

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

A Regular Meeting was held by the Board of Trustees on Tuesday, July 15, 2008 at 8:10 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: Ten (10).

PRESENTATION – 422 Warburton LLC

Mayor Kinnally: The first item of business was a presentation by Urban Green concerning 422 Warburton LLC. Mr. Frobel has reached out to Mr. Anderson, and apparently Mr. Anderson was unable to come this evening because he could not get child care. Perhaps he will be here later, so let us move to other items and we will circle back if he does show up.

APPROVAL OF MINUTES

Trustee McLaughlin: There is one misspelling I wanted to correct. I am looking for it right now and cannot find it, but there is a place. I will tell Susan about it later.

On MOTION of Trustee Quinlan, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of July 1, 2008 were approved as amended.

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. 9-2008-09	\$ 300.00
Multi-Fund No. 10-2008-09	\$101,828.36
Multi-Fund No. 12-2008-09	\$ 58,840.02

PUBLIC COMMENTS

John Gonder, 153 James Street: This is in regard to potholes. Farragut Avenue, just to remind you, from the Five Corners by the Lutheran church and the First Reformed church past the school, goes down past Green Street and then bears left. Farragut Parkway is south

of Green Street, goes to the parkway. Farragut Avenue at roughly 270 and the gas station, there has been a pothole there for four months. It was fixed one time, and it is wiped out again. It is about five feet long, in the passing lane, and about six inches deep. A vehicle, an old clunker, could maybe break a wheel and go into one of the gas pumps. If we had Al D'Amato in power as a US Senator, I know I could call him and he would get it fixed.

Mayor Kinnally: You could do better than that. You can call the county executive and have *him* get it fixed. It is a county road, and I had county legislator Abinanti here a couple of months ago dealing with Warburton Avenue and Farragut. It is not the only area on Farragut that is in atrocious shape. If we have the manpower and the time we will try to do it, but it is a county road. They are just not maintaining these roads.

Jim Metzger, 427 Warburton Avenue: I was under the impression that 45 Main Street would not be occupied until 422 was complete. I know there was a series of discussions probably about two years ago regarding funding. I do not know what the outcome of that was, but I believe that somebody is living at 45 Main Street, and 422 remains uncompleted. It would be nice if somebody could look into that. There appear to be people in the building at 11 o'clock at night, working on a computer and occupying a bedroom. The lights were on, people were home.

Village Attorney Stecich: That was originally the plan. It was modified so that the condition of the Planning Board was that 45 Main could not be occupied until 422 Warburton was done, or 45 Main had to hold aside three apartments. That was their affordable housing requirement. By the time they are ready to rent those, if 422 is not done they can only rent them as affordable units. That tradeoff was probably about two years ago.

Mr. Metzger: I was under the impression that the initial deal was to incentivize the completion of 422, and clearly that project keeps getting pushed back. So it would be nice if we could put a little pressure on the developer.

Elisa Zazzara, 68 Southside Avenue: I was here two months ago and asked about the 100 foot from the curb rule with respect to picking up our trash, and also then had followed up with an email and had not heard any news. I am wondering if there is any movement on that.

Village Manager Frobel: In terms of what, modifying the local law?

Ms. Zazzara: Changing that code. The very minimal estimation I gave was that there is an extra two hours of idling of our garbage truck because the men have to go into rear yards, some more than 100 feet.

Village Manager Frobel: We have performed a survey, and it is an extremely popular service. In fact, in some of the routes, upwards of 70% of the homeowners avail themselves of the rear yard pickup. It would be quite a task to try to change that policy. We can certainly look at it, but at this time I am not recommending it be modified.

Ms. Zazzara: Was the survey to the homeowners?

Village Manager Frobel: No, it was a field survey by the men as to the number of people that avail themselves of that pickup service.

Ms. Zazzara: If I might suggest surveying the homeowners, the small survey I have done informally, many people did not even know that that was part of our code and they automatically think that it should go to the curb. If the service and the convenience to the citizens is worth more than the quality of our air and the cost of the fuel and everything else that is the expense to the town, that is surprising and disappointing to me. I strongly urge that the code be changed.

Mayor Kinnally: I do not know if it is in the Village Code.

Ms. Zazzara: It is; 244-6(a) says 100 feet from the curb. Some of them leave it more than 100 feet. Dobbs is curbside. We got through switching from two days to one day. I will go door-to-door, be ambassador, explain to folks. Obviously if you are infirm, you cannot do it, 100 feet, fine. But there is no reason for an able-bodied person to have to have their trash picked up from behind their house.

Trustee Quinlan: What route has 70% rear yard collection?

Village Manager Frobel: The statistics that we collected range from upwards of 70% on one route down to 30%.

Trustee Quinlan: I would like to see the results of that survey. It surprises me. Everyone on my street takes their garbage out to the curb.

Village Manager Frobel: It surprised me. In fact, that night I misspoke in what I thought was the number of people that take advantage of that. But it was much higher than I anticipated. It has been broken down by route by day.

Trustee Goodman: We should do a public information spot on HoH-TV to see if we can improve the statistics on this. In my neighborhood, except for perhaps senior citizens or someone who is disabled, we take them to the curb. I would like to try to do this not by

passing a law, but by encouraging behavior change. Can we have Ms. Zazzara speak to you? Can we put a committee together? How can we do this?

Trustee McLaughlin: Why do we not put it to the Conservation Commission?

Mayor Kinnally: That is a good idea.

Trustee Quinlan: So Diggitt, how do we refer that to them? Will you refer it to them, or Fran?

Mayor Kinnally: Say the Board of Trustees wants to refer it to them, and we will refer it to them.

Trustee Quinlan: Peter, you are the liaison, so you will make sure they study that and come back with a report to us? I think in theory it is a good idea. I do not want to alienate 70% of the people on a certain route, but idling trucks are a noise pollutant and fuel prices are going to go up and up. I would like to have more hard statistics. Like Danielle said, maybe we could get people to voluntarily do it because it would save us money and would save our environment.

Trustee Goodman: And the quicker the DPW gets done with garbage collection, we can maybe then take care of the potholes and other things that we are being criticized for.

Mayor Kinnally: That would be negotiated with the union. My observation is that they do not stop in front of every house, it does not idle every time they pick it up. The guys go ahead and bundle these in big containers, and then there is a drop, and they empty it out and they keep rolling. But I think it is a good idea to refer it to the Conservation Commission.

David Skolnik, 47 Hillside Avenue: What would I have to do to avail myself of that service?

Mayor Kinnally: Do not put your garbage out.

Mr. Skolnik: It does not work when I do it.

Mayor Kinnally: Talk to the guys on the route.

Mr. Skolnik: Where I used to live on Rose Street that did seem to be the practice. But I am wondering in terms of equitability if it is appropriate for one route or if there is something that makes this service, upon request, available to anyone in the Village.

Village Manager Frobel: No, it is just what becomes customary. In your new home, have you been bringing it to the curb?

Mr. Skolnik: Yes.

Village Manager Frobel: Well, that is what the man is used to.

Mayor Kinnally: Talk to the driver, or to the guys on the route.

Mr. Skolnik: This seems to be more than pure custom, and if it is pure custom then it seems something that ought to be addressable in a regulation.

Trustee Goodman: I am going to urge you to continue to take your trash to the curb.

Mr. Skolnik: I am sure I will, but I am posing this because there seems to be some disconnect in this if it is at the discretion of one particular route.

Mayor Kinnally: It is not at the discretion. It is more custom, as Danielle said. People in her neighborhood put it out at the curb. Some of my neighbors put it out at the curb, some do not.

Trustee Goodman: We are trying to encourage everyone to take it to the curb, as many people as feasible, so why do we not try to avoid the other custom?

Mayor Kinnally: If someone wants to have the service and is not getting the service they can pick up the phone and call the DPW and say please pick up my trash from the rear.

Mr. Skolnik: If people knew that it was theoretically available and they wanted to avail themselves of it, there would be more of an incentive to take action with regard to changing that policy. It would be something you would feel more compelled to address.

Mayor Kinnally: I think people know. And it is not that is theoretically available, it *is* available. It is a service that the Village provides to the residents of our village.

Trustee McLaughlin: When I moved to Burnside in 1989 nobody told me that I had the right to have somebody come down to my garage and get the garbage. I hauled my garbage up at least a 90-foot long hill every week. How does one find this piece of secret knowledge that exists in some neighborhoods? It certainly did not exist in mine. I did not have a kindly neighbor tell me you do not have to do that.

Mayor Kinnally: On my way to the train every morning I see the DPW doing exactly that, and I put two and two together. You just observe; it is an available service.

Mr. Skolnik: The real reason I came up was to congratulate the Village Manager and whoever else is involved with finally fixing the air conditioning.

