

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 16, 2008

A Regular Meeting was held by the Board of Trustees on Tuesday, December 16, 2008 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski (9:10 p.m.), Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Nine (9).

APPROVAL OF MINUTES

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing No. 1 of November 18, 2008 were approved as presented.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing No. 2 of November 18, 2008 were approved as presented.

Trustee McLaughlin: Kelly Topilnicky's name was misspelled throughout, and where we talk about the menorah, Rabbi Silverman's first name is Benjy, and he represents Chabad River Towns.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of November 18, 2008 were approved as amended.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of December 2, 2008 were approved as amended.

On MOTION of Trustee Goodman, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Work Session of December 9, 2008 were approved as presented.

Mayor Kinnally: This announcement follows on the heels of our approval of the minutes of the work session on December 9. We had an executive session last evening to interview candidates for police chief. While there is not a vacancy at the present time, the Board has

selected Lieutenant David Bloomer as the next chief, to be appointed upon the retirement of our current chief, Tom O'Sullivan, on February 16, 2009. My congratulations to Lieutenant Bloomer, and congratulations to the other candidates who interviewed before us. It demonstrated to us the depth that we have in our police department, and that the future of the police department is in good hands.

APPROVAL OF WARRANTS

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

Multi-Fund No. 42-2008-09 \$139,649.88

Multi-Fund No. 44-2008-09 \$423,081.94

PUBLIC COMMENTS

John Gonder, 153 James Street: About two years ago I requested a Dog Waste Transmits Disease, Contaminates Our Drinking Water; Leash, Curb, and Clean Up After Your Dog sign; and it is Required By Law, Fine \$100. Mr. Frobel did get that sign up on the end of James Street right under the Pulver's Woods sign. I hoped that would work for the residents that walk their dogs and do not clean up. And some of them did not use the leash law. Two meetings ago I pointed out that on 11 occasions I was assaulted by a dog in the woods. It happened to be the same woman every time. I complained to the police, and they said there is nothing they can do except they have to see it. There must be a law that I can sign a complaint. If you cannot sign a complaint, there should be something like a citizens arrest. Our police officers are not supposed to be walking through the woods looking for loose dogs. They have much more important things to do. Two meetings ago, Mr. Mayor you said you would get back to me.

Village Manager Frobel: I spoke to the police. You are talking about events that occurred in 2005?

Mr. Gonder: I had a whole record of several things.

Village Manager Frobel: With your two neighbors.

Mr. Gonder: Yes, there was one after your last meeting. In fact, I do not walk with a wooden stick now, I walk with a metal stick, because years ago, a big doe about 12 foot tall came up when I was chasing some young ones at night, and it scared the heck out of me.

Village Manager Frobel: Having reviewed those police reports, I recommend that you and I and either the Chief or the Lieutenant meet and discuss it, because part of it is the tension between you and a neighbor, or two neighbors. Some of those events involve vandalism to cars. Does this ring true?

Mr. Gonder: My car was vandalized. I do not know who did it.

Village Manager Frobel: And her car was vandalized. There was a lot of back and forth in 2005, from what I can determine in reading the police reports. Rather than air this dispute here tonight, I suggest you and I and the police chief meet, and perhaps meet with the two neighbors and see if we can have some kind of resolution.

Mr. Gonder: Two neighbors. I do not know two neighbors.

Village Manager Frobel: There were two neighbors, and there were some daughters involved with the two neighbors. Was there also a young woman involved?

Mr. Gonder: Yes, but she lived in an apartment and was thrown out. She has disappeared. So there is only one neighbor that has the dog problem.

Village Manager Frobel: This is an opportunity for some community relations, where we can meet and discuss this, because it goes beyond dog waste in the street.

Mr. Gonder: It is. When a dog comes after you, and I have to protect myself with a pipe, a metal pipe now with a point on it. After the last meeting on Dec. 2, it was a very cold morning and there was frost so I did not play golf. I went shopping. I came home, three deer in my yard. I chased those deer, and there were five more so I chased those. And the woman came down the street. She walked her dog. She did not see me in the woods, left him loose. He did not come after me. I said, I need some evidence. I will go home and get one of these little throwaway cameras. Went back up, I didn't see him. I am coming home, then the dog comes from nowhere after me. I had the stick. I tried to take a picture. I do not know if it came out because I did not get it developed.

Village Manager Frobel: We see a series of complaints in 2005, then nothing in 2006 or 2007, then something in October of 2008. If you like, we would be happy to talk to you about some of the neighborhood tensions and try to resolve some of that.

Mr. Gonder: That is not the problem. The problem is, somebody breaks the law and gets away with it. I am saying why can I not sign a complaint and come to court? And why can I not make a citizen's arrest?

Mayor Kinnally: You can go down and swear out a complaint, John.

Mr. Gonder: The police told me I could not.

Mayor Kinnally: Then come down and do it.

Mr. Gonder: Thank you, Mr. Mayor. That is all I needed to hear.

William Greenawalt, Chair, County Parks Board: Interestingly, I just submitted the Westchester County deer task force report to Andy Spano, and I expect there will be some news on it very soon. The deer population is out of control, and we have submitted a very thorough report, which I do not want to go into at this point. But a distinguished group of people met as the task force and spent a long time examining this problem.

I want to speak tonight, however, on Hillside Woods. A couple of years ago I, Jane Alexander and some others went through Hillside Woods with some of the people here who were concerned about the reported paving of Hillside Woods with some macadam to construct a path for a bikeway from the Saw Mill River Parkway west. We saw the very fragile nature of that ecosystem in Hillside Woods. I consider myself an environmentalist. As chair of the Parks Board, and also on the Taconic State Park Board, I think that preserving our greenspace is very important. So I was concerned about that report, and I am glad to know that since that time, thanks to the efforts of many citizens, that plan is apparently not being pursued. However, I understand another plan has come forward, which is to place gravel and wood chips in the Hillside Woods. This is a lot less invasive than the macadam, but think that particular place, which is a tremendous, beautiful place and very fragile, with some water, some wet spots, and a tremendous amount of vegetation where people can walk and contemplate and get away from the hustle and bustle of our lives, it is not an appropriate place for a substantial amount of improvement in terms of overlaying gravel and wood chips.

I understand that something has come up about the contract. As a lawyer, I would certainly rather have the side of the argument that says that all verbal communications before or during a negotiation for a contract were merged into the contract, and whatever the contract says is what legally governs the situation, than the side which says the contract is not controlling, and rather that verbal communications ought to be followed. I have not read the contract, but I am taking this on advice I have been given. I understand there is some dispute about that. I do not want to say that people should ignore contracts, by any means. But this is, apparently, a situation where the Village has the ultimate word about what should be done.

