

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**FEBRUARY 3, 2009**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 3, 2009 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Fourteen (14).

**PRESENTATION** - Audit Report for Fiscal Year Ending May 31, 2008

**Mayor Kinnally:** The first item of business is a presentation by our auditors on the financial shape of the Village. Susan Barossi, the partner in charge of this account, is here this evening. She is with the Bennett Kielson Storch Yablon & DeSantis Division of O'Connor Davies Munns & Dobbins, and she has been in charge of the audit for a number of years.

**Susan Barossi, Bennett Kielson:** We conducted our audit in July, and there were some items we needed to obtain in order to issue our financial statements. The financial statement is a multi-page document owned by management. We audit the financial statements and issue an independent auditor's report, which is in the front of the financial statements. The Village, as a result of the audit process, received an unqualified opinion, the best opinion the Village could receive. We also looked at the books of the justice court and issued a report. Also issued was a management letter, the communication of any strengths and weaknesses in the internal controls.

The Village is a complex entity. It is made up of a general fund, the operational fund of the Village; a capital projects fund; pool fund; special purpose fund; debt service fund; and library fund. I am going to focus on the general fund in this PowerPoint presentation. This is a picture from the financial statements of the Village. There is an original budget which should be a balanced budget, which is voted upon. There is a final budget, the second column, which includes any modifications made to that original budget during the year. Any modifications have to be approved by the Board. As auditors, we test those modifications. We will go from the original to the final budget and make sure there was a Board resolution approving those changes. Then we will go from the final to the original for certain items to see that those changes were approved. The budget cannot just be changed on the spur of the moment. There has to be a thought process.

The next column is what actually happened during the year. Next to the actual is a variance between the actual budget and the final budget. This line item is called net change and fund balance. A budget needs to be balanced. This budget is a balanced budget. But at the end of the previous year there was a designation of fund balance of \$300,000 from the previous year to balance this year's budget. So the revenues and expenditures in the original budget matched; however there was a planned use of \$360,000 of the fund balance in order to balance the budget. Also, there were encumbrances, which are purchase orders, issued and outstanding at the end of the previous year, to balance the budget.

So there is the original budget. What happened with the final budget? There were budget modifications made during the year, but what was originally planned, the \$399,000, stayed the same. What actually happened, the expenditures exceeded the revenues by only \$241,000 and not the planned \$399,000. So there was a positive variance when you go from the planned \$399,000 decrease to the actual \$241,000 increase. There was a positive budgetary surplus of \$158,000 for the year. How did we get to that positive surplus? Originally budgeted in the revenues was \$11.4 million, and what actually came in was \$11,487,000. The details of all the variances that come into play for the revenues, because the revenues are made up of not only property taxes but other tax items, are detailed on pages 47 and 48 of the financial statements.

So there were positive and negative variances in the revenues, which ended up with a positive \$81,000 in revenues. I am going to go through later what makes up the revenues, because that is very important, especially in the economy that we are facing. Then there were expenditures: general government support, where the actual came in less than the budgeted, which produced a savings. There was a public safety savings of \$36,000. Employee benefits, there is a small savings of \$15,000, due to what they call the PFRS rates, the police/fire/retirement system rates. The rates were more beneficial, and produced a savings of \$77,000. When you take the positive revenues, plus the \$77,000 savings in expenditures, there was a budgetary surplus of \$158,000. The fund balance at the beginning of the year was \$757,000. The Village ended up with a fund balance of \$516,000. The fund balance is, in a commercial entity, what would be your retained earnings, your net equity.

Real property taxes were \$8.2 million, 71% of total revenues. Other revenue items include state aid, which was 3%; permit fees; mortgage taxes the Village receives from the county due to any refinancing and new mortgages representing 2%. Sales taxes this year were \$1.1 million, which represented 10%. Any fines and forfeitures the Village collected was \$239,000, or 2%. Interest represents 1%.

Our firm handles almost every municipality in Westchester County. We also review the budgets of Westchester County, Dutchess County, and Rockland County and we also look at

many school districts. When we were looking at the budgets of these major counties, we saw that the sales tax was not decreasing but stabilizing, and almost matching the actual of the previous year. But then in these past few months we saw declining sales taxes and declining mortgage taxes. Now, due to refinancings that will occur, maybe because of the economic stimulus, the mortgage taxes will increase. But the Village is dependent upon those revenues other than real property taxes.

