

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 18, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, March 18, 2008 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski (8:45 p.m.), Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Seven (7).

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. 60-2007-08 \$ 24,555.28
Multi-Fund No. 61-2007-08 \$212,241.01
Multi-Fund No. 62-2007-08 \$ 39,046.24
Multi-Fund No. 63-2007-08 \$438,813.70

PUBLIC COMMENTS

John Gonder, 153 James Street: When do you expect to hear something from the deer committee? The deer will increase their population in the next couple of months. There are quite a few running around and it is a danger to motorists and youngsters with deer ticks and Lyme disease.

Mayor Kinnally: The answer is yes. We had heard from a member who indicated that he was out of town. He is back, and he will be following up.

Elisa Zazzara, 68 Southside Avenue: Do we have idling ordinances on limiting cars idling in town?

Village Manager Frobel: No, we do not.

Trustee McLaughlin: About 15 years ago, maybe it was only discussed or maybe it was on school grounds, but I thought I remembered that there was one. It has obviously never been enforced.

Mayor Kinnally: In the past we have talked about getting the Westchester County Bee-Line to stop idling their buses, but I do not recall that.

Village Manager Frobel: I sent a directive out to all of our employees about a year and a half ago not to have their vehicles idle unnecessarily. The only ones that need an exemption from that at times are the police cruisers.

Ms. Zazzara: I saw the budget came out, and the fuel cost is a big expense. If we do not have an ordinance, if it is possible to make one, I hope that we can, and limit it to 30 seconds. A lot of the ordinances in cities are three minutes, but from all the research I have done there is no reason cars need to idle for more than 30 seconds.

22:08 SCHEDULE PUBLIC HEARING 2008 - 2009 PROPOSED BUDGET

Village Manager Frobel: You received your copy of the budget Friday in your packet. I would urge you to pass the resolution setting that public hearing. There is a work session scheduled for next Tuesday night at which the Board will have an opportunity to meet with myself and all the department heads to go over their budgets.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, April 8, 2008 at 8:00 p.m. or shortly thereafter to consider the proposed 2008 - 2009 Budget.

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

23:08 SCHEDULE PUBLIC HEARING - REVISED RECREATION FEES FOR CAMP

Village Manager Frobel: What is before you is the setting of a public hearing for some fees that our Recreation Commission has approved.

Trustee Goodman: Do we have scholarship or tuition programs for children whose families cannot afford the fees?

Village Manager Frobel: We do, and several families take advantage of that.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, April 1, 2008 at 8:00 p.m. or shortly thereafter to consider proposed recreation fee increases for camp fees.

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

24:08 APPROVAL OF AGREEMENT – TOWNWIDE SPECIAL WEAPONS AND TACTICS UNIT

Village Manager Frobel: Last January the Chief of Police came before you with this concept of joining with the five other villages to form the special weapons and tactics unit, a SWAT team under the auspices of the Town of Greenburgh's police department. This is a service that we hope we never have to call upon, but one where we would be partners with the other communities, assisting them if there was a dangerous or sensitive situation in which highly-trained and specialized policemen need to participate. This is a one-year agreement automatically renewed in one year increments. We are allowed a 30 day cancellation. The Town of Greenburgh covers up to \$5,000 per policeman or 75% of the expenses, whichever is less. We have one police officer who has been trained and is a member of that team. What is before you is to formalize the relationship that we have had for several months now.

Trustee Goodman: On page 9, paragraph I, the hold harmless indemnification, it says will provide a police officer. But my question is, who supervises. We are assuming liability and we are going to hold harmless the other entities, but if we are acting in the scope of duties and something goes awry I assume that there is a supervising entity. I could not find in this agreement how that is coordinated.

Village Manager Frobel: The program is organized under the Town of Greenburgh Police Department, so our man is assigned to that department under their supervision.

Ms. Zazzara: Speaking of SWAT teams for emergency situations, the town has discussed before the use of the siren as it is used now for calling firemen out to calls. I am wondering if that is an outdated use of it and it should be used for more general public alerts so it is not going off as often as it is now. There are other means that firemen can be reached.

Mayor Kinnally: We periodically do look at it. We have shut it down certain periods in the evening and nighttime. We and others have made the request that it be discontinued in favor of the electronic, and the Fire Department has consistently said that it would compromise public safety not to have the horn go off in conjunction with the electronic paging.

Ms. Zazzara: My thought was to have a true public address that hears what this siren means. Right now we do not know what it means, so there is no way of addressing the whole public. It might be a new argument for that, but it sounds like it is something that should be brought up with the Fire Department.

Mayor Kinnally: Yes, and the Police Department.

Mr. Gonder: Do you know how many people are in this unit?

Village Manager Frobel: About 15. We contribute one.

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 authorize the Village Manager to sign an agreement among the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington and Tarrytown to form a Townwide Special Weapons and Tactics Unit.

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

**25:08 GRANT APPLICATION AUTHORIZATION – NEW YORK STATE
DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL
PROGRAM**

Village Manager Frobel: This is another example of a great deal of community involvement and contribution towards a very attractive program. The competition is going to be very keen. Many communities will be applying under this program, which has limited funding, but I think we have put together an attractive program. We have wanted to address the sidewalk on Lefurgy for a number of years, and the missing link in the Hillside Avenue sidewalk between where it terminates at approximately Rosedale up to Farlane. We have broken it into two areas so that if only one is funded we will still have a program.

Trustee Goodman: The Village is the sponsor and the school district is the applicant. What does that mean?

Village Manager Frobel: It is called Safe Routes to School, and under the flier that we received they urge school districts to make the application. Planning Director Angie Witkowski is the author of it, but we are submitting it together. The school also wanted to look into the education part, but with funding so limited, that had to drop by the wayside. It is a program that is specific to Safe Routes to School, so they should be the lead agency in making the application.

Trustee McLaughlin: I wonder if you could tell the public how bad the competition for this money is. People really are hoping for us to get this grant, and it is incredible what the circumstances of the application are.

Village Manager Frobel: There is not quite \$32 million available to the entire state, and about \$3.2 million is available per region. For Westchester County there is probably less than \$500,000 in grant money under this program.

Trustee McLaughlin: Will the grant be all or nothing? We have asked for 60% of the money for Westchester County. Are they likely to give us something like \$30,000, with which we could not do very much at all?

Village Manager Frobel: No, I believe they will fund your entire program because they want to see it completed. Angie indicated that they would probably fund one phase of the program to see a completed project rather than just a partial.