I hope that the Board will respect the intrinsic nature of Hillside Woods and, I say it for the third time, the very fragile ecosystem in Hillside Woods. People can still walk through Hillside Woods and enjoy it, but large numbers of people, bicycles or motorbikes, taking advantage of the graveling and the wood chips would eventually probably be the death knell of Hillside Woods as we know it. I suspect that it is rather a haven for many in Hastings, and perhaps for others in surrounding communities. There are many other county and state parks, and even village parks, that can be used for recreation rather than adapt Hillside Woods. So I would just urge that. I will do what I can. I have certain boundaries as chairman of the Parks Board of the county, but I will certainly do what I can as an individual and by virtue of my position, and also on the Taconic State Park Board, to see that Hillside Woods is preserved as it is. I would urge you to take that position. If you have any questions or thoughts, or maybe you want to share something with me about the writings.

Mayor Kinnally: Bill, this is public comment, but I will say that the Board has had a number of lengthy discussions with the county about this: the issue of what is in the contract and what is not in the contract. There is a dispute. I was involved in the negotiation and the execution of the document, so I have a pretty good idea of what the parties' intent was at the time. But it is irrelevant at this point. The county has indicated they are going back to the drawing board. They will reach out to the community to go through and see if they can build a better mousetrap to address some of the concerns. It is their park, it is our park. They are an owner of the park. So the ultimate decision does not necessarily rest with the Village Board. We are waiting to hear from the county when they can come down and meet with the citizens and walk through and revisit some of their improvements.

Mr. Greenawalt: I think that is all to the good that they are consulting, and actively involved and working with, local citizens.

Mayor Kinnally: Yes, that was their commitment to us when they were here last.

Trustee McLaughlin: Mayor, when did the county let us know that they were going back to the drawing board?

Mayor Kinnally: I think that was implicit in what they said. That they wanted to meet with us and walk with us and see if there was anything that they could do to address the situation.

Trustee McLaughlin: We asked them two weeks ago for a date for a walkthrough, and we asked them for a place where we could see the kind of improvement they are proposing a couple of years on so we could see how it wears. We have not heard from them on either of those things. Do you mean they are going back to the drawing board again?

Mayor Kinnally: No, I mean they will go back to the drawing board after they have a walkthrough. That was implicit in what they said. They are not going to walk through the woods, and say we have seen it, we have listened to you, but we are not going to do anything. I would think that they had an open mind on the situation.

Trustee McLaughlin: In other words, they were prepared to abandon the proposal that they made two weeks ago.

Mayor Kinnally: I do not think they are prepared to abandon anything. They have listened to us and, I think, in good faith, they will try to see if they can build a better mousetrap.

Trustee McLaughlin: I had hoped by now we would hear something from them about a comparison site, or have a date for a walkthrough.

Mayor Kinnally: Yes, I agree. Fran, have you heard from them?

Village Manager Frobel: No, not a word.

Trustee Quinlan: Bill, I want to thank you for coming tonight as chairman of the County Parks and Rec Board and a member of the Taconic State Park Commission. It was one of the things we were waiting for, to a certain extent: for you and Jane Alexander to come and express your opinions about this trail. I wish that Trustee Swiderski would have heard these comments, but I am sure he will read them in the record because they were very eloquent and important, especially from someone who is an environmentalist and knows so much about our parks in the county and in the Taconic region. I am a little surprised that the Mayor said that it is not the Board's final decision whether they put that trail through the park. I would be shocked, dismayed, and outraged if this Village Board voted to not allow them to put that trail in and then they went ahead unilaterally and did so. I do not think that is a possibility, despite what the Mayor just said. I would take that back. I do not think they are going to do it unilaterally. I think they are going to do what we ask them to do and they are going to respect home rule, and that is why they are bringing this before us.

Trustee McLaughlin: Thank you, Bill.

Trustee Goodman: I wanted to thank Bill also. I came across a *New York Times* article from 1993 that said the state, the county, and the Village bought the woods. So is not the state a part owner? They are not? I guess I have to come down and look at the whole file.

Mayor Kinnally: I believe there was state funding, but I think the undivided interests are between the Village and the county.

Mr. Greenwalt: We have a Taconic State Park meeting on the 29th, so I will bring this matter up there.

Trustee McLaughlin: How does the Taconic State Park Commission relate to Westchester County parks?

Mr. Greenawalt: Westchester County was the first parks system in the state. So by virtue of that, and its preeminence in its parks system, the chair of the Westchester County Parks board sits ex officio on the Taconic State Parks Commission. I have been chair of that commission under Governor Cuomo, but I am now simply a member because of the Westchester situation. They do not have any particular control over Westchester County parks. Jane Alexander, by the way, is another member of that commission. They cooperate in terms of policy, and are interested, let us say, in what is going on. I do not know that they have any official role in this particular park. Lee says that they do not.

Mayor Kinnally: No. It is not part of the Taconic State Park Commission.

Mr. Greenwalt: No. They have only jurisdiction over state parks, historic sites, and recreational areas. But I know that the commissioner is very interested generally in what is going on in parks and sites through the whole area. It is four counties: Westchester, Putnam, Dutchess, and Columbia Counties. That is their jurisdiction.

112:08 NEGATIVE DECLARATION - AMENDMENTS TO STEEP SLOPE LAW AND AMENDMENTS TO ZONING CODE DEFINITION AND REGULATION OF HEIGHT

Village Attorney Stecich: Included in your packet was the short form EAF that I had prepared. In thinking about it, I do not want anybody to be able to make an argument later that some of the thresholds for a Type I are met; for instance, it is a Type I action if it is adjacent to a critical environmental area or a coastal zone in the Hudson River ridge. Even though the impacts are only going to be positive environmental impacts, to avoid an argument down the road I prepared a long form. That is what is here.

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

WHEREAS, a Full Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson dated December 16, 2008, a copy of which is attached hereto, has been filed with the Board of Trustees in connection with proposed amendments to the Village of Hastings-on-Hudson Steep Slope Law and proposed amendments to the Zoning Code definition and regulation of height, an Unlisted Action under the State Quality Review Act (SEQRA) and

WHEREAS, the Mayor and the Board of Trustees, the only involved agency, have reviewed the EAF and the criteria for significance set forth in 6NYCRR § 617.7(c), now therefore be it

RESOLVED: that the Mayor and Board of Trustees find that that the proposed action will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement (EIS) for the reasons as set forth in the EAF.