In 2008 total assets were \$2.5 million. Those assets included cash of \$193,000, investments \$289,000. Governments cannot invest in a lot of different types of securities. They have to conservatively invest. The Village was invested in CLASS investments, which are very conservative investments. Taxes receivable and other receivables. What other receivables? There are receivables from mortgage taxes, sales taxes, and those types, which represent \$2.4 million of the Village's assets. Then you have liabilities, typical liabilities such as accounts payable due to other governments. The swing from here to here in the Village's balance sheet in liabilities. As I told you the Village has many different funds. So the Village might have paid for certain expenses from one fund and due to another fund, or took money from other funds within the Village and it is payable to that. The fund balance here is \$516,000, which I said is the net equity. As you can see, the net equity, the fund balance, in the prior year was \$757,000 as compared to \$516,000. And there was a \$241,000 decrease. That decrease was used to balance the budget. That was planned. But that \$516,000 is not all free and clear. Of that \$516,000 at the end of '08, \$200,000 was designated to balance the '09 budget. There is \$213,000 which is more or less a free and clear fund balance. It is like savings for the rainy day. That is what that unexpended fund balance is. That \$216,000 is about 2% of the upcoming budget. It is important to build fund balances.

The capital projects fund has a deficit of \$659,000. Government accounting is a little odd. When you have short-term financings, which are called bond anticipation notes payable, that is shown as a liability. When you issue bonds, which more or less gets rid of those BANs, it is a revenue. Then that deficit would go away. The pool has a slight deficit fund balance of \$102,000. Hastings is trying hard to eliminate that deficit, trying to raise revenue to cover expenses, but also to make the pool a pleasant place to be, while working on eliminating that deficit.

Special purpose funds are monies that are designated by donors or whatever for special purposes. Debt service is money set aside that can be used to pay any debt service; which is principle and interest payments that are out there. The non-major governmental fund is another terminology for the library. There are transfers during the year from the general fund to the library to help the operation of the library. But the total fund balance is the \$676,000.

Fund balance can be broken down between reserved and unreserved. We are going to refer to reserved as meaning you cannot touch it. Designated, available for appropriation intended for a specific use, like we talked about the \$200,000 that is going to be used to balance the subsequent year's budget, and undesignated, available for appropriation.

The Village has more or less two sets of books because they have to be compliant with Government Accounting Standards Board 34. If you looked at a commercial entity, you have all your assets on there which include your land and your furniture and equipment, which is depreciated, and your bonds and any debt. What GASB 34 requires is that not only do you have what they call the fund level, which I have just gone through, but you have what they call an entity-Y level. So really, the Village has to do two sets of financial statements, and a bridge in between. The net assets of the Village are not \$10 million. You said you just told me the net assets were about \$500,000 in the general fund. Well, \$10 million because there are \$22 million of what they call capital assets: property, equipment, and land that is depreciated that make up that net equity. And then any bonds, any debt is included in this \$13 million. This is what they call full accrual.

As a part of the audit process we have to release a letter which details any strengths and weaknesses that the Village has. They are put into different categories. One is a control deficiency, which is a housekeeping item, very common deficiencies that any entity has. For example, the Village cannot afford to hire so many people to handle one transaction. More people handling a transaction, of course, makes a stronger internal control process. If one person is handling all aspects of the transaction there is not segregation of duties. But there are certain decisions that have to be made on how much segregation of duties you can have in a transaction. There are compensating controls that have to be put in place on how certain transactions can be handled.

So the management letter covers what they call control deficiencies which I will highlight; significant deficiencies, of which the Village had none; there were no material weaknesses noted; and other internal control observations, which were housekeeping in nature. Those other internal control observations, what is coming up in the future, is GASB45, the accrual of other post-employment benefits which is going to be from May 31, 2009, where, on the entity-wide financial statements, the present value of all of those other post-employment benefits have to be accrued at the present value. We are required, as a firm, to disclose to the Board and to management that any estimates, any allowances, any reserves, any accruals that we found to be reasonable, the accounting policies the Village adhered to were appropriate for the Village. There was no disagreement with management. No management consulting services were provided by us. We were only hired to do the audit.

Management representations is part of the audit process. Not only are we handed the books of the Village, but management has to sign a letter stating that what is in those books is everything. That was signed. There was not consultation with other accountants. There was not what they call opinion shopping. The Village was very accommodating and timely. We did not encounter any irregularities or illegal acts.

**Trustee Swiderski:** Having spent the last six months on special projects at my firm, addressing accounting deficiencies and audit deficiencies, I am first going to congratulate Fran for obviously running a tight ship if those are the sorts of results you are providing. Thank you, Fran, and thank you for the findings.

**Ms. Barossi:** Also, what is very good is that throughout the year, if there are any questions or matters to be discussed, Fran and Raf and Susan call me throughout the year, so there is not a surprise at the end. When bonds are issued they call us to discuss the strategy. We like that relationship because it is communication throughout the year.

