

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
MAY 6, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, May 6, 2008 at 8:20 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Fobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Two (2).

**PRESENTATION - Deer Committee Report - Dr. Jacques Padawer**

**Mayor Kinnally:** Our first item of business is a presentation of the Deer Committee report. Dr. Jacques Padawer is here. Thank you for your written report. We thank you for coming and are anxious to hear what you have to say.

**Dr. Jacques Padawer:** I thank you and the Board for asking to hear about it. It is an important topic. I sent you an outline, which was really made for myself, but I will be glad to expand on anything you wish.

The idea of this started with the Hastings Conservation Commission which came to this Board and asked for this to become an official Village activity. This was given. We invited Mr. Feiner to one of our early meetings, and he seemed to be impressed. He invited my co-chair, Cynthia Altman, and I to speak at his weekly radio program. Then he asked us to enlarge the committee to represent all of Greenburgh rather than just Hastings, to which we agreed. We were both named co-chairs.

Our mission is to explore the problem of overpopulation and evaluate solutions regarding environmental damage, accident, and health issues. We are advisory to the Village and the town boards, so it is up to you to take action once we turn in a final summary. Let me tell you about the so-called Greenburgh Deer Committee. The word committee is perhaps a misnomer. Some 70 people volunteered to be on it; 70 people on a committee is too much of a crowd to get much done. On the other hand, it had the advantage of a large amount of input from all walks of life: some people were for, some against, and this was true of every issue that came up. I considered this a big advantage. We heard everybody.

I am a scientist and I approached this as a scientist, which means that I had a clear mind. I had my own ideas, which turned out to be wrong, by the way. I figured let us look at the data and where we can find it. We eventually did that, assigned tasks to various members of the

group, which turned out to be more of a town meeting or think tank. These people gathered the data and came to us. Another advantage of the large group is that we had all kinds of expertise. We had a couple of hunters, some animal rights advocates, some people that were absolutely upset over the deer and what they do, a nurse, you name it. We were able to get information from all of these people on the technical end. I know nothing about hunting, so I was glad to have them there to tell me about it.

Because the committee was self-selected it was a very heterogeneous group and the idea of taking a vote did not make any sense. It only makes sense if you are a representative group. I took the attitude that I would take in any of my own experiments: if you are going to have a representative group you have to do it with a random number table with telephone numbers and so forth. We never got any money for this committee, so that was out of the question. As a result, we did not take any votes, but endeavored to summarize the ideas.

The animal rights people were rather vocal, if not aggressive. Not all of them; some of them were open-minded, and very helpful in steering us to look at what the national animal rights groups have to say. It turned out they are much more liberal and understanding than some of the extremists on the committee. Number two, some of the animal rights people brought in some of their friends to pack the meeting and then asked for a vote which, of course, we refused to take. One of them even invited her father, who does not live in Greenburgh. He came and started to talk as if he were a member of the committee. Obviously, we have had our problems, but have managed to go through them anyway.

Let me tell you the guiding principle of the group. We felt our main job was to educate people. How do we do that? We take all the ideas they bring in and examine them in detail with data that are reliable, such as databases from the NIH, the disease control group, you name it. We got a lot of information. We took the complaints that people in the town brought out, and looked at if they were realistic. For instance, many people, including myself, thought that we have displaced the deer and the poor things do not have anything to eat unless they come to our gardens. That is wrong. We have invited them because we have much better stuff here than they have in the woods. The same thing is true of many other things. Some people said shoot them, some people said poison them. We had a questionnaire that listed these things, tallied what went on and could see what is what. Then we knew what was involved in each one of these cases.

Another deer committee was set up for Westchester County. It is headed by Walter Greenawalt. They were not volunteers, but chosen supposedly to cover the waterfront. So perhaps they will have more of a leg to stand on to take votes. But I have not asked him, and he has not told me. In fact, he has told me he could not tell me much about his committee until he presents it to the county.

Our rules were that we were not going to accept any hearsay; you have to back it up. We were going to reject any personal agendas. All concerns would be addressed, and the only data was from the scientific literature, Google, NIH MEDLINE databases, *The Enterprise* letters to the editor, and reports from other committees. We did not want any elitism, nor shifting of problems from one group to another.

Our conclusions were very simple. Number one, Lyme disease is a major health problem, much bigger than anybody is willing to accept. It is a terrible disease. If it is not caught in time, which happens very often because the symptoms are very confusing and may not show for awhile, the bacteria gain access to the nervous system. There is such a thing as a blood brain barrier and a blood nerve barrier. The barrier is to keep noxious environmental substances from impinging on the brain. But at the same time, it prevents antibodies and other things from the immune system from going across into the brain. Once the bacteria have gained access, and they can do that fairly quickly, you are in trouble because the antibiotics do not go across the brain so easily either.

