

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 7, 2008**

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

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Five (5).

APPROVAL OF MINUTES

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing of September 23, 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 September 23, 2008 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the following Warrant was approved:

Multi-Fund No. 29-2008-09 \$61,458.08

PUBLIC COMMENTS

John Gonder, 153 James Street: Last meeting you mentioned something about how you had to deal with the Cropsey Foundation. That got me thinking. Years ago, in the '60s, a painting was found in the Board of Education boiler room in the high school. It was a huge painting. Then they had it refurbished. It was worth about \$200,000 at the time. Then in the '90s the Village claimed some interest in it. The school board thought it was theirs. I was wondering if it was ever finalized who owned that painting.

Mayor Kinnally: I remember the lawsuit, and I remember the Village getting involved somewhat in the lawsuit. My understanding is that the painting is still in the Hudson River Museum and that the ownership is still with the school board.

Mr. Gonder: The museum would not tell me. I asked them.

Mayor Kinnally: They may not know.

Trustee McLaughlin: My memory is that we were given joint ownership, and that the way it was left is the painting must hang in the museum because more people can see it, and the Village and the school board must agree to any final disposition of it.

Mr. Gonder: I hope you never sell it. It is a beautiful painting, and it is not a small one.

Elisa Zazzara, 68 Southside Avenue: I'd like to address the issue of backyard pickup, which I know some of you think is a case closed. But I believe that it is something we should still address. I have spoken with a couple of the men on several of the routes, and backyard pickup has not decreased by any noticeable or appreciable amount. Thank you, Mr. Frobel, for sending out in July the e-mail addressing that. I know it had persuaded a handful of people to put their trash out at the curb.

After that meeting, I rode with Jeff Bannon on his route and reported back that reducing the amount of backyard pickups would offer relief in emissions, wear and tear on vehicles, fuel use, and certainly wear and tear on the men who have to go up the stairs into the backyard. I suggested in that report that a targeted letter to the specific homes that make use of the backyard pickup be sent asking, if possible, that they consider putting it out to the curb.

I did not get any response to the report or my suggestion. I understand that many of you feel asking citizens who are paying very high taxes is a tough spot to be put in, and you do not want to incur the wrath of citizens by asking them to give up a service. Perhaps I as a representative of Sustainable Hastings might be able to draft a letter with the DPW to deliver myself to those residents that have backyard pickup. I believe many citizens might want to actually pitch in if they are asked. I would ask if the town is willing for me to do this, if you would help me in supplying paper and printing services.

Village Manager Frobel: You have drafted that letter, and you gave me a copy. I am reluctant to ask that question of the community for the reasons I outlined to you during our last conversation, which was twice last week. It is a policy decision that needs to come from the Board of Trustees. If they were to direct me to ask the community that question, then I certainly would. But short of that, I do not intend to ask that question of the homeowners.

Mayor Kinnally: Sustainable Hastings can do what they want to do. The issue is, will you be an agent of the Village in doing that. I do not know what the sense of the Board is, and I

will let each of the Board members speak to that issue. It is a question of are we going to reduce services to the community.

Ms. Zazzara: For me the question is, we are looking for paths to more sustainable behavior. I understand it is a diminution of services in one respect.

Trustee Swiderski: The question posed is, is the Board willing to endorse an effort to ask people to voluntarily step back from a service. Is that correct?

Ms. Zazzara: Correct. And I know Dobbs and Ardsley, and from the men that I spoke to that work at DPW on sanitation, no other town around us has backyard pickup. But yes, you have summarized it correctly.

Mayor Kinnally: You can do that without the Board's input, can you not? You can say, as a member of Sustainable Hastings we would like you to put your garbage at the curb. And you have said it on a number of occasions here.

Ms. Zazzara: I would like to do it with you all knowing what I am doing. And if any of the DPW are willing, I would need to sit down with them to know what the addresses are.

Mayor Kinnally: I have a problem getting employees involved in a private enterprise. Either the Village does it or does not do it, and Sustainable Hastings can do whatever it wants. But it is not appropriate for employees of the DPW to get involved in this other than carrying out a policy from the Board of Trustees or a directive from the Village Manager.

Trustee McLaughlin: I have been involved in many voluntary groups, and there are times that looking for government sponsorship or funding can be useful. But this is a case where you clearly can operate alone as an environmental group in the Village. It would not necessarily benefit the cause for us to put ourselves on the line by endorsing it, but if we did it is one of those things that could be detrimental to the interests of the Village . . .

Trustee Swiderski: How would it be detrimental?

Trustee McLaughlin: It would be detrimental if you and I lost our jobs. In my interest as a Trustee, do I want to put my name on this? You are asking us to take a vote. I am not sure this is a place where we should be asking people to give up services. Village income is way down, and the Village Manager is going to outline this when he gives his report later on. After the election we should have a public meeting to discuss our greatly reduced income and the fact that residents of the Village should have a voice in how we spend out money if we have to make draconian cuts. This is a battle that you could put off for a month because

if we met with villagers people might say we are willing to do that as part of a menu of cuts. If not now then certainly in our next budget we are going to have to see service cuts. My advice is to choose a fight that is not going to lose you a future audience. If you fight this one, and it loses you an audience when it might be resolved in a couple of months anyway, I do not know that you have done yourself any good.