**Mayor Kinnally:** Thank you for a brief but comprehensive overview of the condition of the Village. We would like to have more for the rainy day, but these are stormy times. We will be drawing down. Sales tax revenues have been fairly consistent with our projections up until the end of the year. It remains to be seen how it will impact us for the balance of the year. The hope is that there will be a significant increase in financing and refinancing of homes so we can generate some compensating mortgage recording taxes.

### **APPOINTMENTS**

**Mayor Kinnally:** We have appointments to the Board of Assessment Review: David Agosto for a term expiring September 30, 2013, and Betty Ryberg to a term expiring September 30, 2014. I thank them for their past service and for agreeing to continue to serve.

### **APPROVAL OF MINUTES**

**Trustee McLaughlin:** On page 22 there are two uses of the word “track,” which should be spelled “tract.”

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of January 20, 2009 were approved as amended.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 51-2008-09	\$ 164,058.15
Multi-Fund No. 52-2008-09	\$1,089,024.34
Multi-Fund No. 54-2008-09	\$ 16,755.64

### **PUBLIC COMMENTS**

**John Gonder, 153 James Street:** I wanted to talk about the Department of Public Works. Several months ago my trash was not picked up on Monday, and I was a little concerned. I called Marie Oelkers. To my surprise, all she asked was, was it out there before 7. Of course, 6:15 the latest. The next day, to my surprise, I see my container open and my trash was picked up. Plus one for the DPW. About a week or so before Christmas I had a big metal cabinet. They told me to have it out there Friday at the curb before 7 o'clock. Sure enough, I put it out Thursday afternoon. Friday came, no pickup. That got me because Christmas is the following Thursday. Monday I called up. I did not get Marie Oelkers, but another woman, very nice. All these women are very good. She said, I am sorry, the truck broke down. I said, Well, will it be picked up, or what? Otherwise, I want to bring it in. I do not want to leave it out there in the street during Christmas. She said, No, we guarantee we will pick it up. I cannot tell you which day, but it will be picked up. Sure enough, two days later it was picked up. Plus two for the Department of Public Works. Third, I remember when I was a youngster, snowplowing the dead-end side of James Street. Maybe 15, 18 years ago we had to shovel the street. But the last maybe 10 or 12 years the snowplowing and the salting was excellent. Mike Gunther and his crews are fantastic. The sanitation people, the office people really do a fine job and I think you should give them a lot of credit.

**Mayor Kinnally:** Thank you, John. I am sure the people in the DPW will be very happy to hear your comments. It has been a trying winter for everyone. These storms, death by a thousand cuts it seems, dumping a lot of salt on the streets. There are cyclings of freezing and thawing, and it is rough on the roads. The potholes are popping, and it has been tough.

### **11:09 APPROVAL OF BROADWAY PAVEMENT MARKING LAYOUT (RESTRIPING)**

**Village Manager Frobel:** At your last meeting we spent quite a bit of time going over the proposed restriping. It came out of the transportation plan but, essentially, from the

neighbors who came up with a low-impact, low-cost proposal that accomplished some of the same goals that we set out to do. We put two copies of the plan out, one in the library and one in Village hall. We also had it on the web site for citizen comment. We are prepared to seek your approval and forward it to the New York DOT for action.

Beginning at the Yonkers line to Warren Street would be no change. At Warren Street to Devon Way it would then transition down to one lane, and it would remain that way from Devon Way to Washington Avenue. There would still be one lane in each direction, but at Devon Way to Washington Avenue we would have one center turning lane. From Washington Avenue to Olinda, pretty much the same: one lane in either direction, with the center turning lane. From Olinda to Edgar's Lane there would be no change. And from Edgar's Lane to Dobbs Ferry there would be two lanes northbound and one lane southbound. Going the other way, from Devon Way to Tompkins, would be one lane, and from Tompkins to the Yonkers line, no change.

We think it accomplishes what we want it to. It gives the pedestrians a little more room on the paved area to walk safely. We think it will have some effect of traffic calming. It represents input from a number of people to come up with a low-cost plan to address some of the traffic concerns.

**Trustee Swiderski:** From Broadway to Dobbs Ferry on the southbound lane, which will be narrowed down to one lane, we are not striping for parking at this time. Right?

**Village Manager Frobel:** No, we are not. You could leave it the way it is, two lanes in either direction. The thought was that you would at least have an option in the future. If you were inclined to consider parking on the street, that would be available.

**Trustee Swiderski:** I wanted to clarify that it is, for now at least, going to be left open, and we can choose for it to be parking or bicycle or whatever down the road.

