public comment.

**Mr. Jackowe:** I live on Spring Street, and on Saturday it is more crowded, it is more difficult to park. That being said, I have never once, ever, ever, ever not found a parking space within a reasonable walking distance to the Farmers' Market. I do generally park here overnight because I live here. But even when I go out I come back and if I have to circle the block a couple of times, so be it. There is traffic flow, there are people coming in and out of parking spaces all day long. If I have to park at Boulanger Plaza, if I have to park at Zinsser, if I have to park at my parents' in Riverview Manor and walk down I do it because it is a great thing, this Farmers' Market. People do walk back and forth to parking spaces outside of this specific area. I see it from my porch, which is on the other side of this wall. I see it out of my front window on Spring Street. There are pedestrians walking back and forth all morning long on Saturdays. I do not see pedestrian traffic like that on any other day, which to me proves that at least superficially people are engaged with the retail downtown.

**Cyndy Travis, 427 Warburton Avenue:** Besides the fact that I 100% support the Farmers' Market, I became aware of how necessary ADA compliance is when my mother was wheelchair-bound years ago and I became one of those people trying to get her into places and cursed a blue streak when I could not. I would like the Board to be aware of people who people with wheelchairs that it is something that they can have access to, and that however it is managed, it is managed with care and balance.

**Mr. Metzger:** I would like to put a plea out to people in the Village to be good neighbors. If you can walk, walk. You have kids, get them out, get them some exercise. We claim to be a walkable community, and yet people are amazed when they find out that I have walked two blocks into downtown. Having one week where we encourage kids to walk to school, we need to walk more in this village. It is how you meet people, it is how you get involved in the issues of the day and what is going on, how you can be a better citizen.

People selling at the Farmers' Market need to be good visitors. Turn your trucks off when you are not using them. I live across the street from a construction project. They leave their trucks idling all day long. I imagine that is an issue when people are unloading their trucks at the Farmers' Market. If we could all work together, this would become a lot less of an issue. If you need to drive, park in Zinsser. We just saw a film while you were out in executive session, *197 Steps*. Let us park down there.

I had the opportunity to interview Sue Feir at the library. She was telling me that library attendance on Saturday mornings is through the roof because of the Farmers' Market. It brings people into a part of the Village where we want people. Is there a better place? That is not for me to judge, I do not have ideas on that, but I believe we need to keep the Farmers' Market here. It is advantageous for us.

**Lucy Corrigan, 247 Mount Hope Boulevard:** I want to agree with him. I am here to support the Farmers' Market. As we know, it is a great thing, and where it is, its connection to the library and the river view. I have lived here for five years. It is the one thing that really cements my sense of this town and this community. I also am a very avid downtown shopper on a Saturday. I just bought my daughter shoes on last Saturday's Farmers' Market. A lot of people use the town a lot more on a Saturday, and I want to encourage the Market's staying where it is, thanking everyone who works on the Market and makes it possible.

**Judy Kaiser:** Just to say I agree.

**Barbara Drumm:** Likewise, I agree.

**Joann Trautman, 78 Maple Avenue:** It is a good thing. Keep it.

**Nonie Balzer, 46 Summit Drive:** I am the past president of the Hastings Historical Society. Part of the reason I mention that is that I thank all of you as you steer the Village through a difficult period of readjustment as we see many changes in much-loved businesses downtown: going out of business signs saying for rent. It has been hard. One of the things that really works in this town is the Farmers' Market. One of the reasons it works is because it is in a contained space. It has reached the right balance in terms of numbers of merchants coming in, number of people coming to buy. It is exciting, there is a buzz. You meet people that you have not seen all week. There is a true sense of community and, unfortunately, there are not many places left in the Village where you get that sense. As you take us into, I hope, a new renaissance of Hastings, it is one thing that keeps the spirit going. So I encourage you to keep it where it is.

**Steve Odesser, 60 Ferndale Drive:** I agree with all the positive comments so far, especially the very eloquent ones by the previous speaker. It seems like we all have a consensus that the Farmers' Market is a good thing. The question is whether there is some way to make it better, possibly moving it to deal with some of the issues that come out of any good thing. I would like everyone to keep in mind that it is easy to suggest an alternative, but it is a lot harder to implement. Some people have done a lot of work that has benefited us more than them. If anybody expects them to have to go through the trouble of relocating this and coming up with a better solution, that is extremely unfair. If somebody thinks there is a better alternative we should all be open to that. But let them go ahead and do it, and let us see it work and be better, and then I will agree to support that. But until I see a better solution, this is a great solution we have right now. Let us not put more work on the shoulders of people that are doing so much for this community.

**Tracy Allan:** I agree.

**Kelly Topilnycky, 18 Maple Avenue:** We live directly in the path of the Market. It is not the Market that we disagree with, it is the location as far as parking. We have difficulty enough with the apartment construction going on, which needs to be taken into consideration this year. Also, the ADA issue is not with the Market. It is a town issue. So that needs to be considered.

**Ellen Hendrickx, 136 Circle Drive:** I looked into some ADA issues and spoke to some people. It certainly is a concern, but there are ways that the Market can comply with ADA requirements so we can satisfy the concerns of people who are concerned about ADA and the people who are disabled. To echo some other comments about working to make everyone happy, the residents who have to put up with noise, if there is a way that the vendors would agree that they will minimize the noise. Parking, if we can find alternatives, what is the difficulty in walking up from the commuter parking. We can all commit to that. I hope that we can come to a resolve that would make everyone as happy as possible.

**Patty Duff, 61 Calumet Avenue:** I want to say ditto. I have lived in this Village for a long time, and the Farmers' Market is probably the most exciting thing that I have seen happen in a long time, enough for me to volunteer to be on the committee. To showcase the beauty of this town, which we never get to see, our children never get to see, is something to take into consideration. A lot of people come in from out of town and see that this is a really beautiful town with a tremendous sense of community. I know that is a very simple reason, but for me and a lot of my peers who have lived here for a long time, it is getting us excited about this Village and that is important.

**Arthur Riolo, 2 Fairmont Avenue:** I am speaking as a merchant in Hastings. The Farmers' Market has become a destination, which is what Hastings needs. We need to have people coming in from out of the town, and the Farmers' Market is where it is at, where it should be. It should be Hastings on *Hudson*, not Hastings on a parking lot.

**Mary Ann Petrino:** I am a vendor. I would like to thank everyone who makes the Farmers' Market possible. I would like to address the idling truck issue, which I have never done because diesel is very expensive. But the noise, I can try to keep quiet. We do not blast any radios in the morning, but I am sorry that we do need to be there a little early.

**Rich Conklin, vendor:** Mary Ann works for me, the Orchards of Conklin. We have been in the Hastings Farmers' Market since it started, and we are very happy to be here. It is a wonderful community, and your meeting is democracy in action. There are some issues, obviously. We have talked to Pascale and to Ms. Smith, and have compromised. We will come a little later if people do not mind opening a little later.

**Sue Smith, 645 Broadway:** I fully agree.

**Becca Mudge:** I am on the Library Board, in addition to being a fan of the Farmers' Market. Speaking for the library, the Farmers' Market has been a wonderful neighbor and has generated so much excitement. It is so much fun being there on the weekend. And seeing all the kids and the reading program in the summer, they go beautifully together.

**Farmers' Market participant:** I started working in the Farmers' Market last summer, and I just think it is really fun at the parking lot. There is so much going on there, and it would be less fun maybe if it went somewhere else. I know there are handicapped issues, but I have seen lots of people in wheelchairs there. I think it is easily resolvable.