There are three things that are important. People said it is not the deer, it is the mice. So we decided we have to explain what the life cycle of the tick is. The adult ticks are on the deer. That is the best place for them to breed because when a deer goes through the brush with its head down it picks up ticks like a vacuum cleaner. They have counted between 500 and 1,000 ticks on the head of one deer. Ticks do not jump, they do not fly. They cannot walk far. But when there are that many on the head of a deer they are shoulder to shoulder and the male and female ticks have no problem finding each other to breed. So the deer is critical for adult reproduction of the ticks. When they are bred, the female lays about 1,000 to 5,000 eggs. Luckily most of those will not survive.

The next step is larvae that attach themselves to small mammals. The tick has three stages: the larva, the nymph, and then the adult. They all have to get one blood meal per phase. The nymphs can go on small mammals, but adults have to go on large mammals: cats, dogs, humans. The mouse, which is the intermediate, the nymph host, carries the bacteria of Lyme disease, and several other things. Ticks can transmit five or six pathogens to humans and they are serious pathogens, but Lyme is the main one. The nymph carries the pathogens from the mouse. When it goes to the next host, which is us mainly, it carries the pathogens that it picked up in the mouse, including the Lyme bacilli spirochete, and transmits them to us. So the mouse is necessary for the nymphs, but then the nymphs are necessary to transmit it to us. You have this system of a vector, which is the tick, the reservoir which is the mouse, and the deer which is where they multiply. In this area, because of the temperature and climate, it takes about two years to go through a cycle. So one cannot say it is the mice, or the deer, or it is us. It is all of us. We are part of this system.

**Mayor Kinnally:** How do we break the cycle?

**Dr. Padawer:** The way to break the cycle is to prevent them from breeding. Where do they breed? On the deer. So we have to reduce the number of deer, otherwise we are not going to lick the problem. There are systems to try to kill the ticks, but this does not do much. It is very hard to do because whatever is available is for small areas, not big areas. You cannot prevent Hillside Park from being invaded. And the deer travel. As they travel, they drop the ticks. They can drop the infected ticks over a couple of square miles at a time. I do not mean get rid of all of them, that would be deleterious. We need some deer around, but we do not need as many as we have.

The DEC has figured out that about five or six deer per square mile is all that is sustainable because they destroy the environment. They browse. Five years ago I could look in back of my house and I could not see the next street. Now I can see two or three streets beyond. All the underbrush is gone, and with the underbrush many insects, including butterflies, and many wildflowers, and birds that have nothing to feed on. Ground-nesting birds do not have a place to hide and so on. So it extends to a very broad spectrum of our environment.

The number of ticks was tested in Hastings and Dobbs Ferry by a company that volunteered, without our asking, to sample how many deer there were around the Hillside School playground, around the pool and tennis court, and in Dobbs Ferry. They picked up the ticks by the standard method and found out how many they got, and then took the gut out of the tick which is where the bacteria are located. They put them under a microscope with a special stain which is specific for the Borrelia germ, which is the germ for Lyme disease, and fluoresced in ultraviolet light. Something like 30% of the ticks they collected around these three or four sites were infected.

The way they did it, they picked up the deer with a special claw for six minutes and counted the ticks. Six minutes is about the time it would take a kid to run from the playground into the edge of the woods to catch the ball that went astray. That would be time enough for them to pick up at least one tick, with a 30% chance of catching one of those pathogens. It is something serious. We presented this to a previous Board, I am sure Mr. Kinnally remembers, and not much was done. We presented it to the school. The school would not even talk to us. They did not want to hear we had done this. Maybe they were afraid of being sued if they knew. It is beyond me to understand why they did not do something about it. But that same outfit nowadays apparently has about 20 or 30 school districts in Connecticut that it samples every year.

You realize if we have a lot of deer they are going to replace each other all the time. If we can reduce them there is going to be much less need to do this year after year. But the deer multiply very fast. In fact, they double roughly every two years. To make a real dent in their population we have to cull, meaning kill, about 70 to 80% the first year and then 40% every year thereafter to maintain the numbers down. There is no fodder for the deer over our roads, or on the footprints of our buildings or parking lots. So we have to count only where vegetation is growing. A couple of years ago I counted 22 deer on my property, which is roughly a third of an acre. That tells you where we are at.

