

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 20, 2009

A Regular Meeting was held by the Board of Trustees on Tuesday, October 20, 2009 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings (8:40 p.m.), Trustee Jeremiah Quinlan, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Twelve (12).

**PRESENTATION - Thomas Madden – Planning Commissioner, Town of Greenburgh
Re Ridge Hill Development Intersection Improvements**

Mayor Swiderski: Mr. Madden is going to discuss intersection improvements that are being recommended as part of a settlement that was made with Yonkers and the developer of Ridge Hill, Forest City Ratner.

Thomas Madden, Planning Commissioner, Town of Greenburgh: The settlement was for \$5 million towards improving key intersections. The Ridge Hill Intermunicipal Intersection Committee with representatives from the Village of Ardsley, the Village of Hastings, and the Town of Greenburgh, was charged with looking at how we can spend the \$5 million to get the greatest good for the greatest number of intersections. We sent out an RFP that was responded to by several companies, and the committee chose Michael Maris Associates, from New Jersey. For the first part of the year we had them doing traffic counts during school peak periods, a traffic analysis, and queuing of all the intersections that were outlined in the stipulation of settlement. Then we had them start to design concept plans. We made a presentation in August. The charge for the committee members was to go back and talk to their boards and find out their priorities in terms of what intersection improvements they would like to see.

We have undertaken the traffic counts, we have done a traffic projection, and we have looked at a 2% annual growth rate for this project, looking over the next 20 years. We have identified all the problem locations. We have recommended improvements. And right now we are at the sixth step, which is preparing the concept plans we are going to move forward with. Once we have a consensus from the different municipalities on which concept plans we would like to move forward with, we can then pick off which ones we are going to do the design for and start moving forward with the estimate of construction costs. We have made several suggestions on ones we think should be improved right away, based on the level of service; and ones that we think can be held off a bit.

The one intersection that really affects Hastings is Saw Mill River Road, or 9-A, and Jackson Avenue. Right now it is a Level Service F. As part of the settlement and getting the CO for Ridge Hill, the developer had to rebuild the intersection, which they are about to do right now. We have copies of the final plans. They are going through Greenburgh to get their stormwater permits and making sure we are happy with what they are doing. The intersection will be expanded a bit and there will be turn lanes in all directions. Because of the vehicle queuing coming out of Yonkers we had suggested that they include an additional right eastbound turn lane that would be added to this project. The cost is approximately \$600,000.

Rich Tartaglione, 27 Clinton Avenue: I am concerned about the Jackson Avenue traffic coming down. Right now it is horrendous. It is backed up all the way up to Clarewood. That is without Ridge Hill opening. And you are going to put in a 150 foot left turn lane that holds approximately eight cars?

Mr. Madden: A 150-foot turn lane holds approximately 12 cars.

Mr. Tartaglione: No. Cars are about 16 foot 3 or 4 inches long, two feet between each car. I did the math on it. You can get eight cars in there. You get backed up five traffic lights now, trying to get through there. It does not work as it is, and a 150-foot turning lane is not going to resolve any problems.

Mr. Madden: This is what was stipulated as part of the improvements that have to be put in. With the improvements to the signalization and the channelization of these lanes, you should see significant improvements in terms of traffic flow through that intersection. We have modeled it through the computer, and it shows that it does work. With the improvements, you will see a significant improvement.

Mr. Tartaglione: They will be changing the just the timing of the light?

Mr. Madden: Yes. And that is actually the key for a lot of moving traffic the intersections: just modifying some of the traffic lights in terms of the timing.

Mr. Tartaglione: I do not feel it is going to work. I have lived in this section of Hastings for 37 years, and I have seen a lot of bad accidents at that intersection. That is an 11% hill coming down. That is pretty steep.

Mr. Madden: Yes, that is a steep hill. But, like I said, with these intersections improvements of widening it out you should see a significant improvement.

Mr. Tartaglione: No, I do not think so.

Mr. Madden: We will agree to disagree, then.

Trustee Quinlan: I am concerned with what this gentleman said. Going west down Jackson Avenue and the left turn south to Yonkers, that is the most backup. Yesterday I left St. Andrews at 4:30 and I was backed up beyond the light for Stew Leonard's. There is currently no left turn lane. So if someone wants to turn left at that light, they block the intersection until they can get through. Eight cars will be able to queue in the new left turn lane, and everyone else will be able to go straight or turn right. Is that correct?

Mr. Madden: We are finding that during peak hour you have 166 cars making that left southbound turn, 236 cars going straight, and 109 cars taking the northbound. So by adjusting the timing sequence, you look at the amount of cars you can get through the intersection with what we have. We are not proposing this change; that is already being done by the New York State DOT. It should effectively take a lot of that traffic and backup away from that intersection because you are creating the two different lanes. When you look at 166 cars you are looking at a peak-hour period. Most of the time you will have anywhere from three to seven or eight cars backing up there. That is what I have found whenever I have gone through that intersection.

Trustee Quinlan: I am not arguing with you. If one car is turning left, everything is backed up. So now eight cars will be able to queue in the left turn lane, and people will be able to move. That has to be some improvement. It is better than nothing. We will have to see how it works.

Mr. Madden: This is the first step in looking at the overall corridor; that is the one thing we really have not done in terms of looking at the Village and Town of Greenburgh, a reasonable approach to traffic.

Trustee Quinlan: I appreciate all that, but we are concerned about this intersection in Hastings because it is a nightmare. So eight is better than none, and that is what you are proposing and that is what they are going to pay for. When is it going to start?

Mr. Madden: That is what they are paying for. I am not proposing it. It was what the EIS has specified. I believe the construction should be starting in November.

Trustee Walker: I remember from the presentation in August that the signalization is going to be changed so more time will be given to Jackson Avenue than to 9-A, so that is a change, as well, from the current situation. But there is no separate left-turn cycle.

Mr. Madden: No, not at the moment. But we will be evaluating that with the New York State DOT as we get this intersection built and functioning. We have been working hand in hand with the DOT on this intersection. Right from its conception we have had input on the design to make sure it is a functional intersection. That is why I feel very comfortable in saying that you will see a marked improvement in that intersection.

Trustee Walker: So the one improvement that is being contemplated under the mitigation agreement is the new northbound right turn lane on 9-A. What they are giving us under the previous plan is simply a through lane and a left-turn lane, and no right turn lane.

Mr. Madden: On the northbound section you get a through lane with a combination right turn lane. That is why we said we should separate that out. We found that most of the traffic going along there, about 384 left turn movements in a peak hour, is where you get a lot of back-up along Saw Mill River Road. By separating that movement out you would have three lanes of traffic going through. You would have people who are driving straight, who would be able to sail right through the intersection. You would be able to take both the right and left turns out of that flow of traffic.

Trustee Walker: So what you are saying is that it helps the through movements, as well, coming from the other direction. That's a key point. The reason this is so expensive is that they have to acquire right-of-way to extend the roadway.

Mr. Madden: We have to acquire the right-of-way, and also we have to build a new retaining wall. A daycare was proposed on that corner. The owner was willing to donate the land as part of his mitigation for putting the daycare in there. But he has now pulled that application. It is going to end up costing us more money.

Trustee Quinlan: That is going to be approximately \$600,000, which is separate from the \$5 million.

Mr. Madden: No, it is part of the \$5 million.

Trustee Quinlan: I was told that this \$600,000 was going to be separate from the \$5 million. That was incorrect information?

Mr. Madden: Yes.

Trustee Quinlan: And is that going to be one of the first projects that is going to be built?

Mr. Madden: No. First we have to get a recommendation from the Village Board here to tell the intersection committee your priorities.

Trustee Quinlan: I do not think there is going to be much question about that. No other intersections are going to affect Hastings to the extent this intersection is. I would like to hear about your other intersections, but I think we can give you that go-ahead right now.

Mayor Swiderski: The right turns are right turn on red, or do they wait for signalization?

Mr. Madden: I do not remember what the new signalization is. I can get that for you.

Mayor Swiderski: Trustee Walker raised a question of left-turn signalization. Are the lights capable of that, or are new lights being put in that will be capable?

Mr. Madden: There will be new lights. They are upgrading all of the controllers and everything for that intersection.

Mayor Swiderski: And they will have a left turn capability.

Mr. Madden: Again, I do not remember but I can get that information for you.

Trustee Walker: But I think you said they wanted to see how it works first before they put that in. The problem with those left-turn signals is that it slows everything down. It elongates the entire cycle, and then there may be more backup. So everything we gain, we might lose because of that left-turn lane.

Mr. Madden: We are going to be evaluating this as they implement. You check to make sure the calculations you have done to look at the proposal actually come true.

John Gonder, 153 James Street: Going up Jackson Avenue to the traffic light where you make a right to Costco and Home Depot, or coming back to Jackson Avenue, what is the traffic now and what will the traffic be when the development opens up? Right now, coming across at 4, 4:30, 5 o'clock you have a great big jam-up in that intersection.

Mr. Madden: Let me walk through each intersection, and I can explain what the improvements are and address the question you have. We will start in Ardsley. This is one of the main intersections we looked at. As you know, Westchester County will be redoing

the bridge in Ardsley. We came up with four design proposals for Ardsley. This one has an estimated cost of about \$1.7 million. We are redoing the entire intersection and channelizing it with new turn lanes all the way through. This is the perfect world example we looked at. It is a realignment of Saw Mill River Road going through Ardsley. This is the preferred traffic engineering solution. It is taking a lot of right-of-way away, and we are straightening the road and taking out a gas station, as well. When you look at both horizontal and vertical curves going through an intersection, this is the safest design you have. Whether we go back to the previous one, this is just modifying the existing conditions with very little right-of-way being taken in terms of the properties. Ardsley would like to look along the lines of something like this for their improvements because it is the least intrusive in terms of right of way. It preserves parking downtown and addresses some of the intersection needs.

When you propose any intersections, the New York State DOT likes to take a look at roundabouts. However, the residents did not like the roundabout. This roundabout costs about \$2.2 million. Again, you had right-of-way issues. This is another roundabout design. Instead of having the channelization of the westbound lane that you had on the previous design, to take people off Ashford Avenue straight on to 9-A, you brought everybody into the roundabout. Roundabouts work really well; however it is an education process. Most residents here do not understand roundabouts and how to use them.

In Greenburgh as part of our comprehensive plan, as part of traffic calming, we are going to look at putting roundabouts just in the neighborhoods first so you get people used to them in a slow-driving situation as opposed to a major intersection. Then it is much easier to start moving this type of design forward.

Going to the Jackson Avenue South Sprain Road and addressing your question, we are looking at redoing this intersection. This is something we should have done as part of Stew Leonard's when it went in. When Yonkers closed down the one road it threw traffic out to 9-A to get up through Jackson Avenue and back down and cut through. We are looking at separate right southbound turn lanes onto Old Sprain. We have three turn lanes going northbound on South Sprain, two left-bound turn lanes onto Jackson Avenue. Those would merge into the single lane, but you have enough space to allow traffic to merge there, and a separated right-bound turn lane. As well, we are separating off the through lane and the left bound turn going west and onto the South Sprain Road. The estimated cost is \$1.1 million. This is pretty much all in our right-of-way so it would just be the construction cost.

Mr. Gonder: There is no cemetery there, is there? The cemetery is on the other side.

Mr. Madden: The other side, yes. The cemetery property, there where it says "cemetery," that is actually cemetery property. But no, there are no bodies buried there.

Mr. Gonder: How much is that footage?

Mr. Madden: Approximately 150 to 200 feet again. You have about 98 cars making that northbound left turn lane, and 63 doing the northbound right. To go down South Sprain you are looking at approximately 122 cars making that left. But the key for this one is that you have 566 cars going straight. By separating those two lanes out, you are allowing that flow-through traffic going out to the highway.

We looked at straightening out the S-curve along Jackson Avenue by the entrance into St. Andrews. This would require taking some parkland and trading parkland. We looked at two different speed differentials for this. For his one you are looking at 40 miles per hour in terms of the speed you could do on the road, and would cost approximately \$850,000. This is the second one, and it goes to a little higher speed with construction costs of about \$700,000. This one takes less parkland, and we can do a trade in terms of the right-of-way. Our third design is straightening out the curve completely and, again, taking a little more of the parkland. These three are small iterations of different speed differentials for this road.

Then Ardsley asked us to take a look at a possible ramp going onto the Thruway. We did that evaluation, and it has been sent off to the New York State DOT. This is a pie-in-the-sky type development because there is no way we could afford it with \$5 million, and the DOT is starting to talk about different exits on and off the Thruway.