83:08 APPROVAL OF PURCHASE OF SPORTS UTILITY VEHICLE

Village Manager Frobel: Despite our best efforts, we attracted only two bidders. One submitted a bid on time for a Ford Expedition. He bid two new ones and a used one. We received by fax today another bid, one that the gentleman believed arrived on time but we never received it. That was for three different vehicles, two new Jeeps and one used one. But they do not have the carrying capacity that we recommended. The Jeep holds seven, and the one that we are looking at holds eight, possibly nine.

We recommend the purchase of a 2008 Ford Expedition. It meets our requirements. It is readily available. Financing in order, given our insurance settlement payout and the generous donor that Mr. Finkeldey has been able to ask to support this purchase.

Trustee McLaughlin: We are going to hear from lots of people about buying a car that gets about 285 yards a gallon. Am I to understand that the confluence of the amount of money we are able to spend and our requirements in terms of the number of seats and safety mean that we are buying this instead of something that would get better gas mileage?

Village Manager Frobel: I felt a van would fit the bill and would be considerably less expensive. But we deferred to the chair of that group with the opinion that this vehicle was safe and met their needs. It is a comparable replacement to the vehicle that was lost in the accident. We did look at a hybrid; it is considerably more expensive. On a cost basis analysis between a conventional vehicle and the hybrid, the payback is, in my opinion, far too long even at today's prices for gasoline. There was no state bid on a hybrid. If we were to bid it ourselves it could range from \$51,000 to almost \$54,000 for the same vehicle. Even with the price of gasoline it would take a number of years to begin to recoup that expense.

Trustee Quinlan: I agree with you, Fran. I own a hybrid, but that was my own personal choice. Here we are dealing with taxpayers' money. As much as we have a desire to save on gas and save the environment, I do not think we can do that as Trustees. We have to get a safe, big vehicle for a fair price, and this meets that bill for me.

Trustee Swiderski: I did a quick calculation and came up with 170,000 miles of use before we had a break even, or 160,000 miles of use. I do not even know if we can keep the vehicle that long. It would be lower if gas goes up, but where would we come up with the additional money. That \$20,000 is not insubstantial. There is no program that subsidizes these vehicles. So as Jerry said, both from a fiduciary responsibility point of view and sheer practicality we are stuck doing something that I find marginally embarrassing in terms of what it makes us look like, which is environmentally irresponsible. But fiscally I do not know how much of a choice we have.

Trustee McLaughlin: That seems to be the fact: given our other needs, we do not have a choice.

Mayor Kinnally: Fifty-five to sixty percent more over the traditional one. It is tough. "Embarrassing" is an interesting word.

Trustee Goodman: At some point we should come up with a policy about our vehicles, and we are going to have to make some bad choices. But I did the research, I looked at the equivalent. I thought what we gave up was a Yukon. What was the mileage on that vehicle that we lost?

Youth Advocate Director Finkeldey: The mileage on the car was about 150,000 miles, and it was running quite well. It probably would have lasted close to 200,000 miles. I also did some investigation about the gas mileage issue and looked at the hybrid Tahoe, which is the only hybrid in the same class. It gets exactly the same highway mileage as the truck we are going to be purchasing. It does pick up more city mileage. I understand your issue about SUVs but the prices have gone down tremendously, and we are getting a fully-optioned vehicle for the base price. Also there is the issue what do you do with the hybrid battery after five years. Some people I spoke to about this were very concerned. It is an \$8,000 or \$10,000 battery in that car and nobody knows what is going to happen when that time comes. It is a technology that is really going forth, but we are not quite there yet. Mr. Frobel looked into the fuel cell, which would have been fantastic, but that was not available at this time.

Mr. Metzger: Was a non-fully optioned vehicle available? As you add options you add weight to the car and decrease its gas mileage. Buying the base model would be better in the long run regardless of whether you are paying more for the fully-optioned model.

Village Manager Frobel: No, we spec'd out a very basic vehicle. In fact we bid either a V-6 or a V-8, so we looked at the lot of options. What you are seeing is a vehicle left over.

Mr. Metzger: And did we end up with a V-6 or a V-8?

Village Manager Frobel: A V-8.

Mr. Metzger: We ended up buying the worst possible gas-guzzler example of the worst possible type of car that satisfies our needs. Clearly the dealer was looking to get rid of this. We end up paying on the back end for fuel costs. If we had gotten a V-6 with no options, and paid the exact same price, the operating cost of this vehicle over its lifespan would be significantly less. There are less things to fix, there is better gas mileage. I do not understand why we are settling for their piece that they cannot move. I do not know where we are in this negotiation, but we should have thought a little ahead on this.

Village Manager Frobel: I think we did. We are a victim of the times. We spec'd out a very basic vehicle. We mailed these bids out to upwards of 12 or 15 local dealers. We tried to take advantage of the state bid. They are not available. We had a hard time attracting dealers to bid. The one we did get had a list price of \$41,000 and a bid price of \$32,800. So I do not think we did badly on the vehicle. The extras it has are things like a CD player and a sunroof. But again, because this vehicle was a spec vehicle, was sitting on a lot, someone did not take delivery.

Director Finkeldey: The vehicle is not available with a 6-cylinder. However, the gas mileage on this new vehicle is y going to be about 30% better than the gas mileage of the vehicle it replaced. That is looking at the EPA figures.

Trustee Goodman: What is the balance the Village is going to owe on this?

Village Manager Frobel: The Village money from the insurance settlement is \$7,780 and the donor contribution is \$25,070. The Village owes nothing.

Ms. Zazzara: I wanted to know if Kerry-Jane King, who works for NYPA in their transportation department, was called on this. I know she deals particularly with vehicles, and that is what they do.

Village Manager Frobel: I do not think so. We approached her to help us on the purchase of the senior van, and that still is uncertain as whether or not they will help us. We have also approached them to help on the Climate Action Week, and are still awaiting some word on that. So I am not certain they would have been a source to turn to for this kind of a community purchase.

Trustee McLaughlin: I would like to thank that private donor for making it possible for the Village to do this.

Trustee Quinlan: I join in that. It is fantastic that someone would give us that kind of money for this important cause.

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

WHEREAS, a request for bids for a sports utility vehicle was advertised in the Journal News on June 26, 2008, and

WHEREAS, the bid opening was July 14, 2008 at the Municipal Building; now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve the purchase of a 2008 Ford Expedition from Rye Ford/Subaru, Rye, New York, in the amount of \$32,850.00 to be paid from insurance reimbursement and private donation.

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	

84:08 APPROVAL OF AUDIT AGREEMENT

Village Manager Frobel: We are recommending that we continue our relationship with the auditing firm that has performed this service for us for at least five years prior to this. We have been pleased with their suggestions on how we can strengthen our internal record-keeping process. They are a firm that goes above and beyond what is expected of them. They take a personal interest in making sure that our systems are strong and efficient. Also this field is getting very restricted and the firms seeking this kind of work have become very specialized. The price is fair. It is keeping to the cost of living. I spoke as recently as today with their business manager to verify some of their numbers, and I would highly recommend that we continue this relationship and award it to this firm for another five years.

Mayor Kinnally: I am going to step down for the discussion about this and turn it over to Jerry. I have got to recuse myself. My firm represents O'Connor Davies and I work with them on a number of issues.

Trustee Quinlan: Thank you, Lee. Is there any public comment either for or against this resolution? Any Board comment?

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the agreement with Bennett Kielson Storch DeSantis The Government Services Division of O'Connor Davies Munns & Dobbins, LLP, for audit services as follows:

Year ending May 31, 2008	\$43,000
Year ending May 31, 2009	\$44,600
Year ending May 31, 2010	\$46,500
Year ending May 31, 2011	\$48,300
Year ending May 31, 2012	\$50,200

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.	Abstain	

85:08 AUTHORIZATION TO SELL EXCESS EQUIPMENT

Village Manager Frobel: We have in our inventor some miscellaneous computer equipment, printers and cables, and a few things that Raf has acquired over the years. They have little or no value to us. We would like your authority to dispose of it. If this is approved, we will be participating in the yard sale this Saturday, have a booth set up, and will be offering this equipment to the community.

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 declare miscellaneous computer equipment and printers as excess and authorize the Village Manager to offer such equipment for sale.

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: This is a busy weekend. I know it begins Friday evening at Sugar Pond with a fishing derby for the youngsters beginning at 5 p.m., followed by our third annual Village-wide tag sale on Saturday. We are putting together the list of homeowners that are participating. We have upwards 25 or perhaps even more participants. We publish a list of people's houses with a map. We have offered a central area for those persons who live in an apartment or do not have a yard to bring their items for sale; it will be at the commuter lot. Saturday night at Reynolds Field we have a movie night for families at 6 p.m. Sunday at Chemka Pool we have the senior splash beginning at 11 a.m. for our residents 62 and over.

I was going to mention one thing for the Board if you would kindly consider it later on this evening. In looking at the agenda for Aug. 5, it is extremely light. I would make a suggestion that if you did want to pass on one meeting, that might be a good one. Susan will be out of town on her vacation; the Mayor will be away as well. But as of now, that agenda is extremely light. So just something to think about, but I did want to offer that as a suggestion.