**Trustee McLaughlin:** On that same stretch, between Riverview Place and the Dobbs Ferry line, the question of a bike lane has come up repeatedly. The DOT engineer made the point to us a year ago that a bike lane has to come from someplace and go someplace, and that simply having a stretch where bikes could ride in the road from the Dobbs Ferry line to Riverview Place does not accomplish anything. If anything, it makes people more careless when they get out of that lane. Is there some reason why we have chosen not to make that parking, or, why we are leaving that open instead of proceeding with it?

**Mayor Kinnally:** It has not been considered by the Board. It has to go through the Safety Council, and then it would have to have a public hearing of the Board. So we have not

designated any of that stretch for parking at this point. It does not foreclose us doing that in the future. But at this point we are just talking about the restriping, and not designating any areas for parking or no parking beyond what we have now.

**Trustee McLaughlin:** I want to acknowledge having spoken with Tom Patrick, who lives at the corner of Burnside and Broadway. He is in favor of our move. I have had some back and forths with a retired driver who has expressed concern over our consideration of this plan. Then Mr. Skolnik sent us a letter. Until I focused on the point of his letter I had thought that we were doing something different from what we are doing. The northbound right-hand lane is not designated as a right-turn-only lane as it approaches Olinda. The hazards that are presented to the driver sitting westbound at the foot of Olinda are not addressed by this plan, and they are real problems. The residents on the east side of Broadway between Olinda and Washington have no place for delivery trucks to be or for visitors to be except in that traffic stretch there. It is a constant problem for them. If the UPS van stops he is blocking traffic. I am not sure what we can do to address it, but it is going to be an ongoing source of trouble for us.

**Trustee Goodman:** I spent some time on Sunday on Broadway looking at the plans and matching them to the road. My only comment is also that the intersections at Washington and Broadway and Olinda and Broadway do not seem to be addressed, although at least at Washington we have a crosswalk that was not there before. I am not anxious to delay this plan in any way, but these two intersections bear vigilance and we should, with the Safety Council and with the new Chief Bloomer's input perhaps in the future revisit this. I am also appreciative of the fact that Lieutenant Bloomer did call Ossining and Mount Pleasant, where restriping on Broadway was done north of here. They are waiting to get more data, but to date they feel it is safer and has resulted in decreased accidents. So we should go ahead with this, but should consider those two intersections. Maybe this will do something to help.

**Trustee McLaughlin:** Can we ask for blinking warning lights or something at Washington? As people come northbound around the bend, suddenly there will be that crosswalk after you have passed the Burke Estate driveway. Then cars that come through the Five Corners intersection have a tendency to speed up as they leave the intersection, and they are heading for the crosswalk at Washington without any warning that there is a crosswalk ahead. Unless people are warned that that crosswalk is there, they are going to speed through it.

**Mayor Kinnally:** I do not know what we can do about a blinking light at this point.

**Trustee McLaughlin:** No, I am not asking for a blinking light over the road. I am asking for warning lights along the side that have blinkers on them.



**Mayor Kinnally:** That is what I am talking about. I do not know if we have to go to the state for that but, certainly, it is not in the budget at this point.

**Trustee McLaughlin:** I know it is not in the budget. I thought maybe this might in the state's.

**Village Manager Frobel:** I can incorporate that into the cover letter with the resolution.

**Mayor Kinnally:** I do not know how much crossing is there anyway at the present time.

**Trustee McLaughlin:** People from one side cross diagonally to the other side. It is kind of undisciplined.

**Mayor Kinnally:** But usually people go down to Olinda and cross over there, because once you get over to the east side of Broadway, you are not going anywhere.

**Trustee Goodman:** If federal stimulus money might be coming our way we should keep in mind sidewalks all along Broadway.

**Trustee Swiderski:** T go back to what Danielle raised in regard to David's letter, heading north on Broadway the right-hand turn onto Olinda is not unattractive as an option because it cleans up that intersection to some degree, and allows the cars coming down Olinda and making that left turn to have a clear line of sight and pull out a few inches without risking being broadsided. Is that something we would be open to requesting the state to consider, because I see some wisdom in that suggestion.

**Village Manager Frobel:** We spent a lot of time on that. The fear was that someone coming out of Olinda might see that car in a dedicated turn lane and venture out when, in fact, that person is not turning right onto Olinda. There was some fear that it would give too much confidence to the motorists coming out of Olinda.