How do we get rid of the deer? People said guns, but you cannot have guns in town; that is a non-brainer. We do not allow people to just take a gun and go shoot them. We do it through expert riflemen; better not with a rifle because the bullets go too far, but with shotguns. And not arrows because arrows do not kill deer fast enough. Many of them run away and will die several properties later or days later from their wounds, and we do not want them to suffer. The committee thought we could use tranquilizer darts to tranquilize the deer. Then someone could approach the animal at close range with a pistol and a silencer so the noise does not bother anybody, and euthanize them that way.

That would be the most humane way of doing it. The DEC does not allow this, although they do it themselves in some places. One of the things I hoped could be done would be for boards like yours to convince the DEC that it should be done that way, and if they want to they can control it and guide us in it. Obviously, the deer do not know where Hastings stops and Dobbs Ferry begins so we need cooperation between the villages for all of Greenburgh and beyond. Connecticut is full of them, Massachusetts is full, Virginia is full. This should eventually become a national project. Deer numbers have multiplied by the millions. If you look at the data, it is a logarithmic curve.

The suggestions that have been made are all either untenable, ineffective, or illegal except hunting, which is what the DEC suggests. Hunting is fine when you go out into the countryside but it is not feasible in Hastings. Even so, I should tell you that there is a good deal of poaching. Two deer were found dead on the school property. One was found dead with an arrow in it in Sugar Pond. In Irvington somebody found a deer decapitated. Somebody had taken it for its nice antlers. They are so well-fed they have beautiful racks. So we are inviting people to come in and do dangerous things which are not under our control. The police cannot do it. The police will shoot a raccoon or some other animal that is sick. There is no reason they could not do that with deer as well. They know how to handle their weapons, they are safe, and everybody would trust them for that.

The other paradox is that if you kill less than the amount I said you have more offspring the next year. They have tested this in some areas. They find that if you kill too few deer one

year there is more food left for the others. They are better nourished, and instead of having one fawn a year they will have two or three. You end up with more deer than you started with. So it does not make sense to approach it in too small a way.

The sharpshooter can be hired. It costs money, unless you can find some that will do it for nothing. I do not know many that will. The archers will. But that is something I do not like because the deer escape too often, wounded, and die someplace else. And then you have a problem because nobody will touch them when they are on your property. You have to drive them onto the roadbed before the DPW will take care of it.

Just as we had a tremendous argument with the animal rights people, most elected officials are afraid of them because they are very vocal. The people who would like to see the deer go are too quiet. They are afraid to speak. The animal rights people are not. They are very vocal. We have had some really violent sessions almost. But this is a misconception on the part of elected officials. There is a mayor in Princeton, New Jersey who passed an ordinance to kill deer. She met with a tremendous outcry. Eventually she carried it through. She was punished in the next election by getting in by a landslide. I think the message is clear.

All I can say is that divided we fall, while deer multiply and destroy.

**Mayor Kinnally:** But as much as you have identified the problems, the solution is on a regional basis.

**Dr. Padawer:** Ideally, yes.

**Mayor Kinnally:** Realistically.

**Dr. Padawer:** But it takes leadership to get it going.

**Mayor Kinnally:** I think what you are saying is that there has to be a way of approaching either county or state government to come up with a solution that we can implement here.

**Dr. Padawer:** You are starting too high. My feeling is that if you talk to the boards, in Dobbs Ferry and Ardsley and so forth, before you know it you will have a whole group of people within our neighborhood that will agree that something has to be done. They then have the power to go higher.

**Mayor Kinnally:** That is what I am saying: regional, and then you work your way up. I agree, but the strength has to be in numbers.

**Dr. Padawer:** Yes, it does. But it also has to be encouraged. If you shy away from it, it is not going to help. And if everybody says let the other guy do it, it is not going to help. Maybe this board cannot say we are going to do it tomorrow. But this board could go to the Dobbs Ferry board, the Ardsley board, and suggest we all get together. You have to know how many you have and know where they are. The only way to do it is by an infrared aerial survey, because the deer are warm. If you do this in the winter months when it is cold there is a good differential between the earth and the deer. You can actually tell individual deer.

We had an offer by an air group that does this work three years ago. For \$30,000 plus about \$5,000 in expenses on our part to get them the maps from the Village and the area, they would have given us that kind of a survey. That would amount to only about \$5,000 per Village. But that did not fly. I do not know if the offer is still on the table, but I could give you the information if you want to contact them. If we know what the numbers are, and where they are, then we know what 70% is the first year, 40% the next year, and so forth.

