

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**AUGUST 4, 2009**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 4, 2009 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski., Trustee Bruce Jennings, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Meg Walker, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Twenty-four (24).

**APPROVAL OF MINUTES**

On MOTION of Trustee Walker, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of July 21, 2009 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 11-2009-10 \$119,176.23

Multi-Fund No. 12-2009-10 \$ 85,006.88

**PUBLIC COMMENTS**

**Mayor Swiderski:** I want to presage this with a brief statement about the value of volunteering, and an exemplar of that who left us this week, George Capuano. We will adjourn this meeting in his honor, as well.

People like George knit this community together. His smiling face out of the cabin of the fire truck is something we have all seen. I was there at the annual meeting in May where he got the award for the most calls for the year. It was something absurdly high, well over 100 calls, and that was on top of being an excellent father of two daughters, a fine citizen, and a hard-working man. We are lesser for his loss, and it should also stand as an exemplar of what we should all aspire to.

So if you have hesitated, and said to yourself you do not have time to volunteer, you cannot afford an hour or two a week or a month, reconsider. Somebody like George found hundreds

of hours a year for this community, and we need volunteers for any number of committees, any number of causes. Please consider sending in your résumé or an indication of interest to [volunteer@hastingsgov.org](mailto:volunteer@hastingsgov.org) in honor of George, and for this community.

**Trustee McLaughlin:** A couple hours a week would be fine if you are interested in being a member of the Hastings Arts Commission; the Public Health Commission needs an additional member. We would like to hear from members of the community who are interested in either of these.

**John Gonder, 153 James Street:** I was disappointed in the Board last month in regard to taking outsiders into a community pool. It is a shame. Recreation, police, sanitation, road fixing, and everything should be paid by the whole community. A community pool should be used by everyone. It should not be for the elite and rich, which I think it is. I do not think you have any statistics on who belongs to the pool and who does not. Mr. Frobel told me there are grants for some of the poorer citizens, but I think that hurts their pride. Every citizen, especially youngsters from the ages of one through twenty, should be able to go to that pool without paying, maybe an ID to prove that they are a Hastings resident, or in Hastings schools. But each child should have a free pool in this community, and I hope you reconsider it. I know you are trying to save money for the community. But this was in the *Journal News*.

Harrison Opens First-Class Pool

With a town recreation ID card, residents aged 18 to 59 can use the pool for \$25 per year. Children under 18 pay \$5, and seniors use the facility for free.

These are tough times, but when I was a kid the pool was free, recreation was free. Maybe for their parents you can have a nominal fee, but think about it.

**Jacqueline Lhoumeau, 157 Southside Avenue:** On my street a number of trees have died. What should one do in approaching the Village about this?

**Village Manager Frobel:** You just have. But I am aware of the trees near your home that are dead. We recently replaced three street trees, and we do this periodically. We will keep that in mind. Whenever we see them, we do replace them.

**Ms. Lhoumeau:** Is there any form? Is there a place I should write an email to?

**Village Manager Frobel:** No. There is a form at the Village hall. If you wanted to formalize it you could use that form. But approaching myself or Susan or any employee,

they would pass word on to me and we would replace the tree. We have a program of replacing street trees.

### **APPOINTMENTS**

**Mayor Swiderski:** We have a number of reappointments to announce. Boards have terms that vary from two to five years, depending upon the Board, and then volunteers are appointed to a board. When their term comes to an end, in most cases volunteers are reappointed. It is a way of continuity, a way of keeping people interested in the topic – and we are not willing to let our volunteers go so easily.

**Trustee Walker:** Are these volunteers approached to find out whether they do want to be reappointed?

**Mayor Swiderski:** Typically not. The Zoning Board is a term-limited one, and the rest are not.

Advisory Committee for the Disabled: Jackie DiLorenzo and Jack Gavin.

Architectural Review Board: Robert Kornfeld.

Draper Park Review Board: Sue Smith, Michael Ankuda, and Barbara Thompson.

Economic Development Committee: Sheree McNulty, Alex Navarette, Roger Scheiber.

Board of Police Commissioners: Barbara and Timothy Barnes.

Public Health Board: Dr. Robert Klein.

Senior Citizens Advisory Committee: Ann Schnibbe and Walter Stugis.

Zoning Board of Appeals: Matthew Collins, alternate.

Village Arts Commission: we have approved, though I am not sure we announced, two members: Faith Evans and Marie Miller.

The members to be appointed by the Manager will be announced at the next meeting.

### **44:09 INTERFUND TRANSFERS FISCAL YEAR 2008-09**

**Village Manager Frobel:** The auditors have completed their field work and have prepared a resolution offering a series of internal transfers. Last year was certainly a difficult year for us. As we developed our budget for the current year, we noted that two of our principal revenue items were going to be off. That did come to pass: sales tax was off by \$100,000, and mortgage tax ended up being off by \$138,642.

Certainly disappointing news when two of your major revenue items represent shortfalls. We made up for that shortfall in a number of accounts: commercial trash removal fees, cell tower rental, cable TV fees, state aid for roads, and utilities gross receipts tax. The bottom line was a shortfall of just \$20,342. Given what could have been a catastrophic impact on our budget, we recovered pretty well.

Several of our major accounts on the operating and expenditure side also ran over. We were able to adjust our budgets accordingly and made up a lot of the shortfall through the year. Hydrant rental was up, our street light account was higher than anticipated, and we got hit with a couple of sewer main replacements. Several of those were unanticipated but a budget is a plan and during the course of a year any event can occur that can throw that off-kilter. But I am pleased to report we were able to bring that back into balance. In fact, according to what I have been able to determine from the reading of these numbers, we ended the expenditure side about \$31,000 to the good. Once you adopt this resolution the auditors will finalize their report. They expect to have that to you before the end of this calendar year. They are waiting for reports from the actuaries regarding the payment to our volunteer firemen for their deferred compensation program. These numbers have been batched. We have lumped several in the same account together to make it easier for reading and understanding how we go about adjusting this budget.

**Mayor Swiderski:** Typically, the Mayor reads every word of a resolution, except when it is incredibly painful like this one is. I am going to ask for a vote on the resolution, and the text will be available online and at the Village hall if somebody wants to read 75 lines of accounting moves.

**Trustee McLaughlin:** I am curious about the fact that we got more income that we had anticipated from garbage pickup. Since merchants had come in and pleaded with us not to do that, can you tell us where the additional revenue came from?

**Village Manager Frobel:** We realized \$39,000 more than anticipated. The reason for that was, when you adopted this budget in the spring of 2008 we had no experience to go on, so I was very cautious in how I came up with a budget number. In the current year, that number is much larger and reflects our full year of experience to make a better guess.

**Trustee McLaughlin:** That is good news because you proposed it to us as something that could conceivably bring in more money. You were not doubtful about it, but you were not prepared to make an absolute statement. You went, hopefully, into that mode. Thank you.

**Trustee Quinlan:** The contingency fund, the "from" line, of \$132,417. What does that leave us with in the contingency fund if it is coming from that?

**Village Manager Frobel:** The auditors, are finalizing their report. I think they are going to report to you that our position on May 30, 2009 will have our fund balance at \$348,250.

**Trustee Quinlan:** And that is taking away the \$132,417?

**Village Manager Frobel:** Yes.

**Trustee Quinlan:** Again, under "from," it says "Fire Department/Other Services." What does that \$50,000 mean?

**Village Manager Frobel:** That is the payment to the various departments. The payments from Greenburgh were made to the departments, but they were made after June 1. So the auditors treat that as an encumbrance. That money is available for reallocation, but it has been paid to the various district firehouses.

**Trustee Quinlan:** So that came from the money that we get from Greenburgh for providing services to Donald Park for their fire.

**Village Manager Frobel:** Yes.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Deputy Village Treasurer to make the following budgetary interfund transfers for FY 2008-09:

ACCOUNT	SUB SECTION	ACCOUNT LINE	TO	FROM
A1110478	COURT VILLAGE	JURORS FEES	12,587.00	
A1230472	MANAGER	TRAVEL	6,487.00	
A1325464	TREASURER	OTHER SERVICES AUDIT	6,753.00	
A1355100	ASSESSER	ASSESSER	2,900.00	
A1410458	VILLAGE CLERK	MAINT OF EQUIPMENT	8,580.00	
A1420464	LEGAL MUNICIPAL	SPECIAL COUNSEL	9,471.00	
A1620458	BUILDING	MAINT OF EQUIPMENT	10,993.00	
A19104	SPECIAL ITEMS	UNALLOCATED INSURANCE	21,000.00	

BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 4, 2009  
Page - 6 -

A19300	SPECIAL ITEMS	JUDGEMENT AND CLAIMS	14,000.00	
A19824	SPECIAL ITEMS	NEWSLETTER	400	
A3120414	POLICE	GAS & OIL	1,848.00	
A3150479	JAIL	PRISONER FOOD	1,598.00	
A3310416	TRAFFIC	STREET SIGNS	1,033.00	
A3413457	FIRE DEPT SAFETY	HYDRANT RENTAL	20,985.00	
A3620412	INSPECTION YOUTH	OFFICE SUPPLIES	174	
A4210484	PROGRAMS	SUMMER PROGRAMS	8,955.00	
A5010412	STREET ADMIN SNOW	OFFICE SUPPLIES	511	
A5142415	REMOVAL	SUPPLIES	79,055.00	
A5182432	STREET LIGHTS RECREATION	LIGHT AND POWER	41,354.00	
A7020461	ADMIN	RENTAL OF FIELD	1,367.00	
A7110413	PARKS COMMUNITY	GAS AND OIL	1,226.00	
A7145413	CENTER	FUEL FOR HEAT AFTER SCHOOL PROGRAM	36,111.00	
A7310100	AFTER SCHOOL	EMPLOYEES	669	
A7311464	DAY CAMP	OTHER SERVICES	42,061.00	
A8010464	ZONING SANITARY	OUTSIDE SERVICES	1,322.00	
A8120458	SEWERS	MAINT OF SEWERS	6,488.00	
A8140458	STORM SEWERS STREET	MAINT OF SEWERS	26,203.00	
A8170453	CLEANING	MAINT AUTO EQUIPMENT	5,653.00	
A8560417	SHADE TREES	AGR SUPPLIES	11,923.00	
A90008	UNDISTRIBUTED	FIRE SERVICE ADWARD	1,000.00	
A90108	UNDISTRIBUTED	NYS POLICE RETIREMENT	21,000.00	
A90308	UNDISTRIBUTED	SOCIAL SECURITY	8,000.00	
A90408	UNDISTRIBUTED	WORKERS COMP	19,000.00	
A90608	UNDISTRIBUTED	HEALTH INS.	44,357.00	
A1440464	ENGINEERS	OTHER SERVICES		2,050.00
A1450440	ELECTIONS CENTRAL	PRINTING TECHNOLOGY EQUIPMENT		520
A1650200	COMM CENTRAL	UPGRADE		8,371.00
A1650431	COMM	CENTRAL COMMUNICATION		3,173.00

A19904	SPECIAL ITEMS	CONTINGENCY	132,417.00
A3120200	POLICE	EQUIPMENT	14,000.00
	ON STREET	PARKING ENFORCEMENT	
A3320100	PARKING	OFFICERS	9,292.00
A3410458	FIRE DEPT	MAINT OF EQUIPMENT	1,000.00
A3410458	FIRE DEPT	MAINT OF EQUIPMENT	8,000.00
A3410458	FIRE DEPT	MAINT OF EQUIPMENT	19,000.00
A3411300	FIRE DEPT	CAPITAL OUTLAY	2,709.00
A3412459	FIRE DEPT	RENTAL OF BUILDINGS	21,000.00
A3412464	FIRE DEPT	OTHER SERVICES	50,000.00
A3412472	FIRE DEPT	TRAVEL & TRAINING	3,741.00
A3414431	FIRE DEPT	TELEPHONE	3,356.00
A4540453	AMBULANCE	MAINT AUTO EQUIP	4,126.00
	STREET		
A5110101	MAINTENACE	SEASONAL EMPLOYEES	38,111.00
	CENTRAL		
A5132451	GARAGE	MAINT OF BUILDING	14,596.00
A7140464	PARKS	OTHER SERVICES	8,676.00
A7320420	ATHLETICS	RECREATION SUPPLIES	2,795.00
A7550464	CELEBRATIONS	OTHER SERVICES	2,910.00
A8020464	PLANNING	OTHER SERVICES	12,503.00
A8160454	REFUSE	REFUSE REMOVAL	91,718.00
A90158	UNDISTRIBUTED	NYS EMPLOYEE RETIREMENT	21,000.00
			475,064.00 475,064.00

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

**45:09 APPROVAL OF COURT CLERK SALARY**

**Village Manager Frobel:** At your last meeting you affirmed the recommendation of the Municipal Court Judge and appointment of the new Court Clerk. What is necessary now is to set his salary. The resolution establishes, as of his date of appointment, a salary of \$43,000 per year.