**Elizabeth McFall, 71 Lefurgy Avenue:** I am on the Farmers' Market Committee, and have been for years. I am also handicapped, and I generally park in the Zinsser lot and creep up the hill. I do not find it that onerous. But I do love the Market, and I like very much the location. It gets a breeze off the river, something, at least, on the hottest days. I sometimes visit the library as well as shop at the Market. I work at the desk in the Market. Then I nearly always go up to the Village and do other shopping. Those of us who help out at the Market desk recommend shops in the Village to people that ask about them, so we try to steer people into the Village. None of us on the committee benefit financially in any way from the Market. We are all volunteers. We spend hours discussing how to resolve the kinds of problems that have been discussed. I think we have reached a reasonable resolution to the traffic problem. Pascale is our manager, and she is salaried. Otherwise, everybody who works there is a volunteer and I would like that to be understood.

**Dan Elias, 2 Lefurgy Terrace:** The library had sent a letter talking about the positive synergy of the library and the Market. To me, synergy in this instance means that my kids, every Saturday morning, go with me to the Market and wind up in the library, and come home throughout the summer with a pile of books. And they read them. It brings families in a routine to take out books during the summer months, especially when they are not in school, and that is great for them. The Village merchants are not helping themselves because a lot of the stores are closed when the Market is at its highest peak. If they were creative and wanted to get the benefits of the Market, instead of complaining about it they would open up earlier on the day when the Market is there. They would benefit from that as well.

**Mary Wilson, 86 Maple Avenue:** I absolutely do sympathize with the other end of Maple Avenue residents who are disrupted by parking and noise. But the benefit of the Market outweighs some inconvenience. And that is what it is, you get inconvenienced. It is once a week, it is in an amazing place, I love going there.

**David Makulec, 60 Dorchester Avenue:** I agree with any number of things that have been said: it is a great location, convenience to the library, convenience to town, do not mind walking from Zinsser lot. One feeling I have had about this controversy all along is that we are confusing a parking problem with a Farmers' Market problem. It is not the Farmers' Market problem; there is a parking problem in general. It has to do with parking availability and how we use our vehicles. We can make choices as a Village to change that, but that is not a Farmers' Market problem. That is a parking problem.

**Rebecca Strutton, 2 Ridgedell Avenue:** We should not be afraid of a lawsuit under the ADA as a pretext to force a move on the Farmers' Market. We need to stand up, put our foot down and say we are willing to address the issues, we *can* address the issues, we will take care of it. Let us not be held hostage by a bunch of trial lawyers. Last year I stood up and said similar things about the parking and the Market being separate issues. I hope that by having such a large turnout this year we do not have to have this meeting every year to combat what we perceive as a challenge to the Farmers' Market. Hopefully we can wrap this up this year, and next year this becomes more of a rubber stamp.

**Ms. Zazzara:** I have heard the same arguments for three seasons and have seen the Farmers' Market work hard to accommodate concerns. But I have not seen anything else happen. The merchants have complained, and I have not seen any motion on that. I do not know what the town's responsibility is in helping economic development or merchants. There were suggestions about closing Maple. That was not an answer, but could we hear reasons why suggestions about alleviating the parking problem have not been tried? The Market is here every Saturday throughout the summer. We could try closing Maple Avenue for a month and see how that works. If that does not work, try another solution. Clearly, it is important for the Market to be here. Every community should have a farmers' market. We should have the Market close enough that we do not need to use cars. I hope that action can be taken this year and we do not have to go through the same arguments every year.

**Harry Thomas, 15 Hastings Landing:** It is a wonderful farmers' market. I agree with so much that has been said. For those of us who are over 55 by a few or more than a few years, we do not have the socializing events with the schools and the younger adults. On the one hand, the parents of young kids are emphasizing how wonderful the Farmers' Market is. I am emphasizing how beneficial it is for older folks who need to get together.

**Richard Ford, 645 North Broadway:** In some ways I am the least qualified to comment. I have lived in Hastings for about six months with my wife, although we did live here in the

1950s and have come home. For the last six years we lived three blocks from Union Square in Manhattan and loved it, and the Market was a factor in our buying a house and moving to Hastings. On parking, why not set up a commission or a committee that includes two or three people who are restless with the situation as well as two or three people who are supportive of the Market, and work through options: Saturday-only parking for residents in certain places along Maple Avenue and things of that sort. Working through recognition of the problem and solutions t can be a super way to bring the community together even more.

Second, why not create a brochure or a map that is available at the Farmers' Market and can show where different stores are, their hours, their products. The merchants do not have to pay for it. Maybe we could work out a way to do that so that one is recognizing that there are problems and issues, and responding to them in positive ways.

**Nina Hogan, 21 Pleasant Avenue:** I am one of the newer Farmers' Market Committee members. It is a lot of work, but when you are sitting at that table and everybody comes up to you and tells you how much they love the Market, it is such a wonderful place to be that I feel honored to be on this committee.

**Jane Cameron, 94 Maple Avenue:** I want to salute my new neighbor. This market has put us on the map. It is my bragging rights to everybody who lives in the city and anywhere in Westchester, and I think we have a can-do attitude. If we want to make this work, the parking can work. You can get kids, I will be happy, to push wheelchairs up the ramp. We can make it work if we want to, and I would like to unleash that spirit and that commitment.

**Christine Lehner, 271 Broadway:** I agree with much of what I have heard, and support the Farmers' Market. But I would also like to speak as a part-time vendor. The vendors, who spend upwards of seven hours at the Market, really appreciate its current location for the breezes, the facilities, and the special views that it offers. It is one of the reasons that people love to come to the Farmers' Market, not just to buy their groceries but also to sell their products.

**Melvin Tanzman, Executive Director, Westchester Disabled on the Move:** I am a great supporter and patron of farmers' markets. However, tonight I have to talk about how this particular farmers' market and its location impacts on the ADA.

My interests tonight are simple: that no commercial entities violate the Americans with Disabilities Act and the accessibility guidelines associated with it. The guidelines are straightforward, and there is very little room for subjective interpretations. I did visit the site on April 8 and looked at photographs, as well as looked at the memorandum that was submitted by the Farmers' Market Committee dated April 4. We looked at slopes and a lot of

different things, the condition of the driveway. Simply put, the closing of the library lot and displacing of the library lot would deny people access to municipal services, such as town hall, the library, and the police station. It cannot be done unless people can park up there. There is no other accessible route if people with disabilities are not permitted full, unfettered access to the library parking lot. The only routes without steps are the driveway in the parking lot, and that driveway is very steep and in disrepair. The path that goes to the library, although not too steep, does not meet the standards of ADA, which would require handrails and, every 30 feet, a five-foot flat area. Bottom line, some of the other sites that have been suggested are more compliant with the ADA. You have to look very carefully here at what your priorities are.

I am not a trial lawyer either, but I can tell you that the town, not the Farmers' Market, can be sued for not providing full access to their municipal services. You cannot be sued for not having a farmers' market in this particular location. You have to look at it carefully and very objectively. I am not a resident of this street, I have no interest other than promoting full accessibility for people with disabilities. And I am sorry, if the location for the Farmers' Market impedes access for people with disabilities, the village is violating the law and will be called to account.

**Meg Walker, 58 Washington Avenue:** Long-time member of the Farmers' Market Committee since its inception. I would like to address a few of the ADA compliance issues. We have looked at the accessibility issues for the Farmers' Market and for the library and the Municipal Building. I would like to address some of the ways we can make both the Farmers' Market and the library and the Municipal Building reasonably compliant during the Farmers' Market hours. Now, we are talking about 23 Saturday mornings a year, so this is not a full-time thing. We understand there may be issues with the ramp leading up to the library, there may be issues with the parking lot. These are not for us to address. We *will* address what we can do to help the library and the Municipal Building, and the Market, become more compliant. We have looked at a number of booklets: *The ADA Guide for Small Towns* and *The ADA Guide for Small Businesses*. We explained the situation to an ADA compliance officer in the office in Washington and said this is either a small business or a temporary event. In either instance there are not strict requirements. Yes, you have to improve your access and do what you can. But you also, he said, can make what he called reasonable accommodation and do those things that are readily achievable, which means easily accomplishable without much difficulty or expense. We are proposing are a number of ways to be reasonably accommodating, one of which is to provide a handicapped parking space at the top of the driveway on the right-hand side. It is a legal parking space now, and it does have enough room on the side for handicapped people, wheelchair-bound, to get in and out of their cars.