There are very few deer in Elmsford. Most of the deer are on the west side of Sprain Parkway. On the other side we have relatively few. So over here, I think in the Village proper, we should really eliminate them. They cause too many accidents. We got data from the Hastings Police Department and the others that answered. We had about one accident every month with a deer hitting a car or a car hitting a deer. Do not think it is only the car that does it. They can hit you from the side. They can jump on the hood of your car as you pass by. So it is not really in your power.

**Mayor Kinnally:** Jacques, we are all in agreement that it is a problem. The issue is, even if you get the data from the aerial surveillance, what do you do with it?

**Dr. Padawer:** It depends if you want to spend the money.

**Mayor Kinnally:** You can have all the money in the world but not be able to eradicate the deer.

**Dr. Padawer:** We do not want to eradicate them.

**Mayor Kinnally:** Well, eradicate a good number of them. We have to wrap this up, but what is the timing, if you know, of the Westchester County study?

**Dr. Padawer:** I have no idea. A few months ago he told me it was going to be ready in September. I called him about a week ago and asked him. By the way, I sent him a lot of my information. He wrote back and said we are not ready; I cannot give you our information because we have to present it first to the county. I could have said that to him, too, but I am

not looking for, let us say, the honor of having come with data. I want something done about Lyme disease, about the accidents, about the damage to the environment.

**Mayor Kinnally:** We will reach out and see what their timing is because I think that is the important thing. We have to work, and we can work, with our neighboring villages. And we do all the time. The local level has to be the agent to bring it to the state. I went to the DEC a number of years ago to ask them to address the situation of the deer on the Aqueduct and they would not do it. They would not take any measures to address it.

**Dr. Padawer:** But the DEC represents the hunters and the state. The state makes millions of dollars every year from licensing and the taxes on everything associated with hunting. These figures, by the way, are from Mr. Schumer who published it in a letter. He was very upset because in upstate New York a few deer came down with mad deer disease, which is the same thing as mad cow disease. If that spreads we are in real trouble. But it seems to me the same rule does not make sense in Hastings' center as it does out in the woods.

**Mayor Kinnally:** In an urban setting, yes, there is no question about it.

**Dr. Padawer:** So we have to change that.

**Mayor Kinnally:** That is why I say we have to start here and work our way up.

**Trustee Goodman:** I just want to point this out. Upstate, in places like Rochester, Lyme disease is not a problem so there is a difference and the DEC should look at that. It is too cold up there.

**Dr. Padawer:** That is correct.

**Trustee Goodman:** It is a whole different climate, and there is not the same concern. Did the state give a reason why it was not in favor of the tranquilizer and marksman?

**Dr. Padawer:** I do not know. They use it in some cases so there is no reason why they should not extend that to Hastings. We could invite them to supervise it and control it so it is done their way. You would need, supposedly, a veterinarian so you do not over-anesthetize them. That is nonsense. If you give them too big a dose they will die, and that is what you want to do anyway. That is a no-brainer. You do this at short range. There are antidotes in case you shoot somebody by mistake. I guess if you have a family discord and the wife wants to get rid of the husband she could do something like that, but that is not something one should consider. It is not going to happen.



Really, there is no good reason why the state does not do it, except that the state does not want to introduce the possibility in villages because they are afraid it will then be extended further out. They are really helping the hunters and the state in terms of income and taxes. So we have a problem there. They are not neutral. They have an axe to grind.

**Trustee McLaughlin:** New York State must have climate data to do with the number of days every year that temperatures are below freezing. There must be a line that can be mapped, and north of it there is no Lyme disease. There is not?

**Dr. Padawer:** There is Lyme disease in Massachusetts, which is further north. There is Lyme disease in New Hampshire.

**Trustee McLaughlin:** Is there Lyme disease in Quebec or Ontario? Is there Lyme disease in Canada, or where does it end?

**Trustee Goodman:** But it is not as prevalent up there.

**Dr. Padawer:** It is not as prevalent because if it gets too cold ticks do not survive.

**Trustee McLaughlin:** That is the line I was thinking of, s a survival line for ticks.

**Dr. Padawer:** You mulch the plants in your garden in the winter. Why do you do that? To keep a little heat from the ground around the roots so they will not freeze. That is where the larvae are, that is where the eggs hatch. So they are protected by the mulch as well. Even though the temperature goes down at street level, it is not so under the mulch as it is in the woods or in your garden.

**Trustee McLaughlin:** That is where I intended to take this. We could approach our state legislators, for instance, to discuss with them that this is a problem. I guess we would need a resolution to take to them that we would like their help.