This is our North Sprain intersection. This intersection has the most accidents of all the intersections we looked at because of that Y configuration. We have teed this up with a light as opposed to the stop signs. There were 81 or 87 accidents at this site, so in talking with the Town board, this is one of the intersections we feel very strongly about. The estimated construction cost us about \$650,000. This is part of a drainage district in Greenburgh. We are looking at the county channel line, and how we are going to improve that. We are hoping to tie in the county channel line improvements to do this with the intersection as all one shot so we are not disrupting the traffic too much or ripping out brand-new intersections in order to construct the new channel line. This is fairly cheap because we have all the right-of-way and it is just doing the paving, grading, and light installation.

Trustee Armacost: How many cars, as they are turning north, can be in that lane?

Mr. Madden: We have approximately 139 cars taking that left northbound turn. We have approximately 471 going straight. When you come down North Sprain going south, that southbound right turn lane is 54 cars. You have 159 cars making the left to go out to the highway.

Trustee Armacost: But how many cars does that left-turning lane accommodate?

Mr. Madden: Going north? Approximately 10 cars. But during your peak period approximately 139 cars make that turning movement. It is not just 10 cars stacked in that lane. You are taking those cars out of that lane, but also as that light turns green to be able to make that northbound movement, you will have extra cars moving into that lane.

Trustee Armacost: But if you get more than 10 you will start blocking the other lane.

Mr. Madden: Well, we have the painted island there. You have a lot of people that scoot into that island, and it is out of the way. Our computer modeling shows this is an ideal setup.

We looked at the Ashford Avenue/Old Sprain Road intersection. This is the one we call “the killer hill.” You may have come down Ardsley Road to make that y tight left turn, then you have got to make that quick right turn to go through it. We cannot signalize it because of the vertical curve we have on it which is your height distance. It is not safe to put a light there coming down that hill. We looked at making Old Sprain Road one-way. We would have all of the northbound traffic go up Old Sprain Road and would take away the southbound traffic, diverting it along this street. Ardsley has been evaluating that to see if that is a feasible option for them. It would take one flow of traffic out of that intersection. It is very hard to look up the hill when you make that left to see any traffic coming down and we are getting a lot of accidents with icy conditions. By diverting traffic to a cross street, it would come out to a signalized intersection.

One of the last sections we looked at was just north of the Ardsley Road intersection. This is going through Center Street, all the way up to Heatherdell Road. One of the things as part of the intersection improvements in Ardsley was the straightening of this road. When you do any type of intersection improvement you want to be able to straighten the roads coming in and out of it. We came up with several different configurations. If you look at the southbound traffic here going along 9-A, you have separated out: you have one northbound lane, two southbound lanes moving into that intersection, as well as some pedestrian amenities in terms of the sidewalk. The cost is approximately \$900,000 for this option.

This is a different option. You are looking at taking center turn lanes through 9-A. The mayor and the traffic committee were very concerned about being able to have traffic movement into the retail buildings. We came up with this one as well, looking at the different turn lanes at Center Street. We also looked, on Center Street itself, at making that a northbound right turn only so you would not have the southbound left turn movements

happening just to channelize that. That is where we noticed some of the accidents and problems we are having. This improvement here is approximately \$900,000.

These improvements are available on our Web site at www.greenburghny.com. If you go to “Documents and Forms” on the left side, click on that and then “Community Development & Conservation.” Then you can scroll down to the Ridge Hill improvements. We have all the studies and the presentation up online so residents can look at it that way, as well.

Mayor Swiderski: The numbers add up to a bit more than \$5 million. I am going to guess two or three times that. I am also guessing that some has already been spent on engineering. So what is left? Is it around \$4 million, or \$3.5 million?

Mr. Madden: The first part of the contract was approximately \$350,000. We have not spent all that money. I have been able to keep these guys under that. When we go into design, that is going to cost about \$300 to \$500 thousand depending on which intersections we look at. We are looking at having \$3.5 million to spend. I usually keep about \$500,000 in reserve just in case there are cost overruns or something unforeseen happening.

Mayor Swiderski: So it is three or four intersections we are going to get for that money.

Mr. Madden: Yes. And hopefully we will get the design done for the rest of the intersections as part of that money. Any money left over I would like to put into design so we have a 20-year plan. I went with our commissioner of public works and presented this to NYMTC to try to get some of these intersections on the TIP. The TIP is booked out until approximately 2019. That is without renewal of the federal highway spending program. The Obama administration has not reauthorized that bill. They are looking at coming out with something new in the spring. So for the time being we are under the current bill until that money runs out and, hopefully, we will have something in the spring. We are hoping that with the stimulus packages and everything else that we will be able to include a few more of these intersections.

Mayor Swiderski: I am t trying to come to some conclusion for your decision-making. There will be three to four intersections and three communities at this pot. Without speaking for the other members of the Board, assuming that our highest priority is Jackson Avenue, I assume that Ardsley gets one of the intersections and the remaining two fall to Greenburgh.

Mr. Madden: During the committee meeting we will negotiate to see which intersections will do the greatest amount of good. We are not assigning which community gets which intersections, or how many intersections they get. We want to make sure the traffic in this area is the best possible flowing traffic for the residents of this area.

Mayor Swiderski: Ultimately, I would agree with you; that is a rational way to do this.

Mr. Madden: That is my planner speaking. I will defer to your political speaking because you are looking at it as we have got to get something out of this. I understand that.

Mayor Swiderski: And “we,” meaning the Village of Hastings, is the proud owner of a triple-F intersection, a triple capital “F.” I notice there is a small “F,” so I am assuming capital “F” is even worse.

Mr. Madden: Roughly, yes.

Mayor Swiderski: So I assume that will be one of your priorities.

Mr. Madden: That intersection affects Greenburgh quite a bit, too. Our town board is very interested in that intersection, as well.

Mayor Swiderski: So I can turn to my fellow Trustees, and we can all nod our heads. Beyond that, what do you need?

Mr. Madden: I would like to see a letter stating what intersections are your priorities and which ones we should move forward with to have something on record for the committee.

Village Manager Frobel: There is some urgency in spending the money now because it does have an expiration date.

Mr. Madden: We have to have construction started within the next five years. It is going to take approximately six months to a year just to get the design done because we have to go through the DOT and all the hurdles. The only good thing is we have been laying the groundwork to work with the DOT. We have been sending them all the concept reports and taking feedback from them. We have made several trips to Poughkeepsie to talk about what we are experiencing here, and they are looking forward to working with us on this.

Mary Jane Shimsky, 35 Ashley Road: I was a member of what we called The Five Million Dollar Committee. I am also the Hastings alternate on The Ten Million Dollar Committee, which is the direct access to the Sprain committee. The culling the committee did is fairly limited. The interchanges with the major highways, we realize the best thing we could do is use this as a bully pulpit, send letters to the proper authorities, and hope we can get something moving that way. There was one traffic light along Jackson Avenue that everyone seemed to think was not a priority at this point, and would not be for a number of years. So

we set that off the table. But the rest of it is a decision for you, the Ardsley board, and the Greenburgh board to make together. It is important that we spend this money wisely. And how you define “wisely,” there are a lot of different considerations to take into account. The one thing I want to raise first is the Jackson Avenue intersection. We are going to get four new turning lanes from the developer free of charge. The \$5 million will not be touched for those four turning lanes. That will be a big help. The question is, do we then put a fifth turning lane coming northbound on 9-A.

I have been working on this since like 2004 and I always assumed that Hastings would definitely want to put its money there. But after seeing everything, and seeing where the priorities lie, there is another way of looking at this that you might consider, that is, the vast bulk of people who will be helped by that right turning lane going northbound on 9-A are residents of the city we had to sue to get the settlement money to begin with. It is unusual, to say the least, for someone who, after years of hard-fought litigation, has succeeded in getting a settlement for a wrong they feel has been committed against them and then take a substantial amount of that money and hand it right back to the person they had to sue to get it to begin with. Since we do not have enough money to do everything, we should consider whether that is a wise thing to do, or not.

Mayor Swiderski: You are clarifying something which confused Jerry and I am realizing now is a little different: the \$600,000 for the Jackson Avenue intersection is not for the intersection as a whole. It is simply for the addition of right-turn lanes. The rest of the intersection will be covered by other monies independent of the \$5 million.

Mr. Madden: Yes. That money is being put up by Forest City Ratner.

Mayor Swiderski: So Jerry was correct in the sense that everything but one turning lane, which you are correct in saying benefits Yonkers, is already covered. The westbound traffic on Jackson Avenue, which most concerns us, is covered. That is a very important clarification. So where would you put the money?

Ms. Shimsky: I would put the money smoothing out that curve on Jackson Avenue for safety’s sake. I would get rid of the Y intersection at Jackson Avenue and Sprain, again for safety’s sake, plus, it will make traffic move a lot better because you end up with a lot of backups because people do not know what to do with the “yield” signs. The rest of the money I would give to Ardsley to do what can be done with Ashford Avenue and 9-A.

Mayor Swiderski: What about northbound out of Costco onto Jackson Avenue?

Ms. Shimsky: If it turns out after the Ridge Hill development that they are having trouble moving people out of their property, I think they should spend the money. Considering the fact that we do not have money to do everything, again, we should not be benefiting the people we had to sue.

Mayor Swiderski: Devil's advocate, emotionally I understand what you are saying. But the people moving out of Costco will also be residents heading home who will be backing up. Maybe you are saying the backup will be so severe they will be compelled to do something. But those, at least in part, will be our residents. Certainly, the left turning lane.

Ms. Shimsky: If there are things that need to be done to make this region withstand the traffic that the development is going to cause that should be the top priority. In terms of whose ox would most get gored by that, that may merit further examination and I would encourage you to do that. But, based on what I understand at this point I would say straighten Jackson, reconfigure the intersection with Sprain, and do something with the intersection of Ashford Avenue and 9-A.

Mayor Swiderski: And that is \$3.5 million?

Mr. Madden: Pretty much right there, yes.

Trustee Armacost: Yes, I agree. The area where you are indicating the straightening needs to happen is also where we are seeing most of the accidents. So from a saving lives point of view, that is very sensible. That whole Ardsley intersection is a complete nightmare.

Ms. Shimsky: As we know from commuting, running errands, and ferrying children we get caught in that traffic, and that is just about the worst traffic around here. That would benefit us all.

Trustee Armacost: On the Costco thing I do think they have deeper pockets that perhaps the rest of us do and, if it really is troublesome, they will find a way to deal with it.

Mr. Madden: As I was mentioning earlier, one of the things we have done is submit these projects to NYMTC to be considered for the TIP. We are hoping with the new bill that Congress will pass that they will expand the TIP money. TIP is the Transportation Improvement Program and NYMTC, our metropolitan planning organization, is authorized by the federal government to spend money in the tri-state area.

Ms. Shimsky: Jackson Avenue is a municipal road. What kind of priority would it get on the TIP if it is not a state road?

Mr. Madden: Because we are working in conjunction with three other municipalities, it increases our chance of getting on the TIP. If we have a design, that helps in terms of the TIP. They are looking for some type of match from the local municipality. We are able to count the \$5 million as our contribution because we have done the design for the DOT and we are a shovel-ready project.

Mayor Swiderski: So what are you now recommending? That we do not do the straightening?

Mr. Madden: I am not recommending anything. All I am doing is presenting what our different options are.

Mayor Swiderski: I would not want to count on money materializing out of the feds.

Mr. Madden: I am not counting on that, either. But I am saying that we are trying to set this up for any projects that are not funded.

Mayor Swiderski: Understood. But from the planning perspective tonight, that is rainbows and silver ponies time. That is somewhere off in the distance. For tonight, you are looking for our priorities with the \$3.5 million.

Mr. Madden: I am not looking at the \$3.5 million. I would like to know what your priorities are for the intersections that would affect the residents of Hastings.

Mayor Swiderski: And for practical planning purposes for tonight, you are looking for three intersections, or at least what would be covered by that money, so you have something useful.

Mr. Madden: Again, I am not looking for just three intersections. I would like to be able to say that you feel these are the priority intersections the Hastings Board feels the committee should consider and move forward with.

Mayor Swiderski: I like Mary Jane's suggestion, so I would like to broach that as recommendation one and see how the Board feels.

Trustee Quinlan: I agree, Peter. I just want to make sure that the left turning lanes on 9-A and Jackson Avenue are going to be paid for independently by Forest City Ratner. That is a done deal?

Mr. Madden: It is a done deal, yes. The only thing we are adding to their configuration is the northbound right turn lane, which would cost approximately \$600,000.