Ms. Zazzara: I am not asking for the Village Trustees to put their name on this letter. I am just asking for assistance. My query was to remove the Village from this so that it is coming from a third party.

Trustee Swiderski: What is the DPW's role in this?

Ms. Zazzara: I would need to find out from the drivers which houses were which.

Mayor Kinnally: I do not think that is appropriate. We cannot target those people who avail themselves of this service. The service is offered to everyone.

Ms. Zazzara: I understand you signed the Mayor's letter on global warming and we have joined ICLEI. This is beyond low-hanging fruit; this is fruit that is on the ground. I understand the political resistance to it, but the resistance to having a third party do it is surprising and disappointing to me.

Mayor Kinnally: I do not think anybody said the third party should not do it. I have a reaction to having any member of the Village telling you these are the people who are not bringing their garbage to the curb. And then someone is going to hand out these letters, saying we got you, we know what you are doing, we would like you to stop.

Ms. Zazzara: But that is not the tone. The tone is, here is a sustainable something we can do. Would you join us? If you do not, that is fine. There is no judgment.

Mayor Kinnally: The best way to reach people is what you are doing right here. People will watch, and if the newspaper picks it up that is the best way of doing it.

Trustee Goodman: I have been talking to Elisa about this and trying to assist in getting a campaign of public awareness. I anticipated there would be questions raised by the Board about a targeted letter, and had proposed instead a public campaign where we could run spots on HoH-TV, send out another e-mail, etc. Not targeting individual residents, but urging everybody en masse to participate as the compromise to assisting in the effort.

Elisa has determined that there is at least an hour idling time on one of the routes, and that may be for all the routes. That is fuel being burned up and sent into the atmosphere. It is manpower, etc.. It is a worthy endeavor, and she has done the homework. The issue will be what, if any, resources we are willing to put into this. Since we did sign on to the Mayor's letter, and also to ICLEI, this is probably something that we would be looking at in the process of those audits anyway. It could be done before we do all the work that needs to be done to figure out ICLEI. There could be a campaign: carry your cans to the curb, here is one simple way you can reduce the Village's carbon footprint. But Elisa's approach is instead of wasting time talking to everybody, including the people already doing it, she is looking to take a shortcut. I appreciate the privacy issues that you are raising, Mayor. Could we at least offer HoH-TV?

Mayor Kinnally: We have. She is on HoH right now.

Trustee Goodman: I meant a spot.

Ms. Zazzara: I have spoken to Jen about producing a spot. With respect to privacy, I do not need to know names. It will be addressed Dear Neighbor.

Mayor Kinnally: You are asking an employee to tell you who is availing themselves of the service. That is not a position we want to put an employee of the Village in.

Trustee McLaughlin: My question about that would be the right to privacy. It is a private decision whether or not you do that. Trustee Swiderski is liaison to the Conservation Commission, and this sounds like the kind of thing that they would get behind. Could you ask them if they would craft a message for HoH?

Trustee Goodman: The Conservation Commission has gotten so many things sent to them that I do not even know where they begin. We could simply agree to the extent that Jen and Raf have time to do a public information campaign and have Sustainable Hastings assist with it, it is something that gets on the air soon and it is all about everybody stepping up to the plate, or stepping to the curb, with your cans.

Mayor Kinnally: When we got public access TV it was there for the opportunity of what we are talking about here: private groups who want to put something together, and we would show it. The problem is that the whole structure has changed, and we are not the vehicle for showing the information, we are the producers. It is a drag on our time and resources. If anybody wants to prepare a public service announcement we would be happy to air it as long as it fits within the configuration.

Ms. Zazzara: It takes much less time to write a letter and put it in people's mailboxes than to put together a piece, and you reach the people you need to reach if you put it in their mailboxes as opposed to airing it on a station that they may not tune into. I was trying to get the best bang for the buck.

Village Manager Frobel: I thought we had been working on a video over the summer months.

Ms. Zazzara: No, I have no time to deal with this until the end of October. At that point I will be in touch with Jen.

Trustee Swiderski: Apparently some of these routes had over half of the people. A letter to everybody on a route, tested out on a route that is heavily using these services . . .

Ms. Zazzara: So you are suggesting just put it in everyone's mailbox.

Trustee Swiderski: Yes. I do not share my colleagues' concerns about privacy because privacy is what is done behind a door, and a garbage can is clearly visible if it is being dragged out front. It is a public act. The only issue I see with a letter going into everybody's box is that there may be people who did not realize this was a service and may decide they want it once they hear about it.

Ms. Zazzara: Again, a targeted letter to the people who have backyard pickup is the most direct way to address it, the most cost-effective way if there are not issues of privacy. Or maybe it is a month away when the budget issues come up and we have no more money. So thanks for your time.

Trustee Goodman: A public campaign on HoH-TV reaches all generations. You are targeting the offenders.

Ms. Zazzara: Terminology that we could move away from; the benefactors, if you will.

Trustee Goodman: But how does that help teaching the younger kids, or teenagers? I am going to sound old-fashioned, but they are the ones that should be taking the cans to the curb. My daughter did. But I think there is something to be gained by a public education. And if you see the truck idling, then that translates into other idling behaviors. I understand trying to use a scalpel, but perhaps you lose something in the process. We can gain big time in a different way; you will be targeting idling of all sorts. Maybe watching a public service announcement is going to spark some thoughts on other ways that we can assist the DPW, assist ourselves.