**Mayor Swiderski:** Judge DiSalvo says he is working out great.

**Trustee Quinlan:** I also spoke to Judge DiSalvo about the new Court Clerk. He was very much in favor of appointing this gentleman as the new Village Court Clerk after our former Court Clerk retired. It is a mayoral appointment, and I just would like to commend you, for appointing him. Joe says that he is great. I have been told that he has a commitment for a long time to this village.

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

**RESOLVED:** that the Mayor and Board of Trustees establish an annual salary of \$43,000 for the Court Clerk effective July 27, 2009.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

**46:09 AUTHORIZATION TO RECEIVE BIDS – HYBRID VAN**

**Village Manager Frobel:** We submitted to the County under the Community Development Block Grant program an application last June, part of which was for a grant to replace our 1990 senior citizen van with a hybrid vehicle. We received a grant of \$60,000, which is not enough to purchase a vehicle like this. The New York Power Authority will be making up the difference so that the net cost to the Village will be nothing out of local taxpayer dollars, with the exception of our in-kind services. We are providing the driver, maintenance; and fuel. We will be joining with Tarrytown to bid this item.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to receive bids on a hybrid van vehicle.



<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

#### **47:09 AWARD OF BID FOR STREET RESURFACING**

**Village Manager Frobel:** We joined with five other villages in preparing specifications to bid our annual road resurfacing project. Bids were opened last week. We were able to attract four bidders with very competitive prices. Before you tonight is a recommendation that the low bid be awarded the project. We have familiarity with this company and some of the personnel who have worked with them in the past. I believe Ardsley approved this last evening, and the other communities will be adopting it soon. In the specifications it was spelled out that Hastings would be one of the first to have the work done. We are looking to have this accomplished before Labor Day.

**Trustee Jennings:** Do you have a sense of how much we save?

**Village Manager Frobel:** We really do not. We do not think there is that much deviation in the cost of asphalt per ton. We think the savings is the bidding process, the one advertisement, and the mobilization: one contractor who knows he has got that amount of work set up for himself for a number of weeks. I can try to press them on that, but I do not have a sense.

**Mayor Swiderski:** The closest we have come to an estimate was from the Village Manager in Ardsley, who said it is 5 to 10%. It is not huge, but is \$10, \$15, \$20, \$25 thousand, depending on the size of the contract. So it is something.

**Trustee Walker:** At what point do you decide to replace curbs? The condition of some of the curbs in Hastings has been brought to our attention

**Village Manager Frobel:** The need for replacement is extensive throughout the community. This company would do it with bituminous asphalt, which a number of residents do not like. They prefer the concrete. It is very expensive. We have not budgeted for that kind of work. That might be a program in the future where 50% of the allocation for road resurfacing goes to curb replacement. You could easily spend that much, and then kind of wonder what we did because the price is so costly. We have tried to do some resetting of curbs on Villard and

here at Village hall through our operating budget but we do not have a plan, nor a good program, of curb replacement.

**Trustee McLaughlin:** So something to think about in the future, or look for grants to do.

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

**RESOLVED:** that the Mayor and Board of Trustees award the bid for street resurfacing to Petrillo Contracting, Mount Vernon, New York as follows:

Top:	\$87.26 / ton
Milling:	\$3.00 / sq. yd.
Adjust Manholes/Catch Basins	\$400.15

for an amount not to exceed \$275,000, to be paid from bond proceeds (\$200,000) and General Fund (\$75,000).

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

**Mayor Swiderski:** We offered the school the opportunity of participating in this bid. I assume this does not cover that but would be a side agreement with Petrillo by the school?

**Village Manager Frobel:** Yes.

**Mayor Swiderski:** And they will get the same rates.

**Village Manager Frobel:** I would assume so. I will push for that, but let me check.

**Mayor Swiderski:** The school's repaving needs are miniscule and the mobilization involved so great, that rather than have the school run their own contract we have asked them to join us on these contracts moving forward so they can benefit from scale and we can all save a little bit of money.

## **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** Last meeting I reported to you a member grant we received from Representative Brodsky to be used for improvements to the entranceway to the Hillside tennis courts, and that work has begun on that already. The second part was for the purchase of bleachers at both Uniontown and Zinsser. I approached the Assemblyman's office this week, looking for some modification to that. We are partners with the Little League to build dugouts at Uniontown. They went out to bid, received three very attractive prices, and that project is underway. Our share is \$10,000. We agreed to participate in some of the purchases of materials, and the fencing. We are looking to redirect some of this member grant to that effort. If the League agrees, it would be a wonderful thing. Our own crews are beginning to rebuild the bleachers, and it would be far more prudent and helpful to the overall program for the money to be spent for the dugouts. The Assemblyman agrees with that, but I wanted to report that that change did occur. We do anticipate buying bleachers. Obviously, we will not be able to buy as many as we had originally hoped to.

The staff is working on a series of grants, from Parks and Recreation and from the Department of State and NYSERDA. I am going to need some direction soon as these grants begin to pull together. We need to know your level of commitment in terms of the projects and programs we are outlining. I have been meeting with contractors and getting prices, and hope to have that for you on Friday. These grants require a 50% match and therein lies the rub, in that I will need to know your level of financial support.

## **BOARD DISCUSSION AND COMMENTS**

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

**Trustee Quinlan:** Peter and I met with Senator Andrea Stewart-Cousins July 29 in her office in Yonkers. We brought her up to date on the status of the waterfront. She is committed to moving the remedial cleanup on the waterfront forward. I thought it was a very productive meeting. We are trying to solicit the help of our senator and assemblyman to move this project forward. It is something that has not been done before in a formal way, that I am aware of, and just another effort we are making to get moving on these things.

### **2. Parking Proposal for Additional On-Street Parking**

**Village Manager Frobel:** The Chief of Police brought to my attention a suggestion for extending our on-street parking opportunities. He has identified a number of locations in the downtown area that he thinks lend themselves nicely to a placement of meters or creation of

additional parking spaces. He has also done some research on a concept that has worked in some neighboring communities about providing some pre-paid parking for our business community members. We are very sensitive to the need for parking in the downtown area for both merchants and shoppers. We would like some feedback on this concept.

**Police Chief Bloomer:** The Manager had directed my department to look at the downtown and see if we could improve some of the parking for both merchants and customers and, if possible, increase revenue for the Village at the same time. I met with the chief from Dobbs Ferry. Dobbs Ferry has certain meter that are designated as businessperson meters delineated by a blue pole. A businessperson can purchase a permit that enables parking at that meter, which is typically on the outskirts of the business district, at a substantial discount from the daily meter cost. Also, they would not have to run out and put money in the meter, or move their car. In addition, it would open up spaces in front of their stores for customers. Dobbs Ferry has 37 of those meters. They sell more than 37 permits, although they have 37 spaces. We may not want to do that, starting out. The spaces we have looked at are not so far away that nobody would park there, but far enough away that they are not interfering with the daily traffic in and out of stores.

On Warburton Avenue north of St. Matthew's church between the rectory driveway and Cecollini's driveway, 618 Warburton, there are currently no meters. It is posted only parking for Sundays, but a study since May looking at the people parking there anyway shows it would not interfere with traffic to create parking there. We could fit two spaces between those two driveways. The standard space is 22 feet; there are 45 feet between the two. North of Cecollini's driveway we could put three more spaces. Again, there is nothing there currently, the dimensions fit, and it would not impede traffic. I met with Tom Schnibbe from Bob's Service, with St. Matthew's church, with Cecollini, and with three people from that area, and nobody had an objection. We would still not allow parking immediately in front of the church because we would be forever posting it for no-parking every time there was a funeral.

The second spot that we do not have any meters currently is on the north side of Villard Avenue. We could put four there. From running the plates, a lot of them are from out of town. I think commuters are using that spot. There are no houses so we are not taking anything away from houses. It borders St. Matthew's church. The free spaces we are taking away we can add to the other side of Villard Avenue east of Whitman. That is no-parking from when St. Matthew's school was here. It was a daily school, and people walked and picked up their kids. Now, every child is brought in by bus. I met with the principal and with St. Matthew's church on that area, and nobody has an objection.

We would be taking four spaces from the north side of Villard, but giving five spaces on the south side, and we would be gaining four spaces we do not get any revenue from. These would also be someplace where a business owner could park. Again, it is far enough away that no customers are probably going to use that, but the merchants could.

The loading zone in front of 16 Main, Slices, is underutilized. I have looked at it every day since May 12. There is enough space for two metered spaces. Trucks do not park there for the most part. My truck guy Otto from UPS tells me that it is inconvenient for trucks to park there because they would either have to pull in or back in, and trucks do not want to do that. Those spaces are predominantly used by cars. That is not the purpose of a loading zone. The commercial vehicles are some of the biggest complaints we get, in that they are double-parked or parked on corners. They cannot use this loading zone. Instead we would create a loading zone on the Warburton Avenue bridge on the west side, south of West Main Street. We cannot put meters on the bridge, but we can put a loading zone there. This has been praised by Otto because you can pull in there, make your delivery, and pull out. We are losing nothing there because we have nothing there, and we would be gaining two metered spaces on Main Street. We could come up with between 20 and 25 other places we could put these businessperson's meters that already have meters. Again, nobody would be forced to use it. So it is win-win.

**Trustee McLaughlin:** The other new spaces on the south side of Villard, will they be metered spaces?

**Police Chief Bloomer:** No. I would keep those as free because we are taking free spaces from the north side. The ones we would create are up past Whitman Street. It is probably unreasonable for businesspeople to park that far away. So I would keep those as free spaces.

**Trustee McLaughlin:** If we are going to put spaces there, why not meter them? If they are free spaces, the commuters will just move across the street. If local residents are not already using those spots, then we should be getting revenue from them.

**Village Manager Frobel:** The Chief was sensitive to the residents in the area.

**Trustee McLaughlin:** Then here is my question. If you think commuters are parking on the north side, why do you not think commuters will park on the south side?

**Police Chief Bloomer:** You are right, they may. It is just that it is further away. It is a little bit more up the hill. But certainly at night you do not have commuters there. I am looking to not offend anyone, so we are taking from one side and giving back to the other. We do not lose anything there because we are not getting anything there now anyway.

**Village Manager Frobel:** But we do know commuters park on upper Villard and go back.

**Trustee McLaughlin:** Sure they do. Mayor Kinnally said often, whenever the subject of parking in residential neighborhoods came up, that there were commuters parking up by him, which is two blocks further away.

**Trustee Quinlan:** We certainly do not want commuters from out of town parking there for free. But I am concerned about the people who live in apartments and houses who do not have off-street parking. There are more of those people than we think. I happen to know a lot of them. Maybe commuters park there, but residents could park there and leave their cars there for days because they have no place else to park. I am sensitive to that, and that is why I liked your idea to take away four and give five. Who could complain about that?

**Trustee Jennings:** The blue-headed meters will be reserved for those who purchase the permit, so those blue-headed meters are never for the general public. Is that correct?