Mayor Kinnally: I chatted with Fran earlier today about this, and he was saying that as much as we cobbled together things for this agenda it looks quite light at the beginning of August. Susan leaves that Monday, and Fran gets back that Monday.

Village Manager Frobel: Obviously, we will get it together. But again, just roughing out for the 5th, I have nothing.

Trustee McLaughlin: How about Eric Anderson?

Village Manager Frobel: We will certainly ask him. We can send that invitation.

Trustee McLaughlin: Tom Abinanti was unable to come tonight, our county legislator, but he wanted to come and to see if anybody representing the county office would come to talk about the 9-A property and the deal the county made with the seller of that and the possible ramifications.

Trustee Quinlan: Fran, I had asked you to reach out to a representative of Harvest and I do not see anybody here tonight. That would give them more time. It was very short notice. I am not saying anything negative about that, but in the next two weeks maybe we could get somebody here to talk about the parking situation. I think there are things we can do even without you, Lee.

Mayor Kinnally: It is not the first time we have addressed the parking situation at Harvest. I think it is something that Fran should deal with. There is an agreement between the Village and Harvest as to the allocation of some spaces down there, and I know there is a frustration on people's part that they are not living up to it and that there are some impediments to getting access to those parking spaces on the weekends. But I do not know if public discussion is appropriate or if Fran should just sit down with them and discuss it. If the Board wants to consider it on the 5th, fine, but this is something should be dealt with administratively with Angelo.

Trustee Quinlan: The problem with that, and I myself have witnessed it, is that Harvest is not complying with the agreement that they agreed upon with us. Fran has talked to them and they keep yes-ing us, but I have seen it myself. The valet parkers are continually using our spots, and they are not going to stop using our spots until there is an enforcement action. For whatever reason, tickets have not been given down there.

Mayor Kinnally: I do not know how we can give tickets. It is private property.

Trustee Quinlan: I will tell you how we can give tickets. Let us just use a scenario. Tickets are given because it was part of the site plan approval, and someone comes to the Village court and says you could not give me this ticket because it was private property. The Village Attorney puts in the site plan approval as a document, calls Fran as a witness as to the efforts he made and the agreement that was made, calls me as a witness.

Mayor Kinnally: No, Jerry. You are talking about enforcing. I am asking how can we give a ticket on something that we do not have any right to give a ticket on because it is private property.

Trustee McLaughlin: But, Mayor, we gave that right away. Was it permanent?

Trustee Quinlan: Could I just finish?

Mayor Kinnally: No, it is their property.

Trustee McLaughlin: But the Planning Board gave them a variance of 132 parking spaces that they did not have to provide. Does that mean that we are forever stuck with this situation where our own residents cannot find a place down there, despite the agreement? That variance of 132 is past history, I know. But I cannot believe that if they make an agreement with us we cannot enforce it.

Mayor Kinnally: I agree, but I am not so sure we enforce it by giving tickets.

Trustee McLaughlin: Well, how else?

Mayor Kinnally: How else? What are you going to do? Give a ticket to whom?

Trustee Quinlan: Could I just finish?

Mayor Kinnally: But who are you going to give the ticket to, Jerry?

Trustee Quinlan: You are going to give a ticket to the people that are in Harvest having dinner or having a drink and parking illegally in the spots where the signs say Park User Only – Three-Hour Limit Dawn to Dusk. If we are not going to enforce it, then let us take down the signs. What would you rather have us do? Do you want us to vacate their certificate of occupancy because they are not complying with the site plan approval and shut them down? I think they would rather have a ticket. And if tickets are given down there you will see very shortly that those signs, and their agreement that they are not upholding, will be soon upheld. What are we supposed to do?

Mayor Kinnally: I do not know how we can ticket people who have nothing at all to do with the agreement you are talking about. We have the Chief here, but I missed that class.

Trustee Quinlan: You write the ticket and you put it on the car and you let the judge decide.

Police Chief O’Sullivan: I believe it is impossible for us to enforce those parking signs. Every ticket we write has a very important little box on it that says we are accusing someone of violating what section of what law. Absent legislation, absent a law, we cannot write a

ticket for someone who is not living up to a civil agreement between the restaurant and the Village. The individual who is parked there is violating no law.

Trustee Goodman: So then the redress the citizens have is to come before us, because prior attempts, with a backroom conversation, have not worked.

Mayor Kinnally: Danielle, it is not a backroom conversation.

Trustee Goodman: It is an office conversation. And if there is a public notice that people are going to be here to complain to us, and you and I both know that we have gotten numbers of e-mails from very upset residents last summer, this summer, if we publish a discussion item and we ask the owners to be here they will have to look at not just park users but potential customers. There would be public pressure brought to bear for Harvest to live up to its agreement without police enforcement or any other legal options we have. If that does not work, then our attorney will have to look at what our other options are. But we've opened the cove, there is usage, it is a popular place. I should think that the valet parkers would abide by our park spaces per the agreement.

Trustee Quinlan: If the Police Chief is going to say we cannot enforce signs being put up in our park, then let us take them down and bring the people in here saying you are violating the site plan approval, you are violating the variances that I approved when I was on the Zoning Board, and shut them down. Let us shut them down until they abide by the site plan approval, the variances, and the agreements they made with the Village and you will see that we will get those nine parking places instead of just sitting here and saying we cannot enforce them. That is ridiculous. We cannot enforce parking places where people can go and enjoy our own Village parks?

Mayor Kinnally: Then we should pass legislation.

Trustee McLaughlin: Another thing, Mayor, is that there are several parties to this: the police, us, the Village residents who want to go there, the valets, and Harvest. The Village Manager has not been talking to the valets, he has been talking to management. The valets are given instructions. It sounds to me like they have been told to break the law. Or else they have not been told what the law is. If management comes to understand, let us be charitable here and assume that they do not have a clue what the valets are doing, we tell them. But let us put some teeth in it; they must enforce it on their own employees because we cannot. We cannot enforce something on the valets; we cannot enforce something on the parkers. But we can enforce something on Harvest, and making them obey the law is our only chance. But they have got to tell their employees what to do.

Mayor Kinnally: Not obey the law. Live up to their agreement with us.

Trustee McLaughlin: Is not an agreement the law?

Mayor Kinnally: No.

Trustee Quinlan: Is not an approval of a site plan the law?

Mayor Kinnally: Jerry, I could not tell you what the site plan was.

Trustee Quinlan: Well, I have it right here. Let me read it to you. It was provided to me by the Village. Deven, thank you very much. This is where the agreement came out of. The parking not be limited to patrons of the restaurant. It would be available to park users. And because of that we came to this agreement with Harvest that they are not upholding. So what are we supposed to do about it?

Mayor Kinnally: We should sit down the Angelo and tell him it is going to be a PR nightmare, so enforce it down there. But we cannot enforce it. We cannot write tickets simply because they are not living up to the site plan approval. They are two different things. If you think you can craft legislation to deal with it, fine. But you cannot tell the Police Chief to ticket them because they are not living up to some agreement they have with the Village. And let me tell you, you are going to have a nightmare on your hands. People are going to really get upset not at Harvest, but at the Village for giving them tickets that they have no right to issue.

Trustee McLaughlin: You think that residents are not unhappy already because they go down to the cove, which we have been waiting for for decades, and they cannot find a place to park? I realize that it is important for us to bring business into the Village, and creating a harmonious business environment for Harvest is important, but our first responsibility is to our own residents. What precedent are we setting?

Mayor Kinnally: Forget about precedent for a minute. You are talking about asking the police to write tickets that we have no authority to write.

Trustee McLaughlin: We have already agreed we cannot ask the police.

Mayor Kinnally: If you want to go back to the drawing board and look at this, fine. But hauling any merchant in here to say that we are going to write tickets and come down hard, not only on you but on your patrons, is not the best way to deal with what we all perceive to be a problem.

Trustee McLaughlin: I understand why that is not the best way. But we have something else happening. The folks who own Hastings House are negotiating to put something in there and using other Village property for parking their cars with valets. If Harvest on Hudson can get away with flouting the agreement they made with us, with the planning variance they got, what precedent are we setting? We are going to mess up more of our downtown if we let another merchant do this. It cannot end here.

Mayor Kinnally: It is a good point. I am just saying the means to the end have to be measured and have to be reasonable. By saying to people we want you to patronize this restaurant, but if the valet puts the car down there and they are not allowing park patrons to go in there, you are going to get a ticket, it is going to hurt everybody. It is going to make us look a little foolish.

Trustee Quinlan: Let us forget the tickets, and bring them in here and ask them if they are going to comply with the site plan approval and with the agreement they made with Fran. If the answer is yes, then we do not have a problem. If the answer is no, or they continue by their activities to flout the agreement, then we will have to bring them back and say what about the site plan and what about your certificate of occupancy. I will guarantee you, and I like Harvest and think it is a great restaurant and I go there and a lot of people go there, that they will give us our nine parking places which they owe us rather than close down their million-dollar business. That is all we are looking for, those nine parking places to be available from dawn to dusk for a three-hour limit period. They are not complying with that.