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

113:08 ADOPTION OF LOCAL LAW NO. 28 OF 2008 – STEEP SLOPES

Planning Board Chairperson Speranza: Knowing you have received comments on the proposed steep slopes revisions, I believe counsel has transmitted to you a recommendation from the Planning Board with respect to the one change. That is probably already in the revised draft with respect to the public notice.

Village Attorney Stecich: It was transmitted. Those changes should be in here.

Planning Board Chairperson Speranza: We know that you have received comments from the attorneys for GDC. There have been a couple of members of the Planning Board who have taken a look at the memo. I have not heard back from some of the others. Boardmember Cameron is here, and he may want to speak about some of the particulars relating specifically to this site. But there were a couple of items that were raised in the letter which, I think, do warrant consideration by the Board.

They raised the issue that our standard for the deduction, the percent reduction, seems to be arbitrary. Now, it is a standard that has been in the steep slopes ordinance likely since it was created. It was not something that was discussed by the Planning Board specifically with respect to the actual percentage.

Village Attorney Stecich: This time.

Planning Board Chairperson Speranza: Right, this time. I am not aware of what discussion might have happened in the past. But the planner in me says, well, what makes 25% and 35% the correct numbers? I do not have a good answer for that except to say that is the way it was and it seems to have worked. I am not real comfortable with that, so that is something the Board should consider. We could also consider it as the Planning Board, should you wish.

There is also this special hardship exception provision, which was also brought up in the public comments. We changed the ability of the Planning Board to grant a hardship from requiring that the applicant show that the subdivision cannot be developed without disturbing more than the percentage limits. We simply changed the word subdivision to lot, that the lot cannot be developed. In the memo from GDC's counsel they make mention of that. They consider it potentially a taking. I am not sure it goes that far, but it did make me think that that may be harder for an applicant to show now that it is simply a lot and not a subdivision. To show that there is no economic value at all for a lot as opposed to being able to make it into a subdivision is a stricter standard to meet with respect to our ability to waive the provisions. In the past we have been able to say if this is a hardship, as long as we are satisfied that there is not going to be any negative ramifications of waiving this provision we could go ahead and do it. But the way that this reads now that it is a lot, and we do not have that flexibility unless the applicant shows that there is no economic viability. Those are some things for you to think about if you are going to be acting tonight.

Mayor Kinnally: I received the Zarin Steinmetz submission and spoke with Patrick Normoyle yesterday. He had sent some preliminary information, and the Board today received a submission dated today elaborating and filling in some of the blanks of what Zarin and Steinmetz's submission was. I cannot say that I absorbed it all. I cannot say I fully appreciate the distinction between the lot and subdivision. But you are saying that it might be more drastic, and tips against the developer. I do not know if that is good or bad, but I do know that the hardship was supposed to give the Planning Board some flexibility outside the four corners of what we have here. When I read the Zarin and Steinmetz, and the submission from Ginsburg today, and I don't want to just focus on their property but it is right here now, I cannot say that the particular elevation that exists in the middle of that property is

something that we were looking to address on steep slopes. The poster child for steep slopes is 10 West Main Street, or some of the other rock outcroppings in the Village.

That is a long way of saying I do not know if I am ready at this point, given what was submitted, to go up or down on the steep slopes amendment. The reason we revisited it is to try to make it better, and I cannot say that it is any better or worse at this point. When Zarin and Steinmetz asked for additional time to make a submission, I was curious as to why they would be so interested in this, never expecting that this property would be addressed except for the area at the banks of the Saw Mill, that there would be steep slopes on that property. But surprise, surprise, there are.

I would like to take this off for this evening. I do not know if the Planning Board wants to take another look at this, but I am not ready to either pass or vote it down tonight based upon the information that has been given to me, and the time.

Trustee Quinlan: We are on for action tonight. When we first discussed the problems that I had with steep slopes and we asked the Planning Board to take a look at that, it was over two years ago. They have been meeting and discussing this for over two years. Now, at the last second, we have the chairman of the Planning Board who comes before us and gets a letter from the lawyer for Ginsburg and now has questions about two things which I do not understand. One, she says she is not sure about the 25% to 35% because the only way she can explain it is that it has worked, and has worked for years and years and years, in the old law and in the new law. I think that is a good argument to keep those 25 and 30 and 35 percents. If they work they are good, and if they do not work they are not. So I think that is a fictitious argument. They can look and debate those things forever. It works, and that is what is important to me.

We have an argument that they used to have discretion on subdivisions and now that has been changed to lots. She feels that that is more restrictive to developers. It is an odd restrictor for some people, but there is some problem that she wants to think about and ponder for maybe another six months, a year, two years, who knows how long. That was the problem in the first place; that the steep slopes only applied to subdivisions and did not apply to lots. That is where the problem lies because a lot of the property, most of the property, were all lots. How many subdivisions actually come before the Planning Board? Maybe one every year, maybe one every two or three years. And that was the big hole in the law, and that is what they changed from subdivision to lots so we could protect our environment, and could protect the people down the lots from stuff running into their yards, and we could protect the trees and the bushes and have protection from rocks coming down and everything else like that.

So I am very surprised that this has asked to be delayed. I am ready for action. One of the problems with government is that they do not act. And if this has not been a timely action, then I do not know what is. We have been studying this for two years. It has been on for Board discussion and comment, it has been on for a public hearing. And now we have a developer who is complaining about a certain development and now we want more delay. So I am ready to act tonight.

The fact that the Ginsburg property has some steep slopes on it that Lee was surprised that it has, I would like to just comment on that. First of all, they have site plan approval for their live-work. This will not apply to that. As we all know from zoning, when a law becomes effective it does not apply to houses that have already been built or site plan approvals that have already been granted. Those are grandfathered in, just like my house. My house was built in 1903, before the zoning laws were created. It does not have the proper front yard and it is grandfathered in. I can get a C of O for that house because it has been there. So their live-work site plan approval will be grandfathered in, despite the fact that this law will be passed after it has been approved. We do not even have a proposal in front of us for their townhouse application so it is not even before the Village. So I am not worried about it. If it has to apply to steep slopes as we pass it, then so does every other new proposal. As I understand it from the map that they have, only 0.87% of the property that is under consideration is in what they would consider a steep slope area that would need some planning approval and consideration. It is 0.87%, so 99.13% of their property is complying. I cannot say that 0.87% of 100% of a property would be a taking under the Steep Slopes Law. I do not think there is any court of law that would consider that a taking.

