

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 20, 2008

A Regular Meeting was held by the Board of Trustees on Tuesday, May 20, 2008 at 8:11 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski (8:25 p.m.), Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Deputy Village Clerk Linda Knies.

CITIZENS: Nine (9).

APPROVAL OF MINUTES

On MOTION of Trustee Goodman, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Special Meeting of April 29, 2008 were approved as presented.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of Public Hearing No.1 of May 6, 2008 were approved as presented.

On MOTION of Trustee Goodman, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Public Hearing of May 6, 2008 were approved as presented.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of May 6, 2008 were approved as presented.

On MOTION of Trustee Goodman, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Executive Session of May 6, 2008 were approved as presented.

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. 79-2007-08	\$585,538.22
Multi-Fund No. 80-2007-08	\$7,200.00
Multi-Fund No. 77-2007-08	\$ 25,556.72

PUBLIC COMMENTS

John Gonder, 153 James Street: The Board's primary function is to provide safety for the citizens of Hastings, and you do a very good job in regard to police protection, fighting crime, bomb threats, alcohol abuse, misdemeanors, and traffic violations. We have a great fire department, for which you provide funds. We have a very good safety record on fire prevention. Ambulance, same thing, for people who are sick or injured. You also help the handicapped with parking permits and parking spots. A few weeks ago you passed an ordinance on noise, very good: the leaf blower ordinance.

But the last meeting Dr. Jacques Padawer gave a lot of information on deer. The deer population doubles every two years. There is one accident per month, according to him. He did not have statistics on Lyme disease. I know it is a tough situation for the Board because of animal rights, DEP, DEC, whatever. But I am wondering what this Board is doing because the deer population is terrible. If we had 100 deer in the Village Dr. Padawer would say we should get rid of 70 the first year, leaving 30, and the second year 40% would be another 12. I think we have more than 100 deer, and I am concerned with Lyme. I have had three ticks on me and my family, and one had Lyme disease. I do not know if you can do anything about the deer population, but I am wondering what you plan to do.

Mayor Kinnally: One of things we are trying to do, and we spoke to Dr. Padawer about this, is to coordinate with the county board of legislators and the other layers of government to see what they are doing. A regional approach has to be taken because deer migrate back and forth through our fellow municipalities. The state has to take a look at this as well. One of the corridors for deer is the Old Croton Aqueduct. The DEC has taken a position that they will not address the deer problem. I reached out to them a number of years ago because we had concerns with people living adjacent to the Aqueduct and also some of our playing fields are adjacent to the Aqueduct. So we are caught in a bind here.

Mr. Gonder: But that was years ago. Today it is a lot worse than 10 years ago.

Mayor Kinnally: Yes, but this is three or four years ago, and the DEC's approach has not changed. They are not into deer control on open spaces. We have to get a regional lobbying approach and see what NYCOM is doing on this. Probably the most effective way of dealing with it would be to cull the herd, which is a nice way of saying shoot them, but it is not going to happen in a congested area like this.

Trustee McLaughlin: I was curious, especially after I read the minutes. Dr. Padawer's report came together so beautifully when you read it as a transcript. I am wondering if the state is ever persuadable to look at this as the public health issue it really is. I would assume the Lyme disease statistics simply increase every year. I realize there is a problem with diagnosing and there are many doctors who seem to deny that it is a problem. But I am sure, we all know at least one person whose life has been significantly changed by Lyme disease. That must be true of people in Albany, too.

Mayor Kinnally: This is something we have got to get our state legislators together on and see if their fellow legislators are wrestling with the same thing and, if so, is there an approach or a remedy being suggested by Albany.

Trustee McLaughlin: Would we need a resolution in hand to lobby them?

Mayor Kinnally: The most effective way is to buttonhole them when we see them. When Nick Spano was the state senator he used to have periodic meetings with villages. Maybe we can reach out to Andrea Stewart-Cousins and get her to sit down with the mayors of the river towns and the supervisor of the Town of Greenburgh and talk about this issue.

Trustee McLaughlin: How do we expedite it? How do we see that this happens?

Mayor Kinnally: I'll pick up the phone and give them a call.

Elisa Zazzara, 68 Southside Avenue: I recently learned, in our village code, chapter 244-6, solid waste, location of containers: containers for waste shall be stored in a convenient place at the home, and not more than 100 feet from the property line. I had the great opportunity of witnessing today our DPW picking up trash, and what an incredible waste it is when they have to go 100 feet into a yard to get garbage cans. It is not just a straight 100 feet; it is up a set of stairs, it is through woods.

I think that 100 feet should be reduced to 20. The amount of energy the truck is using, idling while the men go to pick the stuff up, bring it back down, I think that you will see savings in the bottom line if this is changed. I did not search through the whole code, but a neighbor of mine said she thought recyclables must be placed at curbside. So if recyclables must be placed at curbside, why cannot everyone's trash be placed at curbside?

Trustee Goodman: Ravensdale places their trash at the curbside and always has. I did not know it was any other way.

Mayor Kinnally: It is.

Ms. Zazzara: I also note that Dobbs has a curbside regulation as well. While I was with the crew today we were on Farragut facing north, and there passed a garbage truck. I said, look, there's another garbage truck. He said yes, that's Dobbs, they're done. They have curbside pickup. I do not know how easy it would be, but it is a simple, low-hanging fruit.

Mayor Kinnally: Until the seniors come and say I am not going to change.

Trustee Goodman: Seniors and handicapped.

Ms. Zazzara: But if we there are medical compensations in the leaf blower regulation, if someone is unable to bring their trash down to the curb then we accommodate them. But for the argument that I am paying high taxes here, they should come to pick up my trash, part of the reason you are paying high taxes is that we are wasting it on fuel and on men's time. There should be a study to see how many houses do not put it curbside and how much waste that is. I would be happy to volunteer for some numbers crunching. But it seems really simple to change it.

Mayor Kinnally: Oh, it is simple to change it. All you need is three votes to change it. The reality is that there is going to be a great amount of resistance to it. We had resistance when we went to one pickup a number of years ago.

Ms. Zazzara: I am not unaware of that, but my answer still is, this is a climate crisis and if we all want to sit back and say I want the luxuries and I want to live the convenient way I lived it cannot work that way. So if this is an inconvenience for someone, again I am on this side of the desk, I am sorry, too bad. It is my health, it is my environment, it is our offsprings' future.

Trustee McLaughlin: When I moved to Hastings in 1986 to Hopke, I had a back porch filled with empty packing boxes, and the garbage men actually came up on the porch, knocked on my door and asked if I was ready to have them taken away. I nearly fainted dead away. A couple of years after that my husband and I moved to a new house on Burnside and I was told I had to take my garbage to the street. So it appears that this is a grandfathered issue.

Mayor Kinnally: There were issues a number of years ago with one of the routes, where they were saying that anybody new moving in had to bring their trash to the curb.

Trustee McLaughlin: A new house, or a new resident?

Mayor Kinnally: New resident.

Trustee McLaughlin: Is that observed?

Mayor Kinnally: No, it is not. It was brought to our attention and the Village Manager addressed it. It was done by that truck without authorization by the Village.

Trustee McLaughlin: You mean I did not have to take my garbage out to the curb?

Mayor Kinnally: That is right.

Village Manager Frobel: But I do not think a high percentage of homeowners take advantage of rear yard pickup. I do not think it is 10%. Most people do bring it to the curb.

Mayor Kinnally: I think 10 is quite low.

Trustee Quinlan: Everybody in my neighborhood brings it to the curb. We are aware of the law, but we just do it because it is the right thing to do if you are physically able.

48:08 TAX WARRANT 2008 - 2009

Mayor Kinnally: This one is okay, but there was a mistake in what we had announced last time, a \$16,000 mistake in the assessment. We will address that in the next resolution.