**Police Chief Bloomer:** No, that is not correct. I did not say that, I am sorry. Dobbs Ferry keeps its meters at two hours, and it is first-come, first-served. If you pull in and you are not a businessperson you are allowed to use that meter. But it is a two-hour meter, so you cannot stay there all day. Not every businessperson would be parking there every day, especially on Mondays when stores are closed. Dobbs Ferry does not guarantee that when you buy a permit that you have a space. But I would suggest not overselling permits initially to see how it worked out. Also, it has always been told to me that you cannot put permit parking on the street. If it were only businesspersons it would basically be a permit spot.

**Trustee Jennings:** I do not see why we have to limit the sale of permits to people who work in stores. To Jerry's point about people who live in apartments downtown and otherwise do not have a parking space, I would suggest we consider the possibility of making them eligible for these permits also. If you have a permit you do not have to put any money in the meter at all?

**Police Chief Bloomer:** Correct.

**Trustee Jennings:** So it would work perfectly well for a resident as well as a merchant.

**Police Chief Bloomer:** It is just a matter of how many spaces we can create, or come up with or alter. If you open it to residents and merchants you are probably talking about a large number. Dobbs Ferry business district is much more spread out than ours. They have 37.

**Trustee Jennings:** People who live there and do not otherwise have a parking space are probably parking at the meters, plugging the meters, or parking there at night now. Where else are they going to park? And ditto the merchants. So it is the same logic for both. As long as you are talking about spaces that are far enough away from the central business district it is not going to interfere with shoppers. That is, of course, one of the key variables.

**Police Chief Bloomer:** That was one of the goals.

**Trustee Jennings:** We talked about this with the Chamber of Commerce earlier this year. In addition to having the blue-headed meter system that you are suggesting, we ought to look into the availability of commercially leasable or rentable spaces for the merchants in nearby areas. Grace Episcopal Church, for example, has a parking lot which is not used week days very much. It would be perfect for a few spaces for merchants who are on Main Street and the South Warburton area, for instance. The new building on Main Street that is not yet full has a large parking garage. I wonder if the owner of that building would not like to pick up some money with rental of parking spaces until it fills up with residents. St. Matthew's school has a parking lot. So there are other possibilities for our merchant parking problem.

**Police Chief Bloomer:** They could park at Zinsser park. It would be free.

**Trustee Jennings:** That is right. I like the approach you are taking, but I am also wondering about the concept of how far these spaces are from the downtown. They do not seem to me to be very far away. I wonder if we would not be better to capture these spaces for people who are shopping downtown, and try to find somewhere else for the merchants.

**Trustee McLaughlin:** You said you had checked the license plates of people who were parked there during the day and found out many of them were from out of town, which leads me to believe that they are not residents of the apartments. So if we put the blue-headed meters there, we are not displacing people from the apartments.

**Police Chief Bloomer:** I do not believe so. Not there.

**Trustee McLaughlin:** Two years ago, when we were first discussing 555 Warburton and there was concern they would use up all the downtown parking, on seven different nights in May I went out at various times to see how many downtown parking places were actually used. I found that in the evening neither the post office parking lot nor Steinschneider nor Boulanger were full. This was not summer; it was in the spring, when people were still in town. So it seems that the people who live in the apartments do have a place to park. Was my test of this wrong?

**Police Chief Bloomer:** Yes, I think you are correct there, and I think there are many spaces.

**Trustee McLaughlin:** In other words, if we had parking meters on both sides of Villard we would not be taking anything away from people who live in the apartments.

**Police Chief Bloomer:** No, I do not believe we would, but I cannot tell you that for a fact. I am not as strong on that as I am on the rest of the parts of my presentation. I have not done extensive numbers on any other part of Villard but that spot I was interested in.

**Trustee Walker:** These are excellent recommendations, and I think we can start here and possibly look for additional spaces. I have noticed some on Main Street near the A&P that are not used much by shoppers that could perhaps become blue-headed. You are right about state regulations about parking permits on the street. You have to get an act of the state legislature in order to create permit-only parking in a public right-of-way. By allowing other people to use the blue-headed meters you are getting around that regulation. I have been told, since I have been going to Chamber meetings and talking to a lot of business owners, that there are business owners who park on Villard in this location, and also who park in front of the church, legally or illegally, and beyond. So those out of town plates you are seeing may be the business owners or the employees who are driving from out of town. The business owners are really hoping to have those spaces for their use.

**Police Chief Bloomer:** It is possible. Tom Schnibbe had noted that a lot of people parking there then walk down North Street, so he assumed they are commuters. Unfortunately, in order to see if these spaces were safe we allowed people to park there to experiment. Two cars became four, then became six, and then became the whole side. We had to clamp down on that a bit. It is better to regulate it. I think there are other spaces that are underutilized. To your point, the south metered spaces on Warburton Avenue south of the bridge: for two days this week there has not been one car there. That is not that far for people to walk that are working in the Warburton and Main area. Whitman Street is another spot that is close enough where merchants may park. Those spaces are underutilized. There are no residents where those meters are. Forty-five Main Street is there, but they have their own parking. I am gauging a lot of this by our collecting guy, who tells me things like, this meter only had 50 cents in it for the week.

**Trustee Quinlan:** So you would have to have proof from the merchant or the merchant's employees. What if we did half the spaces, like in front of St. Matt's, first, to see how it worked before we invest in all these blue-headed meters. Then we could see how many merchants are going to park there or are they going to be aced out by people who are shopping; will they do the walk. I employ three or four people, and I had a little demonstration for them. I took everyone out, and we walked to Zinsser. I said you can park



here for free and walk to my office in five minutes. These are people who go to the gym, pay a lot of gym fees, do everything else like that. None of them will park in Zinsser because it is too far away. They want to park as close as they can to my office, which is ridiculous. They cannot change their habits. I think the merchants are like that; everyone is like that.

**Police Chief Bloomer:** We would not have to do anything on Warburton Avenue south of the bridge or on Whitman Street other than paint the meters. North Street is another spot where we could take existing meters and make them businesspeople. In none those places would we have to buy any meters or even experiment. If it did not work you just take the paint off and make it back to what it was. The only new meters are the ones in front of the church and the ones on Villard.

**Village Manager Frobel:** I met with two active members of the Chamber. They had some suggestions like that, Jerry, that we do a survey, ask some of the businessmen would they be inclined to support this. They are doing a questionnaire among their members, and they suggested we participate and try it on a trial basis. We discussed some of the mechanics. We would sell the permit to the businessman who would prove he was member. Then he would decide how to allocate that among his employees. It would be their burden to transfer that among their employees. The trial period is something we are sensitive to. We would like to give that a shot.

**Trustee Quinlan:** Switching the loading zone is a good idea. We know that trucks parked and double-parked on Main Street cause traffic jams almost on a daily basis. If we could move those trucks, or even if the police department could be a little more vigilant when they see a truck double-parked. It is a problem on Spring Street as well.

**Mayor Swiderski:** The proposal, as a whole, makes sense to me. The request was to try to move some of the merchants out of parking they now occupy right in front of the stores, many of whom then complain there is no parking for their customers. Try to get some of those people to move their cars a little away from the center. The parking problem in Hastings is defined by "if I have to walk more than 40 feet to the store it is too far." So the chance that Villard would be a target for a customer as a parking spot is slim. That is where merchants belong, and are far more likely to go. What guidance are you looking for from the Board on the next step?

**Village Manager Frobel:** I think we have got some. We will have to check the local law to see if we need the authority to expand where those meters would go on Main Street and then come back with some language establishing these business-metered spots. We will run it by Marianne.

**Trustee McLaughlin:** Painting a meter blue does not really communicate to anybody; we would presumably need signs.

**Police Chief Bloomer:** It is not a blue meter but a blue pole because you do not want to confuse it with the handicapped. You can put signs where you deem appropriate, but the great part is that anybody can still pull in there and park, so you do not need signs that say designated as businessperson. Somebody might say, hmm, I wonder why this pole is blue, but it does not necessarily mean that we would have to litter the downtown with signs.

**Trustee Jennings:** We will need a public advertising campaign about it, though.

**Trustee Quinlan:** Make them black or something. Blue, to me, means handicapped. I do not need a sign. So we can make it another color? Maybe yellow.

**Police Chief Bloomer:** It could be any color you want.

### **3. Economic Development Committee – Business Took Kit**

**Mayor Swiderski:** Meg, since you have been working with the Chamber on a number of issues, why do you not introduce our next speakers and why they are here before us.

**Trustee Walker:** Nina Cangiano, from the EDC, has been leading this effort and has brought in two interns for the summer who have been doing a terrific job. Nina, would you introduce your intern?

**Nina Cangiano, Economic Development Committee:** This is Julian Ordman. Juan Quispe, who could not be here tonight, was also an intern. We worked through the Hastings High School senior alternative program. One of the goals for the EDC was to create a business owners' tool kit which would operate as a database for people thinking about opening a business in Hastings. The information was out there, but it was in a variety of places. We thought it would be a perfect job for high school interns to work under the supervision of the committee and Village staff. Juan and Julian did an amazing job. There are things that we are still tweaking, but we are here tonight to present it to you, and to request that you put it up on the Village's home page so it could start to operate as the tool it was intended to be. We worked four days a week for five hours a day from May to June. You click on a menu of tool boxes. One says Thinking of Opening a Business in Hastings, which brings you to a page that has Village services, transportation and parking, river town demographics, Village attractions, and a business directory, so if somebody was thinking of, say, opening a nail salon or a pizzeria they might think otherwise, since there are already several of those. This was a collaborative effort. Fran Frobel helped us set up interviews

with Susan Maggiotto and the Building Department, and Raf and Jen were enormous in their access and helping us get it all working. I am hoping it will be a useful tool and something that will spur economic development in the downtown, a kick start for our revitalization efforts.

**Julian Ordman, Economic Development Committee intern:** There are still some things that might need to be changed along the way, but we have done enough that it is ready to go live. It is really easy to make changes. I made some the other day just by emailing them to Raf. So if there is anything the Board needs to be tweaked, that is totally fine and possible.

**Trustee Walker:** So what do we do after you leave, Julian?

**Mr. Ordman:** It is really easy to make changes. If there is anything, I am sure Raf would be able to fix things. But I am also available by email.

**Trustee McLaughlin:** This is terrific. I am so delighted that you have been able to work this out. We have been talking about it for a long time, and I assume it will be a great benefit whenever there is spare money around for people to think like this.

**Ms. Cangiano:** Exactly. And even just as a marketing tool in general for the Village and for all of the attractions we have: museum in the streets, the Cropsey Museum, the trails, the downtown, the restaurants, the riverfront. We believe it will be the germ of an idea. I have told Juan and Julian that I am positive that we are going to see them popping up in Ardsley and Irvington and Dobbs because it makes sense. There is not anything else like it. The only other city we found that had one was Newburgh, which really was not akin to what we were trying to do. We were trying to make it feel more user-friendly with marketing savvy, and make it attractive to people who would just want to take a day trip here.

**Mayor Swiderski:** Nina, thank you. It is positive, the price is right, it looks great, and it is a model project in that it engages students. They worked with all sorts of people without either imposing a cost or feeling like a burden. It is great. Thank you.

#### **4. Verizon – Next Steps in Franchise Agreement**

**Mayor Swiderski:** I have to run a monologue here to describe where we are, how we got here, and the next step, which is an indication from the Board on what they want to do.

A Village contracts with a cable provider by signing a franchise agreement. Those franchise agreements are legal documents that go on for dozens of pages, specifying everything from the fees to be charged to the franchise provider to how many feet they have to run cable if a

store or a house is not near the road; what sort of technology they should deploy to do what they need to do. We engaged in negotiation through a cable committee that was staffed by Village volunteers for several years, and that negotiation was done in concert with the rest of the Greenburgh villages and the town. That negotiation stalled, for us, in March of 2007, when Verizon walked away from the table. Verizon has signed with the other villages and the town, but not with us because of a couple of sticking points. When I was elected I reached out to Verizon and asked to restart the discussion. Jerry and I sat down with Verizon. We went through the contract, as it exists, from March, 2007. Verizon essentially said, this is our best and final offer, we will not modify it, take it like it is or leave it. Jerry and I did not have issues with the sticking points that had troubled the community before, and indicated to Verizon that fact. However, in the intervening two years Cablevision had signed a contract with the Village. In Cablevision's contract were some clauses which added some complexity to the landscape.