Mayor Kinnally: The issue is whether or not we are going to take this off the agenda.

Trustee Quinlan: So I am ready for action. Do not interrupt me, please.

Mayor Kinnally: But that is all we are dealing with: are we going to take it off the table. I do not want to debate the merits of it if we are not going to have it on the table.

Trustee Quinlan: But why in the world would we take it off the table if we are not talking about the merits? Are we going to take it off the table because we do not have time or we are not interested?

Mayor Kinnally: I will tell you why I would like to take it off the table. We asked for comments. We got comments, I have some concerns based upon the comments. That is all. I do not know what the rush to judgment is here. If it means we put it over for another month, it is not going to affect anything. As you say, they have an approval. If they want to build that approval, this does not apply. If they want to come in with something else, it is

subject to this new law. I would like to hear from the rest of the Board on whether or not we are taking it off the table.

Trustee Quinlan: It is interesting to note that the first comments that we got from Ginsburg lawyers we received in a timely manner. As we indicated at the public hearing, Mayor Kinnally says, and here are the minutes, how long do you need to put comments in? Ms. Mauch, the attorney for Ginsburg says, ten days is typical, we just received these today so we have not had time to look at them. Mayor Kinnally says, ten days would be Friday after Thanksgiving or the Monday after Thanksgiving. And what we received from Mr. Normoyle we received at 4:45 today.

Mayor Kinnally: I know, but Zarin and Steinmetz gave us their comments on December 2.

Trustee Quinlan: Right. So is there some reason why, between December 2 and December 16, you could not have figured out whether you would like to vote yes or no on this proposal in the last two weeks?

Mayor Kinnally: Yes. I have concerns about whether or not the comments raised about the applicability of the steep slopes of that particular thing is the intent of the Village in going back and looking at the steep slopes. It seems to me that when we talk about steep slopes it is not the type of condition that we are talking about, it is not akin to what we had anywhere else in the Village. But that is getting into the merits. I would like to take it off. Usually as a matter of courtesy you say, you want to take it off, we will take it off. But if the rest of the Board wants to vote on it, then so be it.

Trustee McLaughlin: Vote.

Trustee Goodman: Vote, but I have a couple of comments. The letter that we get belatedly today from Mr. Normoyle refers to us as trying to enact an arbitrary development pattern. That concerns me, so I looked at the work the Planning Board did. The Planning Board has been at this, as Jerry said, two years. In that time they considered laws from other places, including New Castle, Rye Brook, Harrison, Ossining, and Croton. Apparently that does not suit Ginsburg's attorneys, and they are submitting, for our look-see, Somers. In the Somers law that was provided it looks like they are defining steep slopes anywhere from 15 but less than 25, or greater than 25 but less than 35. So the whole 25/35 thing is in the law that they gave us to look at.

Also, the Planning Board went back into the minutes as far as 1991 to see what the past patterns were and where the problems were with applying this law. Our Building Inspector was involved in drafting this as well. Our attorney looked at it. There was a lot of back and

forth. I think this is a well-constructed law. I view this as Ginsburg butting into Village policy, because now they are suggesting that we add amendments and give the Planning Board more discretion, which I do not necessarily agree with. The only thing I would consider, and my colleagues might not agree because of the precedent it might set, but we could exempt the MUPDD zone or that parcel of land from the new law and just let the old law apply to any building there, and then vote on this law for the rest of the Village. It is a good law, it was well-considered, it is well-defined. The public made comments, we included the comments from the public who live here who studied this and are going to live under it. I do not see any reason why we should not vote.

Trustee McLaughlin: The fact that we were approached today by the Ginsburg development company was a matter of such incredible disrespect to our process I can hardly get the words out. I am so angry with them. We have been working on this for so long. And as everyone has pointed out, there has been so much time for public input, so much review by counsel, and at 6 o'clock tonight I happened to look at my email because Danielle called and told me to. I saw what we received today. The idea that we should change something that has been so thoroughly studied at the request of the developer goes against any principle of good government that I can imagine. And the idea that we would vote on it when it arrives on our doorstep two hours before a meeting is bad. The developer is expecting to manipulate us and our calendar and other boards? I find that totally unacceptable as behavior from the developer. In terms of the law itself, it was just fine yesterday and it is just fine now and it will be just fine in the future. I do not see any reason not to consider it tonight, and I do not see any reason to vote against it.

Jim Metzger, 427 Warburton Avenue: I cannot imagine anybody doing more due diligence on a law than the Planning Board has done on this. This law is being revised to protect the Village, and that was the sole reason this law was being looked at. To take the work that was done and put it off, when its sole purpose was to protect our interests, would be wrong.

Planning Board Chairperson Speranza: I am sorry that I did not make myself clear when I spoke earlier. The percentages that I was referring to were not the percentage that defined a steep slope. The percentages that I was referring to were what portion of the property has to be deducted from the lot and cannot be built upon. That is part of 249-5 A and B, where it stated: any lot that contains a slope in excess of 15% but not greater than 25%, not more than 35% of such steep slope shall be impacted. I do not know the origin of that 35% number. Then in letter B, 25% of such steep slopes cannot be impacted. Though there may be a sense that, we are making comments as a result of the letter that was sent by the property owner, I have got to tell you these are planning questions.

These are not items that I am bringing up that apply only to that property. They apply to every parcel in the Village that has a steep slope. If you want to say they have worked, you are right, they have worked. But should someone say, what is the rationale behind that, then we are going to have to say it worked, it is what was done in the past, there is no rationale. I cannot say I have a rationale right now. This special hardship exception provision, 249-8, we have now changed Section A. Remember, this cannot go to the Zoning Board of Appeals. You cannot request a variance from this because it is a law; it is not under the zoning code. The Planning Board can grant a special hardship if the lot cannot be developed without disturbing more than the percentage limits that are included. So the property owner, GDC or me or anyone, would have to show that there is no way that I can develop that property at all without disturbing part of the slope. The Planning Board has no judgment. We cannot grant a waiver if something can be constructed on that property. It may not be the best way, it may not be a creative way, it may not be the way that makes sense with the slope on the property. We will not have any way to be able to grant that waiver. That is my interpretation. Frankly, I think those were two good points that were raised by GDC's attorney, as a planner. I am not speaking as anyone looking at an application. I am thinking of this as the law that the Village is thinking of passing. So please consider that.

Trustee Quinlan: Jamie, would you like to be heard?

Mayor Kinnally: Thank you, Jerry.