**Mr. Tanzman:** Eight-foot access?

**Ms. Walker:** Yes.

**Ms. Walker:** We had that handicapped spot there for eight or nine years. We only removed it last year, thinking that we could provide more space for handicapped people on the street. We are proposing to include those two spaces on the street, one at the bottom of the driveway and another next to the ramp leading up to the library. So there will be three spaces dedicated just to handicapped. In the interest of being reasonably accommodating, we want to find other ways to help people to get there. We would like to post the cell phone numbers of the volunteers who are working at the bottom of the driveway and at the bottom of the library ramp so that if somebody needs help from the street they can call, we can come down, and we can bring them up or assist them. We are willing to even keep a wheelchair at the bottom if that would be helpful. Or we could put a bell or a gong to alert the volunteers to help. We actually have several disabled people who come to the market. We spoke to one recently. We often help her to her car with her groceries, so we are used to doing this. This is not unusual. If it is difficult for anybody to back down, we would like to provide a volunteer who can help back the car down. We are doing all we can to meet these ADA requirements. We feel very strongly that the Market should stay in this location. As you can see, many of us feel that it is critical for the success of the Market to be here so we will do all we can to accommodate the disabled.

**Pascale le Draulec, Director, Hastings Farmers' Market:** I know we have to deal with these ADA issues, and I do realize that there are residents who live on Maple Avenue who are dealing with quality of life issues. The Farmers' Market is all about improving quality of life, and it would look ridiculous for us to not support other people's quality of life.

I am new to the Market as of last summer. Before me, there was a person who managed the Market for many, many years who did not run the logistical operations of the Market and did not live in Hastings and was never here on market day. I am here on market day, and I really wish that anybody, whether they live on Maple Avenue or anywhere else in town, would come and see me at the Market. I am there from when Mary Ann shows up or a little later. It is sad that it comes to this because I am a positive, can-do person and I want to do everything I can to help people.

Last summer we learned a lot, we got very busy, our numbers soared. So we faced new issues and have spent the winter coming up with ways to solve the problems. For those of you who missed the movie during the recess, we launched a public awareness campaign called *197 Steps*. We want people to park at the Zinsser lot and walk up if they are physically able. We have made these little buttons, and got 300 signatures so far, and that is

only the beginning. We do not want this to peter out once the Market opens. It will continue all summer long. Last summer I would put fliers in people's grocery bags to remind them to park at the lot, and we will continue to do so.

Second, we are considering doing the jitney like we have been doing at the winter market to move people back and forth from the Zinsser lot to the Farmers' Market. We do feel it is a little silly to run a jitney for 500 feet or whatever and to spend all that gas. If we find that it is more a problem of pollution than a real solution we might reconsider that because we think these other measures will help. We are considering having a bunch of market caddies, or whatever you want to call them. We have the Hook & Go here that you can look at that we would park permanently on market days at Zinsser lot. We are going to decorate the heck out of them so that people do not steal them. Just like in Amsterdam, you hop on a bike, you put it against a door stop. You grab your Hook & Go, you come to the market, you load it up, you go back to your car. This way, you will not park on Maple Avenue.

The Chief of Police has agreed to put a no right turn sign on Maple Avenue so the traffic will not flow north on market day, which should leave a lot of open spaces for the residents of Maple Avenue. Am I forgetting anything? Noise. I would hate to be woken up at five in the morning. I did check with Rich Conklin. Conklin Orchards is usually the first to arrive. You told me, Rich, that in the 11 years that you've been coming to the Market you have always been the first one at the Market and you have never gotten there before 5:45 or 6. So I want to clarify that. When I sent out the contracts for this summer, in the cover letter to every single vendor I said we are having issues with noise, we care about the residents of Hastings, and you must come to the Market no earlier than 6:45. When Rich explained to me that that is a problem because you have early bird shoppers who show up at 7:30 and you need to be set up, well, I am here to tell you there is no more early bird shopping at the Hastings Farmers' Market in the summer. We have stopped doing that at the winter market. We will not let you in, sorry. The same vegetables will be there at 8:30.

So we are really trying. I am available at the Market. If you have issues about the Market, as your neighbor, please come see me. It does not have to come to this. So many people here love this market enough to do good by it. It does not have to be so contentious, and I really hope that we will all work together. We have 197 steps that we will be able to solve the parking issues.

**Adele Gorman, 21 Maple Avenue:** I am so joyful to be here tonight and listen to the conciliatory tone. I read a letter in *The Enterprise* this week that spoke of the non-conciliatory tones that had abounded prior to this meeting. I love hearing from everybody, our neighbors in this town, that you are addressing the concerns of what some of you have called "a small but vocal group of people." I work in a school district here, and we work on

social-emotional learning and well-being for our children. At times I felt that some of our small but vocal group was being bullied. Tonight I am hearing something else that I love hearing, and I thank you for hearing the small but vocal group that is not that small. But a lot of people do not want to talk because they feel they are going to be disenfranchised from their friends and from the Market, and they do not want that to happen so they do not speak.

So it is not a small but vocal group, but a quiet group because they are afraid to oppose. It is not opposition. What I hear tonight is so conciliatory and so wonderful I am very pleased. I am also happy that the ADA has been duly represented as well. But if it should come to the Market not being here in our library lot, where many of us feel it should be, what are you going to do? Are you going to go? I have heard comments that you might take this market and make it go to another town like Irvington. Please do not tell me that because I love the Market, too. We all do, every one of us here. I heard that from everybody tonight, those in opposition and those certainly that really want this to happen. So please let me know that no matter which way this goes that we are still going to have a Farmers' Market.

**Mitch Koch, 20 Marble Terrace:** If my memory serves me well, when we remodeled this building we made it fully accessible top to bottom. That includes the basement, which is used in part for storage and in large part by the police. But there is a door to the street in the basement, and the elevator could be locked out for four hours a week on Saturday. I think we might be able to work out a way to make the door on the street the accessible door, through which people could come up and have full access to this building at least, and from this building to the library and to the Farmers' Market. I realize there are security issues that have to be addressed, but I think they could be addressed to everybody's satisfaction.

**Kaya Rudnick, 141 Southside Avenue:** We think it should stay at the library parking lot because it is a more manageable spot. There is electricity, bathrooms, and water. The Farmers' Market attracts kids and parents, so the library is ideal because children can hang out, in and out of the library.

**Lila Paulson, 58 Washington Avenue:** We all know about the picnic table where the arts and crafts projects are held for children while parents are shopping. Where would we do that in the Metro-North lot? Yes, you can bring a table, but that is not always definite that it will always be brought. You have no way to be held safely.

**Trustee Goodman:** This has been a difficult issue for me. I got hired for this job with a professional head set. I hope you benefit from that. I am a nurse, I am an attorney, I am the liaison to the Senior Council, to the Public Health Board, to the Committee for the Handicapped. I am the daughter of a man who lost his leg and walked on a prosthesis for

eight years before he was leveled by a stroke. I am the caretaker of a very gifted 93-year-old who happens, fortunately, to be very spry. So I have some real concerns.

I want to appreciate the can-do attitude. Before tonight I was being peppered with emails and comments that were can't-do: this spot is no good, that is not good. I do not look at it that way at all. To me, the Metro-North lot, you see a parking lot, I see a pumpkin patch with hayrides. You see a parking lot, I see a winter carnival with ice sculptures. You see a parking lot, I see the hillsides being cleaned up, planted by ferns. I see an art park, I see the Arts Commission getting involved. I see banners hanging from the light poles. You see sun and heat, I see alternative energy. I see the alternative market. I see us doing great and wonderful things down there. I just make these suggestions.