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

- WHEREAS,** Lefurgy and Hillside Avenues have either substandard sidewalks or no sidewalks to Village schools and have been identified as priority areas for improvement by the Village and by Hastings-on-Hudson Union Free School District, and
- WHEREAS,** the Village of Hastings-on-Hudson, as Sponsor, and Hastings-on-Hudson Union Free School District, as Applicant, are preparing an application to be submitted to the New York State Department of Transportation Safe Routes to School Program, and
- WHEREAS,** the proposed project includes: Phase 1: Lefurgy Avenue west sidewalk between Hillside School and Mount Hope Boulevard (\$190,000) and Phase 2: Hillside Avenue north side from Rosedale to Farlane (\$95,000), and
- WHEREAS,** 100 percent of the project cost will be reimbursed upon completion with no local match required, whether award is made for the full amount of \$285,000 or only for Phase 1 or Phase 2, now therefore be it
- RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to submit a grant application in cooperation with the Hastings-on-Hudson Union Free School District to the New York State Department of Transportation Safe Routes to School Program in the amount of \$285,000 for Lefurgy and Hillside Avenues Sidewalks to Village schools (Phases 1 and 2) and to sign any related required documents.

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

26:08 AWARD OF BID – WARBURTON AVENUE PROJECT

Village Manager Frobel: This will be funded by a grant which awarded to the Village for improvements in the public right-of-way, but benefiting private property at the 422 Warburton site. Agreements are in place between us and the developer protecting us, and between the Village and the County. This is for plaza improvements, pavers, sidewalk work, and sewer work. We were able to attract 14 bidders for the project, and after some discussion with the County they have agreed to affirm the bid to the low bidder. It is less

than the grant. We may have upwards of a \$300,000 grant, so the prices came in within the budget and we are looking tonight for your affirmation of the recommendation of the low bidder to move forward on the project.

Mayor Kinnally: Are we just a conduit here for the funds?

Village Manager Frobel: We are. But being the recipient we have to be cautious of any liability responsibility if something were to go wrong. That is why those two agreements in place protect us, and the fact that we had to take the lead in opening the bids and awarding the bid, even though the contractor prepared the specifications for the job.

Jim Metzger, 427 Warburton Avenue: For those keeping score at home, the total grants awarded to this project are close to, if not slightly in excess of, \$1 million. When the developer originally came before the Board there was a lot of complaining about the cost of developing the project. Apparently, there were a number of grants available that were never made known to us. So in keeping track of this, and as we look towards future . . .

Mayor Kinnally: Jim, do you have anything to his resolution?

Mr. Metzger: Yes, it has to do with the cost. This is grant money to a private developer that is in our village, and I t want to make sure that we are all aware that as future affordable housing developments come available we need to make sure that we know that this type of grant money is available when reviewing these projects.

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

WHEREAS, a request for bids for infrastructure improvements in the public right-of-way for the Warburton Avenue Project was advertised as required; and

WHEREAS, bids were opened at the Municipal Building on February 27, 2008; and

WHEREAS, the cost of such improvements will be paid by a grant to the developer from Westchester County; now therefore be it

RESOLVED: that the Mayor and Board of Trustees award the bid for the Warburton Avenue Project to the lowest bidder as follows:

Cassidy Excavating Inc., Valhalla, NY \$225,365.15

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

27:08 SCHEDULE PUBLIC HEARING PROPOSED LOCAL LAW NO. 2 OF 2008 - AMENDMENT TO LEAF BLOWER REGULATIONS FOR MEDICAL EXCEPTIONS

Mayor Kinnally: Danielle has drafted a proposed local law that I am going to request the Village Attorney take a look at. We are not here to discuss the contents, but to set a public hearing. That would be the night of our organizational meeting of April 1.

Trustee McLaughlin: That is the opening night of Climate Action Week. Why do we not hold the public hearing two weeks later?

Trustee Goodman: My only concern was if the leaf blowers get shut off on May 15, I do not want people that need the blowers to get caught short. That is why I put my feet to the fire to draft this. It is my good faith effort as Senior Council liaison and liaison to the Committee on the Handicapped to shepherd this. Are there enough meetings to get it done?

Mayor Kinnally: The 15th would be the next one.

Trustee Goodman: Would that permit us to do everything we need to do before May 15?

Mayor Kinnally: Sure, because we would have the first meeting of May to consider it.

Trustee Goodman: Okay, that is fine.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for April 15, 2008 to consider the advisability of adopting Proposed Local Law No. 2 of 2008, an amendment to leaf blower regulations for medical exceptions.

ROLL CALL VOTE

AYE

NAY

Trustee Peter Swiderski	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Thanks for this opportunity to provide a brief overview to the operating budget. Normally at this point in the process I have a PowerPoint presentation. I am going to present that to you next Tuesday night when we meet with the department heads and go over the operating budget line by line.

The general fund budget as recommended totals \$12,378,688. That would require a tax increase of 6.6%, certainly one of the largest tax increases that I have had to ask for of any community that I have worked for and one that is larger than the Village has been exposed to in recent years. That would cause the tax rate to rise to \$207.40. The budget requires an overall increase which is really modest: 3.3% in expenditures. So despite requiring the higher tax increase than any of us would like, expenditures are increasing only \$430,000, or 3.3%. Our assessed values increased a miniscule 1/4 of 1%. What has hurt us is that most of the major revenue sources are going to remain constant. I have recommended that we level-fund all of the major revenues other than property tax that we count on: mortgage tax, sales tax, parking permits, and any of those items. Since I have been here the economy has been pretty strong and we have been able to increase those expectations. But to raise those revenues beyond what is realistically attainable is foolish. For me to tell you we can increase these by 3 or 4%, if it does not materialize by next May it will serve no purpose except to put ourselves in a deficit position.

All our other generated revenues locally have remained flat. I have increased very slightly the state aid per capita to \$2,000. Our refuse removal fee I have increased by \$10,000. Our fire district is up, with our agreement now with Greenburgh. Our Community Center rental is up slightly. But again, small amounts and not enough to make a significant difference, but showing you that we are looking for other revenue fees that we can generate ourselves to help offset some of our costs. Today the Fed reduced the interest rate, so we are decreasing interest earnings by \$20,000, and may even have to take another look at that as we get closer to adoption of the budget. Utilities are the big driving force in this budget. The budget calls for a 17% increase in electricity. Our motor fuels, both gasoline unleaded and diesel, like

every consumer we are paying nearly \$3 a gallon for those items. We are doing some additional fine tuning on the amounts that we need for fuel. But I am not even certain that when I put this budget together a few weeks ago I fully appreciated what was going to happen to diesel fuel. Those are going up even more rapidly than unleaded gas and we are big user of diesel fuel in our highway department.

Like any other large organization, the costs that we use for production are going up. The salt we use in deicing operations has increased dramatically. Asphalt being a petroleum-based product is going up dramatically. And our pension costs have gone up, both for our municipal employees and our police.