I am going to briefly diverge here because I want to be on record as to how this decision unfolds, what we are taking into account as we think about this, and be explicit on what is involved. Verizon and Cablevision make money by collecting fees and, in turn, paying us fees in two flavors. One is a franchise tax. It is a straight percent amount, about 5%, on the full amount of whatever the bill is for cable services. It is not a trivial amount of money. It is \$140,000 this year from Cablevision alone, which gives you an idea of how much money they are collecting in fees from residents.

The second fee that the Village collects is something called a PEG fee, Public Education and Government. This is the fee that underwrites our ability to offer our meetings on TV, for the school to offer their services, and for us to buy the equipment to do this. The fee is passed on to the consumers, the Cablevision or the cable subscribers. The franchise tax we can use for anything, and the PEG fees are applied only to the cost of providing TV. Cablevision, in terms of PEG fees, pays a flat annual fee. They do not want to pay per subscriber. They like a flat fee, and they have agreed in their franchise with us to pay a single fee. Verizon, however, wants to pay a per subscriber fee, 75 cents a month per subscriber, with the logic being that in the first few years they are not going to have many subscribers. They do not want to pay a big lump sum. They want it to ramp up over time as they get new subscribers, which is understandable.

To complicate this, New York State allows a cable provider to offset any real estate taxes paid to a village against the franchise tax, the theory being double taxation is unfair. In the case of Cablevision, they pay \$2,800 a year in real estate taxes, and they have the right to offset that against \$140,000. When Cablevision signed with us they waived that right. It is called a 626 offset, and it is a paragraph of text in the contract that says we waive the right to

that offset. Frankly, that \$2,800 to Cablevision probably did not seem like much. So they made that decision to offset, and we took that.

The standard contract that all these contracts come out of also has the offset right for a provider to offset the first three years of the PEG payments against the large lump sum the provider pays for the right to offer services for the term of the agreement. Up front, Cablevision paid \$68,000 just for the right to sign the contract, come into our town, and offer cable. Verizon is obligated to match that. Under Public Securities Commission law, both providers have to be on a level playing field, hit economically in the same way by whatever the terms of this contract are. So both providers have to pay \$68,000 and if one gets an offset, the other should get an offset. That is the way these competitive playing field agreements work.

We came back to Verizon, and said, we have signed with Cablevision, Cablevision is giving us a 626 offset, and Cablevision is waiving its right to offset the first three years of PEG against this lump sum; will you do that? It took Verizon a day to say no. What that means is that we are now at some risk, should we sign with Verizon, of having this offset occur. Cablevision pays \$2,800 a year is real estate taxes. Verizon pays \$30,000. It is a bit more money, so the offset could be a bit more painful. It turns out that offset is not worth \$30,000 in full, but some subset of it because of complexities I do not want to bore you with. So it is more like \$10,000, but that is our risk in signing the contract: that one day Verizon may choose to exercise that offset against their franchise tax. They have not done so in any community in New York State, in part because it would so irritate those communities. So they figure it is not worth what are, in the end, nominal sums compared to how much money they are making. But they do preserve that right if they do not have that clause in their contract. The same thing with that three-year PEG offset. There is a risk to the community of \$6 or \$7,000 one time. Typically, those offsets have not been applied in any community.

Again, it is not worth irritating the community, and good will is worth something to these firms. So it is a risk, but perhaps not that big a risk. In turn, we get competition in the Village. Verizon is offering us a contract that does not have these two clauses in it. They are saying, we will submit this to you for approval, as is, no modification, and if we submit it to you, please do not ask for modifications, What I am seeking from the Board is an indication of whether I should return to Verizon and ask for the submission of that contract. This request is effectively a proxy for the signing of the contract because we will not indicate interest if we are not ready to sign it as it now stands. While this is not a formal vote because nothing has been offered to us formally, it functions as an indication of the Board's willingness to accept the terms, as they stand, from March, 2007.

What we have is the possibility for competition in the Village versus the risk of \$10 to \$12,000 a year lost in revenue on franchise tax, and around \$6,000 in total for this PEG offset, one time. Not a guarantee, probably remote, but something Trustees, as fiduciaries, are required to take into account as they think about these issues and make their decisions. I should add that none of the villages in the consortium, or Greenburgh, have these two clauses in their contracts, and they have signed their contracts as is. Most communities move forward without these offset clauses. Some do not. Poughkeepsie recently won a 626 offset, insisting upon it. New York City has. Most do not. It is probably a factor of size and the importance of the market, and it is not entirely clear to me we rate that.

**Trustee McLaughlin:** I have been a Trustee for three and a half years, and I heard about this issue almost as soon as I became a Trustee. I was mystified by it because the stories that I heard about why we did not have a contract simply did not make sense. Only since Peter reopened our dialogue with Verizon a few months ago has sense begun to appear. I cannot tell you how many residents have made it clear to me, and to the Board, that they either want Verizon or they want competition. I understand how exasperated many of you have been. You have not understood what is going on. Now we have a clear picture, and it comes down to this fact of maybe \$10,000 cost to the Village.

**Mayor Swiderski:** Annual cost, and then \$6,000 one-lump risk.

**Trustee McLaughlin:** Given the size of our budget, but on the other hand given the size of the complaints, I would go with asking Verizon to submit the contract.

**Trustee Jennings:** I feel that the Mayor and others on behalf of the Village have negotiated with Verizon very hard, trying to get the most favorable terms. We have not succeeded as much as we had hoped, but that is not for want of tough negotiation and trying. We are now left with a balance or a judgment call. It is giving the people of Hastings choice versus taking a risk of some negative financial consequences on our Village budget, which we can ill afford. Nonetheless, in the hope that Verizon will not exercise this, since they have not in other communities, and thinking that choice is important, and I have heard that from many residents, I will go in favor of choice and in favor of signing this contract with Verizon.

**Trustee Walker:** Peter and Jerry have done a terrific job in explaining the complexity of this contract. You did a masterful job in explaining it tonight, so thank you. I did not know much about this until I was going door-to-door in January campaigning. Then I heard about it constantly. It was one of the top five issues that came up. I would agree with my fellow Trustees that choice is worth the risk. A lot of people have been expecting it for a long time. I think it is worth the slight risk and that we should submit the contract.

**Trustee Quinlan:** There were 12 sticking points originally. We narrowed them down to two and gave up on ten, and they still insisted that it would be a take it or leave it proposition for the Village. That was very difficult for me to accept, as someone who negotiates things on a daily basis. The other thing that bothered me was that they will not put it in the contract that they will waive it, but they say we are not going to do it. That did not make a lot of sense to me, and I made that point to them. But I had to put aside my stubborn Irish pride about the negotiations and how I negotiate things as an attorney as opposed to a Trustee. I had to think about would competition be good for the Village, and could it possibly lower prices for cable. My conclusion was that I have to think of the Village as a whole, not my personal beliefs about the good faith of Verizon. I too support having them submit this contract. At the beginning the residents of Hastings will get some benefit through competition. I think you will see lower prices. I hope I am wrong, but my guess is that after three or four years Verizon will maximize its profits, just as Cablevision will, and that you will be paying pretty much the same to get Verizon services as you will Cablevision services but you will have a choice. There might be better services. But I am in favor of the submission of the contract.

**Mayor Swiderski:** It is important to remember that we are stepping into a process that has been executed by three very hard-working members of the cable committee who, in fact, negotiated so hard that we hit a standstill. We stand on the backs of steel-taloned negotiators who, Verizon tells us, got 30 more changes than the rest of Greenburgh did in the contract, including the highest PEG payments on a per capita basis. While it may gall us to not see the tail end of a negotiation break our way, much of everything that went before did. Standing on the shoulders of giants, we had fierce negotiations. Before I finish up I do want to hear from the public. If anyone would like to speak on the Verizon issue, please do.

**Trustee Quinlan:** Peter and I did negotiate this, but I have to be very truthful. Peter did the lion's share of the work. There is no doubt about it. Peter reviewed the documents, I reviewed them. But he did 75% of the work and I did 25% of the work. I think that is something that everyone in the Village should know.

**Mayor Swiderski:** Thank you, Jerry, though the results are not necessarily a change in the contract. So I am not sure 75% of zero I am going to be terribly proud of. But thank you.

**Trustee Quinlan:** It is more than that. It is an understanding of what the issues were and what the stumbling blocks were, which as Diggitt said, had never been explained to us in the concise and clear manner that they have been in the last three to four months.

**Peter Rothstein, 19 Overlook Road:** I agree with Jerry. Maybe within two years Verizon will match Cablevision. But the treatment of the customers by Cablevision has been

horrendous for the time I have been in Hastings. So for your efforts, I would like to say thank you and I look forward to it happening.

**Elisa Zazzara, 68 Southside Avenue:** Yes, thank you for describing that. It is so complicated just to get television. Just a couple of clarifications. The real estate taxes they put against, this 626 thing, who gets those taxes?

**Mayor Swiderski:** We do.

**Ms. Zazzara:** So either they pay it to us in taxes, or they pay it to us in franchise fees.

**Mayor Swiderski:** What it would allow them to do is not pay that \$38,000, once they have collected \$38,000. Every dollar they make in franchise, paying a franchise tax, they would not have to pay in real estate. It is a one-for-one offset.

**Ms. Zazzara:** So we could get *more* money if they did not do the offset.

**Mayor Swiderski:** We could if it exceeds \$38,000. However, in fairness to the analysis, Cablevision has around 3,200 customers. That is probably realistically the pool of customers for cable services, period. We do not expect it to grow enormously with Verizon. So we are viewing a pie that is cannibalized between two parties, and whether revenues for the Village will go up as a whole is not something I would count on. We have to assume not, so it is a loss.

**Ms. Zazzara:** Right. And at the end of the day, the people who really win are the cable companies.

**Mayor Swiderski:** The single biggest winner is Verizon.

**Ms. Zazzara:** And Cablevision.

**Mayor Swiderski:** No. Cablevision will not be happy with the outcome. They are now in an ideal situation, but they acknowledge and understand that would not last forever. We will go through a process of probably having to modify their contracts to accommodate changes as a result of this one. That will be done in front of the PSC over a period of months.

**Trustee Quinlan:** Cablevision is not going to go down without a fight on this. They are going to say that there is no level playing field; they are going to complain to the PSC, and we do not know after this contract is signed, what will happen with that. One other thing that I have to explain briefly is, why does Cablevision pay \$2,800 and Verizon pay \$32,000?



Verizon historically was a telephone company and they own the telephone poles. They have a lot more telephone pole and telephone equipment in Hastings than Cablevision does. So that is why there is a difference in the taxes.

**David Skolnik, 47 Hillside Avenue:** The idea of competition is probably good, but I did not see how it was going to have any impact. Is there some potential negative impact on our relationship with Cablevision coming out of this? Secondly, is there a way that that idealized competition could be channeled to improve whatever the issues are? I am not sure exactly what the negatives have been for people with Cablevision, but I am wondering if there is a way of channeling it and getting some improvement from them.

**Trustee Quinlan:** I think the service departments will work harder to give us better service. People can choose which cable company gives them the brightest picture or the most channels for the price. There will be benefits, even when the prices even out, in terms of competition on providing service in an efficient, nice way.

**Mayor Swiderski:** We have no control over rates; we have no say over how bundles are packaged or priced. That is done at the state level. So when we revert to mean, and you are paying the same \$120 or whatever you are paying a month, please do not write us.