Trustee Quinlan: I take my cans to the curb and have ever since I moved here. Until recently I did not know that you could keep them in the back of your house. I understand that a lot of people do it now because you had the courage and the energy to go with the DPW in their trucks and watch what they do on a daily basis. The only problem I have with the Village providing you with a list of people is that no matter how you word your letter, even as neutral as it possibly can be, it will have the implication that they are doing something that you wish they did not do. Even though I think it is right to bring your garbage out, and trucks should not idle, I also respect people's views that it is not so terrible and maybe global warming is not getting killed by an hour of the idling trucks.

I agree with Danielle about the public service campaign. Ultimately what should happen, and it is not going to happen right away, but hopefully some day this board will have the political will to grapple with the issue of whether to change the law and take a vote on it and have the courage to say yes or no and let the chips fall where they lie. That is not happening now. We have the same issue with deer. When are we going to have the political will to face the issues? I am prepared to do that on this issue and I am prepared to do it on the deer issue, but it is not happening so we have to go the public service route

Stephen Kanor, 101 Lefurgy Avenue: Safety is something that I have been a pain in the neck to you people about. I understand that the state has not given us money for the curb and the street of Lefurgy, where children walk up and down. We tried to dig out a letter where Hess said that that street would be taken care of in a year. Nothing has happened. The DPW piled some stones up, which are down, which are totally ridiculous. There is a big fall-off on Lefurgy Avenue where children walk. Down further, towards Lefurgy Terrace, there is a street which just goes into the sidewalk.

This town has absolutely no safety priority. They have demonstrated that beyond a reasonable doubt. I happened to see a bunch of parents in front of my house with Danielle and they said we are so concerned about the safety of our children. I said this has been going on for eight years. It probably will go on for a long time beyond this. I have written a number of letters to the paper which are not complimentary to this group. I have had people all the way from DPW and every walk of life in this town saying that I should keep doing that. I do not know why other people do not do it, I have asked them to. So when are you going to put the curb in on Lefurgy? I noticed they put half a curb in because they are unhappy with me. Typical of the kind of work done around here. I do want to add, though, that the people who have been doing the work at the cove, a man who works for the rec department, has done a spectacular job, the first one I have seen in this town of neatness, of competence, of something that should be looked at by some of the other people that are

involved in the physical plant. What is the list of safety issues? Are you going to fix it, are you not going to fix it, are you going to let us know, are you not going to let us know?

Village Manager Frobel: As you know, I have spoken with you about our planned improvements for Lefurgy, the street where you live. As you indicated, we did not get the grant to reconstruct the sidewalk. In the absence of that, we have done some temporary repairs in front of your home, thinking we could level that slope, that dramatic drop-off as you term it, to make it a little safer for people. If they step off the sidewalk, there are at least some stones we put down to the pavement. We are going to be back there this week to look at some work at the further end of the street to make some improvements there as well.

Quite frankly, I do not have enough money to do the kind of job you would like. The grant was nearly \$300,000 in total for all the work that we had planned, and we did not get that funding. We are going to meet this week and have some suggestions, but I do not have enough to do the complete reconstruction you would like to see on your street.

Mr. Kanor: The stones that were put in have fallen so there still is a dangerous step-off. At the other end, they did put traffic cones up because people were parking on the sidewalk. They did not know where the street ended or began. I do not know what the priority is, but it seems to me that this should be done in a way that will protect the kids.

Village Manager Frobel: You talk about the cones and the striping. The sidewalk is clearly indicated. I do not see where the dispute is. At one time they paved curb-to-curb, from side to side. But they have striped out, and they have the cones, indicating where the walkway is leading to the school. That is very clear.

Mr. Kanor: The cones are not there.

Village Manager Frobel: I thought you just indicated the cones were there.

Mr. Kanor: Oh, no, they are not there.

Village Manager Frobel: I do not know what is there today, but I know we have striped that. We did it last year, and we touched it up this year. I thought that would be adequate until I could get that grant. I have not gotten the grant, so I have got to try to come up with a more permanent solution.

Mr. Kanor: Here is my problem. I see you putting curbs, a little piece here, a little piece there, and they seem to be adequate, well-done, and in an area which is not . . .

Village Manager Frobel: It is not as important to you, perhaps. For example, we spent a lot of time on upper Villard where there was quite a bit of washout and damage to private property. Reset all the curbs up there. We did that just a few weeks ago. We got money from FEMA. We have priorities, it is just we have not done everything you would like us to do on your street. I have to work with the resources I have and the priorities that we have set from our DPW.

Mr. Kanor: Thank you, and hopefully nobody will get hurt. It is the same issue at the corner of Main and Warburton. One of the people from the Village said nobody has gotten hurt there. It is the same situation down the block where the curb is broken and somebody did get hurt.

Village Manager Frobel: I have had several contractors look at that curb at the corner of Main and Warburton. It means excavating a large piece of the sidewalk and the curb, which is set in concrete underground. I have also worked with a contractor to see if he can cut it out and epoxy a piece of curb there. I am trying to do different things but, again, it comes down to quite a bit of an expense.

Mr. Kanor: Would you agree it is a dangerous spot?

Village Manager Frobel: I am not sure that curb on Main and Warburton is a dangerous spot, no. I find that a very small chip. Most people know it is there, you step over it. There are a number of areas throughout the Village with uneven sidewalks and curbs a little higher than others. It is something that pedestrians recognize and adjust to. We try to take care of the ones that are most severe.