Trustee Quinlan: With that clarification, I agree with you and Trustee Armacost.

Trustee Walker: Is there any benefit to westbound, southbound, eastbound traffic if you put in that right turn lane? It really is only benefiting northbound.

Mr. Madden: The only benefit is that northbound traffic. You would not have as much queuing, and people would be able to take that through lane all the way through.

David Skolnik, 47 Hillside Avenue: One of the concerns I have for that area with the increase in traffic is the Hastings communities of Clarewood and Edith's Way. It is already extremely difficult for those communities to access Jackson, especially if they are trying to make a turn to get into their downtown, which is us. I feel it is a problem that is not being addressed by any of this, and the increase is certainly going to make it more of a problem. At South Sprain and Jackson I do not know who owns the land around there; is there the potential of future development in that area?

Mr. Madden: In terms of Greenburgh, we have nothing scheduled for that area at all.

Mr. Skolnik: Do you know who owns that property?

Mr. Madden: The cemetery owns the big vacant piece there, and the Thruway owns the other half on the other side.

Mr. Skolnik: So the likelihood of the cemetery utilizing that or selling it?

Mr. Madden: They may sell it, and when you look at the development potential it does have wetlands. We have a very strict wetlands and steep slopes law. We would look at that in terms of any development there. Plus, we would look at any mitigation they would be responsible for. The nice thing is, with my background as a transportation planner, coming out of Arizona, I am so used to beating these guys over the head to get exactly what we need at most of these intersections that I have been very successful so far in Greenburgh in getting what needs to be done.

Mr. Skolnik: The clarification on the short history of that street in relation to Home Depot, am I right in understanding that originally that was not supposed to be used as an access? It was supposed to be reserved for some sort of emergency access?

Mayor Swiderski: I do not know if it is relevant at this point.

Mr. Skolnik: The only reason I think of it is because it seems it has been a progression. Originally it was not supposed to be used, and then it is continuing to be upgraded so it would increase its use. The S-curves, I am weary of that, partly because I have listened to our Safety Council for a number of years. I do not know what the statistics are, whether there actually are accidents there. But by straightening it, you are increasing the expected speed of that area.

Mr. Madden: We are looking at the designed speed. It makes it a safer road because you are straightening the road out. If you look at a quarter mile, you can do 160 miles an hour on a drag strip. However, you are not going to be doing 160 miles per hour on a roadway like this. It is still regulated by our town code, and the speed there. So if we have problems with that we just stick an officer there and he will start tagging people.

Mr. Skolnik: Jackson/9-A. Was there a number that defines the difference between the no-build and the build numbers?

Mr. Madden: Yes.

Mr. Skolnik: What is the specific effect of Ridge Hill versus the expected growth over 20 years?

Mr. Madden: We did both the analysis for the 2008 no-build scenario, as well as a 2008 build scenario for Ridge Hill.

Mr. Skolnik: I am sorry, you do not mean 2008. You mean 2020?

Mr. Madden: No. You have to start somewhere, so we started with a 2008 base year and did a projection of both the no-build and the build for Ridge Hill. We projected that out to 20 years, so it would be the 2028 projections. The improvements we are suggesting are based on that 2028 projection of what we expect traffic to be at that time period, based on the addition of Ridge Hill and our normal growth.

Mr. Skolnik: Just the differential. Obviously, we have problems here now, and we would have problems going forward even with the no-build scenario. There would have to be

certain mitigations happening even just dealing with the expected development. I was trying to get a sense of what that Ridge Hill element is. If there was no Ridge Hill we would have to be talking about what changes, what kind of mitigation we want to do, and where that money would be coming from.

Mr. Madden: If Ridge Hill was not coming into play we would have to look at going to the DOT for our money. This goes back to my statement earlier. One of the things we have to look at, and I am going to put my planner cap back on here, is the corridors as a whole and get all the municipalities together in order to be able to solve more of a regional problem. A lot of the traffic is a regional issue. When you look at 9-A, what you get is almost like an hour glass moving along there. You have four lanes going into two lanes, into four lanes, into two lanes. That is all based on what each municipality has wanted. Typically, when you look at a corridor like this you start off, and this is what we are starting to do here, doing a candidate assessment report. That is part of your overall corridor study, and where we can start doing the improvements. That moves into our design concept report, which is what we are doing there. We are taking a look at which intersection improvements we can do. From that design concept report we move into the TIP phase on which intersections we can start to get funded, and built, in order to solve some of the problems you are talking about.

Mr. Skolnik: So there is still an effort with this.

Mr. Madden: Even without this, as part of the Greenburgh comprehensive plan we are taking into account traffic. We are trying to take into account an overall transportation plan that can help with in alleviating some of the traffic flow that is coming out of Greenburgh into the villages. And, hopefully, the villages will be able to reciprocate and come up with an overall plan that, as you move through your comprehensive plan, will match up with ours.

Mr. Skolnik: Jackson/9-A specifically, our intersection, what was missing and what has been a very important issue in our local discussion, has been the pedestrian component.

Mr. Madden: The DOT has an aversion for sidewalks and bike paths. In order to get them to put a lot of this in, you need to put this into your comprehensive plan. We are identifying all our roadway network where we would like to see bike paths. Once you get it into a plan, you can start hammering the DOT because you can say that our residents have said we would like to have bike paths along these state roads; when you redesign it, we are demanding you put bike paths, or provisions for bike paths or sidewalk/pedestrian amenities, into it.

Mr. Skolnik: Part of the dilemma here is that we are in that process now. It has been very clear that that is a significant priority. I would ask the Board and I would ask you, is there any way that that desire can be factored into the design.

Mr. Madden: It is too late because this design was already approved by the DOT. You need to put it into a plan that says this is where we have identified areas where we would like to see pedestrian or bike path amenities. Then you can give it to the DOT and say we want this put in. But at this point, we have no legal backing to start demanding that they put this in.

Trustee Walker: Dave, you made a good point. Even though many of us do not walk around here, there are people who do walk. There are bus shelters on two corners. There are people who work in this neighborhood, people who walk over to those bus shelters from Hastings, and there is no way to cross the street to get to those bus shelters.

Mr. Skolnik: People walk from Holly Place.

Trustee Walker: Yes. People walk from Hastings up 9-A; people cross that intersection; people wait at those bus shelters. And then people ride across the Ravensdale bridge, many of us do, because this is the only way we can access the South County Trailway. There are bicycles in this intersection all the time. So we should put something into our comprehensive plan, and ask that you do, too.

Mr. Madden: We have already identified that. We will be releasing our bike plan, hopefully, in the next three weeks, in which we have identified all of our routes in the town.

Trustee Walker: This is a major route for us.

Mr. Madden: Yes. One of the things we have identified is looking at how we get our connection from our neighborhoods into our commercial section. Westchester is a very auto-dominated society. Everybody hops into their car to go to the store, whereas everybody who works in Manhattan has no problem walking 10 or 12 blocks. But as soon as you hop on that train and get into Westchester it seems walking two blocks is a monumental effort.

Trustee Quinlan: Biking down to the South County Trailway, which I do quite often, there is a fairly decent shoulder now on the west side of 9-A to the South County Trailway. After this improvement is made, do you have any idea what the width of the shoulder might be from the end of the turning lane to the end of the roadway?

Mr. Madden: I did not bring that plan with me, but I can get that information for you.

Mr. Skolnik: The Ashford/Ardsley Road/Old Sprain intersection in Ardsley, I understand why you cannot put a traffic light there to deal with the westbound traffic. But on the plan I did not see any stop sign for the eastbound traffic on Ardsley Road, which would allow the

traffic that tends to block up on the northbound, whether it is going through or, more likely, making the right turn, to have more of a flow. Is there is a reason why a stop sign at the beginning of the hill would not work?

Mr. Madden: The reason we do not have that there is because you get approximately 449 cars as a through movement. A stop sign is going to back up those 449 cars into your last light. Turn movements eastbound going left it is only about 115 turn movements, and then 55 doing a left into Old Sprain Road northbound. The key is to keep that traffic flowing along Ardsley and Ashford because there is so much volume. When you do the comparison, there is not as much in terms of the turn movement.

Mr. Skolnik: The Sprain Parkway exit onto Jackson was not addressed because it was, I think, DOT.

Mr. Madden: It was addressed. We did it as a separate study, and we have that available. We realized that doing the intersection improvements or the ramp improvements for that is just too costly, \$15 to \$20 million. We have sent that study to the New York State DOT to start the conversation of trying, again, to get that funded as part of a TIP project. We are trying to take a more regional approach to traffic in our area. We are hoping it will solve some of the problems. It is not going to solve all the problems. That is going to come through changes of land use and other traffic patterns that we will have to address in our conferences and plans. But we are hoping to at least reduce quite a bit of the congestion.

Trustee Walker: I understand what Mary Jane is saying and a lot of me agrees. The only concern is that people who live in Hastings, those who live on Marion and so on, will be affected by this, and there are Greenburgh residents, many of whom are in our school district, who would want to take that right turn. It is not exclusively Yonkers. But I do not want to widen it any more than we have to. I would rather have bike lanes and sidewalks than that right turn lane, which is completely beside the point, I understand. So I do not feel strongly, but we need to understand that there are other people besides Yonkers folks who are affected by this. In terms of straightening the road, I believe that in order to maintain slower speeds you should not straighten roads. In fact, keeping the roads a little more crooked slows people down. And instead of relying on enforcement and having a police car out there to slow them down, design is important for slowing cars down. So I do not see the importance in straightening the road. I agree we do not need to look at the Costco road, South Sprain Road. The North Sprain Road I do think is important. The improvements there would make it much safer and reduce accidents as well as solve that visibility problem I always have when I pull out of there. The T intersection is the right way to go. That is my top priority. The intersection on Ashford Avenue and Ardsley would be my second priority, and this would be my third.

Trustee Jennings: I am not sure I am ready for priorities because I am not entirely sure what the whole list is. But I certainly agree, from my own driving, that this intersection we are discussing now is dangerous. So I agree with Meg's comments about the visibility issue there. What is precisely the question? Are supposed to pick a couple of things to do?

Mayor Swiderski: Yes. It is hard to ramp you up on the discussion that passed in the last hour. I think it is probably something I will save for after the meeting, with you.

Mr. Madden: Trustee Jennings, you can always give me a call and I can explain everything.

Ms. Shimsky: I am mindful of the Holly Place neighborhood and I did a lot of thinking about that. They are going to be getting that left turn, which will move everything considerably. Plus, it will greatly expedite their ability to get to the schools or to the train station in the mornings with the dedicated left turn lane. So we are not exactly leaving them out in the cold. In terms of straightening Jackson Avenue, I agree. The last thing we want to do is turn everything into the Thruway because you end up with 80 mile an hour and crashes. But there is a menu of three possible sets of changes for that area. There are less expensive options which do not take everything out, but will help improve safety at the same time: strike a balance.

Village Manager Frobel: I have had the privilege of attending all the sessions before this with you so I will be silent on a lot of my opinions. But when we last met in August there was going to be some effort to have the developer pay for that additional lane that we talked about. You were unsuccessful, I assume.

Mr. Madden: We were unsuccessful. We met with them, and because they were so far into the design it was just not possible. We had the DOT in on the meeting with us because we were going over all the different intersections. For the property owner, Mr. Sinatra, who owns the office building on the corner there, to donate the land to the DOT is approximately a year and a half process, and that is with no hitches on the title. That is how long it takes just for the DOT to accept the land. That is one of the problems when we look at some of these intersections. If we have to get right-of-way, you have to factor in a time period just to get clear title on it. There is not much design in terms of making that left turn lane because most of the design was already done by Habib & Associates. It was just mainly designing the wall and the sidewalk to connect into the bus stop. The developers were going to redo the sidewalk going up on to Jackson Avenue for us as part of the development. However, the right-of-way issue stopped it completely.

Mayor Swiderski: To wrap up, it is not unanimous. But there seems to be a consensus, majority perhaps but not unanimity, that the northbound lane is not of the highest interest. The three improvements, and I will put them in rough order: straightening of the S and the T intersections seem to be roughly equivalent; and then Ardsley/Ashford. Beyond that, I do not know if I have the patience to come to a consensus now on the Board. We will try to do something via structured emails over the next couple of days. But if you are looking for a takeaway right now so you can push the process forward . . .

Mr. Madden: No. The only thing I am looking is contacting Mr. Frobel to discuss this. I will expect a letter from the Village outlining its priorities so we have it documented.

Mayor Swiderski: We will do that, and try to get the other prioritized, as well. I think we are largely indifferent. There is some sort of prioritization but, ultimately, I do not know how much we should count as a factor in your decision-making for stuff inside Ardsley.