**Dr. Jacques Padawer, 170 Villard Avenue:** Cablevision has managed to take every decent channel off what I can get, and given me about 200 things I do not want. Is this going to be changed if we get Verizon, or am I going to be stuck with the same garbage programs?

**Mayor Swiderski:** Right up there with pricing, I am going to add that we have no control over what channels are offered. It is entirely out of our control other than our request for the education, government, and public access channels that we get as a right as part of the package.

**Dr. Padawer:** But I do not even get some of those.

**Mayor Swiderski:** While we have a right to those channels they have a right to shift them around should they want to reorganize their channel lineup. We are just occupying slots in their lineup of programming.

**Dr. Padawer:** Will they have to rip off all of the cables that I have now with Cablevision to put in new sets for Verizon?

**Mayor Swiderski:** I am not going to give you a definitive answer but, typically, they have run fiber on your block and they pull the fiber to your house. Out of the junction box comes

CTV, what you know as cable. They then plug into the existing wiring if it is internal to the house. If it is not internal to the house they may have to run it to your room. But if it is already there, and you have got a setup and there is an outlet in the basement that is now plugged into Cablevision's cable, it gets swapped typically. It depends on how your house is wired.

In wrapping up, I concur with my colleagues. The risk is low. The contracts, as written, represent a lot of work. The sticking points were not material enough to merit the loss of competition. I will pass on to Verizon, and Cablevision as well, notification of our interest. Verizon, at some point in the near future, will submit a new application which will include the contract. There will be a 30-day window in which there is public comment on the contract. The Board will vote on it. The contract, at that point, will take force. So sometime in early fall you could expect a choice if this progresses in the trajectory I am describing, assuming that nothing said today sets Verizon off in any way and results in another delay. But you hear five members of the Board interested in requesting that submission, and we hope to get it shortly.

## **5. Greenburgh Deer Committee Report**

**Mayor Swiderski:** The Greenburgh deer committee, over the course of many years, has struggled to pull together the materials and come to an agreement in an absolutely excellent piece of work describing a set of options and the advantages and disadvantages of each one to address the proliferation of white-tailed deer in our community. The Board received the document last meeting. A copy was filed at the library and an electronic copy is on Web site. Today is an opportunity for the Board to ask questions of the principal author to further an understanding of the issues.

While this is not an official public comment period, we recognize that there may be people here who want to speak tonight on the issue. The first official public comment period will be in September at a meeting largely dedicated to public comment on the proposals. After that, the Board will meet in a work session to decide how to move forward. From that will come a recommendation that the public will have a chance to respond to. Based upon that response, the Board will proceed to take action.

This is not a process we believe will take longer than this fall. Until we declare a date likely to be late in October, emails and letters will be welcome. Anything sent to us will become part of the public record and concerns of the community will be out there for all to view. If questions are raised in emails I would prefer that they be answered publicly rather than privately to individuals because those questions are likely to have a broad audience. As questions come in we will be posting them, and the answers, on the Web site, and

periodically printed out in the library, as well. We are attempting to provide feedback loops for the public. Our Web site is in the midst of a redesign, and out of it will come, hopefully, something that will allow you to dive to these questions, answers, and issues very quickly and follow the debate as it unfolds.

**Trustee Walker:** About process, there may be a lot of people who would appreciate the opportunity to have informal discussions not in the public eye about this issue. There are a lot of different feelings about it. It is not black and white. We are talking about a deer committee, whose charge will be to provide information. But if the Public Health Committee could sponsor some discussions, an opportunity for people to raise questions and issues and get more information, that might be helpful. Another consideration is something that was in the report, perhaps doing a survey. Once there is a recommendation from the deer committee, before we make a final decision, I think it is about the details and not just the overall decision. It may be a good idea to ask the citizens of Hastings. Jacques' deer committee did a questionnaire, but it was for all of Greenburgh, and it was at the very beginning of the process. I would like to start by asking Jacques about it maybe being useful to do a survey at a later date when the options are out on the table; maybe even when we have come up with a well thought out proposal with costs. Do you think it would be advisable to go back to the public and ask them for their opinions?

**Dr. Padawer:** Yes, it would be, but I hope you understand the word battle fatigue. If you want such a survey, I would hope that somebody else would do the tallying. In fact, I did not do much of that tallying. That was done by my co-chair, Cynthia Altman. It is arduous, much more complicated than you think. It is very hard to write a questionnaire that is understood the way you write it. When you ask how long you have seen deer in the neighborhood, you get answers like, ever since we came to Hastings, and they do not tell you when that was, or some such vague answer that messes up the whole situation.

But yes, that would be a very good idea. Eventually I would even hope there would be a referendum of who wants to support doing something about deer and who would not, because a lot of people do not have the stomach to say things in public that they feel even very strongly about. There are some, particularly the so-called animal lovers, which, by the way, is a misnomer. I do not think they are animal lovers. They are deer lovers and they hate all other animals. They are very vocal. I do not think it should be a matter of who shouts louder. It has to be based on reasonable, established facts, as much as we can establish them.

**Trustee Walker:** If we choose the culling alternative it would be helpful to have a count before we cull so that we know 70% means: 70% of what. You say in the report that if you do not come up with a count, then you need to overkill. I could read between the lines that

this, perhaps, was an inhumane step to take, that we should not cull without some accurate numbers. In addition, it seems to me that metrics are important in making these decisions and in determining how successful we are, both in terms of number of deer in the Village as well as the accidents and the reporting of accidents more accurately as well as Lyme disease reports. If we have all of these statistics, then we will know when we are making headway. Do you think the infrared technology, and count, is mandatory?

**Dr. Padawer:** I do not know quite how to answer that. The infrared technology, depending on the technology, is very good. Our armed forces use it, the scientists who study space use it. They have developed exquisitely sensitive equipment. Not everybody uses it because it costs money and takes a kind of expertise that not everybody has. Infrared radiation is essentially heat. Heat is given off from our bodies and even by trees, because everybody breathes, in a sense. That means burning things up and giving off heat in the process. So the sensitivity of the equipment becomes critical.

In the report, having looked at different outfits and different methods, I have become convinced that there is one outfit that can do the job best. They do it best because they take the right conditions. There have been reports of infrared done in July when the trees were full of leaves and the heat from animals could not get past the leaves. That is not the kind of science that I am used to doing. I am used to much stricter rules than that. The outfit that you have in the report, when the leaves of the deciduous trees are gone, they do it at night; preferably when the ground is cold.

There is such a thing as the signal-to-noise ratio: everything has noise, electronic noise, or heat noise, or whatever. If you want to see something well, you do not have to have noise. If I lit a match at noontime, somebody who is 20 feet from me will see it, but somebody who is 100 feet from me may not. If you ask anybody in a foxhole, you light a match at night and they see it a mile away. That is signal-to-noise. Therefore, we have to use an outfit that takes that seriously. In the report are pictures of examples where you can see those little white lines because the deer is not round; the deer is elongated, and the signal is elongated. This is done all automatically so they can tell you exactly where they are, how many there are.

**Trustee Walker:** Can it distinguish between deer and people?

**Dr. Padawer:** Yes, it can unless you lie down and are as long as a deer, then maybe not. It depends on your metabolism. A thin person probably has a higher metabolism than a heavy one. Again, it is a question of measuring what it is. Every measurement in science has a limit, the limit of detection. We have hit that here as well as anyplace else. It is not just what percent of deer. It is the percent in each herd, and where they are. It is very likely that

Elmsford does not have the problem that the river villages have. We are overrun with them. Elmsford does not have that many. All you have to do is cross the parkway and people do not even bother. We do not want to spend money and effort where the deer are not. We want to know where they are, and how many there are. But it is \$30,000 to do it once, and you may have to do it more than once if you want to find out how effective you are.

**Trustee Walker:** And the \$30,000 is all of Greenburgh?

**Dr. Padawer:** It is all of Greenburgh.

**Trustee Walker:** How much would Hastings alone cost?

**Dr. Padawer:** I do not know. But it would not be that much less because it is very hard for a plane, at a half-mile up, to zigzag back and forth exactly with the positioning systems they have. There is a benefit of size.

**Trustee Quinlan:** I am in support of your report. I am an animal lover, but we have a health problem, a safety problem, a problem with people spending an inordinate amount of money fencing their properties in to the extent of creating private enclaves and spending a lot of money to save their gardens. What is happening to our forests, our hills, our woods, Hillside Woods, all our woods is that the undergrowth is being destroyed by the deer. What are we doing about the insects that have no place to live, the small animals, the birds, the plants that are being eaten to extinction, not to extinction all over the world, but in Hastings?

So there is a balancing act. I think the time has come. It is going to be money well spent to do what we have to do to provide leadership to the other villages. I will argue about whether a survey has to be done or not. I worry about that because of delays, and I do not think we can delay. They are an inexact science. You mentioned a referendum. There will be a referendum in the next election and the election after that, and that is when referendums take place in a democracy. We should follow the process that has been outlined in Peter's email. He did not do that in a vacuum. It was something that was circulated among the whole Board, and it is a good process, and we should follow it. I have no questions of you. I enjoyed your report. And we can move on.

**Dr. Padawer:** I would like to expand on what you said about these other animals and insects. We are talking ecology here, and ecology has to do with all the animals and all the plants. It does not seem as if worms might be important in this, but they are, because the worms maintain the soil and keep moisture in so the trees can grow. Not only that, they are good food for birds and small mammals. The small mammals get ticks, and if a mouse has, let us say, 30 ticks on it and a skunk comes along and swallows that mouse it also has

destroyed 30 ticks. It is all a chain that is so involved that all those things come together: the birds, the worms, the insects, the skunks, you name it. Everything is tied to this entire food chain, food web. It is all part of the same thing, and it is much more serious than just saying, I like birds and we are going to lose birds. We lose much more than that.

**Trustee McLaughlin:** I join in with thanks for this excellent report. With the emails I have received, not a single person has raised an issue that your report does not cover. People raise all sorts of hypotheticals and absurdities, and I say, it is in the report. It is an easy report to read because it is well written. It is chock full of information. And, in all fairness to our dialogue, anybody who is going to comment on this must read the report.

People are unaware of the interdependent web of all existence. They may give it lip service but, in fact, they do not understand how eating away the undergrowth affects the small mammals. They do not understand how the tiny hooves of deer impact the soil so worms do not operate as freely as they did. All these interactions are obvious to somebody with your education, but are not readily available and not in the report. I hope at some point we can hear from you about this.

Deer were hunted almost to extinction in about 1900-1910. The white-tailed deer nearly vanished from the land because of over-hunting. That was when it became illegal to hunt the white-tailed deer. We did not see the rebound we have until after World War II. It does reflect an imbalance in the way the deer were handled in the economy. People have brought up the question of what are you going to do with all that deer meat if you cull the deer. Unfortunately, wild venison cannot be sold in the United States. You have made the point that we cannot sell a deer carcass unless it is tested. This is an issue we are going to have to grapple with because we want to believe we are behaving respectfully.

The report suggested that if we do not cull deer soon they will double every year, and it also suggests that mad cow disease, or its equivalent in deer, is moving toward New York. So we can assume that in three or four years, say, the herd will be three or four times, or more, larger than it is now, and much more likely to have infected deer in it. What happens with humane killing of deer that have that disease in their brains?

**Dr. Padawer:** That is a much more complex question than the way you stated. Encephalopathy, or mad deer disease, is a prion. Prions are not bacteria, they are not viruses. They are chemicals, molecules, that are virtually indestructible. They are a modification of a normal protein that is present in our bodies. Deer, when the change occurs in their biochemistry, can go for several years before they show signs they have the disease. You are taking a chance wondering if this animal does or does not have it. You can test them for the prion, but like all the other tests in science, it has a limit of detection. The best way I can

explain it is, if you put a drop of ink in a teaspoon you will see the ink. You would still see it in a glass of water. But if we move to your bathtub you are not going to see it. You would say there is no ink in there unless it is radioactive and I can measure the radiation. We cannot be that worried about this disease because to be paranoid about it does not help. But we should keep it in mind. You say it is going to come to New York State. It is not going to come to New York State; it *is* in New York State. In Oneida County they have already found a number of deer with the disease. The disease is spread by the animals themselves. During the rut, the males lick the females' urine and carry it that way. When they fight with each other they transmit it. The more deer you have, the more likely it is that you are going to spread the disease. In England and in the United States, but mostly in England, they have killed thousands of cows to try to stem the epidemic. We are going to be faced with the same thing if we do not pay attention to the deer. If they are too numerous it does not work.