Planning Board Member Cameron: The problem that Ginsburg has here, not that I can speak for them, is that because the 1,700 square feet is only a half of 1% of their property, they cannot show a hardship. They have the other 99.5% of the property developed so they cannot fit the hardship exception because they have no hardship. One of the speakers earlier said, that is why they do not get our hardship exemption. Lee can say it is a piece of slope property in the middle of their property. We should allow them to plow it over and till it in. That is a very hard thing if you give discretion to a planning board to do, and meanwhile they get to develop 99.5% of their property.

I asked Marianne to address this, too. Her idea on the hardship exemption was that we had this exemption to allow people who have a lot, and a subdivision is a lot before you divide it in pieces, if they cannot develop it, then they can come to us for a hardship exemption. Quite candidly, it was more focused on individual lot owners who have a lot and want to build a house and have got too much steep slope, and we would look at from a hardship point of view. I do not think it is as strict as Patty interpreted it, but it is one which allows people to build there. I do not think it applies to situations such as theirs, because they can develop 99.5% of their property and they probably do not have a hardship, even though it is another few dollars that they might make in profit.

Patrick Normoyle, Ginsburg Development Companies: To Jerry and to Diggitt, I want to apologize. Our submission today was not meant in any way to be disrespectful. I will come back to that in a moment, but my apologies.

I know from what was recounted here the Village has been working on the revisions to the steep slopes for a few years. I went to every Planning Board meeting from May, 2007, through September, 2007, and then went to the September, 2008 Planning Board meeting as well. During those six meetings, never was steep slopes on any of those agendas. Usually Saw Mill Lofts was last on the agenda so I was at those meetings until the end. Fortunately, Susan Newman, who was running this project for GDC previously, emailed me on a Saturday in November saying that the Village Board was considering the steep slopes at their November 18 meeting. That is when we first found out the Village was considering changes to the steep slopes. At that point we showed up at your next meeting and requested some time to put in a comment letter within approximately ten days. Zarin and Steinmetz did do that by the Tuesday of your next meeting. That is where we focused our efforts. We tried to find other models that the Village Board could consider in terms of incorporating it into your steep slopes law.

The submission that I submitted, and again I apologize for its submission today, I was submitting just to supplement the record, just so you would have a little more information about the particulars related to Saw Mill. As far as the policy ideas, I reiterated three of the ideas that were in Zarin's letter that you did receive on December 2. So I think that aside from particulars related to the Saw Mill Lofts site there was nothing new in today's letter. Again, I wish I had gotten it to you sooner.

You heard from the chair of the Planning Board that there are potentially some issues that we raised when reviewing the law as it pertained to our site. I think they are legitimate issues that obviously pertain to our site, but could also pertain to others. Jerry, you talked about government acting quickly. I think that is important, but I also think government needs to act prudently and consider all options. Diggitt, you said it might have been inappropriate for the developer to be sharing certain comments, or something to that effect. I believe that the Village Board needs to take input from all sources. Obviously, developers are going to be the ones who have to live with these steep slopes. We shared a few ideas how the Village Board could amend your revisions to give the Village Board and the Village a little more flexibility to achieve a better result.

Jerry, you talked about the steep slopes revisions being enacted in order to protect natural resources. I have a few boards here, which were also included in your packet today, which specifically talk about the steep slope area that is problematic for us if this law were to be

passed. Essentially, it is a 2,800 square foot area at the center of our site. You have not received a proposal from us in terms of the new townhome proposal. That will be coming to you soon. But you have seen earlier plans. Essentially, it is a three-court plan. The central court is where this 2,800 square feet of steep slopes is located. If we can only disturb 35% of that area, essentially it would gut the plan that we have. We have to go back to the drawing board and see what we can do. In terms of an economic hardship, unfortunately that could have a disproportionate effect on our plan.

Mayor Kinnally: But Patrick, you are arguing an application that does not exist before us and asking us to deal directly with the amendment of a law because of one property owner in the Village. I do not think that is helpful.

Mr. Normoyle: I am sorry. I am just trying to illustrate the point of this steep slope.

Mayor Kinnally: Zarin and Steinmetz illustrated it in their letter, you illustrated it in your letter today, and we have what you gave us as far as the schematic showing where it is. You are getting back to an application and it detracts from the argument to say you have got to deal with it simply because I have a problem here. This Village Board looks at the entire Village.

Mr. Normoyle: Right. And again, we are offering that as an example of a generic problem that may be encountered. So I will move away from that application. What we did submit in Zarin and Steinmetz's letter of December 2 did raise a few legitimate considerations that the Board could weigh in terms of incorporating into the current law. We are asking the Village to consider incorporating a mechanism that could give the Village Board or Planning Board more flexibility in achieving the goals of your steep slopes ordinance.

Mr. Gonder: I agree with Trustees Quinlan, Goodman, and McLaughlin that you should vote tonight.

Mayor Kinnally: Patty, would you be more comfortable if this goes back to the Planning Board? Where do you think it should stand at this point? I know you do not have the benefit of having the Planning Board here. This is a Planning Board decision.

Planning Board Chairperson Speranza: Frankly, when I saw the content of the memo I thought of course you are going to refer it back to the Planning Board because there is so much in it that we should discuss. As I went through it, I said this does not apply, this does not apply. It was fine. My fellow Planning Board members may hate me for saying that I think we should bring it up again. We have been talking about it for more than two years. We have been talking about it since before everyone but you, Lee, was on the Board, since

many of the Planning Board members were not even appointed to the Planning Board. It has been five or six years we have been talking about how to deal with steep slopes. These are at least two issues that I am troubled by. I would like to get the opinions of the other Planning Board members.

Trustee Goodman: There is going to be a comprehensive plan, and once that is done I would expect that there would be some comments about our zoning law or Planning Board procedures, how the boards interact with each other. I would hope that that might be a component. I am under the impression that after the Comprehensive Plan is passed the next step is to review our zoning code, or laws. This could be one of them, and at that time this could be revisited. We will have the benefit of experience with the new law. When I look over the Zarin letter I feel that many of the suggestions are judgment calls. Our law, as written, is very good and reasoned. Just because you could do it a different way does not make it wrong. But it is a judgment call, and we need to move on and take care of other business.

[Trustee Swiderski arrives.]

Mayor Kinnally: For Peter's benefit, we are discussing the steep slopes law. We have gotten submissions from Zarin and Steinmetz and from GDC, and the Board does not want to remove it from the agenda. So we are at the point now of moving it. I do not know if you want to weigh in on this.