**Dr. Padawer:** But the trouble with that is that they would approach it the way myself or anybody else would, without having really looked at the details of what is involved.

**Trustee McLaughlin:** But if we approach Greenburgh's legislators, for instance, with the other villages in Greenburgh or with the Town of Greenburgh as a group, we will be speaking with many voices and with your data. And presumably, sooner or later, we would have data from the county.

**Dr. Padawer:** Our idea would be to complete our report and have it published by the Village so the people can look at the data and say, I thought this was good and it is not.

**Mayor Kinnally:** When do you think that report will be finished?

**Dr. Padawer:** I do not know. Right now I am about the only one that is still writing it. All the others have disbanded. They have given me their data. But I have to finish and there are other things I have to do as well. For what I am being paid for this, it approaches zero.

**Mayor Kinnally:** If you have data, we would be happy to look at it.

**Dr. Padawer:** I have the tentative recommendations of the committee. Simply stated, the deer indirectly affect our air pollution through loss of carbon dioxide conversion by green plants, converting it to oxygen. There is loss of chemical pollution degrading by vegetation. They alter the climate through release of water vapor by the tree and in the air, which modifies temperature and rainfall. They increase the noise pollution because trees are very good at absorbing sound. There is loss of plant species directly, so we lose quality of life. There is degradation also by other factors involved. You have 500 ticks on the head of one deer. Half of them are probably males and the other half, statistically speaking, female. Each female lays 5,000 eggs. You end up with 750,000 larvae per tick. Luckily, 99.9% of them will not make it, but what is left is more than we can use. I think you get the trend, and you can show leadership in this and convince the other villages to join with us to do something about it. We will all be grateful. Lyme disease is a terrible disease. I have not found somebody who does not have a relative, or himself, who have not had Lyme disease in Hastings. One more thing. There are three books I would like to see in the library.

**Mayor Kinnally:** I would talk to the library about that.

**Dr. Padawer:** We could do that but, again, this is part of the story so people have the information. I hope you can distribute the report to as many people as possible.

**Mayor Kinnally:** It will be made available on the Website and in the library.

### **APPROVAL OF MINUTES**

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

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing No. 2 of April 1, 2008 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of April 1, 2008 were approved as presented.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 8, 2008 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing No. 1 of April 15, 2008 were approved as presented.

**Trustee McLaughlin:** On page 5, Lynda Merchant spells her name with a Y.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing No. 2 of April 15, 2008 were approved as amended.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of April 15, 2008 were approved as presented.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Executive Session of April 22, 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. 75-2007-08 \$361,986.60  
Multi-Fund No. 77-2007-08 \$ 25,556.72  
Multi-Fund No. 78-2007-08 \$ 13,229.60

## **PUBLIC COMMENTS**

**David Skolnik, 47 Hillside Avenue:** I asked the last time I was here about the invitation to the Board of Ed with regard to the discussion of the formation of the task force. I would like clarification as to whether there were going to be two members appointed by the Board of Ed to this theoretical body.

**Mayor Kinnally:** I believe they are going to do that. I do not know what they have done.

**Mr. Skolnik:** They are having a meeting this evening, but in the previous meeting I attended I posed the question to them and they seemed to be unaware of that call.

**Mayor Kinnally:** They were at the same meeting we were.

**Mr. Skolnik:** If I may clarify, the meeting that was here was a Board of Trustees meeting.

**Mayor Kinnally:** The meeting where this was first discussed was the transportation meeting in the Harmon Community Center. They were in attendance at that time, and there was consensus among the participants that there would be a task force, and two members from each board would be part of it. So it should not be any news to them.

**Trustee Swiderski:** David, if you prod me after this meeting I will send out an email to the Board of Ed reminding them of that.

**Mayor Kinnally:** But I am surprised they did not know about it.

**Mr. Skolnik:** They have been tied up with their budget the same way you have, and it also may conflict with their own particular agenda so there is no motive to do that. With regard to the budget process and the possibility of a provision for crossing guards, I would like clarification as to whether such a proposal would be introduced in the Village budget or in the school budget. I am confused about where the funds come from as opposed to who oversees the operation of the crossing guards.

**Village Manager Frobel:** Crossing guards are contained in the Police Department budget. We believe we have sufficient staff. We have covered all the posts. If the Board of Education would want to add any additional posts we would provide the administrative oversight. We would hire, we would train, we would equip, but the Board of Education would pay for those additional posts.