Village Manager Frobel: It is clear. This is your last action to set your budget in motion for the period beginning June 1.

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 Mayor to sign the Tax Warrant for 2008 – 2009.

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	

49:08 2007 ASSESSMENT ROLL ADJUSTMENT

Village Manager Frobel: This reflects the taxes you will collect in the current year. This was identified sometime during this year to close out the books for the year ending May 31. This action is necessary because we will be collecting \$16,250 less due to that computer error. We will have to make up that revenue in another item to balance this budget.

Mayor Kinnally: It is not \$16,250 less in taxes. That is the assessment. So it would be whatever the rate was times \$16,250. It will reduce our unappropriated surplus, right?

Village Manager Frobel: It could, yes.

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

WHEREAS, the Village final assessment roll for 2007 indicated a total taxable assessed value of \$42,380,810; and

WHEREAS, due to a computer system error, the Village final assessment roll for 2007 was erroneously overstated by \$16,250; and

WHEREAS, the true and correct Village final assessment for 2007 is \$42,364,560; now therefore be it

RESOLVED: that the records of the Village be corrected to reflect the true and correct total taxable assessed virtual for the Village final assessment for 2007 of \$42,364,560.

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	

50:08 LOCAL LAW NO. 4 OF 2008 – APPEARANCE TICKETS

Mayor Kinnally: This proposed local law and the ones that follow here were the subject of a public hearing at our last meeting on May 6.

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 hereby adopt Local Law No. 4 of 2008 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 4 Appearance Tickets as follows:

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

Section 1: § 4-2 of the Hastings-on-Hudson Code should be amended to read as follows (new language *in italics*):

§ 4-2. Authority to issue.

The following persons are hereby authorized and empowered to issue and serve appearance tickets, provided that the issuance thereof is made pursuant to their statutory authority and otherwise consistent with the terms and provisions of this chapter:

- A. Village Manager
- B. Building Inspector
- C. Parking enforcement officer(s)

D. Superintendent of Public Works

E. *Fire Inspector*

F. *Hastings-on-Hudson police officer(s)*

Section 2: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

51:08 LOCAL LAW NO. 5 OF 2008 – BUILDING CONSTRUCTION

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 hereby adopt Local Law No. 5 of 2008 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 101 Building Construction as follows:

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

Section 1: Section 101-4 is hereby repealed.

Section 2: Sections 101-5 and 101-6 are hereby re-designated sections 101-4 and 101-5.

Section 3: Chapter 101 shall be amended by adding the following new section 101-6:

§ 101-6. Complaints.

The Building Inspector or Fire Inspector shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Zoning chapter (Chapter 295) of this Code, the Fire Prevention and Life Safety chapter (Chapter 143) of this Code, or any other local law or regulation adopted for administration and enforcement of those codes and chapters. The process for responding to a complaint shall include such of the following steps as the Building Inspector or Fire Inspector deems to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection.
- B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 101-9 (Violations).
- C. If appropriate, issuing a stop work order.
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

Section 3: Section 101-9 is hereby repealed.

Section 4: Chapter 101 shall be amended by adding the following new section 101-9:

§ 101-9. Violations.

- A. Compliance Orders. The Building Inspector and Fire Inspector are authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code,

or any chapter of the Hastings-on-Hudson Code of which the Building Inspector or Fire Inspector is charged with the enforcement. Upon finding that any such condition or activity exists, the Building Inspector or Fire Inspector shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Building Inspector or Fire Inspector; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or the Hastings-on-Hudson Code; (4) specify the provision or provisions of the codes that is/are violated by the specified condition or activity; (5) specify the period of time which the Building Inspector or Fire Inspector deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Building Inspector or Fire Inspector shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail or any other method of delivery providing proof of delivery. The Building Inspector or Fire Inspector shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail or any other method of delivery providing proof of delivery; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- B. Appearance Tickets. The Building Inspector, Fire Inspector, and their designees are authorized to issue appearance tickets for any violation of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, or any chapter of the Hastings-on-Hudson Code of which the Building Inspector or Fire Inspector is charged with the enforcement.
- C. Civil Penalties. In addition to those penalties proscribed by State law, any person who violates any provision of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, or any chapter of the Hastings-on-Hudson Code of

which the Building Inspector or Fire Inspector is charged with the enforcement, or any term or condition of any building permit, certificate of occupancy or certificate of compliance, temporary certificate, stop work order, Operating Permit or other notice or order issued by the Building Inspector or Fire Inspector pursuant to any provision of this Code, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village.

- D. Injunctive Relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, or any chapter of the Hastings-on-Hudson Code of which the Building Inspector or Fire Inspector is charged with the enforcement, or any term or condition of any building permit, certificate of occupancy or certificate of compliance, temporary certificate, stop work order, Operating Permit, Compliance Order, or other notice or order issued by the Building Inspector or Fire Inspector pursuant to any provision of this Code. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees of the Village.
- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other chapter of this Code, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in any other chapter of this code, or in any other applicable law.

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

52:08 LOCAL LAW NO. 6 OF 2008 FIRE PREVENTION

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 5 of 2008 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 143 Fire Prevention as follows:

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

Section 1: The title of Chapter 143, Fire Prevention of the Village of Hastings-on-Hudson Code shall be amended to read as follows (new language *in italics*):

Chapter 143
FIRE PREVENTION AND LIFE SAFETY

Section 2: ARTICLE III, Controlling Provisions, of Chapter 143 shall be amended to read as follows (new language *in italics*):

ARTICLE III
Controlling Provisions

The controlling fire prevention standards for the Village of Hastings-on-Hudson are ~~on file in the office of the Village Clerk~~ *included both in this Chapter and in the New York State Uniform Fire Prevention and Building Code, as currently in effect and as amended from time to time. Whenever any provision of this Chapter differs from the New York State Uniform Fire*

Prevention and Building Code, the provision that is the more restrictive or imposes a higher standard shall govern.

Section 3: Chapter 143 shall be amended by adding the following new Article IV:

ARTICLE IV

Notification Regarding Fire or Explosion

§ 143-9. Notification regarding fire or explosion.

The chief of the fire department providing fire fighting services for a property within the Village of Hastings-on-Hudson shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

Section 4: Chapter 143 shall be amended by adding the following new Article V:

ARTICLE V

Operating Permits

§ 143-10. Operating Permits required.

Operating Permits shall be required for conducting the activities or using the categories of buildings listed below. Any person who proposes to undertake any activity or to operate any type of building listed in this section shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- A. Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1.
- B. Hazardous processes and activities, including but not limited to, commercial and industrial operations that produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.

- C. Use of pyrotechnic devices in assembly occupancies.
- D. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more.
- E. Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of the Village.

§ 143-11. Applications for Operating Permits.

An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector. Such application shall include such information as the Building Inspector deems sufficient to permit a determination that quantities, materials, and activities conform to the requirements of the New York State Uniform Fire Prevention and Building Code. If the Building Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the applicant.

§ 143-12. Inspection.

The Building Inspector, Fire Inspector, or their designees shall inspect the subject premises prior to the issuance of an Operating Permit.

§ 143-13. Multiple activities.

In any circumstance in which more than one activity listed in § 143-10 is to be conducted at a location, the Building Inspector may require a separate Operating Permit for each activity or may, in his/her discretion, issue a single Operating Permit to apply to all such activities.

§ 143-14. Duration of Operating Permits.

Operating Permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Building Inspector to be consistent with local conditions. The effective period

of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Building Inspector, payment of the applicable fee, and approval of such application by the Building Inspector.

§ 143-15. Revocation or suspension of Operating Permits.