David Shapiro, 6 Amherst Drive: I have been concerned about the downtown for awhile. I had applied for membership in the Economic Development Committee, and there was never a response to my letter. I went to a few meetings of the Economic Development Committee and a big public meeting last spring. The focus seemed to be on what they termed large tract development, not a tremendous amount of focus and interest on the commercial area. I used to be a regular at Scoops for years, and that was a really important place to me. I was really upset when it went out, but then I was heartened when the Euro Deli came in, and it was good. Now it is vacant. It is not just an eyesore, it is a very hurtful thing right in the middle of town. I wanted to ask for a response.

Mayor Kinnally: It is very frustrating, David. You talked about focus. There has been a lively debate among the members of the EDC as to what their approach should be. But it will not be imposed on the EDC from this board. They are trying to work it out among themselves. I remember when the EDC was constituted and I have a different viewpoint of

what it was supposed to be accomplishing. But the downtown is tough. I hate seeing these stores. It sucks the life out of us. There are a number of reasons why things happen. First of all, it is a barometer of the times. But also one has to question what a village like ours, with competition a few miles away, can sustain.

Mr. Shapiro: Six months or so ago, before we hit our recent economic downturn, my wife was telling me about a younger person who was looking for a house. They were totally turned off by the downtown. The consequences of that are obvious. There seems to be a certain acceptance of the current status of the downtown.

Mayor Kinnally: Members of the Chamber urged us to get an Economic Development Committee to focus on the revitalization of the downtown. I suggest you go to their meetings and see if they have anything in response or what their focus is these days.

Trustee McLaughlin: I am the liaison to the Chamber of Commerce, and I will send you information about their next meeting. It might be useful for you to hear what the merchants and property owners are saying.

Mr. Shapiro: A few months ago, a rep from the Chamber to the EDC floated certain ideas but, again, my impression was that that was not the primary mission or focus of the EDC.

Village Manager Frobel: At one of their early meetings, when they began to divide responsibilities, they were looking at three areas. They broke into three groups. One was the downtown, one was large tract property, and one was the riverfront. So they are sensitive to the downtown, and that is one of their focuses.

Trustee McLaughlin: One of our issues in the Village is the fact that most merchants are not their own property owners. This board can only speak for Pizza Grill, since Jerry owns that building. The rest are at the mercy of their landlords. I have heard that our rents are significantly higher than rents in Dobbs Ferry. If it is true there is nothing we can do about it. If I were a property owner in Hastings and had my property stand empty, I would try to find a way to get a tenant even if it included dropping my rent.

Mr. Shapiro: That was the drift of what I had heard. I also heard that there was a significant amount of commercial property that was owned by people that no longer live here. I do not want to say absentee owners, but essentially they are, and certain people had chosen to leave their properties vacant. Let us assume that those facts are accurate. What, if anything, could this Board do?

Trustee Quinlan: The problem, as Lee said, is the competition from the larger stores in the area, and we are going to get more of that, unfortunately. The second biggest problem that I see is absentee landlords asking for rents that are too high. These empty stores could be rented if the landlords would ask for reasonable rents. That is one reason why my building has been rented ever since I bought it, because I am not as greedy. Greed is driving economic downturns, and it is happening in Hastings and all over the country. This Board cannot do anything about it. We cannot control greed, and we cannot control who owns the buildings. And we cannot control competition.

Mr. Shapiro: If all the villages in the area are in competition with big box stores how come Dobbs seems to be doing so much better?

Mayor Kinnally: They have gone through a patch of empty stores also.

Mr. Shapiro: So what turned it around for them?

Trustee Goodman: But they are back to a lot of empty stores.

Mayor Kinnally: Everybody is suffering the same problem. It is not just a function of rent. It also has to be a store that has a reason for being there. You have to carve out a niche. Some of the restaurants that have come to town have shown that. It was not the rents that threw them into the street. It was the fact that they did not price their product, or they did not have a product, that people were interested in. So there has to be a reason for them to be here, and it is economics.

Trustee Goodman: I apologize publicly for your not getting any word back from us. We should get our protocols straight. I will find out when the next EDC meeting is and call you. They need volunteers. The committee has been pretty resourceful. One thing they could use is some technical expertise. There is a renowned expert known as Doctor Downtown who looks at the terrain and could give us a fix. But he wanted a lot of money. They discovered that Rye did such a study, at great public expense, and they had the Rye city planner come and tell them what the government could do. He said what the government can do is not get into discussions about rent, but take care of what they can take care of, what they own: cleanliness, signage, ingress and egress, snow removal. They have gone the route of circumventing, getting technical advice without costing us money. I am sure that they will welcome your input and your assistance.

Jackie Lhoumeau, 157 Southside Avenue: Soon we are going to mail out a 2009 calendar to everyone in the Village. Elisa and I went over to the Community Center today to talk to them about the fact that the last two years there have not been any rules about recycling in

this calendar. There are indications of what days you recycle, but nothing about, say, computer recycling, which day are metals, which day are plastics. This carry-your-cans-to-the-curb idea could even be placed in there with reasons why it would be good for the Village.

Village Manager Frobel: Your suggestion was heard by the staff today, and it is a wonderful idea. They indicated that it is going to be in the calendar.