Trustee Swiderski: This was handed out tonight? I am going to abstain. I have not had a chance to review this.

Mayor Kinnally: I do not know if you can abstain. Marianne?

Trustee Quinlan: We have been through this before. An abstention is a vote no.

Trustee McLaughlin: But you have to have a particular set of reasons for abstaining.

Mayor Kinnally: He is not ready, which is why I wanted to take it off the agenda.

Trustee Quinlan: Wait a minutes. You wanted to take it off the agenda because Mr. Swiderski came late?

Mayor Kinnally: No. Because we just got this information, and they raise some things. I do not want to debate why I want to take it off again, Jerry. Come on now. Everything does not have to be knock-down, drag-out. Come on.

Trustee Quinlan: There is a motion pending and there is a second.

Mayor Kinnally: I understand there is a motion pending, thank you. And it is up to Trustee Swiderski.

Trustee Swiderski: Am I allowed an abstention?

Village Attorney Stecich: I do not see why he would not be able to abstain, although the vote would essentially count as a no because you need three. In a situation like this, where you are voting on material that you just got and have not had a chance to review, I think the responsible thing to do is abstain.

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 hereby adopt Local Law No. 28 of 2008 amending the Code of the Village of Hastings-on-Hudson as follows:

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

(See attached law)

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	Abstain	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	No vote	

Mayor Kinnally: I am not voting on this. It is not an abstention. The mayor does not have to vote, and I am not voting because I do not want to pass on the merits of this at this point.

Trustee Swiderski: Let the record show, I would have been pleased to vote yes. I just have no idea what the merits are of what is before me. The work done to date on the steep slope ordinance was intelligent and smart. I am not happy to abstain because I resent having stuff

thrown in front of me last minute. But I have no idea if it is a meritorious case or not, and I would like to read it through.

114:08 ADOPTION OF LOCAL LAW NO. 29 OF 2008 – DEFINITION AND REGULATION OF HEIGHT

Village Attorney Stecich: The Steep Slopes Law is not part of the Zoning Code, but the definition of height is part of the Zoning Code, so it had to be referred to the Zoning Board for its recommendation. They considered it at the meeting last week and recommended that the Board adopt the amendment.

Trustee Goodman: I would like to thank the Planning Board and Mr. Cameron, again, for all the work that they did on this law. Again, it was something that was not arbitrary, but well-researched and well-discussed, and I thank them in their efforts to protect the central commercial district. We are not Riverdale, we are not Yonkers. We are Hastings, and this law will be enacted so that we have development that is in keeping with our Village scale and character. So thank you, Mr. Cameron particularly.

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 hereby adopt Local Law No. 28 of 2008 amending the Code of the Village of Hastings-on-Hudson as follows:

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

(See attached law)

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	

115:08 LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM

Village Manager Frobel: We have been asked by the county to join upwards of 45 other municipalities to make an application under the Local Government Efficiency Grant program. That is a state-run program to seek out a consulting engineering firm that would perform energy audits and creation of an emissions inventory. In my written report I talked about some of the uncertainties surrounding this at the time of the writing; principally, we are unaware of what it might cost. Under the grant, we and the municipalities are obligated to share upwards of 10% of the cost. Our purpose, if we are successful in receiving the grant, would be to design a request for a proposal to have an engineering firm make a proposal to the consortium and come up with a plan. I think it is worthwhile. We recently participated in an energy audit. Although we do not know for certain, it could be more comprehensive under this program. But the effort to determine an emissions inventory might go a ways to addressing some of the environmental concerns that we have spoken about over the last several months. I wish I knew better as to what the cost might be, but even when pressed the county was uncertain.

I did indicate in my comments, though, that we would not necessarily have to participate in an energy audit if we were comfortable, or if the consultant had looked at our results from the New York Power Authority audit we could decline that aspect of it. Also, the cost of the emissions inventory would be dependent upon the size of the organization. So if White Plains were to join, or some of the larger cities, their fair share would be proportionately more than ours. So having said that, I would like to see us venture forward, join in this effort, and see if we are successful in being funded.

Mayor Kinnally: I think it is a good start, and we still have the flexibility of dealing with cost and bailing out, if that is the case. Right?

Village Manager Frobel: Yes, Mayor. They are looking for a commitment now that you would join with them to apply. Let us see, when we find out what the cost is, if we can continue to have that enthusiasm.

Trustee Goodman: When we joined ICLEI we made commitments to do certain calculations, and I had posed the question that it seemed like a lot for volunteers to do and that we would be well served by finding a grant and getting a consultant to help us. We may be able to kill two birds with one stone: 1) join up with the county, and 2) comply with some of the requirements under ICLEI. I think it is a good thing. This was one of my questions: whether we can opt out if it ends up being difficult. But it would serve us under the ICLEI requirements. Did we ever get any information from ICLEI? I thought they were going to be sending us passwords and all of that.

Village Manager Frobel: Oh, yes, that is all in the works.

Trustee Swiderski: The conference room now sports a fancy computer with a big screen that has been set up by Raf on which the software has been installed. It is there for common use by the ICLEI team members. Raf will be demonstrating and teaching the basics to them in the course of the next two weeks. If you are interested, send an email to me and I will forward it out to the ICLEI team.

Trustee McLaughlin: Who is the ICLEI team?

Trustee Swiderski: Essentially it is the conservation committee, but both Mary Lambert and Kerry-Jane King are leading the effort. I agree wholeheartedly with it. The demo segues nicely with the effort.

Trustee McLaughlin: Also, it occurs to me that County Executive Spano is now on the national board of ICLEI. And if he is angry with us about Hillside maybe this will make him happier.

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

RESOLVED: that the Mayor and Board of Trustees agree to join with Westchester County and other interested municipalities to apply to the New York Local Government Efficiency (LGE) shared services grant program for funding for an energy audit and the creation of a greenhouse gas emissions inventory.

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	

116:08 SALARY - VILLAGE MANAGER

Mayor Kinnally: This is the result of discussions that the Village Board has had over a number of months. We entered into a written agreement with the Manager last month. We

were remiss in putting this on. The Manager cannot get paid the additional amounts unless and until the Village Board adopts this at a regular meeting.

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

RESOLVED: that the Mayor and Board of Trustees establish the annual salary of the Village Manager at \$156,725 effective June 1, 2008.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Board members may have noticed that we have not resolved the problem concerning the drainage off Christie Terrace on to Whitman Street. We thought we had addressed it last summer into the fall. We have not. We have been out there several times now working with the developer and his engineers to come up with a solution. Despite the insulation of an underground drain and sump, the water still is percolating somehow between the paved driveway, a Belgian block curbing, and the property next to it. It is very frustrating. DPW crews have been out there on several occasions having to salt it because with the hill it becomes black ice in even the coolest of temperatures. We will continue to wrestle with that but we have not addressed that problem to the degree that we thought we had.