Mayor Kinnally: I do not think anybody is disagreeing with you, Jerry, but the method to get there is a bit draconian. I think the best way to do it: we pay him a good deal of money, he has got a lot of expertise, this is exactly what the Manager is here to do. Not to dragoon somebody in here to rake them over the coals. You can do a lot more with sugar and honey.

Trustee Quinlan: We have been trying that. Fran, how long have we been trying that?

Mayor Kinnally: We tried it last year, Jerry, and it worked.

Village Manager Frobel: We had it flare up last year, and we were calm. The summer worked out well. Last year was not a problem.

Trustee Goodman: But we should not have to repeat this. Angelo is not an elected official. He is not getting the e-mail, the phone calls. There were problems at the beginning of the season. The Arts Commission also last summer tried to set up a couple of festivals and were told by the Village we do not want to interfere with the park and the wedding business

Harvest has, and they have lots of weekend events. So the Village has held back with having festivals and the like in the park. Today we got an e-mail that pointed out correctly that the patrons come out to the park and leave glasses all over the place. We have broken glass near the playground, etc. If residents were invited to come and share their concerns, I really cannot handle the way you characterize us dragging somebody in. That is not the point.

Mayor Kinnally: No, it may not be the point, but it is the result.

Trustee Goodman: But these are their patrons, too, and they are being foreclosed from using the parking spaces. And the sugar has not worked.

Mayor Kinnally: I understand, but it worked last year. Okay, we have a problem.

Trustee Goodman: But then we are back to square one, having this conversation. If it worked we would not have the conversation.

Mayor Kinnally: Here is my problem. The e-mail came in yesterday, and the knee-jerk reaction was to have Angelo come in with the Chief of Police tonight.

Trustee Goodman: It has not been just one e-mail.

Trustee McLaughlin: We have been hearing about this all summer.

Mayor Kinnally: It was the triggering e-mail yesterday. The first e-mail we got this year was yesterday.

Trustee Goodman: But there have been comments.

Mayor Kinnally: The reaction was to call Angelo to come in, this Board of Trustees is going to try to do what we can do. All I am saying is, I am not sure this is the best way of doing it.

Trustee Goodman: We are going to be here for the next meeting, and we will handle it and we will be nice and ladylike and gentlemanlike. The public should come and share with Angelo, or whoever his representative is, their concerns.

Mayor Kinnally: As we will individually, I am sure. Every time this comes up I go talk to Angelo about it.

Trustee Goodman: Every time. There, it is more than once. It is multiple.

Mayor Kinnally: Yes, it is.

Trustee Goodman: Why should you have to spend your time? We could have had the LWRP done by now with all the things that get put off and rear their heads because we do not take them head on. It has to be dealt with. It is a public park. They are public spaces.

Mayor Kinnally: I understand. If the Board wants to bring him in next meeting, ask him if he wants to come.

Trustee Quinlan: Fran, I would ask you to ask them if they want to come, and they can do the same thing that 422 Warburton did and not show up if they do not want to because they do not want to answer the questions that we have. No one will be more polite than me. I will ask them, did you make this agreement, do you want to keep this agreement, do you think it is fair? And I am sure they will say yes, and then we will go back and see if they will comply with it.

Village Manager Frobel: We will have resolution before August 5 for certain. We will meet this week with them and we will get this thing resolved. I have got two calls in to them. As I said, last year we had a flare-up, we worked it out, it settled back down. Let us see if we can get a permanent resolution. Remember, he owns all that land, the nine spots. That was the compromise, because under the site plan we were to use and share the parking lot. We designated the nine spots to carve out areas specifically for park users. There seems to be a disconnect: they seem to be using those parking spaces when they see them empty, even though the park is still open. It is not dusk yet, and they are using those spots.

Mayor Kinnally: There is no question about that. They are not living up to it, and they have a problem with the valet people. Whether they know about it or do not, this is our problem. But it is his problem, and the enforcement has to start on his end.

Village Manager Frobel: And Diggitt is exactly right. Last year the first offense was the fellows that run the valet system: I guess I did not get them the word, they do not know the word, they are misinterpreting the word. And that is where they began to straighten it out. That is exactly it. He will put the blame on those people.

Trustee Quinlan: The characterization that it worked out last summer is a little misleading. I have had continued complaints not by e-mail because a lot of people just call me up, and meet me on the street walking around. I have had continued complaints about this parking area and the park use and the domination of those spaces by Harvest. So this is not something new. It has been a continuing problem ever since the park opened, and now the

cove. And we have not even begun to discuss why they are putting cones on the MTA spaces. We all know, and I talked to Angelo about it. He said we put money in those spaces, and once we put money in those spaces then we can park cars there. But the fact of the matter is, they are not putting money in the boxes. They are just putting cones on the spaces. They are manipulating the parking down there and it is causing a problem. I understand your sympathies towards business as opposed to private citizens. I like business, too, but our citizens need those parking spaces. And Harvest will give them to them if we make them adhere to their agreement.

Trustee McLaughlin: Thank you, Jerry, for bringing up the cones because that is a whole other ball game. They are manipulating the situation unfairly against the use of our residents. Now that we have people who are going to bring kayaks down, where are they supposed to park? In the commuter lot, and schlep the kayaks over the bridge? We have created a problem down there and it is coming back to bite us.

Mayor Kinnally: The parking with the cones is an MTA issue, Fran, right?

Village Manager Frobel: At the extreme northern portion of the street closer to the boat club he has an agreement for a few parking spaces for his employees. As you go further down he does maintain that he has put money in the meters during the workday. I have gone down with the lieutenant and we have seen him do that. Whether he does that all the time, I do not know. We have traffic enforcement people that can make sure they are paying during the day. But at night, I know he does have the cones and he has those designated from the entrance to his property to the north. Allegedly those were his reserve for his customers.

Trustee Quinlan: Chief, if someone is parked in the MTA spots and has not put money in the box, who gives them tickets? The MTA or Hastings?

Police Chief O'Sullivan: Our parking enforcement officer during the day. They are not down there after 5 o'clock.

Trustee Quinlan: But you have the legal authority to ticket cars that are in the MTA spaces if there is no money in the boxes.

Police Chief O'Sullivan: Yes, sir, during the normal hours. During the evening he is not allowed to cone those spaces off for private use. He is allowed to use them for parking as anyone else would be, but he cannot reserve those spaces on his own. If he puts his customers' cars there after hours there is no prohibition against that.

Mayor Kinnally: You mean after five and on the weekends?

Police Chief O'Sullivan: After xix and on the weekends, correct.

Trustee McLaughlin: But is there a prohibition against his coning them off?

Police Chief O'Sullivan: Yes. He cannot cone them off. That is not his private property. That is a separate issue from the lot. But if he were to park his customers' cars there, there is no prohibition again. But he cannot cone them off and reserve them.

Trustee Goodman: So who would deal with the cones? If there is a cone in front of an empty space, how does that work?

Police Chief O'Sullivan: We can have him remove those.

Mayor Kinnally: Can you pick them up?

Trustee McLaughlin: Pick it up and park your car.

Trustee Quinlan: Then you get hassled by the valet parkers.

Village Manager Frobel: We will deal with that, but we will also notify Mark Mannix at MTA. He has been my contact when this situation has arisen before as well.

Mr. Metzger: If there is a violation on private property of an agreement with the Village, I was under the impression that the Building Inspector was given additional powers of enforcement. If they are violating their written agreement with the Village with regard to use of property the Building Inspector could issue them a summons and threaten to shut them down until they start to comply. So this may not be a police matter, but it could be a Building Inspector matter.

Mayor Kinnally: We will refer this to the Village Attorney.

Trustee Quinlan: I would like to refer it to the Building Department.

Village Manager Frobel: Deven is the one that brought it to our attention about the lack of a certificate of occupancy and a few violations last summer.

Trustee Quinlan: There is a letter dated September 25, 2006 from Deven that directed Harvest, and this just shows you how long-standing this problem is, to remove the signs that you would be towed away if you park there immediately upon receipt of this notice. And:

“it is imperative that all conditions of approval of site plan be complied with at all times in order for the site plan approval and the certificate of occupancy to remain in good standing.” We are now almost two years later. This is an ongoing problem. For whatever reason, I do not know why, Harvest thinks those parking spaces are more important than their relationship with the Village and, unfortunately, it is not. If the police cannot enforce it, I know they would like to, then I think Jim is right, Deven should.

Mayor Kinnally: Well, Fran will handle it.

Village Manager Frobel: Yes, we will take it from here.

Trustee Goodman: I want to understand how we are proceeding. I got lost here. So we have asked for Harvest to come here, and are they coming?

Village Manager Frobel: No, I did not get a call back from Angelo today.

Trustee Quinlan: Rich is their new manager and he is a good guy, too. Angelo is a good guy. I think either they do not know it, or something is happening. There is some disconnect, and we could connect the dots if we just get them here and talk about it.