If the Building Inspector determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the New York State Uniform Fire Prevention and Building Code, the Building Inspector shall revoke or suspend the Operating Permit.

§ 143-16. Fee.

An application for an Operating Permit, or for renewal or reissuance of an Operating Permit, shall be accompanied by a fee to be determined by the Village Board by resolution and set in the fee schedule.

Section 5: Chapter 143 shall be amended by adding the following new Article VI:

ARTICLE VI

Fire Safety and Property Maintenance Inspections

§ 143-17. Inspections required.

Fire safety and property maintenance inspections of buildings and structures shall be performed by the Building Inspector and/or the Fire Inspector, or an inspector designated by the Board of Trustees at the following intervals:

- A. Fire safety and property maintenance inspections of buildings or structures that contain an area of public assembly shall be performed at least once every 12 months.
- B. Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
- C. Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs A or B of this section, and all

non-residential buildings, structures, uses and occupancies not included in paragraphs A or B of this section, shall be performed at least once every 36 months.

§ 143-18. Inspections permitted.

In addition to the inspections required by § 143-17, a fire safety and property maintenance inspection of any building, structure, use or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or Fire Inspector, or their designees at any time upon:

- A. The request of the owner of the property to be inspected or an authorized agent of such owner; or
- B. Receipt by the Building Inspector of a written statement alleging that conditions or activities failing to comply with the New York State Uniform Fire Prevention and Building Code or the State Energy Conservation Construction Code exist; or
- C. Receipt by the Building Inspector of any other information, reasonably believed by him or her to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the New York State Uniform Fire Prevention and Building Code or the State Energy Conservation Construction Code, provided, however, that nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

§ 143-19. OFPC inspections.

Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under the Executive Law and the Education Law.

§ 143-20. Fee.

A fee for inspections pursuant to this article shall be determined by the Board of Trustees and set in the fee schedule. Such fee shall become due at the time

each inspection is performed. This section shall not apply to inspections performed by OFPC.

Section 6: Chapter 143 shall be amended by adding the following new Article VII:

ARTICLE VII

Fires on Streets or Public Places

§ 143-21. Fires on streets or public places.

No person or persons shall place or burn or cause to be placed or burned any rubbish, papers or light any inflammable material on any street or public place in the Village.

§ 143-22. Penalties for offenses.

Any person violating this article shall be liable and subject to a penalty of not more than \$250.

Section 7: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 8: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

53:08 LOCAL LAW NO. 7 OF 2008 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Mayor Kinnally: Marianne reminded us this evening that we are waiting for a report from the Zoning Board of Appeals and they have not submitted that report yet, so I suggest we put this over until our next regular Board meeting.

Village Attorney Stecich: The other amendments were not to the zoning code. Because this is an amendment to the zoning code, it has to be run past the Planning Board and the Zoning Board, and the Zoning Board does not meet until this Thursday.

54:08 LOCAL LAW NO. 8 OF 2008 TRAFFIC SIGNAL

Village Attorney Stecich: One of the conditions of site plan approval for 45 Main was that a study should be done of the need for a light in front of the new building, and if a traffic light was warranted that it would be paid for by the developer. So AKRF, the Village's traffic consultant, did a study that indicated that a traffic light would be useful there. Then it became the responsibility of the developer to get plans for it, to put it there, and to pay for it. During the course of their doing that, I was reminded that any traffic light has to be approved by the Board of Trustees, which is why this resolution is on tonight.

Mayor Kinnally: This resolution deals with the ability of the Village to enforce, to ticket anybody that violates a traffic control device.

Village Attorney Stecich: And also to put it up. Under the vehicle and traffic chapter of the code, every park sign, every stop sign, every traffic regulation is in there. Included in traffic regulations are traffic lights.

Mayor Kinnally: I have had a lot of conversations with the chiefs about this, and nobody anticipated the size of the traffic signal that is being engineered for this site.

Trustee Quinlan: It is my understanding that the size is not something that anyone has any control of, but is regulated by the state.

Mayor Kinnally: It is actually regulated by the federal government, then by the state. I reached out to Patty Speranza, who works for the Department of Transportation in the county, to see if there was any flexibility and if any waivers could be obtained. Patty called me back today and indicated that waivers are not forthcoming. It is a huge signal, and it might even be out of place on Central Avenue. How many heads will be on it, Steve?

Assistant Fire Chief Pecylak: There are going to be nine traffic lights. We looked at the plans last night and determined there will be five hanging signals. Some will be single signals, some will have double lights, for a total of nine. We need to have redundancy phasing in each direction, that is, if one light should go out, the second light will compensate for that light being out so it remains operational.

Two lights will face the ambulance building, two to the hook and ladder, two east on Main Street and two west. The third light is going to be placed on a pole facing east because during the study it was determined that the sight line with the light in its current position would not meet the standards that are required for sight line for a traffic light. So that additional light was placed on a pole facing east, towards Five Corners, to ensure a proper sight line for that slight bend that comes around.

Mayor Kinnally: So there would be eight on the horizontal pole and one on the vertical pole.

Assistant Fire Chief Pecylak: The plans show seven on the top pole upon seven clusters, if I am saying that correctly. There would be two on the vertical pole, one facing the ambulance building, the other one facing the bend up to the east towards Five Corners. So when you are coming down Main Street there are three different lights facing up so we have ample sight line to that traffic.

Mayor Kinnally: That would be traffic coming westbound.

Assistant Fire Chief Pecylak: Yes, coming westbound from the train station.

Trustee Quinlan: Chief, is it correct that we have no flexibility on the design and the number of lights? Either we approve it because the federal government requires it, or we do not approve it and it does not exist. Would that be a fair statement?

Assistant Fire Chief Pecylak: I would say that is a fair statement. Even for what we had mentioned earlier, it appears the light is a standard by which we have to go.

Mayor Kinnally: The design is required, not the light.

Trustee Quinlan: No, that is what I said. If we do the light this is the design we have to follow, and if we do not do the design there is no light.

Assistant Fire Chief Pecylak: Unfortunately, from what I understand, this is the standard going forward for all new traffic lights. Correct me if I am wrong, if anyone else knows otherwise. Any new light that goes up anywhere, this is the standard that has to be met.

Trustee Quinlan: This is the third time that we have discussed this. We did it maybe a year ago, then we did it recently, and then we are doing it tonight. We had the public hearing. In the prior meetings the Fire Department was very much in favor of this light based on not

only the traffic report, but to protect the safety of the ambulance building and fire apparatus leaving the hook and ladder. Is that still the position of the Fire Department tonight?

Fire Chief Bannon: We would like anything as far as safety goes. This is a huge light. The safety of my men and women and the residents comes first. We need something there, without a doubt. Federal mandates state this light has to be this big. We are going to deal with it. It is the feeling of the Fire Department that although the Chiefs agree on the safety, we do disagree on certain aspects of it. But as a department, yes, we are in favor of the safety of the men and women of the Fire Department and the Ambulance Corps. That is first and foremost.

Trustee Quinlan: Are you asking me to vote yes to this resolution tonight?

Assistant Fire Chief Pecylak: Yes, I am.

Mayor Kinnally: Are you asking us to make it smaller?

Assistant Fire Chief Pecylak: Yes, I am.

Trustee Quinlan: I understand we cannot.

Mayor Kinnally: I know that.

Trustee Quinlan: So why would we ask a question there is no answer for?

Mayor Kinnally: No, he has answered it, but it does not have any application, unfortunately. It is frustrating for the size of this road to have this built-in redundancy. Part of the issue of the redundancy is irrelevant. If there is a power failure, I do not care how many arrays you have up there they are not going to work.