The whole web of existence is, indeed, something that people do not understand. I do not want to feel superior about it because I have my own limitations. I had some of the same erroneous thoughts about deer that many people have, which I discuss in the report. For instance, people say we have pushed them away because we have built so much and taken their space. That sounded so reasonable to me that I would have put money on it, and it is wrong. We have attracted the deer in our environment; we have not pushed them out at all, because we have created the kind of environment that they seek, which is a forest edge environment. Every plot in all the villages have a nice little piece of land with a little lawn and trees on the end to have privacy. That is the edge environment, so it is perfect.

I do not feel that I am smarter than anybody else. I am not. It is just that I have looked at it and convinced myself that I was wrong. I hope that by reading the report people will do the same self-reassessment. Every one of the things I discussed in the report came from the people at large. They wrote letters to the paper, they asked questions from the committee. It started with the Conservation Commission here in this village. I collected all these things and assigned it to the members of the committee to get information on it. So yes, I wrote the report. But it is not my report, as such. It is the product of a large number of people. Not all of them; a lot of people belong to a committee and do not really do very much. Some of them on the committee are destructive. I had those, too.

In the end, everything I have in there is trying to explain to people why those ideas are either correct, incorrect, or whatever. I just hope that is part of the education. There is a limit how much we can write. This is a pretty heavy report. I could have made it 10 times longer if I wanted to go into a lot of the ecology. I do not think that would have been helpful. The idea was to try to make it as simple as possible and to use language that everybody understands. Any time you feel you want a further explanation about the ecology of it, I will do my best to tell you what I know. There are people that know more ecology than I do, but I am not quite

ignorant about it. I look at these things: the worms, the insects, the bees, everything. If you do not have the bees you will not have any flowers or fruit. That is what ecology means. This interaction and interdependency. For that very reason, I think it would be a deficit in the environment if we eliminate all the deer. What we are talking about in ecology is balance. We need a balance between those that eat and those that are eaten, and so forth. Some of the deer we need, but we do not need them in excess. The trouble with deer is the excessive number. Otherwise, they are fine. That is really what we are looking at and what you are trying to decide on.

**Trustee Jennings:** I appreciate this as a basis for our discussion. When we take the next steps we are going to focus very much on things that the Greenburgh report naturally did not focus on as much. Once we get over the general question of whether or not something should be done, the case that is made in the report is overwhelming that something needs to be done. Then we will turn to what people are going to want to know in a very detailed way: how are we going to cull the deer, where are going to cull the deer, and when are we going to cull the deer? That will be our job for the next several weeks, to hammer that out.

Your report is very helpful because it paints a multi-faceted picture of the reasons why overpopulation of the deer is a problem we need to address, and why we need to do something to reduce that population. It is not just Lyme disease, not just human health, not just automobile accidents, and not just people's private gardens. It is also the biodiversity of our parks and Hillside Woods. It is all of these things in combination which is, itself, a kind of ecological point. It is very important for people to understand that.

Ethically I agree very much with the statement that is made on Page 2-3.

I am not really all that concerned about why the overpopulation of deer is here in this southern Westchester river towns area right now; whether we attracted them in, or whatever the reasons are. I think this gets to the heart of the matter. Because we humans have eliminated the predators, we have a responsibility to act in their stead as to fulfill the ecological role of maintaining a balanced environment that redounds to the advantage of species diversity, to our own interests, and, indeed, to the health of the deer populations themselves.

This brings it all in. We human beings have a responsibility to step in to a naturally self-regulating balancing mechanism that is not working, mainly because of our own human interventions. But now that we have made the natural process not work very well, we have the responsibility of stewardship, to step in, to compensate for the damage we have done to that natural process. We need to be quite humble about our role as surrogate for evolution



and ecologically balancing mechanisms here because we have done it very badly often in the past. But, nonetheless, we have a responsibility to step in and that is the ethical bottom line. I agree with you and the statement of the report.

Like Meg and Jerry, I thought about this question of do we need to have an infrared survey. Do we have to have an accurate account of the deer population before we begin the culling? Logically speaking, it makes a lot of sense. My worry is the same worry that Jerry expressed: an undue delay in taking action. One approach would be to say let us find out how many there are. We have to figure out what the geography is here, but how many there are in a given area. Then your recommendation is approximately 70% the first year.

**Dr. Padawer:** That is not my recommendation. That is the recommendation of experts in the field.

**Trustee Jennings:** I stand corrected. The recommendation of the report is about 70% the first iteration and 40% thereafter. With that, we need to have the survey because Meg asked the right question: 70% of what? How will we know when we have killed enough each time.? On the other hand, there may be another way to think about it. The report states that according to the State of New York the maximum tolerable concentration is 20 deer per square mile. The Westchester committee reduced that, for our area, to five per square mile. The Greenburgh report then goes on to argue that for our particular habitat perhaps even five per square mile is too large a figure. Hastings is two square miles. Deer move around, and we ought to do this on a more regional basis. But still, if I understand this analysis correctly, Hastings should not have more than about 10 deer living in it. If that is the case, then we do not need a survey. We try to kill as many as we can find for as long as we can, and then see what happens. And we keep doing that until we get down to that range of number. Because 10 deer in the Village is a number that hardly anybody is going to ever see any deer around.

**Dr. Padawer:** I have had as many as 22 in my yard at one time.

**Trustee Jennings:** If we think about it on a population per square mile basis as opposed to what is the actual population now, it seems to me we can proceed with our plan: a safe, humane, and reasonable approach to culling. We will not have to know what the end is; we will just do as many as we can find, because we could hardly overshoot. The idea that we are going to overshoot, and somehow make the deer extinct, is not a realistic worry. It is not a biological reality that we have to worry about.

**Dr. Padawer:** I agree. I have the luxury of not sitting in your seat. I can suggest things that are currently not legal, with my philosophy that the laws were made by people and therefore can be changed by people. I hope not just this legislature but many others will come to the

idea that they have to change the laws. For instance, in Greenburgh you are not allowed to discharge a firearm. A bow and arrow is considered a firearm. There is no fire, there is no gun. It is just an arrow. Be that as it may, that is the law.

Of course there are exceptions. A policeman can and have killed deer in the Village that were hit by a car and were moribund. They will kill skunks or raccoons that are rabid. And they do this without ever hurting a human being. It takes somebody who knows how to use a weapon and has a little brain power to use it the right way. The most humane way is to use a dart and tranquilize the animal with the kind of stuff they use for humans. If you have a colonoscopy they give you something that puts you slightly under and you do not remember what happened afterwards. I have used it in experiments on chickens, where I was working on regeneration of tendons in the foot, because a chicken foot is identical to the human hand. We were cutting and sewing, and the chicken was just looking at us and blinking in the usual way. The worst that happened is that they laid an egg in the middle of the operation. But within minutes, they were scratching around. You can do a lot of things without having to make the animal suffer, and that is something I consider very important. Yet, I do not know that this is legal.

Your position is to take some of those suggestions and change the minds of other legislators, particularly the DEC. The DEC has very good rules with a very specific aim, which is, and I quote this in the report, to increase the deer asset – they call it an asset – to the point that there is revulsion among the non-hunters. And they succeeded very well. Hunting does not reduce the deer population; it increases it because of the rules. You can only do it for a short time. You can mostly take the bucks. One buck can have a harem of 20 females, so what is the big deal if you take one buck. We should not worry about the age or gender of the animal: from a fawn with its cute little white spots, to the females as well as the bucks with the big antlers, they should all be part of the game here. Is hunting legal in Greenburgh? No, but that should be changed. Not to have it done by every Tom, Dick, and Harry. I was a sharpshooter in World War II and got a medal. But that does mean everybody is going to go and do that. There are experts who do it, and it costs money. If it is done properly you do not have any casualties. In New Jersey, they have killed something like 300 or 400 deer a year for the last seven or eight years. Did it work? You be the judge. The number of accidents has dropped, damage to the environment is reduced. There was a tremendous outcry by the so-called animal lovers. I want to insist that deer lovers are not animal lovers. They hate everything that is not a deer because they are willing to let them become extinct in order to preserve excess deer. And she was reelected by a landslide.

**Mayor Swiderski:** In the consulting world, you ideally count, or measure, before you analyze. The argument about infrared photographing to yield a count is intuitively appealing until further analysis. I am glad Bruce brought it up because I fall in line entirely with that

line of thinking. An aerial survey is \$30,000. I have to be practical about this. Dobbs Ferry has lined up with us and will join us in this effort. Irvington might; we are making some headway there. Greenburgh probably will not. That is a nut to crack across three communities, especially when it does not even include the cost of the effort itself once you have a count. Bruce's point is well taken: no culling, even if we set out to get all the deer, unless we were willing to shut the parks down for a year, would be successful. And even then, there would be deer who figure out the parks are no longer a safe place to be and will camp out in backyards.

I do not think a cull can go on indefinitely. It is distasteful no matter how it is done. Beyond a few weeks is a lot to ask, and I do not think will happen. So somewhere between this overlap of what the community's tolerance will be, the deer's own survival instinct, and how many we are likely to get, what we will cull is what we cull. And if we shoot for a maximal number, it is what we would get whether we counted them ahead of time or not, simply because of what the appetite overall for this will involve. I back up behind Bruce, and understand that line of thinking.

**Dr. Padawer:** I am 100% with both of you. But I will point out that chickens are being killed by the millions to try to stem the flu and nobody makes a fuss about it. Just because they are deer, we have to try to see the difference.

**Mayor Swiderski:** I do not mean to stop you from free expression, but those in the community who have a hard time envisioning a hunt, a cull, or whatever you want to call it, I am not going to denigrate their sympathy and desire to see the animals live by saying they do not care about other animals. It is an emotional and entirely understandable reaction. Every child in this village is going to have that reaction. I do not want to denigrate people who are going to have a very difficult time with this.

**Dr. Padawer:** I do not. I am with you 100%. I think it is a question of education.

**Mayor Swiderski:** And there I am with you 100%.

**Dr. Padawer:** It is a choice. Are you going to kill the deer, or are you going to let them destroy a large number of other animals in the environment?

**Mayor Swiderski:** We are going to have a number of people helping us in this effort, mostly in a research capacity. While it would appear that the Board coalesced fairly quickly around your recommendation of a cull, it is only responsible to poke at whatever other alternatives there might be a little further to reassure ourselves that the technology has not moved on since your report. The specific issue is birth control. There are salt lick methods,

a variety of methods now. I intellectually understand it is probably a dead end because even if you sterilized every deer now, at a 5% death rate it is going to be 10 years before we see a lot fewer deer. They live a long time. So as it is, it is not an immediate solution. As their population declines those in Yonkers and Greenburgh will eventually come in and move into the empty eco-niche opened up. A cull, which is two letters away from what it actually is, is a hard thing for a lot of people to accept. I want to be on firm footing that we have put those other options to bed before we reach for what we understand is the only solution.

**Dr. Padawer:** You are absolutely right. A lot of places have tried contraception and it has not paid off. It takes years, is expensive, and you would have to catch every deer and give them at least two shots. Some will never be found. Some, despite the shot, will manage because they did not get enough of a dose.

**Mayor Swiderski:** I understand. I guess it is grasping at straws, but for one of the people on the work group to look at it and poke at it hard is a worthwhile exercise.

**Dr. Padawer:** I have a different take on that. There are people that will not listen to the data regardless. They have their mind made up, and come hell or high water they are going to stick with that. If you tried to convince them, it will take you forever and they are going to carry the day.