**Trustee Goodman:** I myself have learned, even if someone has an indicator on, not to move, especially there.

**Trustee Quinlan:** We thought about it, and the police did, too. What we do not want is a false sense of security.

**Trustee Swiderski:** Fair enough.

**Trustee McLaughlin:** Also, if the car in the turn lane is a van it hides whatever is in the other lane. You could assume you are clear but, in fact, have a car hiding there.

**Mayor Kinnally:** Fran has used the phrase a couple of times that this addresses some of the concerns. I am not sure that the plan addresses all the concerns, and I have to piggyback on the false sense of security. I do not see that this plan, while it makes things safer, addresses speeding. If anything, I think the state has conceded that it may speed traffic up. It is not going to calm traffic down. It may calm some nerves, but I do not think anybody should go into this thinking that speeding is going to be addressed. The second thing, and as we discussed it today it crystallized my thinking, is that I am not in favor of the crosswalk at Washington Avenue across Broadway because it is a crosswalk to nowhere. As it stands now, people are more apt to go north on the west side of Broadway to Olinda, where there is a crosswalk, and cross over to Olinda. I would urge that for the reasons stated that that crosswalk not be put in there.

**Trustee McLaughlin:** There is a striped walk and a crossing guard at Olinda.

**Mayor Kinnally:** That is why I am saying this. We may be encouraging something we do not need to encourage by putting a crosswalk across four lanes of traffic. That crosswalk at Olinda has been there for a long time. It is part of what everybody anticipates. And it is far enough away from the bend that you have a clear view coming down and seeing who is on the sidewalk and who is stepping off the curb. It is a dreadful intersection. When I first moved to Hastings I lived in the apartment in the front of the building. I had a front row seat as to what was happening at Olinda. It was both audio and visual. It is a tough street. We have looked in the past about making it one way. Obviously, people felt it did not solve anything.

**David Skolnik, 47 Hillside Avenue:** I do agree with the Mayor about the crosswalk at Washington. It seems putting the crosswalk there, without any other indication, would be an invitation. I would be curious to know if the concerns I indicated were discussed with the DOT engineers who did the planning and the mapping out of the road, or were the concerns limited to the Village entities; whether the Safety Council, the Chief, Mr. Corrigan, or whoever else was working on the plan.

**Mayor Kinnally:** I think you can assume that all of these alternatives were discussed and pursued.

**Mr. Skolnik:** You are saying that the engineer was in agreement with, for instance, the dedicated turn lane.

**Village Manager Frobel:** Not recommended.

**Mr. Skolnik:** Were they were asked for input about how to address these two intersections?

**Village Manager Frobel:** No, we did not get into that kind of detail. You mean structural changes, engineering changes, to the approach to Olinda, perhaps?

**Mr. Skolnik:** I am talking about dealing with the hazards of both these intersections.

**Village Manager Frobel:** No. Short of that, no, they did not get into it.

**Trustee McLaughlin:** Actually, Fran, we did, at that first meeting in January of last year, when we drove around the Village with the DOT engineer: you and me and Chief O'Sullivan, and maybe Fire Chief Bannon and I am not sure who else, Mike Gunther. When we got there, the suggestion of the dedicated lane came up and we talked a little about the point on the Saw Mill where there is a right turn into Farragut Parkway. There is a beat-up island there, a triangle, where if you are in the right-turn lane heading south, if you go straight you, once upon a time, would have hit a sign. That sign is no longer there, presumably because it got hit so much. I do remember talking about would it ever be wise to put such a barrier there to force traffic into the center northbound lane. The engineer's opinion was that it would be hit every day if there were a physical barrier there. Short of a physical barrier, that it would not work.

**Trustee Quinlan:** The DOT engineers were the experts. They looked at every possible way to make this one lane, and safety was their main consideration, all the way to the south border. So they made a lot of suggestions, all over the length of Broadway and Hastings, about things that could be done and could not be done. They were debated between the Manager, the police. The Safety Council report was referred to. It was examined pretty thoroughly. This was basically the view of the majority.

**Mayor Kinnally:** His question was, was it considered. The answer is yes, it was considered.

**Mr. Skolnik:** What would it take to have these intersections addressed? Or are we saying that they are absolutely un-addressable. What would it take in terms of money, time, personnel? If you are saying somebody has already looked at them and said nothing can be done, then I find that a pretty sorry state.

**Village Manager Frobel:** You mean short of taking and widening the entranceway to Olinda, making some changes there. We did not get into that.

**Mr. Skolnik:** No. It is not my intention to at this moment do an engineering discussion of what might be done. There has been time spent on this, and if you are saying that we should get this up there and it represents something, well, okay. But I am asking you, then what would be the process to have these problems addressed?