Assistant Fire Chief Pecylak: I have done some drive-arounds to local areas, Steve has done the same thing. Central Avenue does not have that size, but there are ones that size. But the Suburban is bigger this year than it was in '99. Everything is bigger, all lights are bigger, everything is safety-oriented. That is exactly what this is. This is all federal mandates. That is what they get the big bucks for, to make these mandates.

Mayor Kinnally: Yes, and we are facing the same thing at the corner of Main Street and Warburton Avenue in the next couple of years.

Assistant Fire Chief Pecylak: Yes, you will be. And unfortunately, the sight line of the ambulance was affected in '96 or whenever the building to the east was built. That affected it greatly. The hook and ladder has a little bit of view but, again, that truck has to go up a bit of a hill. It is a lot of weight to get going up that hill, and then all of a sudden have to jam on your brakes to stop for somebody late for a train. So the previous constructions affect now. This construction at 45 Main Street affects us now. We have no sight line until our nose is out on the driveway now, and that is huge. That does make a big difference. The ambulance goes out on close to 700 calls a year.

Mayor Kinnally: But that light is not going to be on every time the ambulance goes out. That is my understanding. The light is only going to go on when there is an emergency.

Assistant Fire Chief Pecylak: When the ambulance goes out on a call the ambulance will hit the button to activate it.

Mayor Kinnally: But there are not 700 times in the course of a year that that will be triggered. A lot of the ambulance calls are not on-demand; they are going out to do a transport or something. That was the discussion last night, when you said it was only going to be in an emergency.

Assistant Fire Chief Pecylak: Guestimating here, maybe 95% of our calls are emergency, where a paramedic is being dispatched to it and that light is activated. It will be on for two or three minutes, I'm not sure.

Mayor Kinnally: You mean the cycle?

Assistant Fire Chief Pecylak: It will go red for a certain period of time. I am not sure it was determined here or if that is a state mandate as far as what the cycling time has to be. But otherwise that light will be green in both directions. And it will not be a flashing green, it is going to be a solid green. That also has something to do with DOT standards.

Mayor Kinnally: It has to go from green to amber to red. I do not know what the recess is. It will be in the cab of the ambulance and the hook?

Fire Chief Bannon: But like Steve says, they are going out 99% of the time on emergency calls. Sometimes they are going out on two calls within 15 minutes so you have two ambulances going out simultaneously.

Assistant Fire Chief Pecylak: Unfortunately, we are seeing an increase.

Mayor Kinnally: Yes, every year you see an increase.

Fire Chief Bannon: So it is up to the Board. Like I said, we are in the business of safety, and I leave it up to you guys.

Trustee Swiderski: I am also pained by the sheer size of it. It is like the starting gate at the Indianapolis Speedway.

Fire Chief Bannon: It is not as big. I was there.

Trustee Swiderski: That is discouraging. This is maybe slightly off in terms of ideas, but was anything down the line of a bar or something that would come down across the street when needed examined or considered at any point?

Trustee McLaughlin: You mean to keep you from hitting the train?

Trustee Swiderski: Something like that, except it would stop traffic and the vehicle would exit in the other direction. I am trying to think what would be less of a sight line in appearance.

Assistant Fire Chief Pecylak: I do not believe you can do that. This traffic study was done by a consultant company, and advised us and Urban Green on what type of light would be adequate. The size of the road, maybe there is a little overkill. But that is what they said, so we have to go by what they said only because this is what they want to put up there. We want them to put a light up there, and they said this is the light we want to put up there.

Trustee Swiderski: I am not sure they want to put quite that light up there, but they want to put a light up.

Assistant Fire Chief Pecylak: Obviously they do not, but they were the ones who said we are going to abide by what the traffic study says. They also told us that if we would like to do another traffic study we are more than welcome to, at our cost.

Mayor Kinnally: That was a thought I had, and I do not know what the traffic study would show. In the traffic study in front of us there is an anticipation of problems with sight lines with the opening of 45 Main Street. I had suggested, in talking to the chiefs about this, why do we not live with 45 Main Street for a period of time and see what the traffic pattern is there. The parking going down there is going to be skewed to the north because there is the indent. We took the parking out of the right-of-way when that was designed, such that the parking is inboard of where the sidewalk was. I think it is still there, it has not been taken

out yet. We do not want to lose the opportunity to get the money for the traffic light. If it is a condition of allowing people to move into the building, they would have to put that money in escrow such that we would have the use of that money if and when we needed to put up a traffic control device if it was actually experienced that we were going to see that surge of traffic with that and a problem with the sight line. We are only talking about four to six months, something like that. I do not know what the projection of the C of O is for that building. It seems to keep changing. Fran, do you have any idea?

Village Manager Frobel: I spent about an hour and a half in the building yesterday. End of June, perhaps? They are doing a lot of final touches, but there is still quite a bit of work left.

Assistant Fire Chief Pecylak: As part of our discussion yesterday with holding off for a couple more months I had some concerns. We already know we have a preexisting condition to the east. The chiropractor's building has been a problem to us. That is clearly mentioned in this study that a problem exists and is not within acceptable sight lines. The last board of fire wardens meeting you attended, Lee, the members are going on record saying there is a problem with traffic in and around the emergency services building as a result of the recreation building being opened. The recreation building is one-third larger than the previous one and is being utilized a lot more. It is becoming a focal point for the community. We are seeing increased traffic problems now, even before 45 Main Street has opened. To have a secondary study, or to even wait longer is, to me, wasteful. The problems exist, and the studies indicate the problems exist. And 45 Main Street, even with the indentation, we envision the same thing that takes place on Warburton Avenue. Delivery companies come in, and you see them double park all the time. It causes congestion. I grant, and we discussed last night, congestion slows down traffic. But it is affecting the flow of traffic, and I anticipate it will affect the flow of traffic on Main Street.

My concern also with holding off is that we have had this problem and have been fortunate we have not had a major accident. The Ambulance Corps is well over 600 calls, approaching 700 calls. We have requested a traffic signal in the past and have documentation of that. Are we going to wait these three months and risk the possibility of having a major accident there and second guessing ourselves that we should have put a traffic light there earlier? Note that to manufacture this light is going to take up to three months. The need is there. We have demonstrated our problem on record. We have a problem that was studied and verified by the consultant. Now that we have funding for this project it is prudent we move ahead.

Trustee McLaughlin: I get the vibes from you that you are feeling you are on the defensive. I am sorry for that because what you say has so much merit. Members of the community are going to give us flak for this because of the aesthetic issue. Urban Green has buried the lines outside its building and has objected to this because it was an expense. But

the time to object about aesthetics was before that building was approved and before it got a fourth story and before it was allowed to be designed sticking out in traffic. Now that we have the building, and the taxes we are told it will bring in, it is imperative for us to listen to you because you are the people who know.

When there was talk about waiting, you made the point that the cost of steel is going up. With the cost of oil increasing, the cost of the entire structure is going to increase. You have been asking for this light for years, and this is the opportunity not to have the Village pay for it because the developer has agreed to pay for it. If we wait we do not know what is going to happen. We have seen what has happened with Martin Ginsburg and the recreation fee he has tried to get out of. I do not know that Eric Anderson would try to get out of paying for this if we waited but, as you have made the point, the need is going to come momentarily.

This is not a simple intersection. This is two emergency vehicles coming onto the street. If there is an accident it is not only that there is an accident, which carries its own problem, but it is that somebody who has a heart attack dies or somebody who has a fire in the kitchen loses five rooms instead of one. That is what will happen if there is an accident when one of the emergency vehicles is coming out. If anybody is in any doubt about the need for this light I would urge them to consider these circumstances and vote for what you are asking for.