**Mr. Skolnik:** So the Board of Ed budget is the one that would be approached with this item.

**Village Manager Frobel:** Yes. The budget that was recommended to me from the Chief of Police did not add any additional posts. So if we were to add a position now it would have to come from another source. In this case, it would have to be the Board of Education's budget.

**Mr. Skolnik:** But if we were looking not at this cycle, but towards the budgeting process for next year, is it conceivable that this item could be introduced as much into the police budget as the school budget?

**Village Manager Frobel:** Sure, yes.

**Mr. Skolnik:** The last question is related to the communication between myself and the Village Manager that I had attached to the copy of the letter I sent to George Foster, which I believe you got. I cc'd it. My only clarification there was that in that discussion initially, Mr. Frobel, you suspected that the ability to have the Board of Ed do something with the traffic pattern was something that would not be possible. Am I paraphrasing your original thought?

**Village Manager Frobel:** Yes. It was my opinion that that rested with the Board of Trustees.

**Mr. Skolnik:** Can you tell me what it was that changed that allowed this current experiment they are doing to go forward?

**Village Manager Frobel:** It came out of our discussion on the transportation plan, and then it followed up with further discussions here with the Board of Trustees.

**Mr. Skolnik:** So there is no legal issue about having allowed what they are doing. I just wanted to be clear that this was, in fact, something that started from our conversation.

**Mayor Kinnally:** It was a cooperative approach to trying to solve a problem.

**Mr. Skolnik:** The reason I am asking this is because I know from earlier conversations, at least with the Board of Education, that that was one of the reasons they felt they couldn't address it: they did not have the flexibility to actually implement anything. So in that sense, we are seeing this experiment now because, in fact, they were given that possibility.

**Village Manager Frobel:** No, not solely. As the Mayor mentioned, it was a cooperative effort to try to come up with a solution to a situation. It was cooperative; not relinquishing that authority, but cooperating mutually.

**45:08 LOCAL LAW NO. 3 OF 2008 – LEAF BLOWER MEDICAL EXEMPTION**

**Village Manager Frobel:** This came out of our discussion of passage of the leaf blower ordinance. We believe there may be situations where residents should have the privilege of using the machinery, given their medical condition.

**Mayor Kinnally:** Danielle had discussed this before we passed the leaf blower local law, and we promised that we would address it soon.

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. 3 of 2008 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 271 Performance Standards to Limit the Use of Leaf Blowers as follows:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows (new language *in italics*):

- Section 1: Section 217-6 (Prohibited noises) of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new paragraph to the list of acts that are “declared to be loud, disturbing and unnecessary noises in violation of this chapter”:
- J. The use of leaf blowers, except between October 15 and May 15, and then only from 9:00 a.m. until 5:00 p.m., provided that they conform to the decibel level restrictions set forth in § 217-5 and to the steady state and impact vibrations restrictions of § 217-8. The Village Manager is authorized to permit the use of leaf blowers between May 16 and October 14, subject to the same time limits and provisos, *in either of the following situations:*
- (1) *If the Village Manager determines that an emergency situation exists in the Village.*
  - (2) *If a Village resident or property owner has a medical condition requiring a leaf blower to clean up leaves and other yard debris and presents the Village Manager with a letter from a physician stating that such medical necessity exists. In such a situation,*

*only one leaf blower may be used per property and may not be operated concurrently with any other electric or fuel-powered yard maintenance equipment.*

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

**46:08 INTERMUNICIPAL AGREEMENT POLICE EQUIPMENT**

**Village Manager Frobel:** This is the renewal of an intermunicipal agreement we have with the county. We received this equipment in 2003, and it is a reaffirmation of our commitment to maintain that equipment in good order and have it available in case of an emergency.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the Intermunicipal Agreement with the County of Westchester for the provision of personal protective equipment to better respond to weapons of mass destruction for a term of five years from the date of execution of the agreement.

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

**47:08 AUTHORIZATION TO SELL EXCESS VEHICLES**

**Village Manager Frobel:** Periodically we go through our yard and determine which equipment is no longer useful. We have three vehicles that I believe are not roadworthy. We

are looking for your permission to see if there are bidders out there who would be inclined to acquire them.

**Mayor Kinnally:** I take it these are hard miles on all of these cars. There really is no use for these cars that have more than gone beyond their life cycle.

**Trustee Goodman:** Can I ask how we racked up 184,500 miles?

**Village Manager Frobel:** These have been patrol cars, then they were used by the detectives, and then they were used as administrative sedans. So those miles, as the Mayor mentioned, are not only road miles but there are a lot of hours on the engines.