**Mayor Kinnally:** I think we would have to reopen discussions with the state.

**Mr. Skolnik:** Who would be reopening? Because the last time I tried to bring something forward there was an extended process before the Safety Council. It was hard even to bring anything before this panel.

**Mayor Kinnally:** I am sure that is the way we would do it again. It percolates.

**Mr. Skolnik:** Well, it takes a long time. I will not do what I have done in the past, but I am stating clearly there is a problem here. Part of the problem to me is the process, because I do not think anybody has stated anything other than that these intersections are a problem.

**Mayor Kinnally:** No, I do not think you are going to find any dispute in this room that these intersections are a problem.

**Mr. Skolnik:** So what would I or anybody have to do, putting it on the Safety Council?

**Mayor Kinnally:** Let me answer your question again. Go through the process again. Once it gets through the Village it has to be received by the state. It is a state road, and the state is going to have to help us in configuring, if it is possible. But the state looked at it. I do not think the issue could have been crystallized any better than having people drive around and look at the problem, see how it is being addressed right now. And the state said they are not going to change at this point. We understand it is a problem. We are all frustrated. Not every problem is going to have a solution. This is an area that has been looked at, and a lot of other people have looked at it. I do not know if there is a solution to this. But the only way that the issue is going to be before the state is if we start all over and go through the process. You are going to have to go to the Safety Council, the police are going to have to take a look at it, the Safety Council members will look at it. Everybody will have their input, and we have to persuade the state.

**Trustee Goodman:** David, I would like to thank you for the time and effort you have put into all of your suggestions for traffic. I want to amend something I said before, that we did not address these intersections. We did. The intersection configuration has been changed because there is one less lane on southbound Broadway. I am not anxious to delay this

process. We should move forward with what has been offered by the traffic engineers of the state and see how that works. I am thinking there is going to be an improvement. If there is not, the Safety Council, in connection with citizens and the police department, can revisit this. But this does represent an improvement. I know you are incredulous of that, but it does.

**Mr. Skolnik:** No, that is not the case. I am sure it would make some improvement. What I am incredulous about is the suggestion of going through the same process again with no further leverage. I am not a traffic engineer. The Safety Council, with all their experience, the former Chief, the current Chief, nobody on there is a traffic engineer. What I am gathering is, unless I am able and willing to underwrite hiring an engineer to design something, that would then have to go through the Safety Council, the Board, to then be presented to the state to see if the state concurs with this professional traffic engineer, I do not see how any process could possibly move forward. I am incredulous at the idea that with all the people that you had working, including the state engineer, that apparently nobody believes that there is a solution; that is was not something that seems to be resolvable.

**Mayor Kinnally:** Unfortunately, I cannot speak for the state. I do not know.

**Mr. Skolnik:** I could use, from individual members, some guidance as to how to move this forward more expeditiously.

**Trustee Goodman:** Are you not willing to at least let this happen?

**Mr. Skolnik:** Of course.

**Trustee Goodman:** Then that would be step one: observation.

**Mayor Kinnally:** It is incremental. It may not be the best thing in the world. But we do not have free rein here. I think more experience, and perhaps the reconfiguration, will ameliorate some of the problems. Perhaps, but let us see.

**John Spiciarich, Hastings House:** I want to thank everybody taking all this time to study and walk around and focus on this issue. It is a major safety issue, and I appreciate your efforts and I strongly urge you to vote yes.

And by the way, thank you very much, Mayor, for all your years of service. We are all grateful.

**Mike Perih, 14 Harvard Lane:** Regarding what is going to become of the divided island section, particularly the southbound side of the island section, I am not clear on what happens there.

**Trustee Swiderski:** It becomes a single lane.

**Mr. Perih:** I have conceded that this thing is going to happen, but I do not understand why this stretch of road would need to be narrowed. There is very little foot traffic there. We have already conceded that we are not going to slow down the traffic. The issue here is that although it is a one-way street, occasionally traffic does go both ways there. We have all had the pleasure of meeting someone coming the other way. If it is a one-lane road it is not going to be a good thing. It seems we could revisit this one small part of this package and keep that section the way it is, since there does not seem to be anything to gain from sacrificing that one lane.