Next week I am going to talk to you about our debt. Our debt is at your self-imposed limit; 10% of our budget goes to pay down our debt. On our most recent borrowing for our ambulance, fire truck, and garbage truck, we can, if we want, pay only interest next year on that bond anticipation note. Because that is almost a \$60,000 bill, we are recommending that we do forego paying any principal. So the budget also does not include any capital investment, with the small exception of doing some work around Village hall, and I will talk to you about that later on. I would like to make some improvements on the grounds here.

There are some disappointments in here. I met with the Fire Chief today. They are disappointed that I am not recommending that we replace the hook and ladder, a major piece of firefighting apparatus that they believe is in desperate need of replacement. We can look at that. That is a long lead time in ordering it but, quite frankly, our debt level right now is at a limit that you have imposed and we cannot go any higher. And I certainly would not recommend you go any higher.

We have a lot of work ahead of us. The budget is going to take some hard looking at the items in here. If we are looking to reduce that tax rate to an amount that is close to what we may have anticipated or hoped for, then we are going to have to take a fine-tooth comb to this. As I indicated though, a lot of the items are out of our control. Our health care costs have stabilized. We are not looking to add any people, but we are the victim of being a consumer of the items where we are now witnessing some major increases.

Our fund balance, our rainy day fund, is at a point where it will probably not be available to draw upon for fiscal year 2010. I am recommending we take less from that to balance this budget, but it will not be available to you in 2010 unless something very dramatic happens.

So that is the picture. It is not very bright. It certainly was not a fun budget to put together. I have conversations with several of the department heads. I mean it when I say they went about this with a sensitivity to the tax rate, but certainly being advocates for their

departments. They made very convincing arguments for expanding programs, or better equipment, more equipment. But this is probably not the year that we are going to be able to accomplish a whole lot in terms of expanding our programs. Let us just hope we can keep what we have and look to the future. Next week we will begin to roll up our sleeves. We should anticipate a lot of time in April devoted to going over this budget.

VILLAGE ARTS COMMISSION REPORT

Mayor Kinnally: Before we get to Board discussion and comments, Diggitt has a report on the Village Arts Commission.

Trustee McLaughlin: I had asked the Arts Commission chair, Bruce Levy, for a summary of what they were doing because there are several programs coming up that people will want to know about. One big thing is something you are not going to be able to help knowing about. It is an exhibit called "Celebrate Art." In May there will be original works of art mounted on banners and attached to light poles throughout the Village. Each will be different and a photograph of an original work of art by somebody in the community. The proceeds and costs are being distributed through a special line item. The money is being raised by local businesses and individual sponsors. The Arts Commission is going to have its second annual poetry reading program on May 4. It will once again be coordinated with a photography exhibit hanging in the Library Orr Room for three or four weeks.

The Arts Commission has developed a monthly arts flash newsletter to highlight arts and cultural events in Hastings for the upcoming month. The first newsletter went out in the Village e-mail this week. If you are interested in receiving it you should contact the Village about getting onto the e-mail list. The Arts Commission is creating its own Web site. Members are meeting with the Jacques Lipschitz Foundation. The sculptor's studio is on Aqueduct Lane and has been unused for decades. The Lipschitz Foundation is emptying out the studio and had been talking with the Arts Commission about possible reuses. Further discussions will be held in June.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I was advised today that progress has been made in Albany in moving forward on the design phase of the cleanup. ARCO has decided to do additional borings on the land portion, especially in the northwest corner, to fill in some gaps that they have. They are also anticipating that as the spring proceeds they will do additional boring and testing in the River.

Trustee Goodman: Has ARCO put out any written reports? When I looked through some of the materials in the library I saw there were quarterly written activity reports.

Mayor Kinnally: We get those, and they are put in our packets.

Trustee Goodman: I have not gotten anything, so I guess there has not been anything in awhile.

Village Manager Frobel: Evidently. I will have to double-check.

Trustee Goodman: I have one other question on the south end. George Heitzman was here, in January. There was going to be some testing down there.

Mayor Kinnally: I have not heard anything from George on it.

2. Update on the Comprehensive Plan Committee

Trustee Quinlan: The Comprehensive Plan Committee met with the Planning Board on March 6. I understand that was a very positive meeting with a lot of communication between both boards. There was also a joint meeting with the LWRP. They are meeting with other commissions and boards and trying to figure out where to go next. On May 14 the Committee will have a meeting and presentation from the students from Hunter College. They have not decided where it will be yet. There has been a lot of discussion among the members about where to have the community meetings. They are looking at religious and cultural centers: the VFW, the Southside Club, the American Legion, the Municipal Building, the Community Center. There is going to be a meeting with students from the high school to ask what they think Hastings should look like, which is important because they are about half our population and we should know what they think. There is going to be a kickoff meeting early in June. They are asking John Dennehey, who is with the Greenway Committee, to be there to present and help with that kickoff meeting.

3. Stormwater Annual Report 2007

Mayor Kinnally: Fran has indicated that this is not yet complete, and we will have it on for discussion at our meeting on April 1.

4. Volunteer Firefighters Tax Exemption

Village Manager Frobel: I brought to the Board's attention some short while ago correspondence from the Town of Greenburgh assessment department, in which the Town

offers a property tax exemption which results in a tax reduction for those volunteers in the firefighting services. We already offer a \$500 exemption for people who now qualify. The Town of Greenburgh is requiring the Board to adopt either a resolution or local law, and I am not clear on that but I think a local law, that would extend this to raise it to a 10% exemption. I put it under Board discussion to get some reaction from the Trustees before we proceed further. I have given you some preliminary numbers as to how it could impact our revenues, and I also offered some comments on how I see this as one more instrument in our effort to recruit and retain volunteers. The cost to develop a paid firefighting department would be dramatically adverse to the budget. To keep our volunteers attracted and drawn to this service, I believe it is certainly time well spent and I would support something like this.

Trustee McLaughlin: I absolutely share your enthusiasm for it. To build even a partly professional fire department, let us say three professional people on each shift, nine paid professionals, that would cost us about \$1.5 million a year, would it not?

Village Manager Frobel: It would be very expensive.

Trustee McLaughlin: Our completely volunteer fire department is priceless. They being priceless, this is a small cost to maintain it as best we can.

Trustee Swiderski: I am not going to repeat anything that Diggitt said. There is affordable housing and there is also another way to look at it, and that is making Hastings affordable. This is a mechanism we have available which is straightforward and targeted and not too expensive that achieves, in part, a profoundly worth goal.

Trustee Quinlan: I am 110% in favor of it.

Trustee Goodman: I also am in favor of it. I wish that we could do more.

Village Attorney Stecich: Actually you are doing more if you pass a local law or a resolution on this. You could do it either way, but it has to be after a public hearing. You are doing more because Greenburgh has a law allowing for this exemption, but only if the individual village also passes the exemption. So if Hastings did not pass it, the firefighters would not get the Greenburgh exemption. But if Hastings passes it, then there is also the exemption from the Greenburgh taxes. So it is somewhat more.