I see a canoe and kayak rental I see bike rentals. I see you marketing yourselves to the city. I see you making this market more of a destination. But that is only if you want to, and I have no control over that because it is not the Village's market. It is not for the government to say because it is in the purview of a private committee. It used to be the Village's market when it started. At some point in the history, and I could not trace that far back, it stopped being the Village's market. So the Trustees only have the ability to say does the Market stay or go. I have got phone calls from people saying they felt the Market was being singled out for special treatment. The neighborhood issues, the Village compliance with fire code, the ADA compliance, these were all manufactured issues that somehow we are singling the Market Committee out. I want to assure you that is not at all what the job of the government is. The Community Center was a brand-new building with no experience with retail. If Chief Drumm went there to inspect, well, that is good, we are doing our job. I would think, and hope, that the Market proprietors would want these things, that they should not even be negotiable: being a good neighbor, being compliant with the law. So I want to point out the Market does get special treatment.

My colleague next to me, rightly so, has led the charge to get money for property use. I am not suggesting we get money from the Market, but you do get special treatment. You are in a beautiful location, and everybody says to me location, location. Almost every e-mail was about the location. I am going to ask my colleagues and how much that location is worth.

We talk about the parking, so I am trying to be objective. If the Market were a business, your retail space, by my calculation, is 65 feet by 120, which is 7,820 square feet, which puts you beyond the exemption for parking. We would have to wrestle for the parking, and Planning and Zoning would get involved. I am not suggesting that happen, I am just saying you have been singled out for special treatment. But instead, we have no numbers. We have no idea how many cars come there, so we are just going to kind of flip a coin because there is no data. No SEQRA. No traffic data, nothing about pollution. There is a neighborhood

here, and they have borne the burden for 10 years. Everybody wants a slice of heaven, everybody wants to be with the farmers. My sister lives on a 600-acre farm. I could not be happier when I am there, and we get a taste of that every Saturday. We are fortunate, and I am thankful that the committee is here. But we should think about moving on, rolling up our sleeves. And no one would take this committee and condemn them to a dungeon with broken beer bottles, because I have heard that.

I will talk about the accessibility. For me, it is not just the ADA. There is a Senior Council, and we are working on aging-in-place in an elder-rich community. There are 20% people 60 and over, and hopefully there are going to be more if they can stay here. We are seeking to build an elder-rich community, and talking about infrastructure and giving fall prevention classes. It is time to think about where else can we be. I was told, and I hope this is false, that we are only looking for premium vendors and are going to dismiss the lower tier vendors, whatever that means. I hope that we are not going to become some gourmet market because I cannot support that. I am here to make sure that we are doing right by all the citizens. There was a suggestion that we wheel people up the driveway, and I have to say that people who are not in wheelchairs and do not need to be in wheelchairs do not want to be in wheelchairs. People want to walk under their own steam.

I just will close with this because this is how the mind of a very creative elder works. This is one of his poems, and it is about striving to be vertical. If you all need your view at the sake of even one person in this Village who is going to get put into a wheelchair before their time I have a difficult time with that. I am going to read this to you because this is how a 93-year-old mind thinks. He is talking about a plant, but he is talking about himself.

Tendrils of philodendron crawl over the stone floor of my high-tech kitchen, doomed to a horizontal life. All but one anxious tendril, which leans against the wall, strains for verticality. I, too, dream of verticality. I want to be upright and equal to the tall men of this world, the statesmen and the presidents, even the choirs of the angels in the imagined reaches of reality who can teach me how to sing.

So is it 197 paces? You can be at the Farmers' Market in the Zinsser lot, and then walk 197 paces to the view. A person who is able to park close to the lot and walk with their walker or their cane without the need of a wheelchair, is going to find that to be a much better view. So who do I choose between? That parking space closest to the library in front of our building is 190 paces from that parking spot up to the Farmers' Market. So if we think that we are going to route people that way, you healthy people that can walk 197 paces are going to ask someone to walk 190. So I do not understand why there cannot be a reverse commute, and I do not understand why there cannot be a bridge market.

**Trustee Swiderski:** I am the one who threw the yellow flag, using the soccer metaphor, at the last meeting when the ADA issue was raised. We were hit with the issue of ADA compliance shortly before the last meeting. Without input from our attorney, and without a chance to think clearly about this, I threw the yellow flag. At that meeting somebody here in the audience, Kevin Dawkins, breathed some wise words into the proceedings by saying it is late in the game to be changing venues, let us make reasonable accommodations; nobody has filed a complaint. If, at the end of the summer we do not come to a permanent solution we will talk then. Those have been strong words of wisdom since that night, for me; very thoughtful and very pragmatic. Hastings ultimately is an open community, and I do not want to think we discriminate deliberately or accidentally. As a result, the effort to make reasonable accommodations in the truest spirit of accommodation seems to be adequate for us to allow the Farmers' Market to use this lot for the summer.

I cannot say that next year we will not have another discussion about these topics. That is our role, to grant that accommodation, the use of a lot. And every year we have got to review if circumstances have changed. Have traffic problems worsened? Are the ADA issues, in fact, impinging upon use of the lot? Every year it is our burden and our job to take a look at those issues with a fresh mind and determine if something has changed.

My hat is off is off to Kelly and her husband tonight. It takes courage to know that you are going to be a lonely voice in a crowd. And let us face it, they have a point, not just on technicalities but as neighbors of a lot that impinge upon their Saturday morning and early afternoon. I do not dismiss their concerns. They are burdened with the disadvantage of proximity to a wonderful location for this market. Every time I vote in favor of this location's use it is not with light heart. I understand for seven hours a Saturday for 23 Saturdays local neighbors are disadvantaged. It does not hold a whole lot, but thank you, I know this is an imposition. We sit up here and try to do our best to weigh the proverbial greatest good. In that regard, certainly in the 11 years that I have lived here this is one of the most remarkable additions to the Village landscape we have had. I come to it almost every Saturday, I enjoy it, I meet people, my dog meets people, my kids meet people.

It is a wonderful moment of the proverbial Greek agora, where ideas and people and commerce mix. Can it be somewhere else in the Village? Absolutely. But there is something about this location that is worth trying to hold on to, and I would like to hold on to that if we can. If it does not make sense, if in the end the accommodations are not reasonable, we will face that decision later this year. But right now the Market speaks to me, the location speaks to me. And, Kelly, I am sorry. I hear you, but there is a real gift to this Village you have given by your inconvenience, and thank you.

**Trustee Quinlan:** First I would like to address the parking and the noise. Living on Maple Avenue and the surrounding areas goes both ways. I know that because I live on Hillside Avenue directly across from the school. You want to talk about parking issues and trucks in the morning, I have them constantly and it is something that I deal with. Having said that, when I did buy my house the school was there and there were a lot of benefits to having the school right across the street from my house.

So when there are soccer games at Reynolds Field, or basketball games, or kids driving to school from two blocks away, they park in front of my house and we have parking problems. But the benefit is that when my kids came home from basketball and chess and orchestra and everything I did not have to go pick them up, they just walked across the street. When I want to go walk around the track I just look out my back window and see that it looks nice and not too much ice. When I want to play tennis I just run down to the back and see if the tennis courts are full, run and get my racquets, play there.

Living on Maple Avenue has its benefits, too. The Municipal Building is here, the Police Department is here, and there is a beautiful park that anybody in this neighborhood can walk to in two minutes and enjoy a magnificent view and enjoy a gorgeous place. So it works both ways. I would just ask that the Farmers' Market and everybody in Hastings make every effort to park in the Zinsser lot if they can. I do not go to the Farmers' Market often, but I do not take my car into the Village; maybe one out of 50 trips. I walk, and I would encourage everyone to do that. And if they cannot, then park in the Zinsser lot. I would encourage the vendors to realize, like I try to explain to the truck drivers near the school at 5:30 in the morning, that this is a residential neighborhood, people have a privilege to live here, and accommodations have to be made. Do not idle your trucks, do not scream and yell at each other, just be as quiet as you can. Do not come any earlier than you have to, and try to make your workers work faster. People should not be woken up at 6 o'clock every Saturday morning all summer. That is just unacceptable.