**Mayor Kinnally:** I am delighted we got 185,000 miles out of that car.

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

**RESOLVED:** that the Mayor and Board of Trustees declare the following as excess vehicles and authorize the Village Manager to sell same by public bid:

1993 Chevrolet Caprice – 127,610 miles  
1998 Ford Crown Victoria – 184,500 miles  
2000 Ford Crown Victoria – 144,150 miles

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

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

**Village Manager Frobel:** We just completed day two of our experiment in front of the high school/middle school complex. The Chief of Police has been out there every morning, as have other public officials, observing this change. The preliminary comments are that it is not working out quite the way some people had thought or hoped. The Chief wants to let it run a full course of five days. He will have a report to me next week after he has digested what he has seen. But I can tell you that our initial reaction is that it is not curing a problem



but is, in fact, perhaps contributing to some of the confusion around the site. The problems are backed up traffic on Mount Hope and Farragut. In the absence of a police officer on Farragut and Mount Hope I do not see how it could work. He believes he would have to have a uniformed police officer there, which is not in the budget and not something we can accomplish.

Our Disabled Persons Committee will be meeting on May 14. We have brought this group together, given some of the comments we had heard during our discussion on the Farmers' Market and the comments raised by Mr. Tanzman in his review of our operations. The Mayor suggested I get this committee together and use the expertise on the group. Kevin Hay will be assigned as a staff member. I will be at their first meeting to introduce Kevin and to brief the group as to what we would like them to look at. They are to look at everything: how we go about accommodating the disabled and how we meet our commitments under the law, and to map out a strategy as to what improvements we need to take both short-term and long-term. The group will meeting quite frequently over the next several months.

A big thank you to all the citizens who participated in the annual cleanup. We had upwards of 30 groups who worked that Saturday and Sunday. Although it is difficult to get an accurate count, we probably had upwards of 200 bags of litter collected.

**Mayor Kinnally:** Not only did we have a large turnout, but we also had new people coming in and replenishing the ranks. I think it is great. Someone suggested it should not be a once-a-year thing; we should try to do it at least twice a year. But it is a daily thing, really. There is the daily accumulation of this debris and it would be great if we could stop it at the source. It is amazing to me how much is thrown about this village. You see people going down the street tossing stuff out of car windows, or people on the street that finish whatever they have and crumple it and drop it on the sidewalk and move on. It shows a lack of respect for the environment, for our Village, and for everybody who tries to do the right thing in the Village. But my thanks to everyone who came out, and let us see if we cannot make it a daily thing.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I do not have much update on the waterfront. Peter and I met with Joe Sontchi from ARCO a while ago, and I was hoping to get more of a regular report from him as to what is happening on the waterfront. I am disappointed we have not gotten more feedback as to the testing and analyses that have been done on the waterfront, so we will push that. Fran, is the contractor going to be back on-site to continue work on the cove?

**Village Manager Frobel:** Very definitely. We expected him last week. We are hopeful this week. What is left to do is bring in the topsoil, complete the railing on the boardwalk and then the guardrail which separates the parking lot from the boardwalk. We are 80% complete. Letting the ground set a little longer works to our advantage, although we are all anxious to complete the project.

**Mayor Kinnally:** One modification Fran has made is extending the boardwalk about six or eight feet to the north. They have cut steps in the wall so you will be able to access the boardwalk from grade at River Street or from that path that goes toward the river between Harvest and the cove. It will give us more flexibility. The stonework looks great. We have handicapped access from grade. Anybody who wants to do to the full circuit can do it that way. We are going to have a very nice destination spot on the waterfront that is going to do us all proud.

**Trustee Goodman:** Do we have a dedication date set?

**Village Manager Frobel:** No. There is a temporary sign up for the funding sources, but we have contacted the same fellow who did the sign for the other park to do a sign for the cove. So we will have a dedication ceremony. Stuart Cadenhead is the one who did the woodwork for us. He will do the new sign for us as well.

**Trustee Goodman:** Is this going to be posted as no swimming? Someone asked me if people could swim and I did not know the answer.

**Village Manager Frobel:** Ray is going to make a sign of all the do's and don'ts, which is pretty lengthy. I will remind him of that, but yes, there is, of course, no swimming there. A footnote to what the Mayor offered about the steps. The work was done by our own crew from Parks and Rec. The new man, Richard Strobel, who has some skills in masonry besides other skills in landscaping, did the work himself with the help of another man. It not a change order. I hope everyone likes it. It came out very nice.