Mayor Kinnally: It does not have any impact on our budget other than it reallocates the cost among the other taxpayers. It would adjust the rate. We have to raise the same amount of money, so you have a smaller pool to raise the same amount of money. Could we put this on for a public hearing? Marianne, would you be ready?

Village Attorney Stecich: Sure.

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

RESOLVED: that the Mayor and Board of Trustees schedule a public hearing for April 1, 2008 to consider the advisability of adopting either a proposed local law or a resolution dealing with an additional tax exemption for volunteer firefighter property tax relief.

5. Update on Climate Action Week

Trustee McLaughlin: Climate Action Week begins two weeks from tonight. We will be here having our organizational meeting, but everybody else in Hastings can be at the Community Center. Climate Action Week is seven days of events. There is literally something for every member of the family. In a nutshell, the various events are going to start two weeks from tonight. There is Movie and Music Night. There is a solar-powered rock group, as well as a film on climate change. The next night there will be a panel discussion, "Climate Change 101," which has various government officials and scientists. On Thursday, is "New Issues in Public Health" that are going to be caused by climate change. Friday, April 4 is kids' night, and there all kinds of cool things for kids from kindergarten through grade 12, and their parents. You can come at five o'clock and eat dinner. Saturday morning is "A Mayors Conversation," where we will discuss Westchester County's sustainability report. On Sunday Josh Dorfman, who is called the lazy environmentalist, will speak about how to live a greener life, and sign copies of his books. Then on Monday, April 7 we will have a meeting at the Orr Room called "Bringing It All Back Home," when we will talk about everything that we have learned and how we can have a more sustainable home, a more sustainable village, a more sustainable community, and so on.

Ms. Zazzara: Saturday, April 5 is the Green Living Fair: vendors of all walks, from energy suppliers to hand-knit bamboo dish towels, on two ends of the spectrum; workshops learning how to care for your yard organically; getting money from NYSERTA on greening your home from experts and neighbors; food and fun. It is a community event to help battle the climate crisis.

Trustee McLaughlin: Do not forget the composting tent.

Ms. Zazzara: Yes, talking trash tent. It is my favorite place. Let us figure out how to reduce our trash, recycle it properly, compost, everything you needed to know about your trash but did not know who to ask. You can ask us on Saturday.

Trustee McLaughlin: And there will be cars?

Ms. Zazzara: Fuel cell cars, hybrid cars courtesy of NYPA. Check out the alternative fuel vehicles. The veggie van will be there. Yes, Westchester vehicles are running on vegetable oil, so it will all smell like French fries or Chinese food at some point. There will be kids stuff. The nature fair will be there, animals. Information is on the Website, updated continually as confirmations come in.

6. Update on Quadricentennial Committee

Trustee McLaughlin: The quadricentennial is the 400th anniversary of Henry Hudson's exploration of the Hudson River and the 400th anniversary of Champlain's exploration of Lake Champlain. So 2009 is going to be almost a year-long celebration from the Battery of New York City all the way up to Montreal. We have a committee that is planning events. The first thing that we are working on is First Night, which is welcoming in 2009, and that will be events on December 31, 2008. But various committees and organizations in town are going to be having events. That is all for now. I will tell you when you need another update.

7. Cable Television Update

Mayor Kinnally: I do not think Verizon will happen until Cablevision happens, but I am hoping that we will have a proposal on Cablevision for consideration on April 1. We have one more paragraph that is in contention, and we have drafted language which we believe will meet everyone's concerns.

8. Village Officials Committee

Trustee Swiderski: Two new developments with the Village Officials Committee. The town board tried to prematurely push through a process of coming up with a modification to Finneran that fell aground of common sense and a desire by a large number of people for this to be done properly. The town board recently appointed a group of largely unincorporated residents, lawyers, to a committee to think about what a modification to Finneran might look like. The VOC is does not have a willing volunteer yet to serve on that committee yet, but we are looking for somebody.

In addition to that, a working group comprised of two VOC members and two members from the town board will begin meeting on April 3 to come up with areas of cooperation between the town and the villages: cost-sharing ideas perhaps, social events for kids, whatever it is, to bring our town together, save money where possible, and bind some of the wounds and division that we have unnecessarily suffered over the last few years.

9. Route 9-A Project Recreation Fee Proposal

Mayor Kinnally: We have Patrick Normoyle here from Ginsburg Development. We are in receipt of the proposal dated February 21, 2008 that was submitted by your company.

Patrick Normoyle, Comm. Dev. Spec - GDC: I am with Ginsburg Development Companies. I am glad Marianne is here because I have attended five Planning Board meetings, and at the start of each I reintroduce myself. I am originally from Hastings and grew up at 9 Clarence Avenue, which is about 3/4 of a mile from the project site. I promise Marianne at each Planning Board meeting that that was the last time she was going to hear it, but sure enough I am back again.

I wanted to give you a little background about this proposal, and then request three things from you. Saw Mill Loft is a project with a long history here in Hastings. It goes back to the previous proposal for ShopRite at that location. Towards the end of that process, Ginsburg Development Companies became involved. You are all well aware of the project history. It went on for several years. In the end, the Village Board gave the concept plan approval in June, 2006. We got site plan approval from the Planning Board in September, 2007.

We think the project is a very worthwhile project that is going to add a lot to the Village. There are some differing opinions as far as that goes, but you are all aware of GDC's history, and we think this will be yet another asset to Hastings. It is a unique project. The live-work units that were created by the MUPDD zone are a one of a kind product and, unfortunately, we have encountered some resistance to that. That is part of the reason why we are here tonight. We want to make the project work, we want it to be an asset to the Village, but we are running into some challenges which led us to put forth a proposal. In lieu of payment of the \$465,000 in recreation fees, we propose an innovative approach where GDC, as a private contractor, could complete parkland improvements and dedicate them to the Village. We hope this would be an appealing proposal to the Village. However, if it is not, we would like the opportunity to work with the Village, perhaps with your Parks and Recreation Commission, to see if there is a way that there could be some win-win arrangement with respect to this proposal.

First, I want to go through the details of the proposal with you. Then I would like to clarify the procedural process to entertain such an essential change to the condition. And number three, see if the Village Board would refer it to the Parks and Recreation Commission, where we could have a dialogue to see if a win-win could be devised. We have learned of other important recreation projects that the Village is considering. We know you are moving forward with construction of the Quarry Trail. I believe that is about a \$183,000 project, which requires a \$108,000 local match. We also know last summer the Village went out for an RFP for landscape design services for Quarry Park. In addition, we heard about the potential resurfacing of Hillside's tennis courts, as well as perhaps some rehab work at Zinsser Park. Perhaps there is a way that GDC, with the Village, could come to some mutual accommodation that is better for everyone.