**Mayor Swiderski:** I understand that we have not gotten quite there yet, but I am trying to run this with acknowledgment of the passion in a dispassionate way.

**Dr. Padawer:** I recognize that. I do not find it so pleasant to feel that we have to kill deer.

**Mayor Swiderski:** You made the point of shooting being illegal. Are there any deer culling methods that are legal in Greenburgh that you are aware of?

**Dr. Padawer:** Yes, but they are very ineffective. You need to get a permit from the DEC. They will give you a permit to kill 10 deer.

**Mayor Swiderski:** But is there a method prescribed?

**Dr. Padawer:** Yes. They want bow and arrow. The people that know that best is a group called White Buffalo. They do it commercially. The head of that outfit says it is a very inefficient method. Many deer run away with an arrow and go and die in agony someplace else. That is why I suggested you need a shotgun. I am interested in the animal not suffering. That is my first and foremost aim here: to try to avoid making them suffer.

**Mayor Swiderski:** So the answer is, right now you are aware of only a 10-deer permit out of the DEC for bow and arrow.

**Dr. Padawer:** As far as I know, that is what they have given.

**Mayor Swiderski:** So we would need to require Greenburgh to pass either a temporary law or a variance or a permission under their existing law.

**Dr. Padawer:** But you would not be able to do it because the DEC will not let you. The DEC has one set of rules that applies to the open country as well as to Hastings.

**Mayor Swiderski:** But other towns in New York have culled. So how have they done so if the DEC exists? How does Pound Ridge do it? They are about to engage in a cull.

**Dr. Padawer:** I do not know that there are many places in New York that have culled seriously. They have done 25 or 30 deer. The DEC does not give you permission to do that. They want to keep the deer assets as high as possible.

**Mayor Swiderski:** They want to keep those assets in hunting areas. We are not a hunting area.

**Dr. Padawer:** That is exactly my point. They are absolutely right for the hunting areas, but it should have a different set of rules for Hastings and Dobbs Ferry. Again, this is the law. The problem is trying to convince the lawmakers that they have to adapt.

**Mayor Swiderski:** So even if we came to a consensus on this in the community we could run aground on DEC resistance.

**Dr. Padawer:** I do not think they will give you permission. They are afraid it is a crack in the armor.

**Mayor Swiderski:** What are you telling me? Where does that leave us?

**Trustee Walker:** There was a quote in the report after describing a deer damage workshop at SUNY New Paltz in 2006. The quote is: when the consensus of local stakeholders is to implement an approach requiring a permit, all management actions other than hunting during legal seasons require appropriate permits; the DEC will work with local entities to see that effective deer management programs can be carried out. Then in bold it says: the DEC will work with local entities. Somehow someone got the impression that the DEC is willing to at least look at this differently. Was that just at that particular workshop?

**Dr. Padawer:** I am older than 80 years, and words mean less to me than actions. The DEC talks big, but when it comes down to brass tacks they do not.

**Mayor Swiderski:** So there should be a parallel effort soon in this process to see what is involved in getting their permission? Would that be a way to deal with this?

**Dr. Padawer:** Yes, you would have to try to convince the DEC that their rules are good for the boondocks, but not for Hastings or Dobbs Ferry.

**Mayor Swiderski:** You make a point that those salt licks are not just attractive to deer, but to a range of animals and that it can have the same result on other animals. I am surprised that contraceptives are trans-species. I thought you would have one that would be specific to humans, etc. Maybe I do not know my biology well.

**Dr. Padawer:** That is a very good question, and let me give you a little biology to explain it. Evolution says we are all related. In fact, it goes to an extreme. The seahorse female gives eggs to the male who incubates them in his pouch. When it comes to giving birth, the same hormone that helps a woman give birth to a child is what is needed for that male seahorse to release the embryos. We have inherited those things through the ages. We are so alike that bacteria, virtually all the enzymes we have, for a very good reason, by the way, we cannot live without. They are in our cells. All the energy you get from biochemistry comes from bacteria that live as hosts in your cells. They are dependent on your cells for multiplication so much that they cannot escape, thank God. But at the same time, you cannot do without them. We need each other. The way this is known is that our DNA, the nucleic acid, is linear. Bacteria have circular DNA. If you isolate the mitochondria, which are the same ones in your cells that are necessary to make energy with strong substances, they have circular DNA, proof that they are really bacteria that invaded our cells eons ago, millions of years ago. Evolution carries us all the way through.

**Mayor Swiderski:** So it is the same chemical, the short answer.

**Dr. Padawer:** That is right. But it takes imagination to convince people of that.

**Mayor Swiderski:** When you put out a salt lick, you are effectively sterilizing anything that likes salt, including dogs off the leash, raccoons, and chipmunks.

**Dr. Padawer:** All animals are looking for sodium. Sodium is an animal product; potassium is present in plants.

**Mayor Swiderski:** I thank the audience for bearing with us so long. It is the start of a long conversation.

**Bob Klein, 6 Bellaire Avenue:** I have read part of the report, and it is terrific. It is obvious what the benefit will be if we have fewer deer in Hastings. But I would like to quantify the benefit more than just less deer. Deer, unlike commuters on Villard Avenue, do not have license plates where we can send the police out to find out where they are from. I know from seeing fawns that there is reproduction of deer going on in Hastings. But if we cull in Hastings or in the river towns, or even Greenburgh and the river towns, what is going to happen to the deer we do not cull? There are no fences between northern Westchester and us; there is plenty of green area for deer to travel along. You have mentioned that the villages likely would have a limited tolerance for culling. Even if we cull 95% of the deer and wind up with 10 in the Village, how long will we have 10 if this is a regional cull?

**Mayor Swiderski:** If it is regional it delays that, and Jacques can fill in that sense. But if we work with the communities immediately around us it slows down a natural process of biological regeneration of numbers. We head into this process with the understanding that it is not a one-time event. I hope it is not an annual event, but it certainly is not going to be a one-time event.

**Dr. Padawer:** We have been worried about the ethics of what is involved here. When you say the cost of the job, I do not think it is just the cost of killing deer. It is also the cost of the people who come down with Lyme disease, who suffer terribly; not all of them, but some of them. If you read the case studies, one nurse testified that it has cost her hundreds of thousands of dollars and she cannot work, cannot even keep track of the cost. How do we measure the cost in dollars of people suffering, particularly when there are so many of them? That is a cost that, as a person working in the biomedical field, is very important to me. I do not look at dollars just in terms of how much a bullet costs to kill a deer. I look at the people, the suffering involved, and the breakdown of families. That is the moral imperative that has to be taken into account here. Otherwise, forget it.

**Mayor Swiderski:** I agree. That is one-half of the question. The other half was around regeneration, and if we make inroads on culling what do we face down the road, how fast is the process.

**Dr. Padawer:** You are going to have to go after it 40% every year. The report is copyrighted, not that I want to get a penny out of it. This was all pro bono and cost me plenty. I copyrighted it so the Board here, or in Greenburgh, can try to make money on it to put into a fund to continue this process until enough deer have been brought under control that they do not destroy the environment and themselves. They browse through every tree

seedling that comes up. They eat the acorns. There is no way of reproducing the trees in the forest. With storms or aging, those trees are going to be gone, and there will be nothing to replace them except maybe ferns the deer do not eat. But that is not an environment. Trees are much more important. They dampen noise, they give humidity, they take water out of the soil so your basement will not be flooded so often, they hold the soil, they change carbon dioxide to oxygen, they take the carbon monoxide and change it to carbon dioxide when the bacteria in the leaves are decaying. How do we explain this to people so they can take it to heart and begin to understand it?

**Claire Filipelli, 11 Berkeley Place:** The killing is an extreme measure. But there is birth control that he said does not seem to be an answer. Give things a chance before you go to extremes. Why do you have to go from A all the way to Z first? This town is full of intellectual people, and you are telling me that the best thing you can all come up with is killing. There have got to be other alternatives. You said yourself, you kill they come back. It is going to be a yearly thing. Is this what you want for your community? To be proud that you are killing? And it does insult me that you say that deer lovers are not animal lovers. I am an animal lover, I am a lover of life, I love all animals. So do not say that because I like the deer that I do not like the other animals, because I do.

**Dr. Padawer:** If you do not want to kill the deer, indirectly you are killing all these other things by wiping out their environment. You have to face life.

**Ms. Filipelli:** Life is what we have done also. You say that by cutting down trees we have chased them into our yards. You say they like the fringe. Then why are they also destroying our forests, if you are saying that that is not what we have done. We have cut so much. We, as people, have created an imbalance of nature, and now we say we have got to step in and make that right. I would like one example anywhere where man has come in to balance out nature and not screwed it up. Any time they bring something in to kill animals, the animal they bring has become a problem. When they try to clear something out they have created a problem on the other end. I would like one example of where man has stepped in to make nature correct and it has not messed it up. Get a vaccine for Lyme disease. Get a vaccine to get these deer to not reproduce so there is not a year after year problem that we have to go out and murder animals.

**Dr. Padawer:** It has not worked.

**Ms. Filipelli:** How do you know? Have you tried?

**Dr. Padawer:** They have tried and tried. It has been tried in California.



**Ms. Filipelli:** But you say that culling has not worked either, that you have got to keep on doing it. Dobbs Ferry tried to do this once. They tried to bait and kill, and the village people were in such an uproar because they did not want to do this. They did not want their children to think that the only answer to their problem was murder. That is what it is, it is killing. If that is the only thing man can come up with, then we have missed it someplace. There has to be some alternative that we can think out of the box, out of the ordinary that everybody else does not want to. If it is the cost, it is going to cost us to do it every year anyway. If the salt licks attract dogs, then lift it up higher. There has got to be something that we can try to come up with that does not just go with the run of the norm.

Aside from everything else, and I am dead set against killing them, the safety in a small community like this. There are always kids in the woods. You go to Burke Estate and every night there are kids there. You cannot tell me that you are going to eliminate everybody from being out there so these sharpshooters can come in and kill. There are always going to be people and animals, people's pets, everything walking around in this village because it is so small. So how do you do it safely?

**Dr. Padawer:** Have you read the report?

**Ms. Filipelli:** No, I have not.

**Dr. Padawer:** Many of those questions are taken very seriously and answered in detail. I understand your point of view. It is from people like you that I got the idea of what I should try to look at and answer. It has been done. It is right in there. I suggest you read the report.

**Ms. Filipelli:** But you do say that it has to be going on every year.

**Dr. Padawer:** If we could kill every deer around we would not have to do that. I am against that. That would unbalance the environment.

**Ms. Filipelli:** We are already unbalanced. You do not kill us off. If we keep on bringing more people in, cutting more trees down, building up more . . .

**Dr. Padawer:** It is all answered in the report. Please read it before you dismiss the whole thing. I used to feel some of those ways. Many people are serious and honest and sincere. But feeling the way you do does not make it right, even though you are sincere. I know you are sincere, but it does not make you right.

**Ms. Filipelli:** And it does not make us right to go out and kill animals.

**Mr. Gonder:** Dr. Padawer did an excellent job and spent a lot of time writing that report. In regard to aerial surveillance and infrared, can we eliminate the infrared and spend that \$28,000 on hiring whatever is required to cull 75 to 95% of them, because they will be back?

**Dr. Padawer:** I suggested it for exactly the reasons that have been raised: that people want to understand that we are doing it with care and good reasons. I am 100% with Trustee Jennings that it does not really matter. Because if we have only 10 deer in Hastings, look at the report. The front page has a picture with nine deer on a Uniontown property. Uniontown does not have big estates, but small ones, and nine deer. You already have 90% of the deer in Hastings on that one property. Yes, killing is difficult sometimes. But if your pet is very sick you go to the vet and ask to put it away. We have to be able to do things that are unpleasant sometimes. But if they are necessary, they are necessary. Again, I will repeat that I think animal lovers who are willing to sacrifice so many parts of the environment, animal and plant, just because they do not like to kill deer have not really examined their conscience the right way. They should think it over because they are responsible for that.