Trustee Goodman: I could not agree with Diggitt more. The subway called “aesthetics” left the station years ago. It left the station when the zoning code downtown was changed to permit the building, and part of the building to be built as-of-right. People in my neighborhood are still asking me how 45 Main came to be. So I cannot undo what was done, but I do regret that the Ambulance Corps building has been blocked of light, air, and view. I cannot imagine that the working conditions in the canyon are pleasant, and I feel the least I can do is support the department, the men and women that keep us safe, with a traffic light. It is a big old light for a big old building. I took a straw poll in my neighborhood and said, I am going to have to erect an ugly light. They said, so what?

The other thing that concerns me is that the Planning Board grants site approval. One of the elements they consider is vehicular and pedestrian safety. This was part of their site plan. It is kind of a shock to me that we are essentially revisiting the merits here. But the Planning Board are the experts in this. They have studied this building, the issue has been before them many times, and I do not see any reason to disrupt the sound reasoning and judgment of the Planning Board on this issue. I place great weight on the chiefs’ opinions as well. Just so the public who might be upset about the light understands, we are talking about this traffic report. They find that traffic on the street right now meets the criteria for a light.

We as a Board should plan for the future. Sometimes things are done in a snapshot of time. I have to look ahead five to ten years when the waterfront is being cleaned up and developed. I would expect the traffic on Main Street, which is going to be an east-west artery to the waterfront, to increase. I also looked at the capital improvement project budget, which at page 3 talks about possibly in the future, should we be lucky enough, to be able to construct a combined public safety facility. I would say that perhaps if the hook and the ambulance building one day get built somewhere else we can decommission the light. This might not be forever, but it has to be for the interim and is appropriate. I put aesthetics way low on my checklist, and think we should go forward with the light.

I can recall an applicant in August excoriating this Board because we were asking for more studies, asking questions, and revisiting things; and a complaint about more studies, more expense, delay in decision-making, and the inability to make decisions. We have enough in front of us. We have our Planning Board, we have a traffic study, we have the chiefs. I do not know what the holdup is. We should move forward.

Trustee McLaughlin: Talking with Chief Sarfaty last night, he said he would rather go into a burning building that direct traffic in front of the hook and the Ambulance Corps in terms of his own personal safety. That speaks pretty loudly of why this signal is necessary for the well-being of our volunteers.

Mayor Kinnally: Danielle, I must say this is the first time I have heard anybody on this board point to the sound reasoning and judgment of the Planning Board in connection with 45 Main Street.

Trustee McLaughlin: There is a first time for everything.

Trustee Goodman: On this point.

Mayor Kinnally: I do not think there is anybody in this room who wants to jeopardize the health and safety of anybody in the Village, much less the Fire Department. I hate this light, and people are going to forget all about it and are just going to see this *thing*. Even though Patty said no waivers are available, we have to continue to try to scale this thing down because it is going to overwhelm the area. I remember when we were discussing the design of the Community Center. One of the selling points was that coming westbound on Main Street, sweeping through the light and coming down, it is the first significant public structure you see coming down the hill. It is for naught at this point because it is going to be obliterated.

Certainly it is going to regulate traffic more than it is now regulated. But we are going to have to be as vigilant because of where the traffic is supposed to stop and where the Fire Department is going to rely upon this. This traffic is supposed to stop at the entrance to the Citibank parking lot going westbound and by Whitman Street going eastbound. People not only have to see the traffic control device has changed, but there are going to have to see where they are in connection with what they call a stop bar. It is going to be a few hundred feet from the traffic light. My fear is that any time you put up a traffic control device that the operator cannot rely solely on that traffic control device. You must look left and right a number of times, and proceed with caution. There may be people who do not know where the stop bar is.

Trustee Quinlan: I would like to put my thoughts on the record. We can go back about 45 Main and 10 West Main Street. I think the people in this village know, and if they do not know I plan to remind them, who up here supported Mr. Anderson and Urban Green and his development, and who on the Planning Board supported the development and who on the Zoning Board supported the development. I am not going to stand here and be responsible for this light. They are responsible because they built a building that was five times or six times as big as any other building on the street and were not preserving our Village character. That is one of the reasons I got up off the couch and ran for this position, so we could preserve Village character and have the Hastings we wanted to have.

That being said, the Fire Chief strongly advised we need it, the Planning Board strongly advised we need it and made it a condition of their approval, all for safety reasons. In my opinion, the safety of our Fire Department members, our residents, and those visiting our Village is of paramount importance. Safety trumps aesthetics, and we should move forward tonight and I am in favor of this resolution.

Mr. Gonder: I disagree with Trustee McLaughlin and you, Mr. Mayor. I think the people in this community would back the Fire Department and the Ambulance Corps if they recommend a light there and a big light, the bigger the better, if it is going to save someone from getting hurt in the Fire Department.

Trustee McLaughlin: Mr. Gonder, did you hear me disagree with the Fire Department?

Mr. Gonder: I heard what you said about the public. I thought you said the public would be up in arms. I am saying I think you are wrong, and I think the Mayor is wrong. Bigger is better, especially because people will get used to big lights up there. You have a big apartment there, you need big lights.

David Skolnik, 47 Hillside Avenue: I am not in any way unsupportive of the Chiefs or of the department. I am new to this discussion, but there are a number of seeming inconsistencies. You all agree that it is unfortunate, but what I am hearing is you all feel your hands are tied at this point in addressing the aesthetics which you otherwise would. But here are a couple of questions. The traffic report, is that something that is on-line at this point? Is that a document?

Mayor Kinnally: It is a public document. I do not know if it is on-line, though.

Village Technology Assistant Corso: I do not think so.

Mr. Skolnik: So its availability extends where? I would come in if I wanted to see it. In that report is there a mockup, a picture?

Mayor Kinnally: No, it has nothing to do with the traffic light design. That design is evolving, and nobody anticipated that we would have something as large as this. Neither the developer nor the Planning Board nor the Fire Chief expected that we would have this array on the poles.

Mr. Skolnik: Nevertheless, does anyone have an image?

Mayor Kinnally: We have a pencil sketch showing it. That is all.

Mr. Skolnik: Within this zone, what is the organization that has to review anything that affects sight line?

Mayor Kinnally: The Zoning Board? The ARB? I do not know.

Village Attorney Stecich: The view preservation?

Mayor Kinnally: I do not know if it comes within that.

Village Attorney Stecich: No, it would not.

Mayor Kinnally: The Village is not bound by it.

Mr. Skolnik: I am going to ask something that the Chief of Police has raised in conjunction with the school traffic situation, which is statistics.

Mayor Kinnally: It is in the report. There have been no accidents in the area immediately adjacent to the hook or to the Ambulance Corps building. I believe they cite 33 accidents in a three-year period in the corridor, which means Main Street from Warburton Avenue to Five Corners.

Trustee Goodman: In the corridor, near the emergency services building.

Mayor Kinnally: But it says the corridor. It is not a long street. Anything would be near the Ambulance Corps. They went from Five Corners to Warburton Avenue on Main Street.

Mr. Skolnik: I am not discounting in any way the issues. I am as concerned for the safety of the fire and Ambulance Corps as I am about the kids that walk around the school. It is remarkable how parallel a lot of the discussion is, including issues of statistics and traffic. One of the chiefs mentioned that this request for the light has been ongoing for many years. The implication would be that in some respects it has absolutely nothing to do with 45 Main or, perhaps, even the building that was built in 1996. This has been an ongoing issue. I do not know that there are any statistics that show that with the construction there has been an increase. There might be, but I am not seeing those.