Trustee Goodman: I would suggest we could still put it on for Board discussion whether they are here or not. Invite the public, have Raf make up a DVD and we will send it to Angelo and let him look at his customers, potential customers. The e-mail we got, Lee, was pretty egregious so we are not reacting in a knee-jerk fashion.

Mayor Kinnally: No, but it was yesterday.

Trustee Goodman: The person got cut off as they were trying to get into a space that was emptied by a valet person.

Mayor Kinnally: I got the e-mail. I understand the point.

Trustee Goodman: But you are not sharing that with the public.

Mayor Kinnally: I said the e-mail came yesterday.

Trustee Goodman: You are mischaracterizing our response.

Mayor Kinnally: I am saying it is difficult to say to somebody on a Monday be down here on a Tuesday.

Trustee Goodman: So we are going to give them plenty of time. And even if this gets resolved with Fran they should come in because of the 2006 letter.

Trustee McLaughlin: Yes, I agree with that.

Mayor Kinnally: But the 2006 letter was addressed.

Trustee Goodman: It is still a problem.

Mayor Kinnally: Let us not mischaracterize this. The 2006 letter dealt with signs that were taken down, and the agreement they fashioned with the Village was that we had a window to use those spaces. They could not preclude people from using those spaces in the daylight time when the park was available to be used.

Trustee Goodman: So although there is not a no-parking sign in form, in substance their valets are taking the spots so there is no parking for the Village residents. It is the same difference, same result: there is no parking. It is an ongoing problem.

Trustee Quinlan: If it is resolved between now and the next meeting I would be glad to have the Harvest representative come here and say to us, I had a nice meeting with Fran, everything is fine, those spaces are not going to be used dawn to dusk seven days a week, we love the Village, the Village loves us. And that is the agreement, and the public can hear about it and they will be happy if they are complied with. And we will be watching.

Trustee McLaughlin: What exactly was the agreement about the use of the park? Another complaint we have had has to do with the broken glassware. It is very nice for Harvest customers to wander out into our Village park and sit there with their glasses of wine and watch the sunset, but they leave their glasses, glasses get broken. Is it our park, or is it Harvest property?

Mayor Kinnally: It is our park.

Trustee McLaughlin: I think it would be useful for us to discuss this problem, too.

Village Manager Frobel: I speak several times a day with all the department heads. Ray Gomes has some plans to improve that park and Ray has never once mentioned to me a problem with broken glass.

Trustee McLaughlin: But I have seen it myself.

Village Manager Frobel: I have been down there myself and have not seen it. But Ray has never mentioned it to me, and that is something that typically I think he would have brought to my attention if it was an extensive problem. But let us find out. Let us get a little more information about it.

Mayor Kinnally: It is part and parcel of the same thing. I certainly do not want to preclude anyone from going into the park, but it is cheek to jowl to the restaurant.

Trustee McLaughlin: It is one of the things that makes Harvest on Hudson special. But it is our park.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I had a conversation last week with George Heitzman and Bill Ports from the DEC. Bill is the project manager at the DEC and the Division of Environmental Remediation, and George has been with this project as long as it has been going on. Last Wednesday Bill went down with people from Fish & Wildlife to do a review of the site and to take a look at the additional sediment coring that was to be completed at the end of last week. If you will remember, there is a question of where that bulkhead was going to go, whether it was going to be bumped out into the river. When all that information is in they will evaluate what to do. They had met with the new regional director of the DEC to try to build some consensus. They are looking at two to three months of getting all the information together, during which time they will begin talking to ARCO about the design and the remediation.

I questioned him about the PRAP timeline, and he is hoping they could do it late fall into winter. So far, with the core sampling, there have been no surprises. It is consistent with what the DEC had expected. It mirrors in the river what has been on the land, that northwest corner where they had the DNAPL. On Tappan terminal, they are going through with bench scale testing, reporting on that to the DEC, in August. They are looking at a number of, to use his phrase, exotic remedies such as biological treatment, chemax; to inject chemicals, and monitor natural attenuation. That would be something akin to what I think Jacques has been talking about, and that is the introduction of bacteria into the soil to do some breakdown. He said they are looking at that, and he is hoping to get the stakeholders from the Tappan site together. I am going to work with them to see if we cannot get a global meeting to have them start talking about not only remediation, but something that is affecting both ARCO and Tappan, and that is access.

We had a meeting earlier this year with the DEC concerning the manufactured gas plant that was on Washington Avenue. A letter has been sent out to the dance studio saying while there were trace elements of substances both under the slab and in the building, it was nothing that would not have been normal background. They do not see a problem. The outdoor sampling has not come back yet. The indoor sampling is done, and nothing of significance was found. There was also discussion of the apartment building down the hill from the dance studio, which is on the southwest corner of Washington Avenue. The indoor sampling has been completed and a letter will be going out to the owner outlining the results. The preliminary findings are there is no manufactured gas-related material, but there are some sub-slab findings and they hope to have all of the information in one to two weeks.

So our fears have not been realized. Our concerns have been justified. But luckily we are at a point where this is another site where they are not finding any levels that are of a health concern. So if all of the other departments of the state and of the governmental entities could be as responsive as the DEC we would be in good shape because they got back to me within, half a day of saying can we get together and talk about this. It is certainly good news.

Trustee Goodman: Do we have a schedule for the LWRP? Are we even thinking about that? When are we going to do something about that document, that committee, their outstanding requests?

Mayor Kinnally: Fran, if you can find out where they stand, I know Angie was putting together some additional material.

Trustee Goodman: I signed a check for reproduction of documents. So I do not know if there is a new amended document coming out, but a week or two ago I signed a reproduction check for more LWRP binders. That is important.

Trustee McLaughlin: We need to put it back on our agenda.

Mayor Kinnally: Is there anything we owe them?

Trustee Goodman: They had a list of questions for us.

Mayor Kinnally: Have we answered them?

Trustee Goodman: No.

Mayor Kinnally: Then before we say what are you doing we should get them what they need. Let us put that on our to-do list.

Trustee Goodman: Well, one thing they wanted was money for an expert.

Trustee Swiderski: The financial?

Trustee Goodman: Yes. And not to take the time now, but we really should.

Trustee McLaughlin: That can go in our agenda for the next meeting.

Mayor Kinnally: We may have to deal with an RFQ on that, no?

Trustee Goodman: We did not decide we were going to give them more money for an expert.

Mayor Kinnally: I thought there was consensus that we thought that financial analysis was old and should be updated. I think that was a meeting on November 27.

Trustee Quinlan: I would be loathe to make any decisions or discussions on the LWRP without Lee here in August; I think we should tackle that early this fall.

2. Update on the Comprehensive Plan Committee

Trustee Quinlan: On July 9 there was meeting number 17. Ana Hiraldo from the Westchester County GIS planning department was the guest speaker at that meeting. Ms. Hiraldo demonstrated a vast array of data and planning information available on the Westchester County GIS Web site. For anybody who is interested in that, although I have not looked at it yet I understand it is fascinating. The committee was excited and awestruck with the type of information that the Web site can provide them for their comprehensive planning use. Ms. Hiraldo cautioned the committee to make sure that our consultant, whoever we do hire, knows this information is available at absolutely no cost. That is important because this is a wealth of information.

In terms of the planning consultant, a draft RFP was distributed to the committee for comments. After an RFP is formulated by the committee, they are going to send it to John Denehy and our Village Manager for their comments. After that is worked out it will come to the Board of Trustees for approval, with the budget line items that we approved this April. They are only having one meeting in August, which is fine. It is August 13.

Mayor Kinnally: And they are only meeting once in the month of August?

Trustee Quinlan: Yes.

Mayor Kinnally: Speaking of setting a precedent.

Trustee Quinlan: I know we switched this year to have a full schedule, and I am glad we did and the Comprehensive Plan Committee decided not to. But that was their prerogative.

3. County Purchase of Property in Donald Park Fire District – Impact on Hastings Fire Fighting Operations

Mayor Kinnally: If anybody has seen the *Journal News* over the last month or so, the County of Westchester has been in their sights. One of the things that has been discussed is the authorization for acquisition of part of the Ciba-Geigy property by the county. My understanding is that the county has agreed to make a one-time payment to the Ardsley school district to minimize or mitigate the impact of this property going off the tax rolls. The question arose, what will this do to the funds available to Greenburgh to fund the fire prevention operations that are covered between the town and the Village in the most recent contract that we negotiated. The fire department has been providing those services for years.

Trustee Goodman: My question was will the county pay fees into the fire district for protection?

Mayor Kinnally: Not that I know of. The only deal that I heard was that the county was to make a one-time payment to the school district.

Trustee McLaughlin: It is not quite a payment because they have authorized the spending of a million dollars in capital projects. So Ardsley has to come up with the projects rather than having an infusion of money into its school district. But my concern in raising this question was, if all the voting machines in Westchester County are now in that fire district under the care of our volunteer firefighters perhaps the county will make some kind of contribution to the effort we take in protecting that. It seems that a pretty important thing has now moved into our district.