Mr. Madden: It is going to be determined by the committee. Once we get a better cost estimate for the design some things might fall out and other things might pop in. This is a starting point. I would like to organize a meeting in November with the committee to move this forward and have consensus before the start of the New Year so we can start the next contract for the design phase.

Mayor Swiderski: Thank you for coming. Mary Jane, thank you for the service on the board and concise advice. We were headed down a wrong path, and thank you for the clarification. And let the record show the one improvement in Hastings we are willing to forego for our neighbors.

APPROVAL OF MINUTES

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the following meetings approved as presented: Public Hearing of September 22, 2009; Regular Meeting of September 22, 2009; Public Hearings No. 1 and 2 of October 6, 2009; and Regular Meeting of October 6, 2009.

APPROVAL OF WARRANTS

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 24-2009-10 \$104,513.39
Multi-Fund No. 25-2009-10 \$366,962.55

PUBLIC COMMENTS

Elisa Zazzara, 68 Southside Avenue: I am here as a board member of the Friends of the Old Croton Aqueduct. I want to address the path that runs over the quarry. We have asked since the fence went up about nine months ago that it be taken down and something more appropriate put in its place. A little history. I am not sure why, but the shrub and the brush that was alongside the path that went over the quarry underpass was removed and a chain link fence put up, about a 48 foot one on the east side, and the 32foot one on the west side. Clearly not in keeping with the historic nature of the trail, as it is under the purview of the Office of Parks, Recreation & Historic Preservation. In July, I had correspondence with the Mayor, and he had spoken with the Village Manager, and said, it is September, fences will come down, plantings will go up. The fences are still there. We have membership, friends and fans, that look at us bewildered, saying, what is going on. So we come to you and ask: "What is going on?"

Village Manager Frobel: As I explained to the group, the fence went up out of my concern for the danger of the drop-off. With construction of the Quarry Trail it opened up that area. There was a lot of cleaning and grubbing out of some of the overgrowth. That created what I thought was an attractive nuisance. There was a danger that perhaps pedestrians using the trail could slip and fall off. Based on recommendation of staff at that time, I agreed to have the fence put up. The association has put some pressure to have it removed. I have not had an opportunity yet to have a crew go out there and remove it. I still would like something in writing from the state representative absolving the Village of any concerns for any injury that may result in slipping off the trail onto the walkway. I have not received that. But if the direction of the Board is to have the fence removed, then we will remove it.

Elisa Zazzara: Why was the shrubbery removed from the top part, when as far as I understand it, prior to any quarry work that area on the Aqueduct was safe. There was no question as to its safety prior to any work on the quarry.

Village Manager Frobel: There may not have been, but with the clearing of the understory it did open up the area and create a situation I thought was unsafe.

Ms. Zazzara: It is also my understanding that it is state property, so the owners should be spoken to before anything is cleared or before things are erected.

Village Manager Frobel: The design was approved by the state.

Ms. Zazzara: The state parks?

Village Manager Frobel: It was a project funded by, I thought, the Department of State. Maybe it was Parks, Recreation & Historic Places, but one of the state agencies. During their review, they review the specifications and it included removing some of the understory along the entranceway there.

Ms. Zazzara: I know that Steve Oakes, is the manager of the Old Croton Aqueduct, has been in correspondence with you and has given recommendations on a different type of fence, which was about \$300.. Then it was suggested that plantings would go up from the Village as opposed to a different kind of a fence, and that September would be better than August. Now we are into October. I know there has been expense putting those fences up that are currently there, but that they could be repurposed to perhaps fixing the fence in front of the quarry park.

Village Manager Frobel: We have plans for the fence, but there is still some uncertainty as to what the design is that Mr. Oakes would like for the site. If the direction is to remove the fence, we will remove it. But again, I would like some assurance from the state that we are absolved from any personal injury that could result from slipping off the trail. Regardless of who removed the shrubs, or why, I am still concerned about that drop-off.

Ms. Zazzara: I will have Mr. Oakes send the email again with regard to the new plans, and relay your concern about the liability. Since it is state parks property, I am assuming that is where liability lays. But if you need that in writing, I will ask him to send that to you.

Mr. Gonder: I reside at 153 James Street with a tribe of six deer that have taken my outdoor property away from me. I want to thank Mayor Swiderski and the Board members and our attorney for trying to do something about the deer population in Hastings. I hope you keep on going, fighting this thing. I have been brought up to follow the law; if you did not like the law, change the law. I was ill for a few days, it rained a couple of days. I went out, I cleaned up 49 droppings in my yard with two trowels. The weight of the droppings was probably six or seven pounds, and it concerned me. I called Westchester County Health, and a nice woman said you have got to worry about salmonella. She gave me a number to call, and it happened to be DEC Wildlife. A nice woman talked to me. She said she was not too sure, but there should be no concern with the droppings. We got talking about the information we got from Mr. Clarke: use black gun, get the nuisance permit, no problem. We will give you one in a few days over the phone, six months, a year. She kept on telling us, black powder rifle, shotgun, bow and arrow. I said, these are small little pieces of property. People do not want deer hurt running around with an arrow or shotgun or bullet going through and ricocheting off something. So I asked her about different methods that some of our people

are doing. Oh, that will stress the deer. Everything I suggested that you people have thought of, that will stress the deer. So I said, what do you think about the humans? We are getting stressed. I have been getting stressed for 12 years. So I said, I obey the law. I am getting to the point that I am not going to obey the law. And I say, no, that is wrong, John. You have been brought up differently. So then I remembered Bernstein in Edgemont, fighting Greenburgh. What is the other one? Fair housing something. We got a lot of attorneys here. We may get an attorney that we have in the Village that has problems like me. Let us take them to the state supreme court in White Plains, either a judge/jury or a trial jury. Take the DEC. They are antiquated. Jacques Padawer is right: there is a problem. The DEC is protecting deer. They do not give a damn about the people.

So let us do something about it. Maybe we can get an attorney pro bono that has his deer problem. But we have got to do something about it. I am concerned with vehicle accidents. Somebody is going to steer away and get hurt seriously; maybe a spinal injury, maybe death. Also, I am afraid of all the diseases Jacques Padawer told us about. The other thing I am worried about is some youngster, whether it is on the Aqueduct, over in Zinsser Park, Uniontown Park, some kid is going to see a little fawn and he is going to chase him. And then Mama Doe is going to come and hit him. I have seen a doe up this high coming down, and it is scary. Some of you think I am a dummy, maybe some of you think I am a double-dummy. But we have got to do something about it. And I think now we should take the DEC to court, have Jacques Padawer and some other people testify, and maybe we can get something that we can eliminate these deer.

Mayor Swiderski: Short of taking them to court, the next step is trying to get the law changed.

Mr. Gonder: That will take forever.

Mavis Cain, President, Friends of the Old Croton Aqueduct: We are terribly concerned about the fence, not only because we have more Friends members in Hastings than in any other village. I get letters and phone calls complaining about that fence all the time. So it is serious. It is not just the board members who are upset about it. But when I talked to Steve Oakes today, he said when the bushes were removed that, of course, opened up the dangerous area. But he said we should put in prickly bushes, something like bayberry with lots of spines on it that nobody is going to want to get near. It is urgent, because the frost is going to come, and then they will say we cannot remove the fence until the spring. I will talk to Steven tomorrow, and be quite specific about the kinds of bushes we recommend be put there to replace the ones that were removed; as well as absolving you from responsibility. He did submit a fence design himself and, evidently, it was rejected. He thought a simple

split rail fence, with bushes around it, would at least be something hard that a person is not going to fall into and then fall over into the trail. I am not sure why that was rejected by the Village.

Village Manager Frobel: It was not. He did submit a design, and then called me shortly thereafter and said, hold off, there are people who do not like that either.

Ms. Cain: Oh, good Heavens. Trying to get everybody to agree on a fence.

Village Manager Frobel: That has been part of the concern.

Ms. Cain: It is the height of the chain link fence, of course, that so many of our members don't like. One of our more senior members of our group looked at the stairway and the fence, and she said, "This is a stairway to hell, that fence." That echoes in my ear, as she is one of the most important members of our group. So we want to emphasize the importance of getting it done before the frost, partly because we owe Hastings so much for giving us so many loyal members.

61:09 APPROVAL OF LOCAL LAW NO. 3 OF 2009 TO ELIMINATE CERTAIN LOADING AND NO PARKING ZONES AND TO CREATE NEW PARKING METER ZONES

Village Manager Frobel: This is the result of staff work that began with a memorandum last summer on suggested improvements and expansion of parking opportunities throughout the Village: swapping out of a loading zone from an area on Main Street that is difficult to access for truck drivers making their deliveries to an area that is much more convenient; creating some on-street parking opportunities along Warburton near the church up into Broadway; and creating some metered spaces along Villard up to Whitman. I would stress that there is still going to be free parking along Villard on the south side for the residents and all the way up to Broadway, and free parking from Whitman on Villard Avenue on the north side up to Broadway. So we are not limiting the free parking for residents of that area. We are simply addressing a concern that has been brought to our attention with perhaps commuters using those parking spaces and tying them up for the entire day. We believe this will create some opportunities for employees and shoppers who visit the downtown.

On MOTION of Trustee Walker, SECONDED by Trustee Jennings 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 2009 amending the Code of the Village of Hastings-on-

Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic to Eliminate Certain Loading and No Parking Zones and to Create New Parking Meter Zones

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

Section 1: Paragraph B(2) of Section 282-21 (Loading zones) of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows:

2. ~~The south side of Main Street starting at a point 137 feet east of Warburton Avenue and extending 46 feet east of that point~~ *The west side of Warburton Avenue starting at point approximately 42 feet south of West Main Street and extending south for approximately 45 feet from that point.*

Section 2: Section 282-25.A (Parking prohibited in designated locations) of the Code of the Village of Hastings-on-Hudson is hereby amended by deleting the following paragraphs:

~~(41) Warburton Avenue, on its east side between Villard Avenue and along Warburton Avenue around the curve to Broadway.~~

~~(48) Villard Avenue, on the south side between Whitman Street and Broadway between the hours of 7:45 a.m. and 3:30 p.m. on days when school is in session.~~

and renumbering the remaining paragraphs accordingly.

Section 3: Section 282-35 (Parking meter zones) of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new paragraphs:

- N. *North side of Villard Avenue starting at a point approximately 81 feet east of Warburton Avenue and extending east for approximately 90 feet from that point.*

- O. *East side of Warburton Avenue starting at a point approximately 156 feet north of Villard Avenue and extending north for approximately 44 feet from that point.*
- P. *East side of Warburton Avenue starting at a point approximately 220 feet north of Villard Avenue and extending north for approximately 45 feet from that point.*

Section 4: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 5: 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 Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

62:09 APPROVAL OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION SNOW AND ICE AGREEMENT EXTENSION

Village Manager Frobel: This is a routine matter that comes up once a year, sometimes times a year because there may be an adjustment next spring. It is our agreement that we agree to provide snow and ice removal during winter storm events for a portion of the state-owned roadway in the Village.

Trustee Walker: How are the amounts decided?

Village Manager Frobel: They are stingy. I half-kid by saying I would just as soon let them protect the roads during those storms than have us do it. But it is a per-mile basis, a calculation they use.

Mayor Swiderski: And if it is a bad winter we get more?

Village Manager Frobel: They will adjust. Again, they typically have come back. In March of this year we came back with an adjustment to the one that would cover the entire season.

On MOTION of Trustee Walker, SECONDED by Trustee Jennings 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 New York State Department of Transportation Snow and Ice Agreement Extensions for the 2009 – 2010 and 2010 – 2011 Snow Seasons.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

63:09 DEPUTIZATION OF ELECTRICAL INSPECTORS

Village Manager Frobel: The firm that we have relied on in the past, the New York State Board of Fire Underwriters, has notified us that they will not be providing the service to us or to neighboring communities. State Wide Inspection Services come highly recommended. They are currently providing electrical inspection for about 21 communities in Westchester. It is the recommendation of Deven Sharma, the Building Inspector, that we use them.

Trustee Jennings: Was this the only applicant?

Village Manager Frobel: No. He has others he calls on but, principally, this is the one that will do most of the work. We do have another two.