Ms. Lhoumeau: Thank you. The other thing is about noise in the downtown in quiet hours. It can be hard being a resident of downtown, between trucks going by, the fire horn, construction. But a few weeks ago on a Saturday at 6:30 a.m. weed whackers all through Steinschneider parking lot. I called the police, they said okay, and 20 minutes later nothing happened and so I called them again. They said it is our DPW, they are allowed.

Mayor Kinnally: They should not be out at 6:30 in the morning.

Ms. Lhoumeau: Recently the library sprinklers have either increased or increased their noise. I am being woken up every night when the library sprinklers go on. Could we put the sprinklers on outside of quiet hours. It might be 10 at night, 10 to 11, something like that so that they would not be during the quiet hours. That also brings up the issue of the fire horn, which I hope in the future we can address.

Mayor Kinnally: You know, we have addressed the fire horn. The fire horn is not supposed to go off. I forget the cutoff time.

Ms. Lhoumeau: For the most part, it does not go off during quiet hours, I agree. But do we still need an audible?

Mayor Kinnally: We have talked to the fire department about this, and they are reluctant to discontinue it because some of their members still rely upon it. We can talk again with them, but health and safety is a concern.

Ms. Lhoumeau: Part of living downtown, if you are not well, you do not get to take a nap. How the people feel who live in our downtown should count as well.

Village Manager Frobel: Let me speak to the fire chiefs about the horn. I apologize for the men working that early. They should not have started at 6:30.

101:08 ADOPTION OF LOCAL LAW NO. 27 OF 2008 DESIGNATING CERTAIN HANDICAPPED PARKING SPACES

Mayor Kinnally: Fran, this is not very identifying. That should be at the James Harmon Community Center, should it not?

Village Manager Frobel: No, there is a passenger pickup/drop-off zone indicated by striping, so it is to the west of those on Main Street.

Mayor Kinnally: There is only one passenger pickup/drop-off zone on Main Street?

Village Manager Frobel: Yes. It is that intersection with the ambulance, hook and ladder, and the drop-off zone.

Mayor Kinnally: Any comments on this?

Trustee McLaughlin: Glad to have it.

Mayor Kinnally: This was the subject of a review that Fran did with a number of people in the Village and the subject of a public hearing, and it will improve safety in the downtown area and also accessibility to people with disabilities.

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. 27 of 2008 amending Chapter 282, Vehicles and Traffic, of the Code of the Village of Hastings-on-Hudson as follows:

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 282-27 (Handicapped parking) of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following two paragraphs:

K. On the west side of Maple Avenue, north of the crosswalk at Spring Street.

L. Three spaces on the south side of Main Street, west of the passenger pickup/drop-off zone.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: 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	

102:00 ACCEPTANCE OF PROPOSAL FOR QUARRY LANDFILL CLOSURE INVESTIGATION

Village Manager Frobel: Our Quarry study committee received a grant on behalf of the Village from the Scenic Hudson Land Trust. There were two parts to that grant. What is before you tonight is my recommendation that we continue our relationship with Malcolm Pirnie and allow them to conduct the first of four tasks that we have required as we begin the process of putting that property back into use. It would be appropriate to continue with Malcolm Pirnie. They performed the closure investigation work plan. They have been at our side in our conversation with the DEC as we plan for the closure of the site.

The first task is the landfill delineation test program. That will be done with our DPW digging a series of test pits around the perimeter of the 5.5 acre site to determine the size of the acreage that was used as a landfill. We are optimistic that the entire 5.5 acre site was not fully used; it could be 3 acres, it could be 2.5, it could be 4. But we need to know because that figures heavily into the cost to close it. The second task is the landfill gas survey. Although we do not believe any household refuse was buried there, there was some vegetative yard waste that could generate methane gas. We still have not yet entered into a consent decree with the DEC, and until we do that we are not going to be eligible for any loans from the DEC for the closure, or any grants which are available as well.

I would like to see you enter into this. We have been subject to criticism for not moving fast enough on grants. This, I thought, was a natural fit. Malcolm Pirnie made a proposal nearly a year and a half ago. They have adjusted their prices downward, recognizing our limited funding. We could seek other proposals but there would be a time delay. I am comfortable that Malcolm Pirnie knows our resources and the urgency that we face.

Mayor Kinnally: We have done a lot of work with Malcolm Pirnie, not only on that site but also on the waterfront. The learning curve will not be steep. We know their personnel, and it is probably in our best interests to work with them. Their work product has been very good and highly professional. As long as we can do it for this money, and we get what we are looking for, then my suggestion is to stay with them.

Trustee Swiderski: I agree. It is a reasonable proposal, and a firm we have worked with. I would like to see us move forward on it.

Trustee Quinlan: I have been in favor of making this quarry a Village park for a long time. We have to move forward quickly, especially if we could get it done before the ground freezes. We can evaluate their reports and the work they do during this phase. If we are not satisfied we can put the bids and specs out to other firms as well for the second phase.

Trustee McLaughlin: I am delighted with Scenic Hudson's interest in the site. I am glad we got the grant and that we can go forward quickly.

Trustee Goodman: I commend the Quarry Committee and Susan Maggiotto, who is the Village liaison to that committee for their wonderful work. I recall when they came to the Board they promised that they were going to come with funding. They have worked very hard to get this money. I pulled the original Malcolm Pirnie budget from May 4, 2007, and for these two items they originally were going to charge \$18,400. They are now willing to do the work for \$15,000. Fran, I assume you negotiated them down, and thank you.