There is the implication that with 45 Main coming into action, along with the Community Center, there is more activity in general, both street activity and pedestrians. It has struck me that that is a long street, it has got issues, and yet people have been crossing that street without a light. People are not going to walk up to Five Corners, they are not going to walk down to Warburton to cross the street to get to the other side. So the likelihood with more traffic, more pedestrian traffic and with people living there, there is going to be, in general, more crossing the street. If it were not for the fact that the Ambulance Corps and the Fire Department are there, even with the increase in pedestrian traffic, we would not be talking about putting a light there.

Mayor Kinnally: I guarantee you would not be talking about it. The state probably would not allow it because it is not an intersection. There is no reason to have a traffic control device in the middle of a block. There is no intersection there.

Mr. Skolnik: While I disagree with that formulation, I am sure you are right and I would not begin to engage in that at this point. To me, you have that kind of stretch where you do have that kind of crossing. I have seen streets like this out in Long Island and in other places.

Village Attorney Stecich: Dave, I have an extra copy of the report.

John Wolsky, Chairman, Hook and Ladder: I am here to speak on behalf of my members. Our members have supported the idea of a traffic light ever since it was first proposed, around the time of construction of the current ambulance building. I am also speaking from a personal perspective, as I am two-time past captain of the hook and ladder company, serving from 1993 to 1995, and again 2000 to 2004; sitting in the captain's seat, blowing sirens and loud air horns, trying to provide a slot in traffic where we can safely get this 20-ton truck rolling to an alarm. I have seen the distracted motorist more interested in looking for where the fire is, and not realizing that they are driving in front of us.

I was injured in the line of duty some time ago by the same type of motorist more interested in looking for the accident than paying attention to their driving. It is not only responding to the calls, which everybody seems to believe is the end of it. You do your counts on your number of ambulance calls and number of fire calls, you do not realize that is times two; we have still got to get these trucks back in the garage. The only way we can stop traffic is to put our members at risk out in the middle of traffic, with no real authority, to try and get people to stop so we can back these trucks back into the garage. At dusk, which is when I got hit, that is a real problem. The traffic light, the bigger the better. At least it is something that is going to help us, give us a safety zone that we can complete the call. And the call is not completed until the trucks are back in. I ask the Board to vote your conscience and do not put a price on safety.

Fire Chief Bannon: I would like to address the issue of the men. We recently sent one of our members to be certified as a safety driving instructor. He will take all of our drivers, and we will have new mandates. We are not going to just rely on this light to stop traffic. Part of responding to an alarm is lights and siren. You have to have someone riding shotgun with you so they can take the opposite corners with you. You are always in radio communication with not only the ambulance, but when you get to Five Corners you have two other pieces of apparatus coming down. So we will address the issue of the driving, and the members will have all safety concerns addressed so they will not rely on this light as okay it is green, we can go, and just go. We know the way people are in Hastings, and we would like everybody to go home at night.

Trustee McLaughlin: How much will this light cost?

Mayor Kinnally: Between construction, design, and erection \$75,000.

Trustee McLaughlin: If we had to meet this out of our collective pockets how much would the tax rate have to go up?

Mayor Kinnally: It probably would be a capital item, so whatever the useful life is over 30 years.

Trustee Goodman: Thank you, Mr. Wolsky, for that expert opinion. I was not thinking about the ambulance or the hook coming back, and that was a very good point.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 8 of 2008 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic as follows:

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

Section 1: Section 282-10 of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new paragraph C:

- C. A manually operated on-demand traffic control signal on Main Street in front of the Fire House.

Section 2: This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

**55:08 WESTCHESTER URBAN COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM APPLICATION 2009 - 2011**

Village Manager Frobel: It is time for the Village to consider the two-year CDBG program. We are looking to continue the program of sidewalk improvement and construction in those areas in which there is a demonstrated need. In keeping with our capital improvement plan, we are looking to submit for funding for replacement of the senior

van. It has been our philosophy to seek out aggressively grants that are available to the community to address needs, and we believe this accomplishes it. Angie has put together a program to demonstrate some of the need. We will be joining with other communities for a very limited amount of money. But we believe we have a good program, and let us hope.

Village Planner Witkowski: I will give just a brief summary on the block grant program. The money comes from HUD. It was authorized by the Housing and Community Development Act of 1974. There are three different block grant programs. One is Entitlement Communities. Those are cities of 50,000 or more. There are Urban County Consortiums, which is what we are a part of with Westchester County. Then there is the Small Cities Program, which is for communities that are less than 50,000 and outside of an urban area; those are administered by the state and would be competing state-wide. In our program we compete with other Westchester County communities.

It is a three-year program: fiscal years 2009, 2010, and 2011. The applications are due June 2 at the county, and then they will be reviewed by the county planning department. They go through and prioritize which ones are best. They have to meet one of three national objectives: to benefit low-moderate income persons; eliminate or prevent slum and blight; or meet an urgent need of recent origin. If a project is in a block group within the target area, there does not have to be any more justification for the project because it is within the target area. That is the case with the sidewalk projects.

The east side of Maple would be for 2010. The west side of Broadway we put into the third year because we want to coordinate those two projects with any Broadway improvements that may be coming as a result of the transportation plan.

There was about \$9,000 in maintenance this past year on the senior van. It was acquired in 2000, so it is coming up to its 10-year useful life and it does have a lot of use. The match that is shown for the senior van, \$60,000, is the actual vehicle and \$33,000 is the local match. That would include the cost of the part-time driver, the annual cost, and maintenance and gas. I discussed it with Mike Gunther and those were the estimates he gave me on maintenance.

Mayor Kinnally: A good point is the coordination of the sidewalk in the targeted areas, the Broadway area, so we can do it in one comprehensive package. We may get a better rate, and there would be less disruption tying up that area once rather than doing it piecemeal.

Village Planner Witkowski: That is another thing the county planning department looks at when they are reviewing these projects. It is coordinated with that. I gave Suzette Lopane,

our CDBG liaison, a copy of the transportation plan. She looked at the map of the sidewalks and where they needed improvements. One of their priorities is improving pedestrian access.

Mayor Kinnally: Wonderful, thank you. Any comments or questions from the Board?

Village Manager Frobel: I would just simply add that the senior van, which will be included in our application, is a gas-powered vehicle. We have initiated a conversation with the New York State DOT and the New York Power Authority. They are inclined to support an effort, if we are successful in getting this block grant, to help us acquire a hybrid-powered vehicle. That is in the cards, and they are enthused about this.

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

RESOLVED: that the Mayor and the Village of Hastings-on-Hudson Board of Trustees approve the submittal of the FY 2009 - 2011 Community Development Block Grant Application (CDBG) for the project grants administered through the Westchester CDBG Urban County Consortium as follows:

PROJECT	CDBG FY	CDBG Amount	Village Amount	Total Cost
1. Senior Van (14 Passenger, including 1 wheelchair space & 1 driver; Village Amount includes Van Driver, Gas and Maintenance annual est.)	FY 2009	\$60,000	\$33,000	\$93,000
2. Pedestrian Improvements: Sidewalk and Curb Replacement				
2A E. Side of Maple Avenue between Spring and North Streets	FY 2010	\$40,000	\$40,000	\$80,000
2B West Side of Broadway between Main Street and Washington	FY 2011	\$40,000	\$40,000	\$80,000
2C West Side of Broadway between Warburton and Main Street	FY 2011	\$35,000	\$35,000	\$70,000
TOTAL PEDESTRIAN IMPROVEMENT		\$115,000	\$115,000	\$230,000
TOTAL SENIOR CITIZEN VAN		\$60,000	\$33,000	\$93,000
TOTAL PEDESTRIAN IMPROVEMENT		\$115,000	\$115,000	\$230,000
TOTALS FY 2009-2011		\$175,000	\$148,000	\$323,000

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	

56:08 SCHEDULE PUBLIC HEARING PROPOSED LOCAL LAWS 9-23

Mayor Kinnally: We have received a draft of the proposed local laws and a memorandum outlining the genesis of this. It is a cleaning up to reflect both the realities of the 21st century and some of the practices that the Village has been engaged in to try to bring this code up to something beyond Hammurabi. Are we ready to schedule a public hearing? I know, Jerry, you had some concerns.