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

WHEREAS, the Code of the Village of Hastings-on-Hudson, §128-12 authorizes the Board of Trustees to deputize electrical inspectors from agencies properly qualified to perform inspections of electrical installations in the Village, and

WHEREAS, the following company has applied to perform electrical inspections in the Village:

State Wide Inspection Services
116 South Central Avenue
Elmsford, NY 10523

WHEREAS, the Building Inspector has reviewed the qualifications of this company and found it to be properly qualified, now therefore be it

RESOLVED: that the Mayor and Board of Trustees deputize State Wide Inspection Services to perform inspections of electrical installations in the Village.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I am going to hold off, and yield my time to two other topics, under Board discussion.

BOARD DISCUSSION AND COMMENTS

1. Yard Waste Proposal

Village Manager Frobel: A few weeks ago I had presented the Board with a memorandum outlining some of the concerns that staff has identified with yard waste, how it is an ongoing problem, and this time of year it really accelerates. I talked about some of the concerns, not the least of which is our facility and how we are not equipped to handle the volume that we have recently been experiencing. My suggestion is education as critical in this equation. If we can get the landscaping firms to better understand that they need to change their methodology of caring for people's lawns, and perhaps have homeowners help us by changing the way they take care of their properties as well, in terms of mulching or composting on-site or doing something to help us reduce the amount of yard waste we collect. We are nearing 3,400 cubic yards of yard waste, which is quite a bit for a community of our size. I was looking for a way we could reduce that amount and force the

issue, and that is by going through a process of licensing, or permitting, our private businesses to use that facility. I have a suggestion that was to cover, principally, our costs going forward. I have noted our concerns, although now we have a relationship with Yonkers. In the past, we have had to rely on private haulers to get rid of our yard waste at a greater increased price. Yonkers does allow contractors to use their facility but it is restricted to their residents. Yonkers is not interested in having out of towners use their facility. I would suggest we continue to provide this service, but at a cost to cover the cost of doing business, and with the goal of continuing to work with these businesses to reduce the amount of yard waste we need to handle.

Trustee Walker: Why not just prohibit commercial yard waste?

Village Manager Frobel: I would rather try weaning them off that service. To shut them off completely would create a problem for them from a business point of view. Perhaps licensing for a year, saying we may eliminate it completely in 2011 so be advised. That is an option, but my thought was to at least leave that service available. I would continue to have our employees pick up yard waste from homeowners at the curb. The businessmen may say they will put it in bags and leave them by the curb for our people to pick up. I do not know if that is a genuine concern. We do provide the service to our homeowners and will continue to. But it is the business section that has really created a burden on our operation. If you saw the yard today, it was pretty tough. There was quite a bit. The men worked on it this afternoon to work the pile down. That comes from the private businesses. What we pick up by our trucks we bring, typically, right away to Yonkers and dispose of it. We do not store it on the site. So it is a problem for us.

Trustee Walker: How many commercial landscapers do you think will pay this fee? And will we be then compensated for what we pay? In other words, is the amount that you came up with reaping a profit, or is it covering costs?

Village Manager Frobel: We believe there are seven firms operating in the Village, principally. There may be more smaller ones, but I use seven as the number because that is how many we worked with under the leaf blower ordinance. That was the number I corresponded with through letters and fact-to-face meetings. The fee I suggested could yield up to \$35,000. That would cover our cost today from Yonkers and then some. But if we were to go back to a private hauler, then it would be a more break-even situation.

Mayor Swiderski: The \$15,000 the Village is spending on the disposal as waste is no different than a direct payout to those firms for avoiding a cost. It is a subsidy. There is no other way to think of it. It is a subsidy, so the thought of charging firms their actual cost of business does not only strike me as entirely sensible, it strikes me from a taxpayer's point of

view as the right thing to do. I do not have a moment's hesitation. And if that means the cost is passed on to the consumers, then that is the true cost of the business they are asking to be performed on their lawn. If it costs them another \$5 a week, or a dollar a week, whatever it will come to, that is what it really costs. There is no reason why a taxpayer who is not using the services of a lawn service should be effectively paying that. Whether there is distress or not, I do not think I have any problem passing it. I do not see a moral, economic, or any other argument that you could make otherwise. It is simply distributing the cost where it belongs.

Village Manager Frobel: That \$15,000 is strictly the disposal cost. I did not, as I did with the commercial rate, look at manpower, equipment, fuel, etc. We can easily do that, and we will do that if this comes to pass, to defend it. But you are right. We have only isolated the true cost of disposal, not even the manpower, and there is a lot of time in terms of jockeying around the yard and scooping up loads to drive.

Trustee Walker: To cover our cost makes sense.

Mayor Swiderski: I am not entirely certain: \$20,000 is too much perhaps, but it may not be. It may be about right.

Trustee Walker: So how will this be implemented?

Village Manager Frobel: Getting back to one other point you raised, I think business plans will have to change. In my conversation with a couple of the firms, if this were to come to pass, and I suspect they anticipate it happening because it has been alluded to in the past by myself but perhaps not to this degree, they will have to change their plans. They will have to work with their customers, and say, we are going to do some more mulching, we are going to do some more chipping, we are going to make use of the product that is on your site rather than dispose of it, to avoid that cost. So out of the seven, I had no idea as to how many may change their business plans to not have to need a license or to use our facility. I would like to start on January 1 issuing a license to whoever would like it, at that fee. It would be good for one year. I am not suggesting it be prorated. I do not want to see anyone come in here in April and take one out, and then turn it in in May. It is going to be the whole year, at that fee, paid up front. Then they would have the privilege of bringing their material to the site for Hastings residents only. We would have to be very aggressive in checking that and making sure. We do that, but we rely on their veracity.

Trustee Walker: So they would come to the Village Clerk's office, for example, to purchase the permit, and then it would be displayed in their trucks?

Village Manager Frobel: Yes, they would have to show it.

Trustee Walker: So the DPW just checks for the permit or not, and that is it.

Village Manager Frobel: And they would certainly know. It is a small enough number.

Mayor Swiderski: My only concern, and maybe I am too distrustful, is maybe there is associated with the fee some sort of cap on the total truckloads. Just a thought. Not that multiple companies would necessarily offload onto a single one, but if there is any way to gain the system. My own personal bet is that if the fee is stiff enough nobody will pay it.

Trustee Walker: And we will lose all of that commercial trucking.

Mayor Swiderski: The stack of stuff will go away. It may be either illegally dumped, or will be dealt with on-property, like it should be.

Village Manager Frobel: That has been talked about, as well. The community is small enough that people will see if illegal dumping is occurring in their neighborhood. We have a few areas, like Dan Rile Park, enough people would walk by and see something amiss.

Mayor Swiderski: I am not saying it would happen here. I think it is a dense enough population here. There is no cost now in dumping it where they are dumping it now, and it is legal so they do so. There is not a whole lot of risk in dumping it somewhere they should not if there is a \$5,000 fee attached. They will weigh that. I do not know what an illegal dumping fine is for yard waste. My bet is, it is not \$5,000.

Village Manager Frobel: No, probably not.

Mayor Swiderski: They will make that determination, but that is nothing I can do anything about or worry about.

Village Manager Frobel: We can check the ordinance to determine that. And if that needs to be adjusted as well, we can.

Mayor Swiderski: Right. That is the other thing: what is the fine for those who do dump without paying the charge.

Village Manager Frobel: I do not know off the top of my head. But I like the idea of, in the licensing application, the number of truckloads. We would have to somehow come up with either an estimate or a not-to-exceed number so they did not join forces together.

Trustee Walker: That brings up a monitoring issue, and that rests on the DPW.

Mayor Swiderski: There is a camera there.

Trustee Walker: But somebody then has to watch the camera. Is that possible to monitor?

Village Manager Frobel: We will not make that an obstacle, though. If you are intent on this, that is something we could do.

Trustee Jennings: There are two issues here, two levels on which we can look at it. One is the level we have been discussing, which is that we collect material, it costs the Village money to pass it along to the next place, and we should recoup our expenses so the taxpayer does not have to subsidize private businesses. That makes sense to me, and I have no objection.

However, I would like to raise for further deliberation later, the broader question of what is this material and where should it go, and what good things can be done with it. We talk about dumping and it conjures up asbestos or other kinds of things. But we are actually talking about material which, if properly handled, could be naturally transformed into valuable and usable material. Our broader problem as a village is that we have a lot of yards so we have grass clippings; we have a lot of trees so we have a lot of leaves. We need to think about the streams that these different yard waste should go in, and where they should end up and how they should be used. I hope that we do not simply impose a fee and then do not think about yard waste anymore. We have an ongoing question long term of what the proper way to handle this material would be.

Also, what does Yonkers do with the stuff? If we were to use a commercial firm to take it away, what do they do with it? Do they stick it in a landfill where it composts and decomposes, but never gets used because it is mixed in with other stuff? Or is it used productively? I would like to know where we are in the chain of what happens to the stuff. We do not have to necessarily be the ones to transform or compost it if it is headed toward some productive use. But if it is just headed toward a nonproductive or a polluting use, we do not want to be part of that stream. So we need to think about how we can get out from under that.

I want to look at the fee structure. I think it is fair, I think it is appropriate. I just want to make sure that we would not inadvertently discourage, or undermine, local people who want to do composting on their own property. It does strike me that potentially you have a flat fee structure of some sort. Now, with the limitation of the number of truckloads maybe that

solves it. But a flat fee structure is sort of, I have paid my \$5,000, I do not need to mulch your grass, I do not need to rake the leaves over into your compost area. I will just take them. I paid my fee, so who cares. That is exactly the behavior we do not want to encourage. That is sending the wrong message. We need to be careful about that.

Village Manager Frobel: We have looked into composting. The Village has tried it in the past without much success. Where I used to work we had a very successful composting operation, and we also had one that was an abysmal failure. We are subject to the most stringent, toughest regulations that the DEC imposes because of the amount of yard waste we generate. I was hoping that we were small enough that we could do a smaller operation, but I would like to report to you later on what I found out about composting.

Trustee Jennings: That would be a part of this longer conversation, and we should have it. It has a potential of intermunicipal agreement and economies of scale. We should definitely keep it on the burner and talk about it in the future.

Trustee Armacost: Fran, when you talk to us about it, can you talk about what made your successful model successful and your failed model a failure?

Trustee Quinlan: I think \$5,000 is too high. Just do the math: seven companies times three is 21. If two companies or three companies do not opt to spend the \$5,000, then we will have less waste. I do not know how we pick on \$5,000. A more reasonable approach would be to make it \$3,000, and I think we can cover our costs and accomplish all the goals that have been stated today. I do not think anybody is going to be happy with that. And we should look at the fees for dumping waste. I do not say that is going to happen, but it is a danger that we want to protect against. We can make it that if someone does do that there will be a significant forfeiture of money on their part.

The other thing that bothers me just philosophically is that these companies that are run by local residents, I do not see them as making tons of money and being in the upper class of Hastings. We have to protect that to a certain extent, our diversity through all economic layers in this village. That is one thing that has made this village a very enjoyable place to live that we have a diversity of economic interests, a diversity of professions. So that disturbs me a little that we seem to be targeting maybe the companies that work with their hands, work with their trucks, work with their machines instead of their surgical tools or like I do with a pen and a yellow pad. That disturbs me, but Peter, you make a good point. It is a cost of doing business, and why should they get a subsidy. My compromise would be to decrease the fee, try to figure out where the \$5,000 came from, maybe start it out at \$3,000 and make nobody happy and then see where we lie after the first year.

Trustee Walker: I would stick with the \$5,000 because I would want to discourage them from even doing it. I am not that concerned about passing this cost on to the customer rather than hitting the taxpayer with it. You have to try it for a year and see what happens. We can adjust it up or down after that year, but I am okay with the \$5,000.

Trustee Jennings: My view about this is that we should not pull a figure out of a hat. We ought to do an analysis of how much it costs, and cover our costs. Maybe make it administrative, but do it in a systematic way. Include the labor. Then if the number turns out to be \$3,000, fine. If it turns out to be \$5,000, fine. If it turns out to be \$10,000, fine. We need to cover our costs. That would be the basic objective here.

Village Manager Frobel: I agree. And thought did go into the number. As was pointed out, it reflects the worst case scenario: it reflects dependence upon a private hauler to take the material away. We have had the good fortune in the last three years to have negotiated a rate with Yonkers and Ardsley. Ardsley got out of the business. Back to Yonkers. Yonkers may call me tomorrow and say we are not taking it anymore anyway. In fact, in my memo I note they no longer take grass, which was a big part of our composition of yard waste during the summer months. So it is a problem. I did it on a worst case scenario. But I can make it even more difficult now by looking at equipment, manpower, and fuel, which I did when you upped the commercial fees. I had that whole matrix figured out, including a pension clause, fringe benefits, the true cost of doing this service. So let me work on that.