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

RESOLVED: that the Mayor and Board of Trustees accept the proposal of Malcolm Pirnie, Inc. for Quarry Landfill Closure Investigation as described in a letter dated October 1, 2008, for the amount of \$15,000 to be paid from grant proceeds as awarded by the Scenic Hudson Land Trust.

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: I would like to go over the financial situation of the Village as we look one-third through our fiscal year. For tonight's discussion I am arranging my comments in six different topics. I would like to begin with talking about the current year budget, and that would include our expenditures. Then I want to talk about our revenues and where we think we are today. I want to look at our borrowing obligations, some future capital investment that we need to consider. Then I want to give a little preview of some concerns and observations regarding next year's budget. And then close with some observations on last year's budget, recognizing you have not yet received the audit for last year. I do have some preliminary numbers. The audit is complete, with the exception of one element.

Our budget was adopted at a little over \$12 million. There are certain benchmarks you can measure that against in terms of our expenditures at this point in time. We are about 33% through our fiscal year as of the end of September, so consequently we should look at our expenditures at about 33% if you look at it as annualized and broken out over a 12-month period. I am happy to report that at this point overall, in our expenditures we have spent just under \$4 million. So we are at about 31% expended. That can be somewhat off because certain major expenditures come at certain times of the year, but looking at it as an average we are at least below where we would be typically at this point in time.

There are areas of concern for this budget, and we talked about it as we developed it, not the least of which is motor fuel. At our last fill-up a few days ago we paid \$3.20 a gallon for diesel and \$3.15 for the unleaded. When I put the budget together I used \$3.00 per gallon. It is coming down, it is lower than it was, as it spiked during the summer months. We are about 54% expended for motor fuel, looking at all accounts: DPW, police, fire, and Parks and Rec. So we are a little bit over, but I am hopeful. You probably saw in today's paper, the price of oil has gone down again. It is headed in the right direction.

Another item for concern is salt. We are fortunate in that Mike filled the shed at the end of last year so we have a complete stock, about 800 tons of salt stored away. With a normal storm, that should get us through about seven events. I like to think we could be halfway through the winter months with what he has on hand but, certainly, we are not going to compromise the use of salt during storms. We budgeted \$54 a ton, which is outrageous. But we have been quoted a price if we can get it, and it will be difficult this winter, of \$64.20 a ton for salt. It is at an all-time record high.

The third area of concern is electricity. New York Power, when we put this budget together, told us to anticipate a 28% rate increase, which we did. Most recent correspondence says a new number of a 41.8% increase on January 1, 2009. This is further complicated because we received correspondence last week from New York Power that they are back-billing us for electricity used at both the pool and the Community Center, obviously two of our heaviest users of electricity. But they are going back 12 months or 15 months, trying to adjust some back billing. We have already lodged a complaint against that, and will certainly do everything we can to make sure that does not happen. But that is an enormous number, to go back almost 18 months. The numbers could be upwards of \$30,000 in back bills.

Another item is insurance. I met today with our Workers' Compensation carrier, and I met last week with our insurance company. We are looking at some rate increases. Under general lines of insurance it should be within the 3% range, not too bad. Workers' Compensation could be in that same neighborhood, but something we need to keep in mind.

The fifth item is sewer repairs. Last week we got hit with a tremendous break; over 65 feet of pipe had to be replaced. We were working at an average of 10 feet deep, at points 18 feet deep. That one break absolutely busted our budget. We budget \$5,000 for sewer repairs, and the cost of that repair was upwards of \$11,000.

Expenditures are the things we can control to a certain amount. The things that are really out of our hands, or more difficult to control, are revenues. Let me give you just a flavor as to where we are this year. The leading item is sales tax. We do not know where we are in that. We have not received our December payment. That should be coming shortly. We have had conversation with the county. There was an increase the first two months of the quarter. Sales were up. That was reported in the newspaper, although in today's newspaper I notice that nationwide retail sales were down considerably in all categories. We received \$267,000 at the end of the last fiscal year, but it is partially for this fiscal year. For July and August in Westchester County, sales receipts are up so we can expect an increase.

Our utility utilization tax is on target, with 52% received. Our building permits and interest earnings are on target. When I say on target, when we put this budget together we were extremely conservative. We flat-funded sales tax. Likewise with the utilization tax, flat on that. Building permits, no increase for that, which means we are on target. And likewise with interest earnings. We knew that our rate of return was coming down, and so far this year we have realized \$9,300 on an anticipated \$30,000 earnings. So we are, again, at about a third through the year and where we should be.

The parking meters are off. They are about 30% where we should be, looking at 33% as on average. We hope that picks up over the next several months. We received all the state aid

that we anticipated receiving, and it is not much, \$74,000. The state mortgage tax, again we did not increase that. We anticipate receiving \$275,000, and that does not come until December so we will not know. We all know what is happening in the real estate market, so being conservative in what we anticipated receiving was wise. Cable TV is at 70%, so that is okay. Property tax, our second payment will come at the end of the year or early January, and that is on target. Revenues, as I said, once they are set, if you have been overaggressive on it you will suffer the consequences of not realizing it. Fortunately we were conservative, and I think we are on target.