Mayor Kinnally: I was up there on Saturday. It was half icy and half running water and I could not tell if it was coming from the wall. But you tell me now that it is percolating out of the ground. It is a condition that has to be addressed. It is pretty dangerous.

Village Manager Frobel: One process we are thinking of beginning this week is to excavate along that path, replace the pipe, and have a greater pitch back into the sump area, thinking we can capture it that way and put it into their internal system. The problem is, there is no drainage in Whitman Street. If there was a catch basin there and a system we could catch into that. But in the absence of that, it sheet-flows onto it and then down onto Main. It is a dangerous situation.

Trustee Quinlan: Fran, do you have any idea where the water is coming from? Is there an underground stream, a lake, or what?

Village Manager Frobela: There appears to be. Something has changed with the hydraulics, and the water is percolating out. You can see it. It is like a small bubbler that comes up in that area I tried to describe. Even today, which was essentially two or three days after a heavy rainfall, it continues to come out.

Trustee Quinlan: And whose property is this bubbling water on?

Village Manager Frobela: I would have to say it is probably in the right-of-way of our property on Christie Terrace.

Trustee Quinlan: You mean where the driveway goes down into the garage?

Village Manager Frobela: Yes.

Trustee McLaughlin: Was there historically a small waterway there?

Village Manager Frobela: We believe there was, but never had to be maintained like we are now with DPW. I asked Michael if he could recall the water coming onto Whitman the way it is now. He said no. I think before 45 Main Street was built the water went back under their property and probably down into that area there. There was once an old building. Now, with that built up, somehow the hydraulics have changed so it percolates up and out to the least resistance.

Mayor Kinnally: I used to live at the Terraces and walk down over the rocks onto Whitman, walk down Whitman onto Main Street and then to the train, and I never remember seeing water that had coursed down.

Trustee McLaughlin: Presumably the water would have run into the stream that runs behind Citibank and runs under the Community Center.

Village Manager Frobela: Oh, yes.

Trustee McLaughlin: The water has to go somewhere, and would it be a simple matter to redirect it underground into the stream that goes under the Community Center?

Village Manager Frobel: That is quite a distance. What I am talking about is almost on the extreme western end of the property. This is closer to the VFW than anything.

Mayor Kinnally: It is where the driveway intersects with Whitman.

Village Manager Frobel: To their underground parking. And with all that built up now, the water is just percolating up and going the other way rather than the stream.

Trustee Quinlan: Fran, have we determined that the Village is responsible for fixing it, or is the developer being cooperative? It is his driveway into his garage.

Village Manager Frobel: Yes, the developer is being very cooperative. He is committed to fixing it.

Trustee Quinlan: And are they going to come through with some help monetarily, or just philosophically and planning?

Village Manager Frobel: No, they are going to come through to fix it, and there will be a cost associated with that.

Trustee Quinlan: Great. That is the answer I want to hear.

Village Manager Frobel: We heard from NYCOM today that in the governor's early budget proposal CHIPS highway money would be reduced by 31%. One reform that could be helpful is the pension reform for new hires. It would be a radically different pension that what we now offer to our employees. There are other changes that are nice to have, but I do not think they are as helpful to us. Some involve the Wicks Law reform and a sales tax change. This would benefit us as a municipality, but not as a consumer. They are looking to add on sales tax charges to some services that we all receive involving cable television, satellite television, radio, certain capital improvements and I am not sure what that meant, transportation, and entertainment-related consumer spending. Obviously, if sales taxes go up, local governments will receive more in their portion of local sales tax receipts.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I do not have any update on the waterfront. Anything from the rest of the Board on the waterfront?

2. Update on the Comprehensive Plan Committee re Hiring of Consultant

Mayor Kinnally: Two members of the Comprehensive Plan Committee are here this evening to discuss the consultants that they have been interviewing.

Kathleen Sullivan, 17 Wilson Place: I am going to read just some comments that were circulated to the committee:

Our committee has completed a four-month process. The Village released an RFP that attracted nine responses from planning firms, and the committee interviewed three of those firms. We thank the firms for their professional proposals, and for those who came last week to meet with us. We thank them for their time.

The committee was looking for a consultant that could provide assistance with the strong public outreach during the planning process and aid the committee in preparing a comprehensive plan that will be a living and working document to guide the community's future. We live in unsettling times, and a vision for our future is needed now more than ever. We are committed to producing that document in a timely fashion, and we believe that the consultant that we recommend is more than up to the task of assisting us with that work. The firm is experienced in working with communities like ours, has worked on several like planning exercises for neighboring communities, and has a reputation of listening well and thinking clearly and creatively about the issues that communities like ours face.

We would like to recommend that the Village engage PPSA, Phillips Preiss Shapiro Associates, as our planning consultant for the Comprehensive Plan. If that is acceptable, the committee would like to refine the scope of work with the firm and prepare a contract for the Board's review in early January.

We have been on the task for a year now, and I am privileged to be part of a great group of people, my neighbors. We are ready to dive in, and we have started to hear from our fellow residents about what issues, hopes, and concerns are for the Village.

Mayor Kinnally: Do you want approval tonight, or will the Village Board get any information about the applicant? We can address it on Jan. 6, and then have a contract to approve or disapprove or modify January 20.

Ms. Sullivan: I look for you to decide how you want to proceed with this. We have a proposal from this firm; some copies were made available through Susan. If there is other information, we can get copies back. But just let us know the process that you would like to proceed under.

Mayor Kinnally: The feedback I got from the process was that it was a very good one as far as the vetting of the three finalists. And the Village came out way ahead based upon that process, which is good. Jerry, you were part of it.

Trustee Quinlan: The night of the interviews I was able to participate in the first interview. Danielle was able to participate in the second interview, and she also stayed for the third interview. Peter took on the responsibility to participate in the third interview. So there was Trustee input throughout the whole night. I will do what anybody wants to do, but I believe the committee voted unanimously to pick the one you recommended. Was it a close vote?

Ms. Sullivan: It was an 8-to-1 vote.

Trustee Quinlan: I am prepared to go ahead tonight, but I will also go ahead on the 6th. Whatever you guys decide to do, but from what I know I will definitely go along with the recommendation.