I think those things can be worked out very easily. The thing that troubles me most is the ADA issue, but I do believe the Farmers' Market at its present location is an asset to the community. As I look out at the audience I see a number of people who are my friends, and I see at least two women who are very good friends of mine. One is on the committee, and one is a big supporter of the Farmers' Market. I know these two people, and I know that they have devoted most of their lives to helping people overcome pain and sorrow and I think they would never do anything wrong or unfair to the disabled. I am sure with them, and the other people in the Farmers' Market that I do not know as well, that a reasonable accommodation will be found for them, and others, to allow access to this positive event in Hastings on a weekly basis.

**Trustee McLaughlin:** There are four issues I would like to address tonight. Danielle told you her credentials. I was thinking I was the only person in this room who grew up on a farm, but maybe there is one other: Mr. Conklin. I grew up on a farm of more than 300 acres. We had potatoes, an orchard, horses. It was an awful life, it really was. You cannot romanticize farm living, you really cannot. Farmers sacrifice an incredible amount. You have all heard how are you going to keep them down on the farm after they have seen wherever. Well, what has happened in our country in the last couple of generations has shown that you cannot.

For many reasons I support the Farmers' Market. But I have been hearing for the past couple of weeks that I do not support the Farmers' Market. I have heard that I want to kill the Farmers' Market. My friends have buttonholed me and said, how come you want to kill the Farmers' Market? Why do you want the Farmers' Market to go to Irvington? These rumors have nothing to do with the way I feel about the Farmers' Market, they do not have anything to do with any of us, but they have been floating out there. Pascale says it does not have to be so contentious. We did not make it so contentious.

The first issue I want to talk to is access. There are two different ways of thinking about access to the Farmers' Market. One of them is the price of what is sold there, and a couple of the e-mails I received asserted that the reason that people on Maple Avenue are angry about the Market is that they are too poor to shop there. Yes, that is a disgusting comment, and I am sorry it came out in a Hastings dispute because I do not think it is true and I do not think it is relevant. But let us suppose that it is true. If people cannot afford to shop there, these people pay taxes that support the police, the cleaning of the lot, and the library that there is no access to for handicapped people. Just bear that in mind: that if price is an issue for shopping in the lot, the people who cannot afford to go there are residents, too.

The other issue is the issue of handicapped access, and reasonable people can differ on this. My understanding of ADA is not that the law says you poor cripple, let me do something for you. My understanding of the law is that it lets people with handicaps live normally as much as they can. One of the people who sent me an e-mail said that he did not understand what the complaint about handicapped access to the library was because it was only for a few hours a week. But the few hours a week that handicapped people might not be able to get into the library are most of Saturday. Just a few weeks ago when we talked about the leaf blower regulation people in this room fought to get the Saturday hours earlier so that they could use the leaf blowers earlier in the day because they wanted to get their work done earlier in the day. So why would we think that handicapped people would not want to go to the library earlier? Why would we think that handicapped people would want to wait until three in the afternoon to go to the library? Why would we think that it would be okay for a handicapped person to have no access to the library from 9 a.m. until 2 or 3 p.m.? I do not

get that thinking, but that is the thinking: if it is only a few hours a week it is okay for handicapped people not to have access to the library. Those are my two points about access: shopping at the Market, and getting into the library.

My second point is about parking, and we have pretty much covered that. People who live on Maple Avenue pay taxes. It is easy for you who live in a house with a garage or with a driveway or a with parking out front to think that people on Maple Avenue have a small complaint. But I have a friend on Maple Avenue who is unable to go to the doctor this week because she did not want to leave her parking place. It was yesterday. The Market has not started yet. The wall behind this development right next to the library fell down last year, and they are rebuilding that wall. They have lost, what is it, 100 parking spaces temporarily. It is an interesting reflection on the management of the Market that they surely knew that, but made no accommodation in their thinking this spring when they made their presentation to us. They did not say, we know that the neighbors are having a worse time parking than ever. I wish they had said that because it would tell me that they understand what the Market does to the Maple Avenue neighborhood.

The third thing I want to talk about is the cost of the Market in money and time. The taxpayers have been subsidizing the Market because we pay for the police, we pay for cleaning. It is the Village's property, and except for the use of the Community Center I am not under the impression that the Market has ever reimbursed the Village. Once again, every taxpayer in the Village pays the cost of the Market. Now, the Market is not run by the Village. It appears that it is, but it is not. It is run by a not-for-profit. It is not unreasonable for us to ask for rental for that spot, but we have not done so. There are ways that the Market could make that money. It could charge the vendors more, it could have a pricier friend structure. I do not know what the friend structure is currently, but we have heard from a lot of families who bring their kids and participate in a lot of activities, and so far as I know they do not pay for that. But let us suppose that a family decided it is worth it to me to pay \$10 a week, and paid for a Friends of the Market that was, say, \$300, \$350 a year. They are still getting a great deal, but the Market, so far as I know, does not do that. There could be a cheaper membership of \$5 a week. That would be \$120 - \$150 a year. Even \$2 a week would be \$70 a year. Why shouldn't the Market have a Friend structure?

There are other things the Market could do. The Market could have 4-H. Out there on the farm in Ohio I was a member of 4-H. I never grew Aberdeen Angus cattle like my cousins did, but 4-H does not have to be about cattle; 4-H can be about market management, it can be about agriculture, it can be lots of things. The Market could have 4-H here in Hastings, and the 4-H members could use working at the Market as part of their 4-H project.

In talking to people about what the Market has done this spring, one thing I heard from several members is how tired they are. They have spent so much time working on a Market that they are exhausted, out of time, out of energy. We cannot ask the Market to move because they are too tired to deal with the Market if it has to move. They do not have the energy to deal with that. The Market is still operating under the non-profit number of the Chamber of Commerce. It could ask the Chamber of Commerce to be its co-sponsor. It could ask the Chamber to provide half the board members and half the people who work. I do not believe that has been tried. We, the taxpayers, have underwritten the Market in many ways, and I do not believe it has exhausted all the ways that it could use its friends to repay the Village for letting it be here.

There is one last thing I would like to talk about, and that is open government. The Arts Commission has talked to us about creating a non-profit. One of the questions that has come up about having a non-profit attached to the Arts Commission is, its board is no longer appointed by the Board of Trustees. How would we control its money? How would we know what money it has? It would be a separate entity from the Village, and that would be a difficult thing to go along with in terms of open government.

We already have two other non-profits that have come out of Village initiatives. One of them is the non-profit attached to the Affordable Housing Committee. I do not know who is on its board, I do not know what money it has. The other is the non-profit attached to the Farmers' Market, and I do not know who is on its board, I do not know what its finances are. We have been working in a vacuum. We have been asked to negotiate with a committee. We have no idea where it gets its money or how much money it has or who its board members are or what its structure is or what its rules are or how it finds its vendors or what its audience is. It simply comes here every year and asks to use that parking lot, and with only the knowledge that they were here last year we are expected to pass judgment on that. I wish we had more information. I do not know how to get more information, but I feel that we have been left in the dark and expected to operate on good faith.

So we have a site that is not accessible; we have a Market whose management is not necessarily open to us; we have a market that taxpayers have been supporting and not getting anything back from. Except what you love in the Market, we are not getting back the kind of benefits that perhaps we should as wise fiduciaries. We have offered the Market time and again the use of the commuter lot and have been told what a cruddy place it is. We have been told that it is full of pigeon poop. I went down there tonight, and unless somebody has steam cleaned the grass under the bridge there is no pigeon poop under the bridge. There are markets all over Europe that are outside the duke's palace. You go to the town and here is the duke's palace, and here is the fancy wrought iron fence, and here is the marketplace. We could have a market right in front of Cropsy that would be so beautiful. It would be back

there, it would be in the shade, there is a Con Ed line right there, and it would be accessible from the train. It is just 197 steps from the library, the parking is right there, our seniors have easy access to it. You can walk up the steps to the rest of the Village. It has its own beautiful view. It would need a convinced Board to make it happen.