Trustee Quinlan: Mr. Normoyle, are you aware of the sections of the zoning code that describe when we would charge a recreation fee instead of you providing parkland for a project like this?

Mr. Normoyle: It is in connection with site plan and subdivision reviews, but I would defer to you and to the Village Attorney.

Trustee Quinlan: I am asking you if you are aware of it.

Mr. Normoyle: Yes.

Trustee Quinlan: Have you reviewed section 295-112 in preparation of your coming before this board?

Mr. Normoyle: Is that the reservation of parkland section?

Trustee Quinlan: Correct.

Mr. Normoyle: Yes.

Trustee Quinlan: Are you aware that it has already been determined by the Planning Board, and a fee has been set by the Board of Trustees, for you to pay a cash payment in lieu of a recreation fee or creating parks. Are you already aware of that?

Mr. Normoyle: Yes.

Trustee Quinlan: In terms of the MUPDD plan under which you are operating, are you aware of what the legislative intent of that MUPDD zone was?

Mr. Normoyle: Yes, I think it was to create a district that could mitigate some of the potential impacts of large-scale development. It promoted mixed-use development, one of the uses being a live-work unit such as at Saw Mill Lofts.

Trustee Quinlan: And are you aware that one of the conditions, or one of the hopes, for the legislative intent was that the development would be economically beneficial to the town?

Mr. Normoyle: Yes. Correct.

Trustee Quinlan: Also in regard to MUPDD plan that is contained in 295-72.3, are you aware that any proposed amendment to the approved MUPDD concept plan may be made by the Board of Trustees only?

Mr. Normoyle: Yes.

Trustee Quinlan: You are aware of that?

Mr. Normoyle: Again, that is what brings us back to you first. But again, one of my questions was to clarify the procedural process and to get some feedback from the Board immediately.

Trustee Quinlan: What is you are asking us to do?

Mr. Normoyle: If I could respond to two of your questions, you talked about the recreation fees. I have reviewed the Village's study, the assessment prepared by the Village Planner. That was before, I believe, the Village Board had instituted a recreation fee. One of the intents of charging a recreation fee, as stated in that report, was there was not a great need for additional parkland to be donated to the Village, but there was a need to generate funding to develop additional parkland facilities. I am basically referencing that report. So the spirit of our proposal tonight was to utilize GDC as a private contractor to reach that end goal of developing additional parkland facilities for Village residents.

As far as the economically beneficial aspect which you also brought up, obviously this project can benefit the Village in several ways. One is the payment of recreation fees, but secondly is also the real estate tax benefit that will ultimately be realized. So we think that even with changing this current condition for the payment of the \$465,000 of rec fees, it still would be economically beneficial to the Village.

Trustee Quinlan: But let me ask my question again. What are you asking us to do?

Mr. Normoyle: We are asking you to change one of your approval conditions which required a payment of \$456,000 in rec fees to some other alternate arrangement; we would like to work with the Village's Parks and Rec Commission to devise something that might be appropriate and appealing to the Village Board and Planning Board as well. Perhaps we develop the tennis courts, the 37 parking spaces, and the play area, and also pay some portion of the rec fees, not the full \$465,000 but some portion, where the portion we do pay could go towards the local match for the Quarry Trail, could go towards resurfacing the lots at Hillside, etc. Again, we would like to have that conversation with this Board, the Planning Board, or your Parks and Rec Commission. If, in the end, it is not desirable to the Village, we know what the current conditions are. It is payment of the \$465,000. That is clear.

Trustee Quinlan: When did you first decide that this would be a good idea, to come before this Board and ask us for this change?

Mr. Normoyle: We have been working on devising some potential good use for the 1.75 acres that GDC will donate to the Village for several months. We did a plan that showed a softball field at that location as well. GDC internally did not think that would be as appealing to Hastings as the current proposal, which was tennis courts and another trailhead for the South County Trailway. We had finalized plans maybe late January. We had to do some more internal review, and then we submitted it to the Village, probably late February.

Mayor Kinnally: February 21.

Trustee Quinlan: So in September, 2007 you received site plan approval.

Mr. Normoyle: Correct.

Trustee Quinlan: And did you discuss with the Planning Board any of these proposals for site plan approval?

Mr. Normoyle: No, that was not under consideration at that time.

Trustee Quinlan: And why not?

Mr. Normoyle: We were going to proceed with the project as planned at that time.

Trustee Quinlan: So what made you change your mind?

Mr. Normoyle: It gets back to the marketability of the project. This is definitely something that would benefit GDC. Since the site plan approval in September we have held four different focus groups in the area, trying to get a sense of what consumers would be interested in. The site is an interesting site in that it is pretty isolated. There is commercial use on both sides of the street, but for the most part it is not a residential area. Given that, and given the feedback we were getting from potential purchasers, Martin Ginsburg had the idea, in terms of making this a marketable project, that we needed to create some sense of place. That led him to think about how we would phase the project. One would be to put in all of the streetscape improvements along Saw Mill River Road. But that 1.75-acre parcel, instead of it being a vacant piece of grass, he thought it would be helpful to the project to create some recreational amenity. That is beneficial to GDC. Given the need for tennis because of its popularity in Hastings, and the need for another trailhead for the South County Trailway, that could be mutually beneficial to the Village as well.

Trustee Quinlan: Would it be fair to say, then, that the reason you are coming forward with this proposal is because it would help the marketability of your units?

Mr. Normoyle: Without a doubt. And I would want to say that unfortunately, as I started off, this is a fairly unique project and we are having difficulty making it work financially. If it does not work financially, then we may be forced to do other things than develop at this site.

Trustee Quinlan: Other things than develop at this site. Other developments at this site, or other things besides developing the site?

Mr. Normoyle: Correct. In the end, we would like to move forward with developing this project if it is financially feasible.

Trustee Quinlan: That certainly is an honest answer, which I appreciate. Were you here at the meeting a couple of years ago when we approved this?

Mr. Normoyle: No. That was June, 2006. I was not involved.

Trustee Quinlan: In terms of your response to the creating of a trail connection between the South County Trailway, you are aware that that is part of the resolution already, correct?

Mr. Normoyle: Yes. I think the Village had gotten funded with some grant to create another trailhead at the Farragut Bridge area.

Trustee Quinlan: My understanding is that there are two trailheads that you are going to develop. One is your own trailhead that is going to go over to your development. I assume it is going to be behind the building somewhere.

Mr. Normoyle: Yes, just south of the building.

Trustee Quinlan: And the other was the creation of a trail connection between the South County Trailway and the Ravensdale Bridge.

Mr. Normoyle: Correct.

Trustee Quinlan: And that is going to be in conjunction with some grant money.

Mr. Normoyle: Correct.

Trustee Quinlan: So you have mentioned that in response to an answer that you just gave. Are those not two separate issues? How are you combining the trailheads with this plan, when you have already agreed to do the trailheads?