Trustee Quinlan: My concerns were met by Deputy Manager Maggiotto in her memorandum to me, so I am all set. Thank you.

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 schedule a Public Hearing for Tuesday, June 3, 2008 at 8:00 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Laws amending the Code of the Village of Hastings-on-Hudson as follows:

- No. 9 of 2008 Amending Chapter 48, Police, to Eliminate the Residency Requirement
- No. 10 of 2008 Deleting Chapter 76, Zoning Board of Appeals
- No. 11 of 2008 Deleting Chapter 79 Publication of Zoning Laws
- No. 12 of 2008 Amending Chapter 94 Animals to Eliminate the Position of Dog Warden
- No. 13 of 2008 Deleting Chapter 170 Ice Cream and Nonalcoholic Beverages
- No. 14 of 2008 Deleting Chapter 176 Junk Dealers
- No. 15 of 2008 Amending Chapter 184 Licenses and Permits
- No. 16 of 2008 Deleting Chapter 212 Peace and Good Order
- No. 17 of 2008 Amending Chapter 214 Peddling, Vending and Soliciting

No. 18 of 2008 Amending Chapter 241 Snow and Ice Removal
No. 19 of 2008 Amending Chapter 262 Taxicabs and Taxicab Drivers
No. 20 of 2008 Deleting Chapter 267 Trailers and Trailer Camps
No. 21 of 2008 Deleting Chapter 270 Trapping
No. 22 of 2008 Amending Chapter 282 Vehicles and Traffic
No. 23 of 2008 Amending Chapter 282 Village Property

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: Ray Gomes informs me that we are ready for opening day at the pool this Saturday. Everyone is reminded that it is a free swim day at the pool, so please come out and consider membership.

I have been promised, again by Ray Gomes and the contractor, that the work at Kinnally Cove will be completed by mid next week. The topsoil has all been raked out, it has been seeded. Ray is ordering some picnic tables and chairs for the park area, and the contractor assures us he will complete the railing and the guardrail by mid next week.

Mayor Kinnally: Wonderful. We are already getting comments and compliments on it, so it certainly has opened up the area. Sales of pool permits ongoing?

Village Manager Frobel: Very much so. In fact, until the end of the month they have an opportunity to take advantage of the early bird specials.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I have spoken with Joe Sontchi from ARCO and I have a report. First, the onshore drilling was completed in April. This is the supplemental core sampling that had to be done for the DNAPL. ARCO has discussed this with the DEC, and it appears the data provides sufficient delineation of what they call the DNAPL Onshore. The offshore work

has been, unfortunately, delayed. It will commence next week with mobilizing the equipment to the site. Equipment may be both onshore and offshore. They are going to bring in a barge with some of this equipment on it. Drilling will commence on the May 27. They will be collecting geotechnical data to aid with design issues and some environmental data to delineate the offshore area, and to be able to identify where the bulkhead will be in the northwest corner.

The drilling will last about five weeks, with geotechnical testing comprising most of the time. They will be drilling on the north side, which will be accessing the dock area owned by the Tennis Club. Most of their focus is going to be on the area around the corner of the property, and they are going to be coordinating that with Eileen Bedell, the owner of the Tennis Club. You will probably be seeing some activity down there, and do not be alarmed. They say five weeks, so that brings us to the end of June, beginning of July.

The DEC is moving this along and is trying to get the PRAP out, and they are still hoping to do that by the end of 2008. Progress is slow, but at least they are bringing the equipment in. That should finish all of the core sampling and generate the final data that will be used by not only the DEC, but also ARCO, in coming up with the final remediation plan. The first thing that has to be done is putting in the bulkhead and stabilizing it. Then they will determine whether they have to do remediation if they are taking any part of the river, and what will they have to do in the area to improve habitat and add to habitat area and wetlands in property as close to the site as possible.

2. Update on the Comprehensive Plan Committee

Trustee Quinlan: Last Wednesday the Hunter student report was delivered by the Comprehensive Plan Committee in the Community Center. Danielle, you and I were present at that interesting meeting. It was chock full of information, and I would ask everyone, if they have an opportunity, to catch it on Channel 75.

Village Technology Assistant Corso: Jerry, it is also on-line.

Trustee Quinlan: Thank you, Jen. Also, the Comprehensive Plan Committee met with the School Board last night and I understand that was a very productive meeting. Two members of the Comprehensive Plan Committee, Richard Bass and Ellen Hendrickx, are preparing a proposed outline for an RFP for the consultant. Carolyn Summers attended a Nature Conservancy workshop called "Rising Waters." She is part of the sustainable subcommittee. She said it was very interesting, and she and Michele Hertz are going to continue to attend the workshops and the rest of the series, and will update the CPC on that.

3. Summary Report on Transportation Plan Work Sessions

Trustee Swiderski: I have managed to dodge my responsibility here many times, so finally we should get this over with. There is some irony in that poor Mr. Skolnik, who has patiently waited until the end of a number of meetings only to find us canceled, is not here tonight to hear it.

Tuesday, March 11 we had the second of two transportation workshops which reviewed a transportation plan that was developed with the consultant who worked with the community to look at issues in the Village and identify high-priority projects. We and the Planning Board separately prioritized that list, and the first meeting tackled the first five proposals on that list. This one tackled the remaining six. The objective was to determine what steps, if any, we would be taking on that list of proposals. I am going to briefly go through those proposals and my memory of what was determined on each one, as well as some of the other action items that came out of that meeting.

First was a neck down and parking redesign of Mount Hope Boulevard. To some degree that was shelved because the school was planning an experimental drop-off zone there. Repainting and restriping along that segment of Mount Hope seemed to have addressed some of the problems that had previously been identified. It was determined that we go ahead with the school's experiment and see what would happen. We ran that experiment and it was found wanting. It was closed down on Monday.

River Street sidewalk improvement was not viewed as a high priority for now and was shelved. Maple Avenue traffic calming was discussed in some detail. The way I recall it, and I am not 100% sure I have this right, while there was some agreement there were issues there. No consensus that the proposal within the transportation plan was adequate to address it. So the proposal was shelved, though it was left open that it remains an issue, that possibly a mid-block stop sign or crossing might be discussed, and was put aside. We had a median along Farragut Parkway with various interruptions. This was a physical median with plantings and raised curbing. It was agreed that that was far too costly, ambitious, and difficult to maintain and instead that the striping we are talking about doing on Broadway might make sense there to bring what is a two-lane entry into the Village down to one lane. That was remanded to Fran to eventually bring up with the county. We had some discussion about how far that striping would go, and seemed to agree it would end where the parkway ended, where it blends into the avenue. There was a proposal for a sidewalk along Edgewood Avenue, and that was not viewed as a priority by anyone. Finally, the by now infamous Five Corners roundabout proposal was rather vehemently viewed as not a priority by a number of people.

There were other action items that came out of the discussion: to pursue money for the Safe Walk to School program; for the sidewalk along Hillside that had been approved in the previous meeting; and discussion of a committee to be formed in conjunction with the School Board to address the ongoing set of traffic issues around the school and the proposal. There were two Trustees and two members from the School Board getting together and beginning to work through the various issues and problems, and trying to think about the set of issues around the school holistically. Two members of the Board stepped up to that. The representatives from the School Board went away saying they would bring it up with their board and to date that has not happened, but it still remains of interest.