Again, I am looking at other revenues. It is important to have the cell tower rental on the roof. Although we have not counted on it, that would certainly take the worry out of this year. Our new meters have been installed. That is not much money there, but I have suggested to you that you consider a meter increase on at least the commuter lot. We can talk about that later. And, as the Mayor has pointed out, we received a \$20,000 increase from Cropsey so that is happening. Also in revenues, our commercial customers are paying the new rates for trash pickup. So we view that, certainly, as all good news.

The third item that I talked about that I wanted to mention was our current obligations. We have a bond anticipation note. We borrowed short-term for the garbage truck, the fire truck, and the ambulance. That matures on December 17, 2008. A year ago we received a very favorable rate of 3%. In conversation with our fiscal advisor today, given the uncertainty in the credit market, he assures me that we should not be worried and that, in fact, this short note is very attractive to investors. It is under \$10 million so it is viewed as a small issuance, It is his feeling that we may be pushing close to 4% to renew that bond, but 4% is not bad, again, given these uncertainties. He suggests that we hold off any additional borrowing at least for the next several months, given the uncertainty in the market and the uneasiness there. If we can hold off borrowing, it is to our best interest. If we do borrow, then consider short-term notes.

We are looking at some road resurfacing and tax cert money to borrow next year, but the longer we can wait going to the bond market the better off we would be. Again, these notes are very attractive, even at the 4%, because given the comparables in the private sector that would be closer to 8% on a taxable rate. Ray also was very encouraging that we have an A-prime rating. That is going to become very important to us because those communities that have the triple-A rating have insurance and we have seen what has happened in the insurance industry and their credibility. So the A-1 is a very strong A-1, and he was very pleased with what we have done in terms of not depending so heavily on our fund balance. As you know, that was one of the reasons why we did not get a credit rating boost, which we certainly deserved. But until we get that fund balance back up to where the industry would like to see it, we are going to have a hard time moving. So we are certainly on the right track, and he

was very complimentary of the efforts that we have made to address our financials, and was pleased to hear about where we are in terms of our revenues and expenditures for this year.

At the work session next week we are going to hear a little about our capital investment for next year. We need to look at that carefully, given what I have said about what the investors have told me. You are going to hear about the need for the ladder truck, and I know that can come 18 months in the future but, again, this uncertainty. We do not know how long this credit market situation will take to shake out and stabilize. We need to keep that in mind.

We also need to keep in mind our road resurfacing. I know we have authorization to borrow the \$200,000. We borrowed I guess it was \$1 million authorization structured over five years. We have joined with five other communities. Greenburgh has not yet awarded a contract to the apparent low bidder. This is what is so outrageous. The low bidder is upwards of \$90 a ton and last year we paid \$70 a ton in place for asphalt, and we were upset by that price. I like to think that the rate is coming down for the price of that product if oil comes down. And again, I am concerned that Greenburgh has not awarded it. We are told they are going to have a special meeting, perhaps this week, to look at it. If so, we can add it to an agenda at your next regular meeting. My fear is, we are with five other communities. Greenburgh is certainly going to have the contract to do their roads first. It is getting colder, and it is not an ideal time to put asphalt down. If you want to move forward this year, we will, but we need to keep in mind the lateness of the season. Had we done it ourselves it would be done, but we might have paid more than \$90 a ton. If we do borrow, we are going to need to fold it into this BAN, which should not pose a problem. But we need to keep in mind that we are going to pay a little more than we had anticipated in terms of borrowing.

The DPW is going to press for a new dump truck next year. The deterioration has become very apparent and very rapid. If we do not get CDBG funding, we are going to be back here looking for some money for that. We have made some improvements around here for ADA. If I do not come up with some alternative funding, that may be part of a short-term borrowing issue as well.

Next year's budget, we are told that our health insurance should plan for an 8.1% increase. That is something we do not have a lot to say about. We are going to have to just continue in our efforts to be conservative in our revenue approach. We do not see much growth in assessed values, if any. We have pretty much squeezed what we have out there. We do know there are several pending tax certs. We will have the third and final payment to Uhlich Color. There are several large ones that would probably necessitate borrowing money to settle them if we reach resolution, upwards of \$200,000 within the next fiscal year.

Our audit has been complete. We ended the year okay. It was the closest I have ever come to a budget that could have been out of balance. Revenues exceeded anticipated revenues by \$81,000, which is very close on \$12 million, but we made it. Our expenditures were under budget by \$77,000. So, again, that is very close. That is half of 1% on a budget. Our fund balance grew by about \$160,000, which is good news. We are pointed in the right direction.

Mayor Kinnally: Fran, thank you. That was a comprehensive analysis in a chaotic time. Budgeting, as you know, is a science of guesstimating, and who would have put the numbers that we are experiencing right now in the mix when you were putting this together at the end of last year.

Trustee Swiderski: I am relieved to hear what I am hearing here. Over the last week a number of states have indicated they are having trouble raising money in the credit markets. I have had conversations with finance professionals in the Village, and agencies that raise money via bonds are finding they are getting less than they want and are paying a couple of points or more than they were paying previously. I was waiting with bated breath to see what our advisor would say. I am surprised the news is as good as it is, relieved, and still unnerved, because we are not even done with the start of this crisis. And as the credit crunch worsens I remain concerned that it will filter down to our level and impact us in terms of the BANs and further bonding. But if we can get past December and pay 4%, which is easily two points less than I was expecting, that would be terrific and unexpected. So I am relieved to hear what I am hearing, I am pleased with the overall picture, and I am concerned with what it will look like in a couple months' time.