Mayor Kinnally: We have the agreement with the town, so perhaps we can coordinate with the town on this. I think the overture should come from the town simply because the Village does not have an agreement with the county and there is no relationship. Ultimately the people in the Donald Park district are going to foot a higher bill to provide that kind of service. It is going to impact the fire district. It will not affect our taxes, but it may affect

what we can do in the future in negotiating with the town to get additional monies to provide that service.

Trustee Goodman: The thought I had in requesting that this be put on the agenda was to determine who the proper party was to speak to about this. Obviously, we do not have standing, so we should get a strategy together as to who our point person is, go to the town, and urge them that on our end we are going to be expending \$450,000 for a new pumper and we have an \$850,000 hook and ladder that we really need. To the extent that the county is going to be benefiting, someone should approach the county and ask. They can say no, of course, but I think that we are obliged to ask.

Trustee McLaughlin: I spoke with county legislator Tom Abinanti and he is very happy to talk with us about this and do what he can in terms of understanding the burden that our fire department faces, and that our local taxpayers are facing and the fact that this extra demand is being placed on them. I understand that there could be a dispute about it if this is actually an additional demand compared to what would happen if the buildings were occupied as a business. But it does strike me that the responsibility of looking after the county's voting machines is a big one.

Mayor Kinnally: Fran, maybe you can sit down with the chiefs.

Village Manager Frobel: I would be happy to. That would be what I would suggest.

Mayor Kinnally: Then we can also talk to the town and see what they want to do, if they have any ideas, and when Tom comes pick his brain on it.

Village Manager Frobel: Okay. I will meet with the chiefs in the meantime and see the best approach to this. I have written to Mr. Feiner. I have not heard back from him yet, but I told him we were going to have this conversation, and we would like to bargain with him to see what we could do as a group, as a team.

Mayor Kinnally: Chiefs, any comments on this?

Fire Chief Bannon: Whatever Fran comes up with, we will sit down and discuss it. This is something that has just come up, so it is a new usage you might want to call it. But I was of the understanding that they were going to also put in a public safety building there. They are supposed to put \$13 million worth of construction into the building. During that time, I can guarantee there will be hazards that we have to endure and have to be ready for. As of right now, yes, we are ready for them. But we can use all the help we can get from the county, from the state, from whoever wants to help us out.

Village Manager Frobel: Thanks, Chief. I asked Chief O’Sullivan to contact the county today to find out a about the public safety of the building. The Chief has his report.

Police Chief O’Sullivan: I spoke with the Commissioner of the Westchester County Department of Public Safety this afternoon, and he told me the plans at this time are only to move in administrative offices; no prisoners, no gas, no cars, no garages, just administrative offices at this point.

4. Local Law Concerning Abandoned Vehicles

Mayor Kinnally: We did at one point in the Village have a local law that addressed vehicles that were left on the street for more than 168 hours, which would be a full seven days. I tried to think why this was done. I could not remember it. This is a local law from 1988, and it took effect February, 1989. There was a sunset provision that it should be automatically reviewed by a public hearing within one year of the effective date, and should terminate automatically unless otherwise extended. So it went out in February, 1990. I do not remember what happened after that.

Village Manager Frobel: I asked the Chief because the Chief and the Lieutenant were the two fellows helping me on this. Chief, do you want to talk about that? He does not have a recollection as to why it expired except perhaps an oversight.

Police Chief O’Sullivan: No, there was never any problem while the law was in effect. We never had any backlash from the public. It was a very useful law, but just one of those things that fell through the cracks and was not renewed.

Village Manager Frobel: And the department would support the law.

Police Chief O’Sullivan: Absolutely, yes.

Village Attorney Stecich: The problem with the law as it was drafted, although I do not think this has anything to do with why it was not reenacted and I just looked into the issue now, is that the state Vehicle and Traffic law deals with abandoned vehicles, and that provision probably preempts abandonment. However, just do not call it “abandoned” because it means the person can lose title. I do not think the Village is interested in getting title, they just want to get it off the street. So there is probably a better way to do it, and some villages do have this. I asked the Municipal Law Resource Center to send me some samples. They said you cannot do that. But nonetheless, some villages have. Dobbs Ferry had enacted virtually the same thing just the year before, so maybe that is why the Village

decided to see how it works here. But there was an attorney general's opinion issued that I sent you, where Port Chester had a law that said if you parked in the same place for 24 hours, then the village can tow your car. They were asking the attorney general whether that would pass muster. The attorney general's opinion was yes, it would; just do not get into the whole abandoned vehicle thing because that is preempted by state law. But if you want, you can make that a parking requirement.

The Village Code does give the police the authority to impound vehicles in certain situations: if they are in a bad place in a snowstorm, or they are parked where they cannot be, or whatever. That could be modified to say that you could impound in whatever other situation you need. Probably the best way to way to deal with it is a parking regulation that says no car can be parked in the same place for a week, or three days, or five. A lot of villages say no parking from 2 a.m. to 3 a.m., but that is going to be an imposition to a lot of people and I do not think you mean to do that. You could say you cannot park in one place for seven days. There has to be some marking of the tires. I copied the Tarrytown law because that went in that direction. But it has a lot of regulations about impoundment that we do not need. You already have the authority to do that. So if we fix that section with the impoundment, and then add a parking regulation that says you cannot be parked in the same place for however long you want to do it.

Mayor Kinnally: Does there seem to be consensus that we want to deal with this? I do not know what the length would be.

Trustee Goodman: I think it is a quality of life issue, particularly probably south of Washington. Fran gets a number of complaints, and I think we should look at this.

Trustee Quinlan: Definitely.

Trustee Swiderski: Agreed.

Trustee McLaughlin: I had asked us to bring this up because living south of the ravine I live on one of the streets on which out-of-towners park, and in a neighborhood which is very densely settled, where many houses do not have driveways or garages and where there are many multi-family units so there are lots of cars. This has been a constant complaint in the inner Village forever. Cars from other places are left sitting, for instance, the car left on William Street between November and maybe May that belonged to a Dobbs Ferry resident. And you mentioned a car from New Rochelle that has been sitting on Harvard Lane for a long time and the guy does not move it because he says he is not breaking a law. For people who live in that neighborhood they do not like having the car; for people in my neighborhood, if your car is there my car cannot be. I took the liberty of talking with

Assemblyman Brodsky's office. The question once again comes up of neighborhood parking permits. Mary Ann Shimsky came tonight from Assemblyman Brodsky's office to tell us of the research that came out of their Albany office on that question. As long as we are going to deal with one inner Village parking problem I would like to address a couple at once.

Mayor Kinnally: We already went with that, did we not?

Trustee McLaughlin: Marianne has said that you have to pass a state law and it is very complicated, and that was what I had asked Mary Jane to address: is it really that hard; do you have to have a huge neighborhood; would this be useful to us. We have batted it around and have always just left it sitting, which is why I thought hearing from the assemblyman's office about how it works in the state would be useful.

Mayor Kinnally: Why do we not deal with what we call the abandoned vehicles first, and then we can segue into the other. Do I get a consensus that we want to deal with this? Are we talking seven days? What are we looking at?

Trustee McLaughlin: The idea of less than seven days would have my neighbors up in arms. Many of them find a parking place and then do not move the car for a week because they walk everywhere they go in the Village.

Police Chief O'Sullivan: I would say that most of the complaints we had when the law was in effect were from people who had people that they had no knowledge of leaving a car in front of their house for two or three months.

Trustee McLaughlin: One of my neighbors recently moved to Hastings from the Bronx and said that she grew up in the Bronx. When you go away on vacation, if you go away for two weeks you give your neighbor your car keys and they move the car. We could do that, or we could say tell the police you will be gone for two weeks.

Village Attorney Stecich: I can draft something up. Do you want that Village-wide? I assume you want that, not a particular neighborhood.

Police Chief O'Sullivan: No, it should be Village-wide. In one particular instance on Zinsser there was a young man who left a car there for four months because he was the friend of another young man who lived nearby. They went away to college and just left it there.

Village Attorney Stecich: Could I just clarify one thing about the parking districts? I did not say it was enormously complicated. I just said there are steps you have to go through.

Mayor Kinnally: Their findings, right?

Village Attorney Stecich: You have to do findings or whatever. We did it in Mount Kisco, it went through. It is not an issue, but you do have to go through these steps and do your little study or whatever to back it up.

Mayor Kinnally: And it also cannot be a spot. It has to be fairly contiguous.

Village Attorney Stecich: You would have to justify the area you pick. If you pick just the block in front of Diggitt's house I think it might be suspect. You pick an area that is backed up by whatever your studies are.