Tonight we heard that the Farmers' Market has a can-do board and, as Danielle said, I have been hearing all week that it cannot do that: that it is tired, that it cannot do this; that it is exhausted, that it cannot do this. I wish that you could buy into this other vision. You can still go to the library. You can still go to Fulton Park. You do not need the Farmers' Market to take you there. But we can create an alternative, a beautiful space for the Market and for the people of the Village, and I am sorry you are not buying into that vision and, instead, you are buying into one that is exclusive, that does not help the handicapped, that is ignoring the fact that we have an aging population.

**Mayor Kinnally:** I want to go back to what Adele said earlier. She was certainly proud that we had a civil conversation here tonight, but I was distressed where she indicated that people may be afraid to speak. Certainly not in this room. We foster as much open dialogue as we can in this room, and nobody should be shouted down or feel that they are in any way intimidated from speaking their mind. We have talked a lot about access. We have access here, and everybody, I hope, is encouraged to speak their mind.

I will address the ADA issue first. The issue is one more problem we have that we have to come up with a solution for. Many things have been discussed today. I had not thought about Mitch's comment about going through the basement of this building, but we have access to an elevator in this building which has full access to the upper levels here and you could get out to the library or to the parking lot. But that is not the only issue. To the extent that there are problems and Mr. Tanzman, thank you for bringing them to our attention and advocating, if there are problems there is enough firepower and willpower in this room to come up with a solution, and that is what I am hoping to do.

We have been talking about problems not just with the Farmers' Market, but parking in general. We have tried over the years with Fran, with Neil, with the Police Chief, with the Board, and with many volunteers and with the neighbors to come up with a reasonable solution. The ADA says we have to make reasonable accommodations. We will do that, we will look into it. There are challenges out in the parking lot right now. Someone mentioned that the driveway is in disrepair. We know that, and we will look into that. Those are things that all of us can and should try to solve. We have issues with the ADA for these buildings; we will take a look at it. The ADA becomes an issue if you want to have the Farmers' Market in this spot. I like having the Farmers' Market here. Are there alternatives? Yes. Are they better? I do not know, but we should continue trying to find solutions.

The parking problems in Maple Avenue may be aggravated by the Farmers' Market. There are parking problems throughout this Village, and they cannot be solved because we are not going to annex other communities to solve our parking problems. We have a limited amount of space and. But other portions of the Village that are similarly inconvenienced because everyone likes to use our public spaces. The people in Uniontown have problems; the people around Reynolds Field have problems; the people around the pool have problems. Without minimizing any of this, how lucky we are that we are wrestling with a problem of a success in our downtown. This is something that works. We get people here, and the problem is that maybe we have too many people here. I wish the merchants complained about that, and they are not unfortunately.

When we first raised the idea of the Farmers' Market, the issue was whether it was going to detract from the merchants and erode their stream of customers. Just the opposite is true. If people are walking or driving to the Farmers' Market they have to go past everything else in the Village, all the stores and service amenities that we should rely upon and frequent. So let us celebrate that we have this problem, and let us put our collective minds together to deal with it. I do think every year we should come together and look at this because things change. I sympathize with the people who are inconvenienced but I also see that this is something that really works in our community. It is part of the fabric of the community and people look forward to it. I am not ready to say be gone. I am here to say we have recognized a lot of these problems. Let us work together and try to do something.

The issue of the access is something that will be addressed and taken care of. Fran has been dealing with it, he will continue to deal with it. We are working with our Village Attorney. We will work with all of advocacy groups and all the interested parties because we are all in this together. Any of us can become disabled tomorrow. They are people who have all the rights that mobile people have. I believe that we should continue with the Farmers' Market in its present location, but I also think that we should hold the feet to the fire of the people on the committee and the supporters and the patrons who have said we are going to make changes, we are going to educate people to take those 197 steps. People have to leave here be committed to making the changes that everybody says will make this better. I would like to see the Farmers' Market continue and flourish. This year I would like to see it continue and flourish in our parking lot.

**Trustee Goodman:** Can we pass this resolution on condition, that we try to enforce no idling, no double parking. How do we have control? If we are going to give approval based on the assertions of the committee that we cannot control and a situation we cannot control, can we build some reassurances into the resolution?

**Mayor Kinnally:** To the extent that there are problems with double-parking, we will have it enforced by the Police Department. I do not know if you can put performance standards in here, and I do not know how you would enforce it. The best enforcement is going to be to tell the people down there every week that we are looking at it and seeing if what they are saying is coming to pass. And next year they are going to have some explaining to do.

**Trustee Goodman:** I would like to not wait for next year. In the middle of budget, we have spent hours on this situation when we should be working on that. This should be brought back in September and we should roundtable it; we should evaluate it while it is still going.

**Mayor Kinnally:** We can do that. We could always put it on the agenda.

**Trustee McLaughlin:** I assume that since it is the middle of April we cannot charge rent for it this year, but I want that to be on the table in the future.

**Mayor Kinnally:** The issue of rent not only for this space but also for the Community Center is something that will have to be addressed. We have to get a more realistic assessment as to what our costs and what our contributions are to this. Yes, I believe so.

**Trustee Swiderski:** I am certainly in accord with doing that.

**Mayor Kinnally:** Is there a consensus on that? Okay. I know there was some grumbling, Diggitt, when you were talking, but I do not believe there are hundreds of spaces that have been lost. I do not think it is more than 20.

**Trustee McLaughlin:** Oh, I thought it was 100.

**Mayor Kinnally:** I know it was said, but we got a follow-up e-mail. I also believe that that work is going to be completed fairly quickly.

**Trustee Goodman:** July.

**Robert Shapiro, 10 Prescott:** I have attended many meetings about the Farmers' Market. Would it be possible, if you meet again, to put this earlier on the agenda? It is obviously very important.

**Mayor Kinnally:** This was not the only important thing on.

**Mr. Shapiro:** I know. Just consider it.

**Mr. Koch:** Do you think, Diggitt, that we should have a user fee for playgrounds and, say, for the beach when we use Kinnally Cove? It seems shortsighted to charge user fees just because the entire population does not avail themselves of a service.

**Trustee McLaughlin:** No, it is not a user fee because the entire population does not avail themselves of it. It is the fact that it is a Village property and you are among the owners of it.

**Mr. Koch:** I am already paying taxes for it, I acknowledge that.

**Trustee McLaughlin:** That is exactly it. You are paying taxes for it. But somebody who is not the Village is renting it, and they are simply another non-profit. Remember that. They are not the Village. We cannot distinguish between them and any other non-profit group.

**Mr. Koch:** So the Spring Fling, for example, should be charged a user fee. Of course, we are done with that now.

**Trustee Swiderski:** I think there is a table charge.

**Trustee McLaughlin:** Yes, there is a table charge.

**Mayor Kinnally:** We will look into this, and we will look into it early.

**Ms. Topilnycky:** I cannot say I am not disappointed that the Board does not recognize the severity of the problem on Maple Avenue, and it is more than 20 spaces that are being blocked off. There are at least 50. It is an around-the-clock, seven day a week parking issue that the Farmers' Market compounds. I am not saying they create the problem. I am saying they are compounding the problem. However many meters you block for the police and for two handicapped spaces for the people at the Market, then I think it is only fair that you block that many number of meters for the residents' use and for the residents that are handicapped. We have disabled residents on our street that do not have parking, do not have handicapped spaces. When you want to bring an influx of 1,800 people into our street, then it is only fair that you treat the residents as equally as you are treating the Market. As far as blocking the end of our street, you are blocking access up our street, which is the way the parking goes. If you come from North Street you have to make a U-turn, which would be dangerous with pedestrians. You are blocking access for disabled residents of our street, and there is not just one. We have somebody who is on dialysis with a walker. He cannot park in front of his house. His son is worried because when he tries to stop in front of his house to pick up his father he gets honked at. Drivers are very aggressive, especially on our street.