Trustee Armacost: Can you give a best case as well as worst case scenario so we can work out some kind of compromise?

Village Manager Frobel: And best case would be today. But let me do that.

Mayor Swiderski: Current cost versus worst case.

Trustee Jennings: If we lose our deal with Yonkers we can raise the fee in the future, if we have to.

Mr. Gonder: You are strictly speaking of commercial people now? Because I am getting to the point that I cannot do my yard anymore.

Mayor Swiderski: This is dumping off the stuff.

Mr. Gonder: I can rake those, and I compost them. And little maple trees, no problem the compost. But then I have thousands and thousands of oak trees right next to me and they blow into my yard. I will wait until February, and I will rake those up, and they do not

compost very easily. I bring them back up to Pulvers Woods and let them decay. But pretty soon I am going to have to hire someone to clean it, and they will take them and I will get charged for it indirectly. I do not think I should be paying for leaves that come from the woods. They are not mine. The Village owns the park. I can see you charging commercial people, but not if I put some bags out.

Mayor Swiderski: No, that is not the proposal here. The proposal is the dumping of the garden waste in that area by the DPW shed, where the contractors pull up and dump.

Mr. Gonder: I go for that.

Ms. Zazzara: As I live on the road that goes down to the DPW, I know that after 3:30 is prime time for these trucks to go down there because who is watching the farm. My concern is, buy a permit or a license, or do not. I know there is a camera there. What is the structure, then, for guys who do not buy licenses and dump at 5 o'clock? Who is going to then follow them, and what is the fine?

Village Manager Frobel: There has to be a procedure.

Ms. Zazzara: What is the fine?

Village Manager Frobel: I will have to have manpower down there until people become accustomed to the requirement that it is open only to those holding licenses.

Ms. Zazzara: So you will have manpower down there after hours?

Village Manager Frobel: I will have to for awhile until the community gets attuned to this licensing permit if, in fact, it passes.

Ms. Zazzara: The manpower will be an overtime manpower, so more costs incurred?

Village Manager Frobel: It could be, or it could be a seasonal worker or a part-time person. I do not see the skill set being the need for a heavy equipment operator, but it would be someone with some authority who would check and make sure there is a license and they were the appropriate one using the facility.

Ms. Zazzara: There was an idea from the gallery that perhaps the camera down could be aired on HoH and we could all sort of keep an eye on what is going on.

Mayor Swiderski: Or on an Internet channel.

Ms. Zazzara: There you go. Who sees this video anyway, Jen?

Village Technology Assistant Corso: The police do. The video feed is up 24 hours in front of the sergeant at the desk so it is being viewed.

Ms. Zazzara: Are there tape backups?

Village Manager Frobel: Yes.

Trustee Walker: But it raises an interesting question because these guys are going to bring the waste there at the end of the day, most likely, after they are finished working, raking, blowing when there is nobody at the DPW.

Village Manager Frobel: Well, as Jen is pointing out, it is monitored 24 hours a day by the police. They do respond now.

Trustee Walker: I know, but this is their normal time of operation, the landscapers, to finish up at the end of the day, bring the waste by.

Mayor Swiderski: These are issues of enforcement that we can work out later.

Ms. Zazzara: It is great to hear that there is a yard leaf proposal, but at the last Board of Trustees meeting I was very excited that there was going to be a work session on yard waste and that seemed to go by the wayside. What happened with the work session?

Village Manager Frobel: This is the opportunity for the Board to talk about it.

Ted Mason, 26 Circle Drive: Why allow curb commercial dumping at all? Why do you not just tell the various firms that there is no commercial dumping at our dump, period. It would save a lot of administrative stuff. Why bother?

Village Manager Frobel: That is what neighboring communities do, and that is what Trustee Walker spoke about. My recommendation was that we try this for a one-year period and see if, in fact, that is the result; that they go elsewhere, that the fee is too dear for them to pay and that they are going to find other ways, hopefully through their operations, to not generate this kind of yard waste. That is my thought, an interim step, if you will. But you are right. We could go as neighboring communities have gone.

Mr. Mason: We are not allowed to dump anything at the dump anymore except yard waste and recyclables. It used to be we could dump anything.

Village Manager Frobel: You can on Saturday. That has not changed.

Jacqueline Lheameau, 157 Southside Avenue: The change in practices is partly what we are trying to do here. In Fulton Park we are still using blowers. Thank you for the blower law. I cannot thank you enough for how wonderful that has been in the summertime. But we still do a spring blower cleanup, and I see all the stuff that is mulched very nicely over the winter being blown out and collected instead of mulching under the bushes. So as an example that the Village could set, could we say we do not use blowers in spring cleanup? A thought. Might depend on the park.

Mayor Swiderski: That speaks to what Bruce was saying about the full life cycle of the waste. Tim Downey has worked with the Village to come up with videos about yard waste on-site disposal, whether it is mulching or otherwise. And apply those best practices to our own backyard.

Trustee Jennings: There is a business opportunity here. There will be customers in the Village who are concerned about how this is done on their property. Probably the businessperson will have different packages or different services that they offer for different clients along these lines. Hopefully, with a combination of education and so forth we can move toward better practices in our own private property. And, certainly, we should think about best practices on Village property. That is in keeping with our whole sustainability plan, that we set the example by working with the Village government and Village property.

In terms of the work session, I think we should have other times when we think about the waste management system and move ourselves toward more planning and more standard-setting. Whether the work session is the best structure for that I am not sure. The Conservation Commission, I hope, will address itself to this as well, and other groups in the Village will give us input: Sustainable Hastings, and so on. We have had a number of work sessions in the interim on a number of other pressing topics. So it is in the queue.

Mayor Swiderski: In terms of a next step, we are going to come up a slightly more precise number. Mr. Mason raised an idea in accordance with what Trustee Walker was talking about, which is why just say no. I think an interim step is probably about right. My bet is that whether it is \$4, \$5, or \$6, or \$3 thousand that is going to be the end of dumping. But we should poll the Board and maybe spare you the work. If there is an inclination to ban it entirely, that will be it. So let us see where the Board stands on that.

Trustee Quinlan: I need more information. Then the commercial businesses would have to do what with the yard waste?

Mayor Swiderski: Go wherever it is they go in the other communities.

Trustee Quinlan: And where is that?

Village Manager Frobel: Some go to Yonkers. They have licensing that they will issue. But you still have to have some Yonkers customers. And they may very well, I do not know.

Trustee Quinlan: Is that the only place they can go? Yonkers?

Village Manager Frobel: That is the only one we are aware of.

Trustee Quinlan: I am not saying no, but I would need more information. A lot of people in Hastings use yard companies to do their yards. If we say that we are not going to allow dumping of or companies' yard waste, and there is no place to go except for Yonkers, why would Yonkers want to take Hastings yard waste?

Mayor Swiderski: On a per ton basis.

Trustee Quinlan: Maybe if they do.

Trustee Armacost: Fran, have you spoken to these seven companies to ask what their view is of this, whether they view it as an imposition, or what their alternate plans would be?

Village Manager Frobel: No. I wanted a reaction from the Board before I met with them. If there was no interest on the part of the Board, then I would not meet with them. As I did with the leaf blower program, I met with them continuously during this whole debate.

Trustee Quinlan: There might be no place for them to dump it. Then all the people that want to use these companies cannot use them, and that is not fair. I am not talking about the businesses; I am talking about the customers. There are a lot of people that use these services, and I want to make sure that we are not preventing them from using them by having a total ban. No one is providing me with the information tonight that that could not happen. And they are customers and they are constituents, and they live in Hastings, and until I get some information that there would be other places to go at any price or a reasonable price I am not going to be for it. But the answers might be that there is, and then I might be for it.

Village Manager Frobel: But given what I have heard tonight, I would contact them now.

Trustee Armacost: Yes, it could be quite helpful. Perhaps they would consider it completely reasonable, and they would be happy to have a place that is nearby. Or perhaps we would get a very strong reaction. But I do not think we can know without asking them,. We are worrying for them, and maybe we are worrying unnecessarily. So chatting to that group of people might be helpful.

Mayor Swiderski: Let us leave it open with that question in mind, and see what the alternatives are. It is something, though, given the calendar, we are running out of time to work through. So I would say we should not flag this horse to death.

Village Manager Frobel: I will be ready at your next meeting.

2. Resident Parking Stickers

Trustee Quinlan: I asked for this to be put on the agenda. I was getting an email, from a particular constituent who could not find parking at the meters. She was concerned about people having these stickers forever on their cars, and coming from out of town or wherever. In the report from Chief Bloomer, they checked on the 13th, 14th, 15th, and 16th meters and there were only three cars.

Mayor Swiderski: The interesting statistic is how many cars they looked at. It was hundreds. The police went down to Zinsser and ran the plates to see which plates were resident plates versus outside of Hastings. Out of all the cars parked at the metered spots, what is the number?

Trustee Quinlan: Three, out of 200 total. So I do not think it really is a problem.

Trustee Armacost: I agree.

Trustee Quinlan: That is all I have to say about it. But it was interesting to learn that it is not a problem. Three out of two hundred for five days.

Trustee Armacost: To clarify, what is not a problem is out of towners. What is a problem is the lack of parking.

Trustee Quinlan: We have been grappling with that problem for years.

Mayor Swiderski: Right, we know that. But urban myths come up, where people say half these cars are here for out of towners. It is useful to have a hard fact that dispels an urban

myth before we have poor Sue Maggiotto collecting money. We might consider a yearly sticker as an additional revenue source, but short of that it is not because of a need.

Trustee Quinlan: But that is not why I brought it up. It was a problem. We did not know what the solution was, much like the last problem we just had where we have to get some facts to decide what to do. The fact of the matter is that with three cars out of two hundred we do not need any more discussion. It works as well as it is going to work, considering our parking problems.

Mayor Swiderski: I am sure Susan is very relieved.

Trustee Quinlan: But we need facts like these so we can make decisions. Thank you, Fran, for following up. I would like to thank this constituent that emailed me and called me and discussed it because now we have kind of put something to rest.

Trustee Armacost: And thanks to the police department, which actually did the job.

Mr. Gonder: Did you give summonses?

Trustee Quinlan: Yes, they did.

3. Update on Deer

Mayor Swiderski: Sadly, there is not much to update here. There is a letter sitting with the DEC that specifically asks, or acknowledges, that right now the only legal courses of action we have been provided with is firearms or bows with a 500-radius foot perimeter, in other words a 1,000-foot bubble where either there are no residences or everybody within that bubble has signed a consent form. And there cannot be a school within that bubble. So if you look for a place in Hastings where that is so, it is a tiny sliver in Hillside Woods and that is the end of it. So it is not an option for a problem that is endemic in Hastings.

I have written the DEC with a formal request for three other options. The DEC ruled out what is known as net and bolt. I asked for net and sterilize, dart and euthanize which is darting with a tranquilizer, and dart and sterilize. They have yet to respond. We have kicked this up one level from Mr. Clarke, who himself is becoming a deer in the headlights on this issue, and it is now with his boss who runs the unit. They have both begun to indicate in so many words that a legal change is probably the only alternative we have, and that while they do not have a formal read on those three alternatives, we are likely not to find satisfaction, if satisfaction is defined as euthanasia.

We may get a permit for darting and sterilizing, but that is phenomenally expensive at \$600 a deer. They are still debating whether a dart is considered a firearm. They are considering imposing a 500-foot limit around the darting of the deer, which would make it practically no different than shooting the deer, so it is not really an option. The letter is still outstanding with the DEC, and that is where we are. Time is running out for us to be able to do anything this year, and if we do not hear anything by late November we will begin to pursue a legislative track and assume that that is our next option. Tomorrow I will be at a conference with a couple of our state legislators, and this will be the number one item on my agenda. I do not know what our chances are. I do not think it is really an issue of how long it takes. It is an issue of what sort of forces would rally against it and what stake legislators outside of heavily-suburbanized districts would have in choosing one way or another: why would they care and how would they be influenced to vote. I do not have a read on that.

Trustee Walker: One thought would be to try it, to pick this sliver in Hillside Woods, or another sliver where we have to get some homeowners' permission, and try it. Number one, we will find out whether or not it works. We will get some results. Number two, we might have some ammunition, so to speak, when we go to the state and try to change the law because we actually put it into practice. We tried to get homeowners' permission, and this is the result. So when we are asking them to change the law, we are doing it because we have legitimately gone through the exercise. And we may have a little data as a result of how many we could cull in that particular area. It could be almost like an experiment, but maybe it would not be too costly and it would give us something.