Mr. Normoyle: Sorry. There is one trailhead, the one you were just describing, that is in the vicinity of Ravensdale Bridge.

Trustee Quinlan: Correct.

Mr. Normoyle: And that is moving forward under the Village's auspices, where we are responsible for the financial local match in connection with that project. So we are doing that; that is proceeding. In addition, the current proposal proposes another trailhead in addition to that one.

Trustee Quinlan: But the original trailhead, forget the Ravensdale Bridge, was always part of your proposal.

Mr. Normoyle: Yes. There were 10 spaces as part of the approved site plan that were reserved for the public to access the South County Trailway.

Trustee Quinlan: And that was going to be on your property.

Mr. Normoyle: That was going to be on our property, correct. So our current proposal increases that number from 10 to 37, and adds these other amenities.

Trustee Quinlan: But these parking places will be on our 1.75 acres.

Mr. Normoyle: Yes.

Trustee Quinlan: The original trailhead was supposed to be on your property.

Mr. Normoyle: Correct. Ten spaces.

Trustee Quinlan: So you are moving the parking lot from your property to our property.

Mr. Normoyle: Yes. Ten spaces that were previously on our approved site plan would move to what will be Village's 1.75 acres, correct.

Trustee Quinlan: And are you aware that we have a report from the Recreation Commission? Have you seen that report?

Mr. Normoyle: I heard about the report. Unfortunately, I have not seen it, and that is part of the request tonight. We would like the opportunity to meet with them and discuss options.

Trustee Quinlan: I have a report here, and I will quote from it briefly. It says it was unanimously decided that the proposal was unacceptable. The commission feels the monetary recreation fee would be more of a benefit to the community. They feel there are new and current projects the money can be earmarked for. Also, two years ago the commission had discussed the possibility of relocating the Hillside tennis courts to that site, and subsequently received approximately 70 e-mails from residents saying it was not a good idea. You have never read that report? Is this the first time you are hearing it?

Mr. Normoyle: This is the first time. I heard that they did not support this proposal. We would like the opportunity to meet with them and discuss this proposal as well other potential recreation projects, where perhaps they could reach a different conclusion. But I know, just reading our written proposal, that is what they had concluded.

Trustee Quinlan: But you are aware, from the MUPDD zone, that any modification to the original proposal has to be approved by the Board of Trustees?

Mr. Normoyle: Yes, definitely. We know any change needed to come back here, or a change such as this.

Trustee Goodman: The proposal that you have made in the February letter, and as drawn on the map, do you have any idea what the cost of that project is?

Mr. Normoyle: No, we did not provide cost estimates. But internally we estimated that it is comparable to the \$465,000 rec fee. When doing the improvements, there are subsurface, stormwater, and other issues like that which add to the cost.

Trustee Goodman: Of the 1.75 acres as drawn on the plan, how much of that is impervious?

Mr. Normoyle: We did not do that calculation yet, but we know from the main development site that stormwater management is a big issue, the floodplain was a big issue. All of this is located outside of the floodplain. The floodplain is not an issue, but definitely stormwater management would be.

Trustee Goodman: The original plan called for the concrete parking lots to be torn up and the land seeded, turning it back to us, if we wished, as a set-aside for watershed management. We are a member of an intermunicipal group with the Saw Mill River Coalition, and we signed on that to be good neighbors to the Saw Mill River Valley. When it rains two inches or more the Saw Mill Parkway gets closed right behind where this development is going to be built. So I was wondering about stormwater management for this property, what the cost of building that is, who is going to maintain it going forward.

Mr. Normoyle: This was a conceptual design. We did review it with our engineers on the project. Floodplain was a big issue, as I mentioned. This does not go into the floodplain, so that is not an issue. In terms of stormwater management, they gave it a preliminary review and they believe that with modifications to the existing stormwater management plan the stormwater could also be managed effectively. However, that would be the next step. If this was something that was to be considered by the Village, then we would proceed with doing detailed engineering and address all these issues.

As far as the ongoing stormwater management, or management of the stormwater facilities, we would offer tonight that the Saw Mill Lofts condominium association would assume that responsibility. They need to take care of the stormwater facilities on the property. Probably the most effective way to design this system would be to tie in to the proposed facilities that we already have in our plan. The condo would assume responsibility for ongoing maintenance. Those would be important issues to flesh out if this was to be considered by the Board.

Trustee Goodman: And the parking lot that is drawn on the diagram, would that be paved over?

Mr. Normoyle: Yes, definitely.

Trustee Goodman: There is a concrete parking lot there. So was the plan going to be just to pave that over?

Mr. Normoyle: No. The existing parking lot, whether we do this tennis court plan or we seed it with grass per the approval, will be removed. It does not make any sense to reuse it for this plan either.

Trustee Goodman: Because in the resolution there are issues about pollution remediation, if any. I do not know that we ever established that this end of the property was tested so I had some environmental concerns about that also. That if someone else built in that space that we would be responsible and perhaps not know if there was an environmental issue. That was raised in the SEQRA. I do not know if testing was going to be part of the process.

Mr. Normoyle: We had done testing at that area, and I could refer to the approval resolution. But in the end any environmental issues on the parcel of land donated to the Village were still the responsibility of GDC. I think that was another condition. Marianne could probably comment on that.

Village Attorney Stecich: If the Board were to consider this proposal, SEQRA was never done on any development of that 1.75 acres. It would have to have a Supplemental Environmental Impact Statement. Let us say you did want to go forward. You would have to do SEQRA on that because SEQRA was done assuming that was just going to be seeded. You would not have to do SEQRA on every single issue, but on any issues involving drainage or stormwater.

Mr. Normoyle: Correct. In my letter, we had offered to construct this as soon as possible, but after securing all necessary permits and approvals which, obviously, there would be a design process to that in terms of evaluating the engineering issues, and then also any of the SEQRA elements that Marianne just described.

Trustee Goodman: A question on the focus groups. Were families potential buyers of these apartments?

Mr. Normoyle: Yes, definitely. We anticipate that there are probably going to be two main groups of buyers here. It is probably younger professional couples, maybe with no kids or maybe a kid on the way, and empty-nesters. So those are primarily the two groups we anticipate coming here. Our focus groups gave us a wide range of potential consumers. But definitely some families were included.

Trustee Goodman: Do you have any idea what the breakdown might be of families that you expect?

Mr. Normoyle: No. This project has six three-bedrooms, which are the most likely units to be taken by families. The others are two-bedrooms and one-bedrooms, where we would expect young professional couples and empty nesters. We think families will make up a smaller portion. Families of four or more, we think, will be very few.

Trustee Goodman: I know this is ancient history and it was before your time, but are you aware that GDC was making representations to the Village about the \$465,000 and how we could put it in the bank and invest it, and it could generate for us per annum \$20,000 to \$30,000 a year, grow and compound, if we just left it there?