Again, they utilize the town's jitney. Well, that same jitney that could bring you up from there could just as easily make rounds through the Village and eliminate some of the cars that are coming down there. I do not understand why you could not, again, try. You talk about cooperation. There has not been one year that we have not pointed out the inadequate access for handicapped, elderly, and disabled. I have family members that are disabled, handicapped, elderly. They all fit into that category. I have a fully wheelchair-bound niece. the access here is not adequate. I am not just talking about to the Market, I am talking about to the town hall and so forth.

You want to talk about accommodation. Why cannot the Farmers' Market try other locations? They do not like the lower lot, then find another location to alleviate the problem until the parking is fixed with the apartment building. My husband works nights at a jail. It is a very stressful job. He comes home, there is often not a parking space where he can park on our street because the residents that live here are fearful of leaving and not being able to find a space. We take the overflow from commuters, we take the overflow from the Village. It is an ongoing issue. If the Market committee wants to be so cooperative, why do they not try another location for a month? You moved the Market to the Community Center for six months and you were able to keep your customers, so do not tell me that you could not move down the hill and try another location as a temporary measure.

**Mr. Jackowe:** I also work nights and I live on Spring Street. I never have a problem parking on Maple or Spring.

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 approve the use of the Municipal Building parking lot for the 2008 Farmers' Market on Saturdays beginning June 7, 2008.

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

**39:08 CROTON POINT LANDFILL SETTLEMENT**

**Mayor Kinnally:** This fully resolves the issue of our using the Croton Point Landfill in years past, and the action brought in connection with the recovery of monies paid by the plaintiff in this case to settle the litigation brought by the federal government.

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

**WHEREAS,** at a Regular Meeting of the Board of Trustees on January 15, 2008, an Executive Session for litigation was scheduled to follow that meeting on motion of Trustee McLaughlin, seconded by Trustee Swiderski with a voice vote of all in favor (present: Deputy Mayor Goodman and Trustees Swiderski, Quinlan, and McLaughlin; absent Mayor Kinnally), and

**WHEREAS,** at that Executive Session the Board of Trustees was advised that a proposed settlement was reached in the lawsuit against the Village involving the Croton Point Landfill, pending in the United States District Court for the Southern District of New York before Judge William Conner, entitled Ametek, Inc. et al, organized and doing business as the Croton Point Landfill Joint Defense Group v. Kraft Foods North America, et al. ("Croton Point Litigation"), under which settlement the Village of Hastings-on-Hudson would be obligated to pay approximately \$8,108 in settlement of the litigation and in payment of attorney's fees to the Village's special counsel, Periconi, LLC, and

**WHEREAS,** at that Executive Session, a motion was made by Trustee Swiderski to approve the proposed settlement, seconded by Trustee McLaughlin, and approved by voice vote of all in favor (present: Deputy Mayor Goodman and Trustees Swiderski, Quinlan, and McLaughlin; absent Mayor Kinnally), and

**WHEREAS,** Judge Conner approved the settlement on April 2, 2008, now therefore let it be

**RESOLVED:** that the Mayor and Board of Trustees approve the expenditure of \$8,232 in settlement of the Croton Point Litigation and in payment of attorney's fees to the Village's special counsel, Periconi, LLC, and let it be further

**RESOLVED:** that the Mayor and Board of Trustees authorize Periconi, LLC to enter into the attached Release Agreement on behalf of the Village of Hastings-on-Hudson.

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

**40:08 45 MAIN STREET MAINTENANCE AGREEMENT**

**41:08 45 MAIN STREET SIDEWALK/STREETS EASEMENT**

**42:08 45 MAIN STREET FIRE SAFETY TRAFFIC SIGNAL**

**Mayor Kinnally:** The next three items have to do with the 45 Main Street project. As an overview, I am going to ask Marianne if she will go through them with us.

**Village Attorney Stecich:** The first two are easement agreements. One is for the stairway behind the development at 45 Main Street that is on Village property, on Christie Terrace. Early on in this project we had required the developer to maintain that stairway and the landscaping around the stairway. This maintenance agreement says they will permanently be responsible for maintaining the stairway, the sidewalk along it, the landscaping, the retaining wall, there are some lights that are going to be their responsibility. The Village will still be the owner t, but the maintenance responsibility will be theirs. That is the first of them.

The sidewalk in front of 45 Main Street is actually on the property of 45 Main. Most of the sidewalks are on the Village right-of-way. This is on the property of 45 Main because they are bumping the street in to create more parking. This is an easement that would require them to keep that sidewalk open in perpetuity for public use. They will be responsible for maintaining. It says any adjacent property owner is responsible for the sidewalk. There are, however, two street lamps, two street trees, and seven parking poles and meters which will be the Village's responsibility. That is what the second maintenance agreement is about.

The third issue is down as a fire safety traffic signal. One of the requirements of the Planning Board in granting site plan approval for 45 Main was that a traffic safety study be

done to determine whether a traffic light was needed at the exit to the volunteer ambulance corps building. The Village's traffic consultant, AKRF, analyzed the situation and decided a traffic light should be there. That became, then, one of the conditions of the site plan approval. They are at the point of getting the shop drawings and putting up the traffic light. You cannot put up a traffic light in the Village without amending the Vehicle and Traffic section of our Code, so there needs to be a local law amending the vehicle and traffic section of the Code to allow a traffic control signal on Main Street in front of the firehouse. The resolution is to call for a public hearing to approve this traffic light. That is the third one.

**Village Manager Frobel:** I did speak to the Board in the summer and fall as this process was moving forward. At that time I did not realize that the Code had to be amended. We have a work session scheduled for next week in which we are going to talk about the budget. I was going to suggest that we spend a little time on this, although the only action tonight on this item is to set it for a public hearing. It will be located approximately where the flag now rests at the Hook and Ladder building. It will extend in a westerly direction, about a 20-foot tall pole with a 45 to 50-foot extension. On that would be four traffic heads, two in each direction. There would also be a separate pedestal light, near the Citibank entrance which would warn motorists that there is a light overhead which is activated as a result of firefighting apparatus responding to a call.

We could have the Fire Chiefs here next week. I would try to get the developer. I have the plans with me tonight, but you might feel more comfortable hearing from him directly. It is something, as Marianne indicated, that came out of that site plan review. We have modified it somewhat. Originally it was going to be two separate stands. We are down to one arm now, which is something that the Fire Chiefs wanted. since the project first started, and it is something the developer is obligated to install. It is only trip-activated. It would be signaled to go red on Main Street when the ambulance or the hook and ladder apparatus had to roll. It would stay red for a few seconds until it clears. When they come back they can activate it to go red again so they can back their apparatus back into the station.

**Mayor Kinnally:** So we would put this down for the first meeting, or the second meeting, in May for a public hearing?

**Village Manager Frobel:** I like the first because they are anxious to get their certificates of occupancy. And they realize that, in all likelihood, this would not be installed in time for those to be released. So there would have to be some instrument in place to assure that this device would be installed and operational after people have started to move into 45 Main. There is a time crunch, so the sooner you have your public hearing and you agree to their proposal, probably the better.

**Trustee Swiderski:** This was a requirement of the ambulance and Fire Department, right?

**Village Attorney Stecich:** The Planning Board.

**Village Manager Frobel:** Well, the firemen have always wanted it.

**Mayor Kinnally:** They have always wanted it. It is not a requirement, though.

**Village Manager Frobel:** They did not require it, but it came through the planning commission as a requirement of the developer.

**Trustee Swiderski:** I hate to be stuck on aesthetics. Given the limited aesthetics, at least in some people's eyes, of that building, a stop light of that size, I do not know.