Trustee Jennings: I agree that we should try and find an area and see if a resident vetoes it. In view of the sentiment that I have heard in this Village over the last several months, I am guardedly optimistic that we might actually get people to give consent. But I know that one resident who would not give consent can scuttle the whole thing. I wonder also, in light of the difficulties we have discovered, if we should not take another look at contraception as opposed to sterilization. I realize in the Greenburgh report it was downplayed for a number of reasons, not the least of which is that it takes several years to show any population decline. But I wonder, still, if that may not be something that we could get permission to do, and would it not be less costly per animal than the sterilization route. Surgical sterilization has got to be extremely expensive per deer. So maybe we ought to go back to the option that we passed over on the basis that there were more cost-effective and faster options available. Well, they are not.

Mayor Swiderski: Which one are you referring to?

Trustee Jennings: Contraception.

Mayor Swiderski: The delivery mechanism? Which way, how?

Trustee Jennings: Again, the Greenburgh report was concerned about putting it in something that other animals would eat. If there is something like Depo-Provera for human beings, that is to say an injectable contraceptive, and if the DEC allows us to shoot a dart in an animal, you might as well just shoot the contraceptive in and not do a tranquilizer and then not do a surgical sterilization.

Mayor Swiderski: One of the members of the deer committee is looking into that. That is apparently an option and we are exploring it. Part of it is the definition of darting. If it is defined as firearms, then we are screwed.

Trustee Quinlan: I agree with Trustee Walker. We should find the one or two places where we can do it, and set up the baiting and the stand, and do the culling. At least we can tell the people in Hastings, this is what we wanted to do, this is the limits that we have, and we did what we could. It also gives us some data to carry the struggle forward in whichever way we can, which would be to have the laws changed by the state assembly and the state senate to consider localities like ours. But at least we could tell the people in the Village that we think this is a terrible problem and we did what we could, even if it is 20 deer in the middle of Hillside Woods.

Mayor Swiderski: My concern, and I am not a professional and I would want to ask the individual from White Buffalo, is, apparently, your first cull is your proverbial best shot. After that, not surprisingly, deer are a whole lot more human-shy. And if we squander our first effort on a partial, it has to be with the recognition that whatever we do after that is going to be more expensive and difficult because our deer are now gun-shy and human-shy. So it might be a symbolic nice gesture to show we tried something, but it may also be, without overdoing the shooting metaphors, blowing our chance.

Trustee Walker: But only in that one area. And if we were able to change the law in the future, we might find additional areas in the Village.

Mayor Swiderski: Right. I am not ruling it out. I am feeling somewhat beleaguered and desperate on this topic, so I would certainly be willing to bring the head of White Buffalo in and ask him. I am sure he would tell us.

Mr. Skolnik: Do we know in terms of Westchester how much it is an actual problem, and how much it is a perceived problem. I seem to recall you mentioned that Ardsley was not particularly put out by all this. I am terribly sympathetic with your wrestling with this. And I am wondering why we are having to do this. There are two reports afoot. Assuming that

most of the data is pretty well accepted, why are we wrestling with this when it is a real problem? Why is it possible for this issue to simply be overlooked and be thrown into the political process?

Mayor Swiderski: Apparently we are among the first communities of our particular density and type to have pursued this question this far. Other communities have either figured the internal battle with animal rights groups would not be worth it, or have not had the same problem. But we have the density, the quarter-acre zoning, the lack of large parks, and deer population. The laws and licensing requirements reflect a previous era, where communities that had deer problems also had the space to engage in a hunt. So we are the pioneers.

Mr. Skolnik: So in areas further north, where it is more rural and where hunting is more . . .

Mayor Swiderski: They are doing hunting. Pound Ridge is doing a proper cull, and they have got the 500-foot perimeters, easily, on many properties alone.

Jeff Bogart, 5 Jordan Road: I got here a little late tonight because I was busy chasing deer out of my backyard. I have a motion detector which sounds an alarm inside the house when deer are in the backyard. If I do not turn it off I spend early mornings going out into my backyard to chase deer out of my backyard because of the problem that they pose. I do not think sterilizing is a solution. It is not going to stop them from eating all the vegetation and is not going to stop them from carrying Lyme disease and it is not going to stop them from messing up the backyard.

Mayor Swiderski: It will not stop them immediately. But it will, over a nine year or ten year course.

Mr. Bogart: I am not one who would like to see having to wait that long.

Mayor Swiderski: Let me pose a question to you. If that was the alternative offered us by the state, and that was the way to go, would you prefer to do nothing or would you prefer an option that at least over the course of five years, seven years we would see real results?

Mr. Bogart: I would prefer to have the money given back to me as a rebate so that I can put fencing up around my property. I would like to suggest that taxes be reduced, if someone presents you with a bill, for the cost of putting fencing around their property to keep the deer out. That is a much more effective solution. It would have to be an 8 or a 10 foot fence, but I see myself having to do that. I have already had my backyard staked out by a surveyor, so I know where my property line ends. And if I stay in Hastings, based on what I see right now, I am going to have to spend a lot of money to do that.

I would like to suggest that you contact people who are near open space, such as the quarry, Pulvers Woods, the Lenoir Preserve, and other areas to see whether they will sign the necessary permission so that you can create these zones that you are talking about. Another possibility would be to encourage people in the Village to give permission, which would mean notifying them and seeing whether you can gather enough of them. In quarter-acre zoning you would probably have to have about 50 or 60 people to give permission. There is a slim probability that you are going to get that number, but if you get that number and you have got one additional spot in the Village on top of Hillside Woods and on top of, perhaps, the quarry area, you have got three areas. If you take small steps like that maybe you would achieve something.

In terms of the legislation, you have to look at the types of things you want the legislature to give you. One of them could be to change the 500 foot radius, but then also to allow other methods such as net and bolt. But also maybe the use of air guns because that is not a firearm in the traditional sense. And the use of poison, despite the DEC's objection to it, and the use of baiting and trapping, and corralling and whatever to get the deer into an area where you can then deal with them effectively. But killing is, to me, the way to go. And kill them all, not just cull them. Because you still are going to have the same property damage problem. One deer could eat a lot of stuff. I hope you can do something. But in the meantime, maybe you can also make it as-of-right so people can erect 8 to 10 foot fences in Hastings instead of having to spend the money and the time for a variance. Eight feet is marginal because it will keep the fawns out. If the fawns are out, then maybe the does will stay out. But I have seen deer standing jump higher than six feet, probably eight feet, in my backyard to get over a neighbor's fence. I would like to see the Trustees pursue eliminating the requirement for six foot fencing in Hastings also.

Mr. Gonder: You talk about the state legislation. We all know it is a dysfunctional outfit for the last several years, especially this past year. It is a joke. I still think you could take them to the state supreme court and let a judge decide about the DEC, or a jury trial. You would have a much better chance, because Jacques Padawer is right: they are there for one reason only, to protect deer. They do not care about the civilians. Going through the state legislature is going to take years, and that is a waste of time because the population doubles every two years.

Mr. Mason: I agree with this gentleman 100 percent. I just had my property surveyed. I have to put up a fence this winter. I will not have further destruction. But the problem is, I am at a decision point as to where to put the fence with respect to my neighbors. There are certain areas where if I put the fence it is like building a barricade. It just does not work. These are small properties, they are closely spaced. You all know what the problem is. You

are inside of a cage if you put fence around all of the property. So I am not even sure how to deal with it, but I am going to deal with it in the next month or so. Throughout the world people hunt and they use drivers to get the animals where they want them. I know nothing about how deer would be driven, how effective it might be, but you ought to chat with professional hunters and ask them if you cannot take that approach so that the additional kill is a significant kill, so you do not have this problem of deterioration in the effectiveness.

Ms. Lheameau: Maybe it is not so bad if they are afraid of us. Maybe they run away sooner out of our yards. We have a certain density here. Maybe for what we are dealing with, that is not so bad.

4. Update on the Waterfront

Trustee Quinlan: The demolition of the steel buildings is about to begin. Most of the material is going to be taken out by trucks, but the good news is that a significant amount of the material, especially the reusable steel, is going to be taken out by barge. The masonry material left in the buildings is going to be retained on site for reuse.

Mayor Swiderski: Are you sure that what is being taken off site is actually most of the material? I thought the bricks being left on site are significant.

Trustee Quinlan: I am not sure. I do not know the proportions. They are talking about while this goes on, which is probably going to be six to eight weeks, this is the maximum: 15 round trips per day by trucks. So that is less than three per hour, but it is not an insignificant amount of truck traffic. I do not want to tell everybody that the trucks are not going to roll, because they are. But the good news is that the current plan is to use a rather large double barge, and that was not on the table. A lot of the steel is going to be taken out by barge. That is going to make less truck traffic. But I do not know the proportion. I do not know if anybody does right now, Peter. That is a good question. Fran, let us write that down because tomorrow we are going to have a kickoff meeting between the representatives from BP/ARCO and the Village, including Fran, the Building Inspector, the police, and myself. Asbestos abatement will be removed in accordance with New York State regulations and will be monitored by Paradigm Environmental Services. Also, perimeter monitoring of the dust will be conducted by Haley & Aldrich using two sampling systems, one located on the east edge and the other on the north edge. The asbestos abatement contractor is Coastal Environmental Group, and they are a licensed abatement contractor. BP/ARCO has to get a permit from the Department of Labor for that asbestos abatement, so they are also overlooking the project.

Mayor Swiderski: Do you want to share anything out of our meeting in Albany that we did two weeks ago?

Trustee Quinlan: The remediation of the site is being negotiated between the Village, BP/ARCO, and the Department of Environmental Conservation. It is a very complex issue, and we are being assisted by Malcolm Pirnie and our engineer.

Mayor Swiderski: There is forward momentum on the southern part of the site, and we are likely to see remediation start next year on that.

Trustee Quinlan: What is happening on the ExxonMobil site is that we are hoping that a consent decree will be executed within the next two or three weeks, which basically will follow the ROD. In public meetings, it was decided on by DEC. The owners of the southern site, and we call it the Tappan Terminal, which is Mobil, Exxon, and Chevron, finally negotiated a consent decree. They are working on draft work plans. There is a good likelihood that an acceptable cleanup of the southern portion can start as early as next year. We are talking about January, February, and March. So we are going to see significant movement, hopefully, on the waterfront in the next six to nine months. We are going to have demolition of the buildings on the north, and we are going to begin incremental remedial cleanup of the toxic waste site in the south, which is going to be pretty exciting.

Trustee Walker: One question about the south. Are they using that bioremediation technique that they explored over the summer, was it successful, and is that what they are going to do?

Trustee Quinlan: They are still exploring that. It has been somewhat successful. They have been tinkering. We are talking about how to get rid of the chlorobenzenes, which is one of the pollutants in the southern site. There is Plan A and there is Plan B. Plan A is that it is successful, and the natural products they are injecting into the soil will eat away at the chlorobenzenes. If that is not successful, they plan to go to Plan B, which is the air sparging which was the original plan. But they are going to move on it. A lot of issues that are going to come out of that because Mobil, Exxon, and Chevron still own the property even after it is cleaned up, to the extent it is going to be cleaned up. The question is, what can the Village use it for and what are the uses we can use it for in the meantime while it is still owned by ExxonMobil. That is something we are going to have to negotiate as time goes on. I hope we will be successful for at least getting some sort of passive recreational use out of the site sooner than later, which would be kind of interesting and exciting, hopefully. That does depend a lot on the chlorobenzenes. The biggest problem down there are the metals.

Mayor Swiderski: Right. And those will have to be physically hauled out.

Trustee Quinlan: Yes, those are the major pollutants, the metals. There are pockets of heavy metals, mostly lead and copper. And the good news about the southern site as opposed to the northern site which makes it simpler and not so complex is that in the southern site the land is contaminated and there is very little in the water. The ones in the water are very near the surface, so removing is not such a complicated process as in the north where the PCBs have gone down very deep, and out into the river, and taken on many different kinds of forms that are very complex to try to remove. There is going to have to be a lot of dredging and maybe filling in the north to get those removed. In the south it is a little simpler because the water and the sediment underneath the water is not even close to the pollution in the north. That is the simple explanation. Would you agree, Mr. Mayor?

Mayor Swiderski: Yes.

Trustee Quinlan: Before any work begins on the Tappan Terminal, the DEC will come down and we will have an informational session with the public at a site at a date to be determined later when we are closer to it beginning. The last public meetings we had when the ROD was issued were in 2005, which is really unacceptable. We have to be updated, the public has to hear what the exact plans are and have their questions answered in a public informational session.