Mary Jane Shimsky, 35 Ashley Road: Thank you, Diggitt, for inviting me tonight. The assemblyman sends his greetings. He also sent me with a sample piece of legislation from the Town of Mamaroneck. As Marianne pointed out, if the Village were to elect, for various reasons, the residential parking permit district route it would involve state legislation, which involves a certain number of steps. But localities do do it. The bill that I brought has not made it to the governor's desk yet, but it did pass the Assembly. There is a co-sponsor in the Senate, so it is moving through the process. The legislative director in our office suggested that I give you this law because it is a good model of the level of specificity you need when you are drafting one of these laws. I do not want to say too much specific tonight because that is not my bailiwick in the office. Should the Village choose this route you will be interacting with staff in Albany who have more understanding of it than I do.

The one thing the legislative director did stress to me today is not so much size of a district, but specificity in terms of defining exactly where the district is going to be and what terms you want, what you want done and not done, and so on. May I suggest that you take a copy of the bill, read it, discuss it among yourselves. As you come up with questions, call the office and we will be more than happy to help you answer them.

Mayor Kinnally: Thank you, we will.

5. Other

Police Chief O'Sullivan: The Police Department was very pleased to receive a very generous donation from the authorities of the Graham Windham School. In an effort to help us do our job and better serve them, they have donated to the police department two top-quality, A-1 portable computers that are in the cars. They were very expensive, \$3,200 each. So the total of their donation was \$6,400, and we are very appreciative of that.

Mayor Kinnally: Thank you, and congratulations to all.

Trustee McLaughlin: Dobbs Ferry had a program for awhile, and it may have been a pilot program, where they had a computer in a car that read the license plates of cars going by and could immediately pick up a car that had an expired registration or something like that. Is that now a state-wide program? Is that what these computers do?

Police Chief O'Sullivan: It is not a state-wide program. It is a tool that we are free to buy. They are very expensive. We have been looking around trying to get a grant for them, but they are excellent tools. They have a flipside, too. They are so accurate that if a car goes out on the road, right away you get a blip and your personnel are basically in headquarters most of the time filling out reports. But they are excellent tools and we are look forward to trying to get hold of one of them.

Trustee McLaughlin: Can you tell us what these computers will be used for?

Police Chief O'Sullivan: They are laptop computers that are linked into all the national databases. We are linked into the state police, the FBI, the National Crime Identification Center, missing persons, motor vehicles. There is a wealth of information that the driver of the vehicle can access right there in the car without coming back in to headquarters. If he is out on the road at night at 2 o'clock in the morning, and he is pulling over a suspicious car and he runs the plate, he may well know before he even approaches that car if it is stolen or if the person inside is wanted or if there is some danger signal. So they are excellent tools.

Village Manager Frobel: They are a replacement. You were aware that they already had it.

Trustee Goodman: Chief, thanks go to you for having good police community relations to permit donations coming our way through your department. So thank you. Do we have a custom in place where the Board writes a thank you note? How do we express our thanks?

Village Manager Frobel: Normally the department head handles it. In this case the Chief would send a letter of thanks. Bill would have to handle the other one because, as you know, the donor wants to stay anonymous.

Trustee Quinlan: I have some concerns about people coming down the hill from Five Corners. At that turn there are two lanes now, there is a bus stop, a lot of people are turning into the A&P. The fire engines need a wide berth coming up that hill. Sometimes they have to go around vehicles to get up and through that. It funnels very nicely down to right past the A&P, and then it goes down to one lane and proceeds past the Community Center and 45 Main to Warburton. I am concerned that putting parking spaces there would cause traffic

backups. There would be a lot of stoppage when people are turning into the A&P when the bus stop is there. I am worried about the sight lines coming out of the A&P. A lot of people cross the streets there even though there are no sidewalks.

I like the way the traffic flows, so I am not smitten with the fact of putting parking meters adjacent to the A&P going down that hill. I do not know how many are proposed, and I would like to refer it to the Safety Council. Even if the Safety Council said it is completely safe I am not sure it would benefit the flow of traffic into Hastings. We are going to have more traffic with 45 Main opening up, and Ridge Hill, you name it. Traffic is just going to become a bigger and bigger problem, and I like the way it funnels down there.

Village Manager Frobel: I had the same misgivings when it first came to me through the Lieutenant. Part of his argument was our effort to find additional parking for shoppers. He felt it would have a traffic calming effect on that corner. But let us take it to the Safety Council. It makes good sense to get their closer input on that because that is the section that is a third of three areas, the weakest of the three areas, in my opinion.

Trustee Quinlan: The other two are fine with me.

Village Manager Frobel: I agree with you. The reasons you have outlined are exactly the reasons I had misgivings about locating it, and I think we are looking at three, possibly four. Even that, I do not see how we get four in there, but certainly three is what he was recommending. So let us get a little closer look.

Trustee Goodman: If we pass the law, is there anything that says we have to put the meters there?

Village Manager Frobel: No.

Trustee Goodman: So if we wanted to try non-metered parking to see how it works, is that an option, too? Say the Safety Council says this is fine, but we still have reservations. We want to get the show on the road with the other meters, yet we do not want to have this. After they look at it we could do a trial.

Trustee Quinlan: What I am asking them to do is look at that particular spot. But I am prepared to vote, and pass, on the other two spots at any time. Danielle makes a good point for that particular location. After the Safety Council comes with their recommendation, we do not know what that would be but let us say it is favorable, we could have a trial period of three parking spaces without meters and see how it goes.

Trustee McLaughlin: Am I right that there are currently two parking spaces between the entrance and exit to the Citicorp lot?

Trustee Quinlan: People park there all the time, but it is not legal.

Village Manager Frobel: You cannot park there. They will park there and open the hood, making the appearance that they had a disabled vehicle or something. They should not, and they are ticketed accordingly.

Trustee Quinlan: But that is one of the places you are thinking about putting meters. Is that correct?

Village Manager Frobel: Yes, it is.

Trustee Quinlan: I do not have any problem with that.

Village Manager Frobel: No, that is not a bad spot.

Trustee Goodman: What is the impact on the taxi business? Right now there are unmetered spaces in front of the nail salon and the building they use. So we are going to put meters there, correct? We have been discussing the impacts of our actions on local businesses, and I am wondering.

Village Manager Frobel: I had mentioned during our workshop on this that I met with a cab owner. I told him this was being considered. His response was, then he would pay the meters. But he was also considering leaving the Village and relocating the business. I also brought up the concern about the number of spaces he rents in back of the hook and ladder, that he exceeds that which he pays for and the amount he pays is a very low amount. So I told him I was looking, when that lease runs out, at not renewing it because we need the parking now. He said this could play into his plans to relocate anyway. It was not a hard feeling, it was a business decision. He was looking to consolidate and make a move.

Trustee Goodman: So would that mean we would lose our taxi company?

Village Manager Frobel: Well, he would still provide the service.

Trustee McLaughlin: Remember, we just passed the ordinance saying that he no longer has to be based in the Village.

Village Manager Frobel: No, he would still provide the service. It is a good business, but he would not have a presence here.

Trustee Goodman: The cabdrivers, we have a good relation. They are our eyes and ears, and our heroes. I was just concerned about that.

Village Manager Frobel: But he is aware that this is being considered. He would pay the meter and, again, his plans are to perhaps relocate.

Mr. Metzger: The traffic lights that would be controlled by the Fire Department and the Ambulance Corps for access on and off of Main Street, have those been approved?

Village Manager Frobel: Yes.

Mr. Metzger: When looking at the parking by the A&P, if it has not already been looked at you would have to look at how that is impacted if they shut the street down. You have cars parked there. You have cars now sitting, trying to get off of Main Street. You have eliminated one potential lane of emergency access for the Fire Department to get in and out. I think that would be something the Safety Council would want to look at if they do not know about those traffic lights.

Village Manager Frobel: They do. But thank you, Jim.

Trustee Goodman: I attended the state DOT presentation regarding Ravensdale Bridge. I asked if any progress had been made on deciding whether there should be a staircase down to the trailway. The gentleman I spoke to from the state said that he believed that the county was going forward with its project and that the state, in that case, would not put a staircase in. He said that the county advised him that all the funding was in place for the county project. I pointed out to him that there was a local match. The county project I am talking about is in the old Putnam railway station area, where there would be a trail leading from the Ginsburg project up to the foot of Ravensdale Bridge. He said the county assures that the funding is in place and we are all ready to go. I said the funding is not in place because there is a local match. And the local match, our share, is being paid for by Ginsburg.

So my question to Fran or anybody else here is, where do we stand on the Ginsburg project? If they are balking about paying the local match, then we should be approaching the state to build us this staircase if it is feasible. And if the handicapped requirement can be worked out we should not lose that ability to connect our village to the trailway.

Village Attorney Stecich: I called Patrick Normoyle, the representative from Ginsburg, because their site plan approval expires in September. I knew they talked about some, minor changes, in the site plan approval. They had not submitted anything for the agenda for the July meeting, so I asked if they were not going forward, because I do not understand how you are going to get changes, if you want changes, by September. His response was, if we come in September we will be coming for an extension of the site plan approval. I certainly got the sense that it was not 100% certain they were going forward. He was cryptic, but they are certainly not moving full speed ahead.