If anyone on the Board would like to correct my memory in any way, or add to it, I would appreciate it. What did I tell you? Mr. Skolnik is just showing up.

Trustee McLaughlin: Did you mean a sidewalk along Hillside or a sidewalk along Lefurgy?

Trustee Swiderski: You are absolutely right. It was Hillside. We had approved a sidewalk from the previous proposal, and there was also discussion about Lefurgy as well.

5. Report on Climate Action Week

Trustee McLaughlin: This has been put off almost as long as the transportation report was. From April 1 until April 7, seven days straight Tuesday through Monday, there was a Climate Action Week program in the Village. It was sponsored by the Mayor and the Board of Trustees, the Conservation Commission, the Public Health Committee, and Sustainable Hastings, which is a private group. Several of the days had panel discussions, there was an authors' talk, there was a kids night, a mayors' conference, and a green living fair jointly sponsored by the Town of Greenburgh.

Attendance for the various programs was all over the lot. But the high point of the week was the kids' night, which had probably 300 people attending, lots and lots and lots of kids. People really liked it. Haven Colgate and Kerry-Jane King were the two main organizers of that night and were very happy with the way things turned out. Saturday afternoon was the green living fair, which was overseen by Elisa Zazzara and Deanne Cartwright, and Sustainable Hastings. That was also very successful. The community center was full of people upstairs and down.

It was the first time, to my knowledge, that a group of Village and private committees had attempted something like that. There were growing pains and learning pains, but we got a lot of praise from the press and from most residents who attended. There were some residents

who thought the Village should not sponsor something like that, it was not our business. The costs were underwritten. We had grants from ARCO of \$5,000, and from the New York Power Authority of \$2,000. I am not sure whether I have had all the expenses in yet, although I have handed everything that I have to Fran Frobel. We have not yet spent all that money and I had budgeted to spend it all, so it seems as though people have been making contributions and have not submitted expenses.

So I was pleased with it. Peter, as the liaison to the Conservation Commission, what do you have to say?

Trustee Swiderski: I attended a number of events. The children's evening on Friday was exceptionally fun, noisy, active, and educational. I also thought the public health forum addressed issues we do not typically hear and was exceptionally interesting and engaging. If I have any pang, I wish even more people had a chance to experience and enjoy the week because the quality of both the events and the speakers was remarkable.

Trustee McLaughlin: I have, over the years, organized a fair number of things like the Hudson River lecture series at the Beczak Center, and you get the audience you get. There is not much way of forecasting what you will get. With the Hudson River lecture series we would have great speakers and get 15 people. The next one we might have Bobby Kennedy, Jr. and get 300. People attend what they attend, and when you are putting together something like that you do the best you can. I agree. I think the public health program was quite exceptional and unusual. I am grateful to Danielle because she was the person who had suggested it.

Mayor Kinnally: It is an exceptional committee, too. The expertise we have on that committee is just something else.

6. Miscellaneous

Trustee Quinlan: Since the Fire Department was here tonight, I have some good news. Our Democratic senator, Andrea Stewart-Cousins, and the Hastings-on-Hudson Fire Department, with a very minor role of myself in coordinating, made an application for a legislative grant for an emergency generator. The budget recently passed and includes \$10,000 for that emergency generator. The state agencies are responsible for sending us the contract, and they will be contacting Chief Bannon in a short period of time. This is something that Hastings has wanted and needed, and I want to thank Senator Andrea Stewart-Cousins for remembering Hastings. If she is listening, or anybody who knows her is listening, I want to remind her that we will remember her as she remembered us. Thank you, Andrea.

Mayor Kinnally: That is great news. Any idea when we will get that money?

Trustee Quinlan: Probably in a number of months. They are going to send us the application and we are going to fill it out, and hopefully we will receive it sometime this fall.

Trustee Goodman: The Advisory Committee for the Handicapped met for the first time in recent memory and elected Jack Gavin as chair. It is committed to surveying the Village and making it a more handicapped accessible place. What struck me is the members. They are all impacted, either themselves or have adult children that they reared in Hastings or are currently rearing handicapped children. There are so many battles they fight every day outside of Hastings: the system, insurance, and the like. I did say to them it is difficult and you have no control over the outside. But what struck me, and a commitment I made to them, is that you should have control within the bounds of Hastings. So they are going to be making some observations with the goal of making this a more accessible and more easily negotiated place.

Mayor Kinnally: Wonderful. Congratulations to Jack, a former Village Trustee. He was on the Board with me when I first got here, and served well. I think the community is well served by having Jack back in harness.

Trustee Swiderski: On the VOC, the Finneran Committee continues to meet. The villages had a consolidated letter setting out our position, which all the mayors signed, with this committee that is looking to modify the Finneran Law which is the source of much angst and a lawsuit. Three of the villages' conditions for accepting changes to the law were that it not involve a laundry list of facilities that will be approved; that it not be tackled piecemeal, but rather something thoughtful and done once so we are not returning to Albany multiple times; and finally that it be principle-based, that it be driven by something fairly simple that will stand the test of time.

Interestingly enough, over the course of these three meetings the positions have drifted toward our objectives on the first two. They have agreed that it should not be a laundry list and that it should not be tackled piecemeal, but rather a single piece of legislation, which they have acknowledged will not be in this March for the current legislative session. It remains to be seen whether they will come around to something that is principle-based, but driving the discussion in that direction was an interesting report produced by one of the hardcore sort of unincorporated rules members describing every single program where non-unincorporated members attend. It turned out to be dozens of programs that everybody at the meeting acknowledged made sense for non-unincorporated residents to be attending, whether disabled children attending the pool or elderly attending swing dance lessons or whatever. It turned out that indeed the Town was letting villagers in where it made sense and that nobody

is being taken advantage of. We are hoping that study will drive a realization that trusting the Town board with some flexibility here makes sense.

Secondly, the initiative to get the various villages to begin to cooperate seems to be moving forward. There have been a couple of meetings now, both on repaving as well as some subsidiary meetings on where the Village and the Town might be able to save money on larger bids. That is a positive development that could down the road have a real effect positively on all of us. So more good news than we are used to seeing out of these endless efforts, in the right direction for once.

Trustee McLaughlin: Peter, before you came Mr. Gonder had asked us about Dr. Padawer's deer report and asked what we were going to do. Mayor, why do you not say what it was you agreed to do.

Mayor Kinnally: Reach out to the other municipalities to see if there is an appetite, and also to get a coalition to address state senators and state assemblymen, to see if we can go upstream with this.

Trustee Swiderski: Perfect.

Mayor Kinnally: I went to the Westchester municipal officials' dinner, and that's good to get together with people. We did not talk about this in particular, but the keynote speaker was the county executive from Rockland County and he talked about cooperative services. There is a lot to be said in sitting down, exchanging information, and seeing how people do it across the river. Maybe it is different from what we do here, maybe it is better, and the cross-pollination.

Next time we have to give some consideration to a summer schedule. I would ask everyone to see what their vacation plans are for the summer and be ready to address that.

An announcement to the community. The leaf blower ban regulation is in effect; we are in that blackout period so you cannot use them.

Trustee Goodman: Tomorrow night in the Community Center the Senior Council is meeting to discuss plans for starting in Hastings an aging-in-place program. The Citizen Corps is having a membership drive meeting on May 29 at 8 p.m. in the Community Center. During Climate Action Week we had 35 people sign up as interested in joining, so thank you Climate Action Week for providing Citizen Corps with an opportunity to reach out to prospective new members.

Village Planner Witkowski: On May 29 the Westchester Municipal Planning Federation is having their annual meeting. The James Harmon Community Center is one of the planning projects that is being honored.

EXECUTIVE SESSION

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

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 10:19 p.m.