Village Manager Frobel: I wanted to add that the permit was issued yesterday. Deven Sharma, the Building Inspector, had gone through a very lengthy checklist with the company.

Mayor Swiderski: Did I hear correctly that container material was moved today?

Village Manager Frobel: Not to my knowledge. Tomorrow, as Jerry mentioned, is the kickoff. The company has gone door-to-door with a flier for all the residents. They have also developed a sign on the premises facing the train platform informing the passengers on what is occurring. Again, they put a high priority on eliminating as many truckloads of material as they can. Yesterday I met the chiefs of police in Dobbs Ferry and Irvington because they will be part of the route. They are very sensitive to that. A lot of material will come off by barge. We were encouraged by that. Material off-site will be the loose rubble, the roofing material, and the asbestos. Hastings police will be aggressively checking the trucks for any type of vehicle violation. We have men trained for that so we are going to be very sensitive to that, as is the company. But so far, everything has been in order.

Trustee Quinlan: The Building Inspector plans to be on the site every day at least once, if not twice, accompanied by Chief Drumm, who is the fire inspector. There is going to be total access for the police at all times and the fire trucks. We are probably not going to put

an apparatus down there because if there are any problems with fire we, or the fire department, feels that protection is close enough to get down there as long as they have unfettered access to the site, which they will.

5. Update on the Comprehensive Plan

Trustee Quinlan: On November 11 there is going to be a discussion on the waterfront and large tracts and draft recommendations. I do not know where that meeting is going to take place yet, but I am sure we will have it on the announcements on the first meeting that the Village Board has in November. On November 18 there is going to be a public discussion on sustainability and draft recommendations.

6. Other

Trustee Quinlan: I want to bring up the quarry, because I asked last time that it be put on the agenda. I am trying to get straight what our next steps would be, and where we stand. My understanding since the last meeting is that the \$85,000 Department of State grant has been awarded, and we are waiting for the contract. But it has been awarded, and I think it has been determined, that that \$85,000, which is a match grant, can be used for the environmental testing. The chairman of the Quarry Committee, Chris Lomolino, had a conversation with the Department of State. She put the voicemail on the computer where we could hear him say that yes, it could be used for environmental testing. So we know that we have \$38,000, as needed, to complete the testing. I think, again, the next step is that we, as a board, have to decide what amount we are going to ask for from the ARCO fund in total to match this in future grants. I think it was also decided at the last meeting that if we do not use it, then we can always give it back to the trust fund. If anybody disagrees with that, let me know.

Trustee Jennings and I are meeting with Riverkeeper tomorrow in Tarrytown, mostly to discuss the progress on the waterfront. But I am going to put, in very general terms, the quarry on their radar, and ask them to contact the chairman of the Quarry Committee if they have any questions. Also, Ned Sullivan is going to be at that meeting, from Scenic Hudson. As we know, Scenic Hudson has already given the quarry a \$15,000 non-match grant. So he will be able to fill them in on what is going on there. I think we have to figure out where we are and what we have to do, if anything, and then we can try to do it.

Trustee Jennings: I certainly do not disagree. Part of the logic as I understand was that we need to do the testing, or at least some testing, before we will know what later costs are going to be, before we will know appropriate design measures and, therefore, how much the design will cost, and perhaps cleanup and so forth. The only caveat I have with the notion of trying

to come up with a total figure is that we will not really know what that total figure will look like, even ball park, until we spend \$30,000, whatever the match is, to do the testing. Then we will be in a better position. Maybe we need to have a two-step conversation with Riverkeeper. We want to use a little now for this testing, and then we take a look at it and come back with a more comprehensive plan and a figure.

Trustee Quinlan: I do not disagree with that. But the other theory was we do not want to keep bugging Riverkeeper, piece-by-piece, saying we have to put up the \$38,000 in the Village, and then, assuming we are going to get the contract, which is almost a guarantee, then we would get the \$19,000 back. So we would be asking for \$38,000 initially, and then we could ask for more. I do not think that is such a bad idea, but it just depends on the philosophy of the Board members whether they think we should do that and then ask them for more, or ask them for a rather larger sum. But I do not know the answer to that. That is philosophical.

Mayor Swiderski: Fran, could you lay out what you understand the sequence in here to be currently in terms of dollar amounts?

Village Manager Frobel: To pick up on Bruce's theme, there is environmental work that needs to be accomplished. For speed and ease of operation, I would rather see us redirect the money that Scenic Hudson had provided for design work. That was a \$20,000 grant with a \$20,000 match. That is grant money that we have already in hand that Scenic Hudson calls me every 30 days on for an update. Coincidentally, they called yesterday and I had a lengthy conversation outlining our situation, and I suggested that they may hear from us asking to have that money redirected for the environmental work. Although the woman I spoke to obviously could not commit for their board, she seemed inclined to consider that it made perfect sense that we have this environmental work to do.

Although the grant for \$20,000, with the \$20,000 match, was for design, it is not enough to do the design. Obviously it would be used for a match to leverage other money. But maybe it would be in our best interest to use that money for the environmental work. I have also been in communication with Malcolm Pirnie, telling them where we are. They are moving ahead to site where the monitoring wells would be placed with the DEC, because they need their concurrence. So that is moving forward. But I thought that made good sense.

My only reluctance to the DOS grant we got in June, 2008, for which, as Jerry points out, we still are awaiting a contract, I hate to amend that grant before we even have the contract. Sequentially it is easier to use the money we have in hand, if the grantor is willing to do it, than to have to go through this DOS process. It took us a year and a half and we still do not have a contract. I can imagine it will take another six months maybe to get an amendment to

a grant that we do not have in hand yet. I think we would be better served to move forward on the environmental work and have it paid through the Scenic Hudson grant. It makes perfect sense, especially if they are willing to do it.

I also told Scenic Hudson yesterday about your meeting tomorrow, and that you would be broaching the subject of accessing the trust fund to provide the match, which Scenic Hudson is concerned about. They have been asking where are we getting the match, and I have said probably the environmental trust fund. And, logically, that is where we were looking to find our money for that grant and the DOS grant and the grant we just applied for, if we get it. So it makes good sense to move forward on the environmental work and be done with it, and then work towards the design. Once we have the plan for that made up, as Bruce points out, we will know what we are up against.

Mayor Swiderski: Right. The environmental testing and remediation design, those two components cost how much?

Village Manager Frobel: What is left is placement of the wells, analysis of the contents, the samples they take from the wells, and the drafting of a report. And then the dialogue back and forth with the DEC: will they respond to the report, or do they come back with comments and it is sent back again. That is about \$38,000. It would fit nicely because we do have a little money left from the other grant we got from Scenic Hudson, which was exclusively for environmental work.

Trustee Quinlan: What are the next steps to get Scenic Hudson to agree to change their grant from design to environmental testing?

Village Manager Frobel: I told them that if it was the Board's intent I saw a letter coming to them. But I also told them you had a meeting tomorrow which I expected a Scenic Hudson representative to attend, and it may be broached at that meeting.

Trustee Quinlan: I am not going to broach it with Mr. Sullivan at that meeting. I will do that personally. But what I think I should do is give him the heads-up about that, because both the Mayor and I have developed a rather close relationship with Mr. Sullivan in our negotiations with the DEC. But I will broach it gently with him tomorrow if I get a chance, and I will put it on the quarry's radar screen. More importantly, if you would send me a copy of that letter you send to Scenic Hudson then I can follow up with Mr. Sullivan in a more direct form when I see it in writing.

Mayor Swiderski: A quick sense of the Board whether we are open to the re-rolling of the Scenic Hudson money. I certainly am.

Trustee Armacost: Yes. Sounds reasonable.

Trustee Walker: Yes.

Trustee Quinlan: It is fine with me.

Mayor Swiderski: Good idea; it moves the process forward.

Trustee Walker: This also means that we are going to match it, though, with the trust fund money.

Mayor Swiderski: Right. We will need the trust money for a match.

Trustee Walker: And there is no other grant money we can match it with? Sometimes you can use state money to match the Scenic Hudson money.

Village Manager Frobel: We can look at that.

Trustee Quinlan: And then, in the end, and I do not mean this in a negative sense, are we going to approach Riverkeeper for \$20,000 and then \$100,000?

Village Manager Frobel: I would say no. I would advise against that, for the reasons you and the Mayor have outlined. Go to the well one time, and ask them in a comprehensive fashion how much are you interested in accessing that trust fund.

Mayor Swiderski: Are we ready to have that discussion here on what is our upper bounds?

Trustee Quinlan: I do not think we are ready tonight.

Mayor Swiderski: I do not think we are.

Trustee Quinlan: But we can all think about it and talk to whoever about it. Not with each other, and more than groups of two, but it is something we have to seriously think about.

Village Manager Frobel: Based on what you already have in hand in terms of grant, and what you just admitted, it is about \$210,000.

Trustee Quinlan: That would be a minimum.

Mayor Swiderski: For a match. Well, we will cross the bridge if we should come to it: should the remediation expense be substantially beyond what we are willing to swallow.

Trustee Quinlan: That could always happen. We could do the environmental testing, and they could tell us it is going to cost you \$10 million to clean up this place. Then we will all talk about that.

Village Manager Frobel: We do have estimates for that, worst case and not-so-bad case. But do not forget now, we will be eligible for the 50% grant. My plan had always been that we would access the DEC low-interest grant money. If you were looking to preserve your trust money for other improvements on the waterfront, then turn to this low-interest loan. Perhaps by that time we will be in a pretty good position fiscally to borrow that money. Again, that is a bridge.

Mayor Swiderski: Right. That is a bridge I am edgy on crossing right now in terms of borrowing money for this.

I had in my packet good news and bad news. The NYPA estimates for energy costs for next year looks like they will be down 14%. The Village buys its energy from the New York Power Authority. They indicate, at about this point in the year, what next year's charge will be for energy. The indication is that it is going to be 14% less than it was last year. And that is not a small number. For lights alone we are paying \$115,000 a year.

Mr. Mason: I notice at night that the lights in the library are on all the time. Why is that?

Village Manager Frobel: The exterior lights.

Mr. Mason: No. The interior lights, all the interior lights.

Mayor Swiderski: We will check. Thank you.

The preliminary pension information we are getting indicates that the hit we were going to see on pensions is a low of 21% and a high of 63% in terms of increases over the previous year. So they are not small numbers. Did I read that correctly?

Village Manager Frobel: I have done the calculations as to what that translates into in dollars.

Mayor Swiderski: It is not trivial.

Village Manager Frobel: No, it is not.

Mayor Swiderski: In fact, I was appalled. The Village has an obligation to pay into various buckets of pension money for various tiers of public sector employees. There are four or five buckets, depending on if you are a policeman or a DPW worker or a municipal worker, and new or older depending upon which contract you are under: tiers 1 through 4, and then there is banding within that. We are obligated to pay in, depending upon how the state pension fund did in terms of investment return over the previous year. If they have had a particularly good year, as they did in the mid-'90s, you see a reduction in what you have to pay in. Last year was one of the worst on record. And as a result, they have to come to us and extract more from us to make up for the shortfall in the pension to compensate for the hole burned through by the markets.

Ms. Lheameau: Regarding the trucks for the waterfront. I am directly on the route they are going to be taking. Could email updates be given to the whole community?

Village Manager Frobel: On the Web site there is a link to BP/ARCO's site, and they have updates on their progress.

Ms. Lheameau: I mean local updates, like this week expect this, this week expect that, so I know if I spend my night in my apartment, or do I go to stay with someone else?

Village Manager Frobel: They are not working in the evening. Why would you fear that?

Ms. Lheameau: Because of other things that have happened on the waterfront, and this leads into my second question. Often times the trucks come down empty at 3 or 4 a.m.. ba-boom, ba-boom, and then sit.

Village Manager Frobel: All their operations will be during that 7:30 a.m. to 8 p.m. window. They will not be coming in sooner.

Trustee Quinlan: They will adhere to the Village ordinance, which is no construction action including trucks unless it is from 7:30 a.m. to 8 p.m. Monday through Saturday, and Sunday 10 to 5. But they have no plans to work on the weekends unless there is a problem.

Mayor Swiderski: I heard from Verizon today. They have finished their legal review of the document. There are four small changes that their legal team requested, and now they are promising next week to deliver something to us. They have not indicated whether the

changes they have made are reasonable or insulting. I did ask and, not surprisingly, they were unwilling to indicate whether we would find the changes they have made to the contract something we would have a hard time accepting. This is the contract they offered us five months ago, take it or leave it. We took it, and now they have changed it. So we will see what they have done to it.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:50 p.m.