Trustee Swiderski: What exactly are we voting on? Is it approval of the disbursement of money, or is it a contract, or selection, or what is it?

Village Manager Frobel: What they want is a direction you would be inclined to support their number one choice, and to have them meet with the consultant and have them begin to define the scope of work or a timeline.

Ms. Sullivan: What we have is a scope of work and a timeline. We would refine it to make it a draft contract in whichever form the Village wishes it to take. If this is acceptable, the next step would be for us to work with the consultant to develop a draft contract or any other information that is needed.

Trustee Quinlan: We have agreed on the price, too. Right?

Ms. Sullivan: The RFP had the price, and the price is the price and the price will stay the price. That is one of the things we will clarify and make sure is in the contract.

Mayor Kinnally: As budgeted?

Ms. Sullivan: As budgeted, yes. That was identified in the RFP, so all the consultants were aware of what our concerns were.

Mayor Kinnally: And they submitted proposals based upon that.

Ms. Sullivan: Everyone did, yes. It was very useful. It made the process a lot shorter.

Trustee Quinlan: So we know the price. What do we have to decide?

Ms. Sullivan: I am not asking for approval of the contract. It is just approval of the agreement that we can go the next step and prepare that contract for your review.

Mayor Kinnally: The Village Attorney would work with them in connection with coming up with something.

Trustee Quinlan: But are we prepared tonight to give them the go-ahead?

Trustee Swiderski: I am not sure what we gain by a wait. What are we going to have in additional information? The only flaw in our own involvement is that since we were broken up across three, we do not have that compare and contrast. But I saw the third one, the one you are referring to. It was borderline inspirational. Both of them are a good fit. And an 8-to-1 vote is practically unanimous as far as I am concerned. I am not sure what else we can gain by delaying it a couple of weeks. I am comfortable in moving forward.

Trustee Goodman: Trustee involvement meant we were passive observers. We did not ask any questions. I had the benefit of seeing the tail end of one, all of two, and all of three. I wanted to stay for three because that group had done work on the LWRP, which I thought if it worked out it was useful because they have done work on that. I agree with Peter. Theirs was a very academic, enthusiastic, inspirational presentation. I do not know what the delay gets, but I would give the benefit to the Mayor because we did not have a chance to tell you what our impressions were.

Mayor Kinnally: I do not have a problem going forward because it does not commit the Village to anything. I got a lot of feedback on what the process was. It has to come before us anyway.

Trustee Swiderski: So we all nod our head.

Mayor Kinnally: If you can, Marianne, coordinate. And if you can come up with something for the 6th we will look at it, and if not it will be the 20th.

Village Manager Frobel: Maybe invite the consultant to your meeting on the 6th as well.

Mayor Kinnally: I think so, if, and when, they are ready. It may not be by the 6th.

3. Other

Trustee Swiderski: Last Thursday we had the first, in a long time, official Village Officials Committee meeting. Diggitt was in attendance with me, and there were a number of items on the agenda. The one most enthusiastically received was dealing with the next projects for cooperation among the villages, and a desire to begin to meet more frequently to ensure that that agenda is pushed forward aggressively.

The request was that the next meeting occur in the middle of January and involve a mayor and village manager from every community, or a VOC member and a village manager, to queue up a discussion heading into the budget season. That is a great moment to strike in terms of thinking about sharing of services, for example, tree services that might be contracted out across multiple communities, or whatever. It is potentially an important step for our six joint communities, and one that every one of the mayors and members of the VOC were very enthusiastic about.

Mayor Kinnally: It is a great idea. Peter, the court of appeals argument?

Trustee Swiderski: Is in early January. The history is that there is Bernstein, where a guy in unincorporated Greenburgh sued to share costs. We have what we are informally calling reverse-Bernstein, which is, a member of the Greenburgh police department living in Irvington has sued Greenburgh asking for costs that the villages now bear, specifically that the SWAT team and some of the other police services be pushed entirely onto the town. It turns out a number of the villages have signed agreements on a number of those services and IMAs. So the villages have expressed interest in sharing the cost of those services. We would like a formal list of those IMAs so we understand, across the villages, what those things are. But we are not enthusiastically joining the suit; we do not think it has merit, at first blush. We cannot speak to the law, but the fact is that Greenburgh provides technical police and EMT services which we all benefit from and, philosophically I think, everyone would agree should be a shared expense.

Mayor Kinnally: The fly car is one of them that comes to mind, the cardiac unit that responds to anything.

Trustee Swiderski: The suit, apparently, may come out of bargaining underway between Greenburgh police and the Town. This is a nuisance suit to try force a bargaining point, and would be retracted if they get their point. So we are not really participating.

Trustee Quinlan: In November we were awarded an \$85,000 grant by New York State for the Quarry Legacy Park design. I would just like to read the first paragraph of it. It is addressed to Mayor Kinnally:

Congratulations. On behalf of Governor David A. Paterson, I am pleased to provide funding through the Local Waterfront Revitalization Program of the Department of State under Title 11 of the Environmental Protection Fund to the Village of Hastings-on-Hudson to undertake the following projects: Quarry Legacy Park design, \$85,000.

That was great news for Hastings and great news for the quarry park. Thanks, Lee.

Mayor Kinnally: We need to go back to our calendars. We have interviews for sergeant and lieutenant in the police department. I would suggest that we interview on January 7 and 8. Then we would be free to deal with the LWRP as it comes up, and also with budget items.

Trustee Goodman: I have a question about the Community Center fees. Is that something that would be referred back to Parks and Rec?

Village Manager Frobel: Normally, that is where it starts.

Trustee Goodman: With a year's worth of experience of that building, I noticed parties going over the weekend and every light in the place blazing. When you did those interfund transfers, one of the things we were overspending was energy in the Community Center. It is one thing for the public to pick up the tab on public or even semi-public, but these were private, parties. I am wondering if we know what the pro rata cost is for a daily energy expenditure.

Village Manager Frobel: That is something we will look at very closely, as with other user fees as well. But that is a good point. We will be in a better position this time than we were a year ago with some actual expenses.

Trustee McLaughlin: Danielle, you and I wanted to set a date for the parking meeting. Is this a time to do that?

Trustee Goodman: I spoke to Susan beforehand. We are going to call her tomorrow. We have to figure out a room and a date. It will not be before Jan. 6.

Mayor Kinnally: I wish everyone, on behalf of the Board and the Village, a very merry Christmas, happy Hanukkah, and a happy and healthy and prosperous New Year.

ADJOURNMENT

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:40 p.m.