**Mayor Swiderski:** I would probably choose my words differently but I understand your sentiment.

**Jeff Bogart, 5 Jordan Road:** I would suggest that you not just deal with the DEC, but that you start to put pressure on state legislators at the state level at the same time. It is a deer infestation problem and at last the Board of Trustees is going to take meaningful action to remedy the situation. I have personally experienced the problems that deer have caused. Property damage: they eaten arborvitae, yews, mock orange, impatiens, juniper, pachysandra, myrtle, mountain laurel, daylilies, daylily buds, and hosta leaves, among others, on my property. They have eaten the tomatoes I have planted in pots on my deck. I no longer grow tomatoes.

I have had a deer tick on me. Jacques removed it. It required that I go to a doctor to find out whether or not I was going to be sick. Fortunately, I was okay. But when my grandchildren play in my backyard I have second thoughts about allowing them to play. They have beaten a path across my property. Deer are creatures of habit. The same deer come through my yard every day and every night. So it is easy, when you cull a herd, to find them. Just come to my backyard. I welcome you there. My neighbor sees them on my front stoop. They have climbed the stairs. Why? Because I have impatiens in a pot on the front stairs.

You overlook that deer crap all over residents' yards. The result is that homeowners such as myself do not want to use their backyards because of the smell, the unsightly appearance, and the understandable unwillingness to walk, garden, and play in deer fecal matter. You

also overlook that male deer rub their antlers against tree trunks, shredding the bark. Not only does this leave the tree unsightly, it also risks girdling the trunk and killing the tree. Defensive measures that are available and legal for homeowners to pursue are expensive, time-consuming, disruptive, and ineffective. Deer will gnaw their way through plastic deer netting to reach plants. They will knock down fence posts and fencing. They can jump as high as eight to 10 feet over fences. Residents in Hastings are only allowed to erect six foot fences without getting a variance, which process can be time-consuming and expensive. I have seen deer jump over a fence between my property and my neighbor's property that is probably eight feet high. The use of foliage sprays is expensive, time-consuming, disruptive, and futile, especially when covering an entire property. The spraying has to be redone after rainstorms and, in my experience, does not deter deer, especially in winter. It also causes a stench to permeate the neighborhood for at least a day or two. Deer are depriving homeowners of the quiet enjoyment of their property and reducing the resale value of their homes. I do not think people want to move into an area where they are going to have to contend with deer.

Concerning the process of public discussion that you set forth in your notice, I hope that, given the long-standing destructive nature of the problem, you will not let the deliberation drag on and on. Forget the surveys and the referendum. Deer multiply at geometric rate, not an arithmetic rate. To say, therefore, that the deer problem grows annually by leaps and bounds is not just a pun. Every season that passes, the destruction and hazards caused by deer, and the cost of killing the deer and repairing their damage, grow much greater.

Deer are not nice. They live by stealth. They damage. A deer, on its haunches, taking a crap is not a thing of beauty. As for contraception, it does not resolve property damage, Lyme disease, and the other negative impacts that deer bring with them. If you want to go au naturale, bring in the wolves. But apparently people would not like bringing in wolves. We kill rats. Deer are long-legged rats. Government has, in effect, taken from homeowners the power to kill deer. Government now needs to use its power to do so instead. Another winter should not pass during which Trustees allow the deer infestation to continue. Please move quickly, and don't just kill a percentage. One deer in a backyard can cause a lot of damage. Kill them, kill them all. Cull away, month to month, throughout the year, for years to come. Give me back my backyard.

**Trustee Jennings:** I wanted to address the question that Bob Klein asked about the benefits. It is good to ask the question about whether we can take action that is sustainable ethically, financially, politically, aesthetically, in our village that will make a difference. Or are we drowning in a sea of white-tailed deer and no matter what we do it is going to keep pouring in. I do not know the answer, but we ought to try to find out, as best we can, what is a reasonable assumption. I like to think that actions we could take here regionally would

alleviate the overpopulation problem - not eliminate it, but alleviate it - and that there would not just be a replacement herd coming in from someplace else every year. The report mentions that deer are not that wide-ranging.

I read an interesting book on point by Jan Dizard called *Going Wild*. It tells the story of a protected forest and watershed area in the Berkshires in western Massachusetts, not too far from Amherst, Massachusetts in the early 1990s. They had set this aside because it is where the water supply for Boston originates. They banned hunting in this place for many years. They allowed hunting in the woods across the road. It is a very rural area, so it is not analogous to our suburban lower Westchester. But the deer are smart, and they went across the road and lived in the place where they were safe, and not so many lived in the areas where hunting was permitted. There was an enormous controversy in the early '90s about the state's decision to open that preserve up to hunting so as to reduce the deer population. The deer population was not only destroying the forest, but also undermining the water quality. When you ruin the ground cover of forests the water runoff is such that you can impair all the water, as well. Everything is related to everything else.

The lesson I drew from it was that it may be that the deer will go someplace else and not necessarily flood back into this area if we change our behavior. The message of the report is that we have made our area very attractive and hospitable to the deer. We are now contemplating actions that will make this area very inhospitable to deer. I do not mean to be flippant, but I think the deer behavior will be changed by that. Somehow they seem to communicate with each other, and they understand. What this means for unincorporated Greenburgh or elsewhere, I do not know. We definitely have a let's-pollute-somebody-else's-thing-downstream kind of problem. I understand that, but from our own local point of view I believe it is reasonable to think, on the basis of other conservation biology efforts and other things in the forestry literature about forest management and deer, that this would not be futile, that it would make a difference, albeit we would have to keep at it. It is not a one-shot panacea

**Trustee McLaughlin:** Tom Patrick grew up in northern Ohio and vacationed a lot in Michigan as a boy, and he emailed us about the sad shape of our deer; they are pretty feeble specimens when you compare them to the deer of the north central forests and places where there is not the infestation we have. When we have deer in the Citibank parking lot in a herd, in the middle of the afternoon, they are not acting in their own interests. It is the sure proof that we have too many and that there is no enough food. I wonder if we could anticipate, after a cull, that the deer would be stronger, and therefore, thinking about sending the deer to Greenburgh, if the river towns had stronger deer because we had fewer deer, would they keep out the weaker deer from areas where they over-breed?

**Dr. Padawer:** The deer areas are, in fact, very healthy because they have such a great smorgasbord in our gardens. The bucks develop beautiful racks of antlers which they lose in the fall and regrow in the spring. This attracts the people who are looking for trophy deer. There have been reports that somebody in Irvington killed a deer, took the head off, and left the carcass on the ground. At the same time, you are right that because there is not enough food in a hard winter there is a high mortality of deer, particularly the younger ones. So there is a balance between how well they are doing and how poorly they are doing. It depends on the year, the amount of foliage that has grown because of drought or rainfall or things of that sort. It is complicated. I do not have all the answers. Whether they will do what Trustee Jennings suggests, I do not know. They are pretty smart. They will go from my yard to your yard. Whether they will go from here to Tarrytown I do not know. At the same time, we have to think in terms of a time sequence. If we cull them here and we give it 50 years, yes, they will come back. But on a short-term basis, like five years, I do not think they will come back that easily. If they are satisfied where they are, they will stay where they are. I see the same deer over and over again. They have a fairly small territory of a few miles. Maybe they are not restricted to Hastings. They probably cross over to Dobbs Ferry. But at the same time, they are used to their things, they like their place just like we like our places. They feel more at home, and therefore they stay in that area. If you get rid of them there it will take quite a while before another set is going to come in.

**Trustee Quinlan:** We need to find out what we are allowed to do by law: Village law, state law, and regulations of the DEC. If we continue to embark on this important topic that a lot of people have opinions about, and we can do nothing, we are going to waste a lot of time. I suggest charging Marianne or whomever to find out what we can do before we waste a lot of time. Are we going to kill 10 deer? Ten deer is not going to do anything.

**Mayor Swiderski:** I completely agree.

**Trustee Walker:** There is a list of questions that go beyond the scope of the report. I have written some down, and I am sure the other Boardmembers have. Can we give those to this newly-appointed committee to look into? I would like to have some other case studies. We have Monhegan, Ridgefield, and Princeton. But is there a case study of a community that is more like us? We are densely populated, we have deer on Washington Avenue, in the Citibank parking lot. Are we going to be able to reach out into the more densely populated areas? If we cull in Hillside Woods, are we going to get the deer in the other parts of town? If we talk to communities that have done something similar we might be able to get some detailed answers.

To second what Bruce said, I have had a couple of experiences of hiking inside and outside of national parks. When you are outside of the national forest areas, deer all over. No deer

at all in the national forest. There is no boundary, no fence. You walk through the forest and you are in the national park where hunting is not allowed, and it is full of deer. So they must be much smarter than we think. When I was reading this report in Colorado Springs over the weekend, I was sitting in my mother's house, with five deer out one window, six deer in the back, seven deer on the other side, two fawns leaping and frolicking. Her house is not a mile from national forest land. Why are they not in the national forest? Because hunting is allowed in the national forest. Hunting is not allowed in the suburban neighborhood where my mother lives. It would be interesting to know if that is really the case rather than just things that we have observed. Some case studies might help.

**Dr. Padawer:** One of the suggestions in the report you could do very easily, and it is not illegal: require the health department to report and publish major diseases like babesiosis, erlichiosis, and Lyme disease so people would become aware of the health costs. The DEC has nothing to do with that. They will not touch it. There is a very interesting paper I quote, where they have come to the same conclusions that our report finds, that the only way you can take care of it is by managing. Managing, you know what it means. It means kill. Let us understand it. The ladies were worried about children and how they are going to feel. Do you know how many children get Lyme disease and all of its consequences? Many children are crippled for life. If a child feels like we should not kill Bambi, that is because their parents have taught them that. Think about it that way.

**Trustee Walker:** Up until four or five years ago I felt very similar to Claire. I did not want to see deer being killed. I did not even approve of hunting. But since my daughter has had Lyme disease twice and I have had it and was very sick with it, many of my friends have had it, and I have had several friends who have had near-fatal accidents hitting deer, I have come to realize that this is a public health emergency. It is my own personal experience that brought me to that. I do not have deer in my garden every day, but the dangers exceed anything we could have imagined 15 or 20 years ago. It has been an incredible rate of increase, with incredible damage and health consequences. I have come completely around from being against the idea to being, now, a proponent.

**Trustee McLaughlin:** Are you going to instruct Marianne to look into the legalities of this? Are we going to name a committee and charge them to do something? And what are we going to do about our legislators? We have Assemblyman Brodsky and Senator Stewart-Cousins, and perhaps Tom Abinanti if we want to work with the county.

**Mayor Swiderski:** Start with understanding the law, and our counselor can tell us that. We will find out if we need DEC permission, at which point we pull in our legislators and have them help us through this process. In regard to the deer working group, we have the names of several people who have offered to help. We need to notify those who have offered that

that we will be seeking help from them. I line up with Jerry in first making sure that we are not engaged in a fool's errand here before we send anyone on a research assignment only to find out that we are facing a bureaucratic nightmare.

**Trustee McLaughlin:** Then could I ask our counsel if she has any idea how soon she can have an answer for us.

**Village Attorney Stecich:** Hopefully, I will have some answers by the end of this week.

**Mayor Swiderski:** We will communicate next steps as we hear that. The first discussion on this comes to an end. The emotions are raw. I am going to ask that as we talk to each other, even in private, that we assume that the intentions of those you disagree with are good, and to steer clear, if possible, from terms that cast the other side's opinions negatively. Let us try our best not to engage in this discussion with clubs in hand. Let us appeal to the public to assume the best intentions even if somebody disagrees with you.

### **ADJOURNMENT**

**Mayor Swiderski:** Let us stand in a moment of silence in respect for George Capuano, one of our greats. May I have a motion to adjourn in his honor?

On MOTION of Trustee McLaughlin, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting in honor of George Capuano at 11:30 p.m.