Mayor Kinnally: But so far we are on target and we are within the budget. My experience has been that a conservative approach to the budget has been the hallmark of how we have done it here over the last 20, 25 years. You never go wrong underestimating your revenues and overestimating your expenses.

Trustee Goodman: I know that we are very concerned with our fund balance, and I think we erred on perhaps not raising taxes a tad higher so we could keep our fund balance intact. As painful as it is to raise taxes, that puts us in a better position going forward. For things like the hook and ladder we need to look at FEMA. Homeland Security does have grants for fire trucks; that cycle of funding is in April. Perhaps we could look for money there, and a few other places, and get our ducks in a row with what our other avenues are for revenue or for getting some of our capital equipment and projects paid for.

Trustee McLaughlin: Peter certainly spoke for me in terms of his relief. I am not sure you can necessarily use the word "optimistic" this week about much of anything. Fran, that report was comprehensive and so well presented. Thank you for doing it. We seem to be running

one or two percent below where we might be expected to be in our expenditures, thank goodness. I read in today's paper that 80% of municipalities across the country are encountering total obstacles to finding bond money. We have only seen the beginning of what is going to hit us. The thing that really unnerved me was the cave-in on Flower Avenue. So many of the streets in town not only have plumbing of the same vintage, but they have the same geological underpinnings and can go the same way. Given that we have \$5,000 budgeted for the year, and this cost \$11,000, that is really scary. But I thank you for what you have given us. I am surprised to hear that Westchester County sales tax receipts are higher.

Village Manager Frobel: They are up almost 2% for both of the two months, July and August. That was reported in the local paper. One thing that may be saving us, there is a sales tax portion of the gasoline that you pay at the pump, so that does go up with the price of gas. I am going to leave each member with a copy of the September printout.

Mayor Kinnally: And I am going to ask the Board to take a look at it, and if they have any suggestions of formatting or additional information that they would like to see in it, if it is possible, Raf can try to jigger that and give it to us.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I circulated an email that I received from Joe Sontchi this week, indicating that a new test well that will be installed in the northwest corner of the ARCO property. He indicated that it was part of the monitoring that they had undertaken last year. But the well is not as deep as they would like it to be, so they are going to re-drill a new well close to the old one, so they can get the type of data that they want out of it.

Trustee McLaughlin: Would this be that one well that consistently has the worst results?

Mayor Kinnally: It is in the area of the DNAPL, but I am not sure. I do not know how many active ones they have on this site.

Trustee McLaughlin: Anybody who did not watch our last meeting ought to go look at it. Joe Sontchi visited us, and when I read the minutes it reminded me of what a thorough explanation he had given us. If you have been looking for an update on the waterfront, our most recent Board meeting before tonight will give you that.

2. Update on the Comprehensive Plan Committee

Trustee Quinlan: The proposal for the consultant has gone out on the web site, as indicated at the last meeting, to the American Planning Association and to Planetizen. They have reached out to the Westchester County planning department as well as the Hudson Valley Greenway. At the last meeting we had mentioned running an advertisement in *The Journal*. I do not know if that has gone out.

Village Clerk Maggiotto: We decided to forego *The Journal* because we were reaching the audience that we did need to reach with our other placements.

Trustee Quinlan: So we are waiting for the results of those inquiries, and we hope that we will have some positive results. We will read them and review them, and see where we go from there.

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 pending litigation and personnel.

Trustee Swiderski: October 10 is the deadline if you want to register to vote. If you do not know if you are registered, the New York State Board of Elections has a widget on their site. You put in your name and your address, and it will tell you if you are registered.

Village Clerk Maggiotto: I am getting panicky phone calls from people who need absentee ballots. There is confusion between the deadline for registering to vote, which is coming up, and the deadline for an absentee ballot; practically speaking, there is none. If you find out the day before the election that you are not going to be here the next day you can go to the Board of Elections in White Plains and fill out the application; they will give you the ballot, and you can submit the ballot. If you want the ballot mailed to you more lead time is needed.

Trustee McLaughlin: In my election inspector training this year they told us that if you vote absentee and then you are in town the day of the election and you want to go vote on the machine you can do that. The book that the election inspector has will say that you have received an absentee ballot. The election inspector will make a note that you have voted on the machine so the Board of Elections will not count your absentee ballot, which is not opened before the election

Trustee Goodman: Thanks to Fran and the DPW for the Warburton and Main sign that I saw go up today. Are there plans for any other signage downtown?

Village Manager Frobel: Downtown there is a street sweeping alternate parking sign due, but our crews over the last four weeks have put up over 100 street signs and other signs. The men have done a wonderful job addressing all the sign installation. They are all done. I will be meeting with the EDC to talk about their desire for these Welcome to Hastings type signs. You heard tonight about the money, and that is part of the issue. Those signs are very expensive. In neighboring communities it was a corporate donation. We were reluctant to turn that way. Despite what was reported in the paper, it is a priority for us. We had hoped to do it last year. I reported how close the budget came in. I did not come to you in April or May with a special project because I knew we were that tight. This year, I do not see it either because it is not something I had budgeted for. But we can talk further about it.

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 9:45 p.m.