Trustee Goodman: I cannot speak for you all, but I do not think the Village would want to put up whatever it is, \$150,000, for that county project if there were no residents that are going to be using it. And certainly the staircase is a bird in the hand from the state. So the county is giving reassurances, apparently, to the state. I have the state representative's name, he gave me his card. But I think we need to put a strategy together to straighten this out. We have to reach out to the county and find out who in the county department of planning is telling the state that this is pretty much a done deal. Because that is what the state thinks, and it is not.

Village Manager Frobel: So what are you suggesting? That county money be redirected towards the Ravensdale Bridge project to make the stairway?

Trustee Goodman: No, no. The state will build us the staircase. They are just being told no, do not use those resources because the county is going to do it. So I do not want to lose that option.

Mayor Kinnally: Is this county planning, or is it transportation? Where is the funding coming from?

Trustee Goodman: The state said the county put together a package. He did not give me all the particulars. He said we should contact him, and he will tell us what the county said, and then he will give us his county contact. They are still in the design phase, and I think they are happy to give us our staircase so long as other things are in place. I understand they do not want to duplicate, but this is perhaps going to be our one and only chance.

Mayor Kinnally: Give them a heads up that it may not be a duplication.

Trustee Goodman: Right.

Trustee Quinlan: When does the site plan approval expire, Marianne? September what?

Village Attorney Stecich: No. I can find out for you. I do not know the date off the top of my head.

Trustee Quinlan: And what kind of extension does the law require?

Village Attorney Stecich: There are two deadlines here. There is that, and also the MUPDD approval, expires in 2009, which is getting pretty close. But site plan approval: "Upon written application, the Planning Board may, at its discretion, extend the approval of a site plan where, in the opinion of the Planning Board, there are reasonable grounds for granting the extension." Each extension, however, may not be for a period of longer than 12 months. So it foresees more than one extension, each one for 12 months.

Trustee McLaughlin: I am questioning the issue of the MUPDD approval. Can you elaborate on that a bit?

Village Attorney Stecich: As I recall, the thing did not go forward. Because remember, we did not want to leave it an open-ended approval.

Trustee Goodman: Because it was a concept.

Village Attorney Stecich: Right.

Trustee Goodman: This is why I am concerned. The state schedule, I picked up the handout from the state at the July 10 meeting. They are choosing an alternative in September, 2008, and they are completing their design in May, 2009. So that is why I was anxious to get this unscrambled.

Village Attorney Stecich: Here is the MUPDD expiration: "Approval of the MUPDD concept plan shall expire in three years, or as set forth in the Board of Trustees approval, unless the required development progress has been made or such time limit has been extended by the Board of Trustees."

Trustee Quinlan: We approved that in June, 2006.

Trustee McLaughlin: And what is the progress that we required?

Village Attorney Stecich: It says "the required development progress." For one thing, you would require some site plan approval.

Trustee McLaughlin: So in other words, if site plan approval does not continue, then the MUPDD is assumed to expire?

Village Attorney Stecich: There are two separate approvals needed but if the site plan approval expired and were not renewed, then remember there are two options here. Either it expires unless the required development progress has been made *or* the time limit is extended by the Board of Trustees. So there could be no progress and if, for some reason, you think it should be extended you could. Or you could just say no, there has not been progress. There is some flexibility there.

Trustee Quinlan: So it looks like we will have to deal with this in June, 2009.

Village Attorney Stecich: This is not over.

Trustee Quinlan: But that will depend on what happens in September. Because if the site plan approval expires and there is no extension, then nothing is going to happen to him then in June.

Trustee McLaughlin: Fran, have you heard from the state DOT about the various questions we posed to their traffic engineer in January about traffic on Broadway and the re-striping?

Village Manager Frobel: No.

Trustee Quinlan: I have a report on that. I called the state DOT last week. Mr. Corrigan contacted me and asked me to do so. I talked to Mr. Parker and he said he had e-mailed, and left a voicemail, for his superior and that he had not gotten back to him yet. But he expected them to get back to him within a week to 10 days to see exactly where they are on approval or not approval of design. I will make that report when I hear.

Trustee McLaughlin: So is the implication here that we will have an answer by our next meeting?

Trustee Quinlan: I do not know. It depends on when they get back to him. But I plan to try to push them for an answer, at least where we are.

Mayor Kinnally: It is the state, remember.

Trustee McLaughlin: But Mr. Spiciarich came to our last meeting to ask us as about progress on this. So there is certainly interest at both ends of Broadway.

Trustee Quinlan: No, there is plenty of interest and that is one reason why I am following up on it.

Trustee Swiderski: I apologize to the Board for not bringing this up earlier. It came in an e-mail to me just when I was leaving for a two-week vacation and I did not get to it until yesterday. We have had a recent development on the VOC. Our erstwhile opponent, Mr. Bernstein, has made another motion that we are obliged to respond to. Lee, if you could describe it in terms that I will not embarrass myself with?

Mayor Kinnally: When Bernstein lost in the Appellate Division he made a motion to appeal to the Court of Appeals, which was granted. Bernstein has to file his brief by August 19. The town's brief is due October 22. There has been some discussion as to whether or not the villages should move to intervene as opposed to filing an amicus brief. The attorneys who have been representing us believe that intervention is warranted, and that an adverse decision would affect us in the second Bernstein case which is now pending. There is a request that the villages authorize the attorneys to go forward and to file the motion to intervene. The cost would be between \$10,000 and \$15,000. Jerry and I talked about this. I was going to ask them what that covered. I did not get a chance to do that. It would seem that for that cost it would be the brief, not just the motion. We have gotten feedback from a number of the other villages. Ardsley and Elmsford have said yes.

Trustee Swiderski: And Dobbs Ferry and Tarrytown. Irvington and Hastings are the remaining municipalities.

Mayor Kinnally: I would suggest that we authorize it subject to my finding out what this \$10,000 to \$15,000 is for. If it is just for a motion to intervene it seems like a lot of money. I do not know what the Court of Appeals rules are. On an amicus you have to attach the brief to the motion papers. I would assume it is the same thing here.

Trustee Quinlan: I also think it is important that we intervene, but the cost of \$10,000 to \$15,000 for a motion is excessive if it does not include the brief. I would be willing to approve it subject to the condition that includes the writing, the filing, and the serving of the brief if the motion is granted; under no other condition.

Mayor Kinnally: I think that is right.

Trustee McLaughlin: Can you sum up what Bernstein-1 and Bernstein-2 are about?

Mayor Kinnally: It has to do with the Finneran Law, with funding for parkland, and whether it should be a town-only charge or a town-wide charge. The Appellate Division in

Bernstein-1 construed the Finneran Law such that it inured to the benefit of the villages. Bernstein-2, Peter, what is the variation on the theme there?

Trustee Swiderski: Bernstein-1 was specifically Taxter Ridge. Bernstein-2 is more generalized. Bernstein's filing here addresses constitutional issues, whether Finneran is constitutional, period, which is what he got his hearing in. The brief would not be lifted from prior documentation because it is not a re-argument, but rather an addressing of the underlying constitutional issues, which have not been done yet and will need research and work. Bernstein is trying to have the court throw Finneran itself out entirely on constitutional issues in this particular motion.

Trustee Goodman: So it is fair to say, and Peter, correct me if I am wrong, if the Village prevails there will not be a realignment of budgetary monies, meaning, villagers will not have a tax increase. But if we do not fight this, there will be a realignment of the recreational budget.

Trustee Swiderski: There will be the risk. And candidly, the judge found in the first lawsuit, which we won based on what the villages submitted, not the town's brief, he quoted and used our argument in explaining the decision. Maybe we are egotistical here in believing that the villages have a line of argument we believe is compelling and will have that same luck in the second lawsuit, but to date our argument has been fairly compelling and we believe we can make it again.

Trustee Goodman: So to date it has been money well-spent and we need to define ourselves is the sentiment.

Trustee Swiderski: Not a whole lot of money, and it has been well-spent. And just to put a dollar on it, the parks budget is a very significant portion of the Greenburgh budget, and were it to be realigned it would result in something like a tripling to a quadrupling of the \$150 a year that we now pay in Town taxes. So on a per-family basis it would be a substantial hit, and that is enough to merit the fight.

Mayor Kinnally: Subject to the proviso that the \$10,000 to \$15,000 spread out among the six villages covers the brief also, do I have a motion to authorize our joining in the fight?

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 agree to join in the motion to intervene in the Bernstein appeal to the Court of Appeals, subject to the brief being included in the cost.

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	

Trustee Quinlan: So, Lee, you will reach out to see if it was included as a brief.

Mayor Kinnally: Yes, I will.

Trustee Swiderski: Thank you, and apologies for the late notice.

Mayor Kinnally: Well, I had told everyone that we were going to consider it in executive session so I do not think it came as any surprise to anyone.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:20 p.m.