Mr. Normoyle: I am not aware of that.

Trustee Goodman: June 6, 2006.

Mr. Normoyle: I believe you.

Trustee Swiderski: I understand the proposal, and any questions I would have have been asked.

Trustee McLaughlin: I agree with Peter. I am not particularly welcoming to this. I do not see anything in it that is really useful for the Village, given the agreement that we thought we had with you. I am amazed that you brought this to us given, in effect, the inducements that you made to us two years ago. I am not sure if the plan you submitted was drawn to scale, but it appeared that the tennis courts occupied less than half the amount of impervious surface that the parking area did. I could not help but reflect on putting that amount of impervious surface on that site. I realize that drainage is going to be the responsibility of the condo association. Once people live there, they are going to be Hastings residents and they are going to be entitled to the same protections that everybody else has, which means that our Fire Department is going to be over there pumping their cellars out. Putting this impervious surface there is only going to make things worse for them. Quite honestly, you cannot persuade me that it will not. That is my small reservation about that drawing, but overall I have great reservations about the fact that you came here today with this proposal.

Mr. Normoyle: GDC proceeded in good faith and we want to make this project work. If this is not appealing to the Village Board we will need to live by the conditions of the original approval. Again, we are trying to make the project work. We were hoping this

could be in some ways attractive to the Village. If it is not, that is fine. But we would like the opportunity to pursue this a little further, and we are requesting to meet with your Parks and Recreation Commission to tease out some additional ideas.

Mayor Kinnally: I had a rather lengthy discussion earlier today in preparation for this with Martin and with Patrick so a lot of my questions and reservations were expressed at that point.

Trustee Goodman: Could you share them with us?

Mayor Kinnally: It was close to 40 minutes.

Trustee Quinlan: I have plenty of time.

Mayor Kinnally: I listened to Martin talk about the reason that brought him to the current position. I explained to Martin that the Planning Board and the Board members had operated, as Danielle and Jerry had indicated, on certain assumptions and underpinnings. I indicated that I thought it would be an extremely difficult sell on his part to try to revisit that. But I could not preclude him from making an attempt to come before this Board. I told him that I did not know the answer to how to proceed, and whether or not the Board of Trustees was the proper place to begin. I said although the Board of Trustees enacted the legislation which allowed for the recreation fees, the imposition of those recreation fees was done by the Planning Board. So I did not know where our responsibility began or ended. Same with the Planning Board, and the same with Parks and Rec. When this was first raised I said at the very least it has to go to Parks and Rec, and that is why the matter was referred to Parks and Rec.

Martin said he would ask for the courtesy of coming before the Board and discussing the proposal, and we have had that this evening. But he also asked, as Patrick has said tonight, if they could have another opportunity to bring this before Parks and Rec. That is up to Parks and Rec. We cannot say he cannot go back to Parks and Rec. It seemed to me from my discussions today, and from some of the comments that Patrick made this evening, that whatever is incorporated in this February 21st letter has been modified, and there is revisiting internally at GDC as to what they would be proposing.

But coming back to my observations with Martin, I thought it was going to be a tough sell. But as Martin said, there is no harm in trying. So I would suggest, to the extent that GDC has other proposals or variations on the theme, that perhaps they can memorialize those and make an overture to Parks and Rec. That is up to them. We do not tell them they have to

listen to anybody but, certainly, if you have something to propose to them that would be different from what is in the February 21 letter perhaps they will entertain that.

Trustee Goodman: I could not disagree with you more.

Mayor Kinnally: As to my recollection of my conversation with Martin?

Trustee Goodman: No. The fact that this developer will now go and negotiate with Parks and Rec.

Mayor Kinnally: He is not negotiating.

Trustee Goodman: Yes, he is.

Mayor Kinnally: He is simply asking for the opportunity to discuss it with Parks and Rec.

Trustee Goodman: I think you should put it to a vote and we should discuss this. Because this developer could spend a lot of time making plans with Parks and Rec that, in the end, the Board of Trustees would disagree with.

Mayor Kinnally: Absolutely. I could not agree more with you, but I do not see how we are the gatekeeper for what goes before Parks and Rec. Parks and Rec can consider whatever they want to consider. Like any other applicant, if they want to come before Parks and Rec with a proposal, then we ought to give Parks and Rec the opportunity to say yes or no, and not to say to Parks and Rec you cannot do it.

Trustee Goodman: But what you are asking us to do is to walk away from the ability to put the cash in the bank.

Mayor Kinnally: No, not at all. He is asking for an opportunity to do something. I am not, at this point, saying that it is a good idea.

Trustee Goodman: I disagree.

Mayor Kinnally: Our deal here was to get cash. I understand that and I am not backing away from that, nor is the item before the Village Board at the present time. But it would be very difficult to say to anyone, you cannot talk to a board or commission in the Village. I am not endorsing this, I am not advocating it. I am saying if they want to go ahead and talk to them, let them talk to them.

Mr. Normoyle: To address Danielle's concern, we requested one meeting with Parks and Rec. They issued a review of this proposal to you in advance of your meeting. Unfortunately, we did not get a chance to have a discussion with them. We know that their recommendation is simply that, a recommendation to you. In the end it is going to be the Village Board's decision. So that is all we are requesting, and it will not drag on. We will make their next meeting. If it was tomorrow, we would be there tomorrow. We would rather get this clarified and move on.

Trustee Quinlan: In response to my questions and some of the things that I asked during the questions, I think it is clear from the law that the cash payment in lieu of recreation is certainly a requirement that the Planning Board can make. But the law clearly indicates a payment to the Village of a sum of money determined by the Board of Trustees. So the Planning Board made the recommendation, and the Board of Trustees determined the amount of money that you owed us. Cash in lieu of recreation, so I do not think there is a lot of play in that.

Also, as I indicated in my questions, any proposed amendment to the MUPDD plan has to be approved by the Board of Trustees. So my question is, and then I have one final question that I think is the most important question that I want to ask you tonight, I agree with you. If you want to go before Parks and Rec and ask them for anything in the world, go right ahead. But you must understand that whatever their recommendations are do not mean anything to us other than recommendations of people that we respect and we appointed to that board. We have no obligation to follow their recommendations.

What I am a little worried about is that I believe it is starting a process that I am not so sure that someone in Ginsburg had in their mind all along. I do not say it is you, I do not say it is Martin Ginsburg. But I am saying that it is clear to me that this is something that was in the back of somebody's mind at Ginsburg all along; to come before us and get us to modify this plan. One of the reasons that I voted for this plan, with great reservation, *the* reason I voted for it, was the \$465,000, because I was not going to turn my back on that kind of cash for this board or for this Village. That is a lot of money for us. It is probably over 1% of this tax increase that we are about to see come down on us. So here is my last question. The approval that I voted on, number 29, says the recreation fees to be paid to the Village upon site plan approval shall not be reduced or set off by the cost of any elements of the proposed action, etc. Site plan approval was approved in September, 2007. Where is our money? Where is our \$465,000? Right here it says upon site plan approval. Where is our money?