**Village Manager Frobel:** You will hear next week that it is a federal and state DOT requirement. It is one of those one-size-fits-all.

**Trustee Swiderski:** But what leeway do we have?

**Village Manager Frobel:** I am not sure.

**Trustee Swiderski:** If we do not have leeway I do not want to even bother talking about it.

**Mayor Kinnally:** No, I think we should discuss it with counsel.

**Trustee Swiderski:** Okay. I do not want to do anything unsafe.

**Mayor Kinnally:** Comment on the first one, on the maintenance agreement?

**Trustee Quinlan:** I read the easements very carefully over the weekend, as I do anything with 45 Main, and I have no objection to passing this resolution.

**Trustee Swiderski:** If it passes that bar, I am there.

**Trustee McLaughlin:** Like he said.

**Trustee Goodman:** I implicitly trust Trustee Quinlan's scrutiny of this project.

**Mayor Kinnally:** There is a lack of due diligence. But that is all right.

**Trustee Swiderski:** No, it is trusting an expert.

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski the XXX [45 MAIN STREET MAINTENANCE AGREEMENT] resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to enter into a Permanent Maintenance Agreement with Riverton Lofts, LLC providing for the maintenance of the stairways, retaining walls, lighting fixtures, fencing, walks and landscaping on Christie Terrace behind the new building at 45 Main Street.

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

**Trustee Quinlan:** Again, I read every word of the second easement, I thought about it and saw the pictures. I am in favor.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to enter into a Permanent Use Agreement for the Pedestrian Sidewalk in front of 45 Main Street.

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

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

RESOLVED: that the Mayor and Board of Trustees schedule a public hearing on May 6, 2008 to consider the advisability of enacting Local Law No. 3 amending § 282-10 of the Vehicles and Traffic Chapter of the Hastings-on-Hudson Code to provide for a traffic control signal in front of the Fire House on Main Street.

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	

#### **43:08 CELL PHONE AGREEMENT VILLAGE HALL**

**Village Manager Frobel:** As you know, I have been in discussion with this company for the past several months. They are desirous of placing a cell phone antenna on the roof of Village Hall. Already there is space there rented through originally AT&T; it is Cingular now. This would be a second one. There is adequate space. Their engineers are of the opinion that it could work without any interference with the other telecommunication devices up there, including the police radios.

What I was looking for tonight was a signal that the Board would be inclined to consider this lease. There would be additional expenses for the vendor in permitting through the Planning Board. But rather than go through that exercise, only to come back to you and have you say we are not inclined to lease out additional space, we had this on the agenda tonight. The draft of the lease closely models the existing one with Cingular. We would like to look at that more closely. In general terms it is for 160 square feet at a rental cost of \$42,000 initially. That would grow by 3% a year, up to a 25-year period, with five-year renewals. It is a fairly standard agreement but we need it to perhaps be more specific to our needs, and that could come much later on. So initially, Mayor, what I am looking for is the signal to go back to these people saying you are inclined, if you are in fact, to consider this.

**Village Attorney Stecich:** I might add that there is definitely some work that needs to be done on the agreement. I read through it, and there are quite a few things that have to be fixed. I do not think they are issues; I think they will be able to be worked out.

I would recommend that the Village have its own engineer. There is a lot of stuff on the roof. Check the integrity of the roof. I would ask the Board, if you were inclined to do it, to also direct them to fund an escrow account, maybe starting out at \$5,000, for legal fees in reviewing the lease and for engineering fees in checking out the integrity of the roof. They are saying there will not be interference with the police equipment, but the Village has to be sure, from its own perspective, that there is not.

**Mayor Kinnally:** What is the sense of the Board on this?

**Trustee Goodman:** Any time we can find another revenue stream I am all for it, but I like Marianne's suggestion. This needs to have scrutiny. The concern about the roof, thank you for raising that. And thank you for reminding us we have the professional fees provision. I think it sounds very good, very promising.

**Mayor Kinnally:** Jerry?

**Trustee Quinlan:** Yes.

**Trustee Swiderski:** It is just the easiest money the Village makes.

**Mayor Kinnally:** So Fran, let us table this for next . . .

**Village Attorney Stecich:** You need a resolution on the escrow fund.

**Mayor Kinnally:** Do we need it now?

**Village Manager Frobel:** No. If it comes to that when I go back to the company tomorrow, I do not know what they will say.

**Mayor Kinnally:** He just wants a sense of where we are going to go with this.

**Village Attorney Stecich:** Oh, I see. If you are not going to go forward, okay.

**Mayor Kinnally:** So we give Fran the green light to see what they want to do, right?

**Cynthia Conover, Metro PCS:** We would be amenable to the escrow. Everything will be done in accordance with New York State professional engineers, who will qualify and quantify the work. You could retain your own architects and engineers, and we would be happy to pay for it.

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

**RESOLVED:** that Metro PCS New York LLC be directed to fund an escrow account in the amount of \$5,000 to reimburse the Village for engineering, legal, and other professional fees necessary to review the lease agreement.

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

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

**Village Manager Frobel:** A reminder to everyone to consider assisting the Village in our annual Village-wide cleanup. It will be April 26 and 27. If you have a favorite spot you would like to adopt, please call Linda in my office.

### **BOARD DISCUSSION AND COMMENTS**

#### **1. Update on the Waterfront**

**Mayor Kinnally:** There is not any update at this point.

#### **2. Update on the Comprehensive Plan Committee**

**Trustee Quinlan:** I am going to forgo that tonight, due to the lateness of the hour.

**Mayor Kinnally:** The stormwater report for 2007 and the summary report on the transportation plan work session we will defer to May 6 as well.

#### **3. Miscellaneous**

**Trustee Swiderski:** There was a brief meeting between two members of the VOC, myself and David Koenigsberg, as well as Francis Sheehan and Kevin Morgan of the town board, the first of bi-weekly meetings to find areas to work together on various issues. I am seeking the Board's support on our first proposed project, which is to jointly bid on street repaving

with the Town of Greenburgh, as well as any other villages eager to join, to see if a larger bid results in a lower cost and therefore more streets repaved for our \$300,000. The Town of Greenburgh DPW head, Al Ragula, has agreed to coordinate and run a joint bid. I am asking for support to see if we can finally begin to work together to save some money instead of tearing each other to pieces over park taxes.

**Mayor Kinnally:** Is there a sense of the Board that we think this is a wonderful idea?

**Trustee McLaughlin:** Three cheers.

**Trustee Goodman:** Yes. Anything to save.

**Mayor Kinnally:** It is something we had hoped would come out of the VOC, and out of the grapes of wrath we are getting some pretty good wine.

**Trustee Swiderski:** I am almost hoping one village will not do it so that we can see what they get for their cost versus us, to see if this experiment is meritorious.

**Trustee Quinlan:** Fran, you got a letter from the school about the drop-off zone? That they want to start May 5? Do we have to take action on that?

**Village Manager Frobel:** No. We think you have the consensus already to do that as an experiment. It came out of the work session on the transportation plan.

**Trustee Quinlan:** I am in favor of it, but I just wanted to make sure that we do not drop the ball, and they cannot do it because we did not do something.

**Mayor Kinnally:** They should have come away from that meeting with the idea that we were committed to trying that. So does the Board support the experiment?

**Trustee McLaughlin:** Sure.

**Trustee Goodman:** Yes.

### **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 for 8 p.m. or soon thereafter on April 22, 2008 to discuss personnel and litigation.

**Trustee Goodman:** One quick public service announcement. I guess family accidents are running in the Board family. My 93-year-old uncle fell in his home and was rescued by Police Officer Heather Smolenski and the Ambulance Corps. Something that Heather and the Police Department did awhile ago is pass out things called "If I Get Sick or Injured." It is a bag with all your medical information to hang the back of your door so that if you get sick and you cannot speak very well they have all your information, your relatives, etc. The Police Department has these, and they urge all residents to come by and pick them up.

### **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 12:00 a.m.