**Mr. Gonder:** Safety is very important. If it is safety, you have to have a lot of statistics. How many deaths on Broadway from Yonkers to the Dobbs Ferry line? How many serious accidents? Were they caused by alcohol? Were they caused by drugs? Were they caused by deer? Were they caused by heart troubles or strokes? The main thing is speed. There are a lot of other solutions besides marking highways. I am not sure these markings will be the best for Hastings. I agree with this gentleman about the southbound from Devon Way to Tompkins Avenue. I disagree with you people. Southbound from Dobbs Ferry to Edgar's Lane or it should be two. But I am one for statistics and trying other things. You could put a police car out there if these accidents and speeding are at certain times, with the dome light on in the night. A dummy dressed up as a police officer to slow down people. There are things you can do without striping, and you should reconsider. A lot of you know Tompkins Avenue. Off Saw Mill, they knocked down the bridge, never replaced it. So the traffic comes up Farragut, up High and James Street, and back to Tompkins Avenue. They go speeding. And there is parking on one side of James Street. What is going to happen is, your traffic, instead of coming on Broadway, they are going to use Farragut. They are going to try to find other areas that they can get to the train station quicker or whatnot.

**Bronwyn Taggart, 450 Broadway:** At the last meeting I raised the question of a sidewalk between Washington and Olinda. I followed up with an email about another issue, the parking of service vehicles for the houses on the east side of Broadway in between Washington and Olinda where there are no driveways. I want to thank Trustee McLaughlin for her very thoughtful reply, and also Trustee Goodman who came out on Sunday and walked the block with us. Mr. Corrigan spent a lot of time with my husband and me going over the plan and explaining to us what is probably going to happen in the block.

I do not know anything about the issues further up or further down Broadway, but I know our block. I think this is a good plan, now that I understand it better. Besides narrowing to three lanes there is going to be a shift of the lanes slightly to the west side. That will give us more room. There are no sidewalks on either side of Broadway at that point. There is a very narrow walkway about two feet wide, with no buffer between the walkway and the street on the west side. It is extremely dangerous, especially when it is snowy and it is iced over. People are forced to walk in the road. In rush hour, it is after dark and you are walking right into speeding traffic. So getting anything there will be a big improvement, definitely much safer for pedestrians and for children who walk to school. To get to that Olinda crosswalk they need some kind of walkway, and this plan does give a walkway there and gives us more room on the east side, which will also be safer for people walking on the east side. It will also address to some degree the problem of service vehicles parking there. Northbound traffic will still be able to go around them going north. Regarding the designated right-turn lane, another problem with that would be our neighbors who live very close to Olinda. If there were an oil truck or something parked to deliver oil to them, cars in that designated right-turn lane would have to swing out around and make a sharp break back into the right-turn lane to turn up Olinda. So it is not a good idea to have a designated right-turn lane there. This plan is good. It is not perfect; it is not my dream of on-street parking. But it is a great improvement and it is progress, and I hope you vote for it.

**Trustee McLaughlin:** The fact is we have the village we have got, and we have got the hills we have got and we have got the hilly roads we have got. And we have got roads that were designed before there were cars. If we were going to design an ideal village we might choose a nice flat place in Ohio and put down a grid. That is not the village we have. We are stuck with trying to make a very imperfect place safe, and it may well be that there is no way to make us safe. But we can be safer, we can get better, which is what we aimed for on this. In my 23 years in Hastings I have always lived about 1,000 feet or less from the intersection of Olinda and Broadway. And I have probably nosed into that intersection 11,000 times, by my calculation; torn my hair probably 9,000 of those 11,000 times; and thought how close to death I am at least 500 of those 11,000 times. I have heard some harrowing stories. I have heard about a woman who fell and broke her leg and had to crawl home, with cars whizzing by about six inches away from her, in the dark. If we can adjust traffic so that something like that does not happen again we will have done a good deed and we will have done better for our village by doing it. I am glad we have come to this moment, even though we acknowledge it is the first step in what may be a long haul. What a gain we have made by bringing New York State to the table. Twenty years ago I said to an old woman in Hastings, Has anybody ever complained about the traffic on Broadway? She looked at me over her glasses and said, Well, I started about 1955. So if people have been complaining all that time, and only now has New York State chosen to join us, then progress.

**Trustee Quinlan:** Diggitt, I agree with your comments about the topography of Hastings, and we are trying to do the best we can, so I will not repeat them. I also agree with you, Lee, that I have vast reservations about the crosswalk at Washington. I do believe it is a crosswalk to nowhere. We could take another look at that if the majority of us agree on that tonight. I do disagree about the speed. It was pretty much a consensus among the experts that during rush hour the speed will be lessened, but during non-rush hour we may not see any lessening of speed.

**Trustee McLaughlin:** But it will be safer.

**Trustee Quinlan:** Because of the openness of less cars and everything else like that. So there is some benefit of safety in terms of curbing speed during certain periods of the day. I believe we should give it a try, and it would be safer.