Mr. Normoyle: We have not paid that money, as you know.

Trustee Quinlan: I understand that. Why not?

Mr. Normoyle: Because we would like to entertain a different approach to this payment of recreation fees. It is fairly simple that we did not pay the Village's \$465,000. It is fairly straightforward.

Trustee Quinlan: But you owe it to us.

Mr. Normoyle: Yes, as a condition of the approval. If we do not move forward with the project there is no payment due.

Trustee Quinlan: So why did we say site plan approval? Because we could put it in the funds that we are talking about, include it in the statutes, a separate bank. It says right here, any monies required by the Planning Board in lieu of land, park, playgrounds, or other recreational purposes pursuant to this section shall be deposited in a trust fund to be used by the Village exclusively for park, playgrounds, or recreational purposes. I am asking you to, in good faith, give us our money. We will put it in a trust fund. If you do not go through with your project we will give you back the money, less the interest.

Mr. Normoyle: Okay. I will relay that to Martin.

Trustee Swiderski: The next steps, are you are in negotiation or not, that is not something I am comfortable in doing.

Mayor Kinnally: It is not a negotiation. I think the next step is that if they want to make an overture to Parks and Rec, then they should make an overture to Parks and Rec. And if there is a change in anything that they have proposed to us, then they should forward it to us.

Trustee McLaughlin: Mr. Normoyle, I do not understand how you could have not told us. We have asked you for that money, and you have not told us that you have been planning something else. So I am not entirely certain what kind of interchanges GDC has had with the Village over why you have not paid that money. But to me it seems, what have you been waiting for? When were you going to tell us this? And in thinking ahead about if we were prepared to negotiate with you on this, what would we have if we gave this away? We are the elected officials here. All the other boards that you might speak to are appointed by us. We are the people who are responsible to the voters, and we are the people who are responsible for what the voters own. What the voters owned was your promise. If we gave that away by agreeing to this you could sell it to somebody else. You would be under no obligation to deliver that lowered expectation that we would then have. I am trying to find some common sense justification for this as a business practice.

Mr. Normoyle: Again, all I can say in response is we are trying to make this project work. I apologize for not communicating with the Village sooner. Your Village Manager did follow up very shortly after the September approval. We were attempting to create an alternative that might be attractive to the Village. So we apologize for not being in communication with the Village. The payment of \$465,000, it is clear that it was due upon site plan approval based on the concept plan approval. Obviously, the Village can take steps to secure that payment from us. We were hoping to reach another accommodation. If that cannot be reached, then if we do move forward with the project we would pay that \$465,000.

Trustee Goodman: If we forgo the money and engage you to do other projects, what guarantee do we have that you are actually going to do those projects and that the projects are equal to \$465,000? Of course minus the interest that we could have if we decided, in our discretion, to put that money on the bank.

Mr. Normoyle: That is a question where perhaps we are getting ahead of ourselves. If something is worked out, then I would love to discuss that with you. I think I have gotten clear feedback from the Board in terms of what you think about this proposal. I will take that back to the office and we will act accordingly. So I do not think it is fruitful to discuss that question because there are a lot of other things that need to be covered between here and getting to that point.

Trustee Goodman: You understand it is a concern.

Mr. Normoyle: Yes, definitely.

Mayor Kinnally: Mr. Normoyle, I think you have gotten some feedback. If there was anything that was not clear we would be happy to clarify it, but I think you have gotten it. Fran, if you could at least facilitate reaching out to Parks and Rec, see when their next meeting is, and ask if this can be put on the agenda and communicate back to Patrick when that is.

Trustee Quinlan: But let me just clarify something, Lee. He can ask to be put on, but they also can say no, they do not want to.

Mayor Kinnally: I know. What I am saying is, Fran convey it to them. They set their own agenda. They may have a chock-full agenda and cannot fit it in anyway. So it is up to them, but we will refer it to them and let you know.

Mr. Normoyle: Well, good. Thank you for your time.

28:08 CERTIFICATION OF ELECTION RESULTS

Mayor Kinnally: The election results for Jeremiah Quinlan: machine vote 173, absentee 9, total 182. Democratic Trustee Diggitt McLaughlin: machine vote 167, absentee 9, total 176. Democratic Village Justice Joseph DiSalvo: machine vote 188, absentee vote 9, total 197. Persons voting: machine 202, absentee 9. Percentage of voting based upon a very high registration in the Village is 3.9%. It is just impossible that we have 5,400 out of 7,500 people in the community registered, or 8,000 or whatever it is.

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

RESOLVED: that the Mayor and Board of Trustees hereby accept the Election Results and that Jeremiah Quinlan and Diggitt McLaughlin are declared Trustees for a term of two (2) official years each and Joseph DiSalvo is declared Village Justice for a term of four (4) official years.

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	

Mayor Kinnally: My congratulations to the newly-elected officials. An interesting two years ahead, and four years ahead for you, Judge. Thank you very much.

David Skolnik, 47 Hillside Avenue: I was going to ask if I may make one comment?

Mayor Kinnally: We have had public comment.

Mr. Skolnik: Indeed. I was asking your indulgence, given that I demonstrated the ability in these times to be very brief.

Mayor Kinnally: I missed that demonstration, but come on up.

Mr. Skolnik: I was hoping that there would be some report about the transportation meeting that took place, and that is why I would have withheld comment even if I had been here for

the public comment period. I will write a letter this evening to the Board. I would like to know if there is a way that any discussion of the contents of that meeting could be on the agenda for the next meeting. Specifically, I was wondering what the procedure would be with regard to going forward with the task force.

Mayor Kinnally: That will be decided by the task force. They will constitute themselves, and they will see how they want to proceed. I am sure you are interested in the public participation part of that.

Mr. Skolnik: I am interested in the whole process; that is why I did not want to get into it now. Can you give me some time frame?

Mayor Kinnally: I do not know when.

Mr. Skolnik: Do we know the composition of the task force?

Mayor Kinnally: I do not know that.

Trustee Swiderski: The members volunteer themselves.

Mayor Kinnally: From the Board, but not from the school board. We have not heard from the school board yet.

Trustee Quinlan: So we have the two members from the Board of Trustees, we do not have the members from the school board, and I can assume that we are probably not going to get back to this until after the budget is passed.

Trustee Swiderski: Mr. Skolnik brings up a good point. Since I was responsible for chairing that event, I will summarize in a few minutes at our meeting on April 1 the findings on the proposals we reviewed. It is fair enough. It was a public meeting, and for those who missed it we will give a thumbnail summary.

ADJOURNMENT

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:55 p.m.