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

**Trustee Quinlan:** The Hunter College students are going to give their final report on May 14, I believe. I would strongly recommend everyone in the Village, if they have the time, to attend that meeting because I think it would be very interesting to hear what this fantastic group of students have come up with as a preliminary report and review of what direction the Comprehensive Plan Committee is going to take.

The response to the survey they created was in the hundreds. I found it very interesting and it was fun to take, and it took about 10 minutes. It is no longer available, but I heard the response was great and I am looking forward to seeing what the results of that are. Luckily, we approved sufficient funds in the budget, and the next process will be to decide what kind of consultant the committee is going to hire. Things are moving along quite well.

**Trustee McLaughlin:** One of the Hunter students told me that an amazing number of the people who submitted questionnaires commented on deer. It appeared that people wanted to comment on deer and were given an opportunity to speak to the Village about something, and used the opportunity offered by the Comprehensive Plan Committee to comment on deer. Perhaps if we have questions about what people think of deer, that is some incidental data they are turning up.

### **3. Stormwater 2007 Annual Report**

**Village Manager Frobel:** We are looking for your authorization to submit to the DEC the 2007 stormwater report. We are obligated every year to submit that summary of our activities. What is not new is the fact that we continue to be the lead member of the 14 villages in our consortium to do our GIS outfall mapping, provide technical assistance. Also, we continue to be a member of the Saw Mill River Coalition. What is significant in this report is that we do indicate to the state that we have now adopted our stormwater maintenance local law and that we have established our stormwater management permit fee process, and that there are some stringent penalties for noncompliance. Once you give us the go-ahead, this will be submitted to the state and we will be in compliance with submitting that annual report.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to submit the 2007 Stormwater Report to the Department of Conservation.

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

**4. Summary Report on Transportation Plan Work Sessions**

**5. Report on Climate Action Week**

**Mayor Kinnally:** We will not discuss these agenda items this week.

**6. Other**

**Trustee Swiderski:** About the VOC, a committee has met in Greenburgh for three meetings running to come to a set of modifications to the Finneran Law. That committee is deadlocked, unable to muster a majority vote on any one of several proposals before them, and dominated by a couple of people who feel very strongly about excluding the villages from town programs. I forwarded to the mayors the substance of the various amendments and proposals this committee is coming up with, and we have prepared a letter to go back to the committee indicating what is acceptable to the villages, which is not much. We are not interested in laundry lists of facilities that are open or not open. We are interested in a principled statement that should be fairly straightforward and will stand the tests of courtroom and common sense.

I keep highlighting the contrast between things like Dobbs Ferry's and Greenburgh's recent winning of a grant out of the state to do an investigation of sharing police forces, or the recent cooperation on the part of every single village and the Town on sharing bidding on large projects. So while the villages are looking for ways to share costs and save expenses, here this retrograde committee is stuck in ways to figure out how to solidify division. It does not make any sense. We have commented on the draft. The letter will go out to the Finneran committee. And I will be at the next Greenburgh Town meeting pushing the message that we have got to get past this stuff and think about how to save money collectively instead of fighting a battle that is in our rearview mirror and that we are tired of discussing.

**Trustee Goodman:** Would the villages be, then, permitted to use certain parks for a fee? In other words, we would be paying in. Can they not use our income?

**Trustee Swiderski:** We are proposing that the town board be allowed to let the villages use or not use any facility at any price they choose to set. That would sound sensible. If they do not want to let us into their pool, that is okay. But if they choose to allow us into recreation programs at 120% of normal cost we are not saying how much, we are not saying which programs. We are saying you should have the flexibility to choose. Because you are exactly right. There are recreation programs now that we participate in. We are charged a little bit more, and they are getting marginal dollars that they would not have otherwise. Their parks and rec commissioner has said programs will suffer if villagers are excluded. But there is a contingent in Greenburgh who thinks that we are somehow being subsidized, or this is unfair,

or it is a burden on the town that we are participating and that we should not. It makes no sense economically. Every dollar extra, as long as it is not involving extra manpower to service those villagers, is a marginal free dollar, and it is just not viewed that way. There are elaborate arguments about unincorporated building this pool: they have capitalized expense, why should we let you in without having you assume the capitalized expense. It is these elaborate castles built on the sands of this concept of fairness, which is just ridiculous. And it is sad because here we are looking to figure out how to save money as a town, and moving forward, and this little parks and rec thing is turning out to be a distraction and very much in the rearview mirror. We want to move toward intelligent sharing that does not take advantage of anyone, and they are still fighting this battle.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:30 p.m.