**Mayor Kinnally:** What is the sense of the Board about modifying the crosswalk at Washington going across Broadway.

**Trustee McLaughlin:** Do not do it.

**Trustee Swiderski:** I have no trouble removing the crosswalk.

**Trustee Goodman:** When I was on Broadway I never realized there were houses along that eastern stretch of the road that had no-parking. I became more aware of the need of these folks to park on Washington or on Olinda, and that Washington is used as a place to park. I do not view it as a crosswalk to nowhere.

**Trustee McLaughlin:** I am going to make the motion with that amendment in it. I understand that the residents on the east side of Broadway will park on Washington. But I think that a crosswalk at Washington will lead more people to cross there, and unless several additional changes are made, which have not been discussed so far, it will tempt people to use a crosswalk there, people who have not done it before, and create greater hazards for them. I am reluctant to put that additional temptation there, when the crosswalk at Olinda is in a safer place and is known to drivers and is visible from the Five Corners and is a far enough distance from the bend. It seems to me that the Olinda crosswalk is an acceptable substitute, and the temptation created by the new crosswalk would, without additional amendments, be creating a hazard, which is why I am willing to offer the amended motion.

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



**RESOLVED:** that the Mayor and Board of Trustees approve the revised Route 9 (Broadway) Pavement Marking Layout submitted by the New York State Department of Transportation (DOT) on Dec. 10, 2008, except for the crosswalk at Washington Avenue across Broadway, and request that the DOT delete that from the proposal.

**RESOLVED:** that the Village Manager is authorized to direct the DOT to implement the plan.

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

### **12:09 RETURN OF ACCOUNT AND AFFIDAVIT**

**Village Clerk Maggiotto:** Every year I report to you on the amount of outstanding taxes as of December 31. We had 201 delinquent properties, for \$374,763. As of today, there were 97 delinquents, and the amount of delinquencies outstanding \$179,654. Last year at this time there were 65 delinquents and \$111,000 outstanding. For comparison purposes I removed all the properties at Riverton Lofts, because either the unsold units are in the process of being paid by the owner of the property, or the bills have finally now been given to the owners that we were not aware of. When you take those out, we are down to 73 delinquents and the amount due is \$145,000. So we are pretty much on track to what we have been in the past.

Last week the Village hosted the quarterly meeting of the Westchester Urban County Council for the community development block grants in our Community Center. It was very nice to be able to show off our Community Center to other people from throughout the county who participated in the consortium for the CDBG funds, especially since we got a considerable amount of money from the county for that project. The person who was running the meeting, Norma Drummond, the deputy commissioner of planning, had asked for a report on all the foreclosures in the county. She had the report available for those of us who wanted to look at it. In terms of the number of foreclosures that have been filed in Westchester County for Hastings there were three. Today I called the Town of Greenburgh to find out the pending tax foreclosures, and I was told that there were four pending in Hastings. One of them is a small piece of land that does not have a residence on it. I guess I

point that out to you because I have heard anywhere from 12 to 48 foreclosures in Hastings. That is clearly not the case. Our neighbors are, thankfully, doing pretty well and managing, for the most part, to pay their taxes.

**Trustee Quinlan:** On the Riverton Lofts, this \$33,887, has that been collected yet?

**Village Clerk Maggiotto:** No, it is outstanding.

**Trustee Quinlan:** But you have had promises that it will be paid?

**Village Clerk Maggiotto:** Yes. We received a check from them for a number of properties, but we could not accept the check because there had already been a payment, so we had to send the check back. Also, we have a real lag in being notified about the change of ownership. We did not know which units had been sold and which had not been sold. Now they have told us they have passed the unpaid second half tax bills on to the new owners for the balance of the monies owed.

**Trustee Quinlan:** So the 97 people that owe the taxes, what does the Village do next? Wee put the penalty on and we have notified them?

**Village Clerk Maggiotto:** Yes.

**Trustee Quinlan:** So what do we do if they continue to ignore us?

**Village Clerk Maggiotto:** The amount owed becomes a lien on the property.

**Trustee Quinlan:** And how long does that take?

**Village Clerk Maggiotto:** No. We have our tax lien sale on the third Wednesday in March. We notify all the owners that the properties are subject to having a tax lien placed on their homes. The Village becomes the holder of this lien. But then we sell the tax liens. We do not sell the properties, we sell the liens. People come, investors, and pay us the full amount. We are made whole for the amount of taxes due. They become the lien holders. They can collect 1% a month interest, which is why it is an attractive investment.

**Trustee Quinlan:** And when the house is sold they collect their lien and their 1% interest.

**Village Clerk Maggiotto:** Or before they sell. Owners will often redeem them somewhere along the line. You have three years before you are in danger of losing your house because you have not paid the taxes.

**Trustee Quinlan:** And do these investors buy all these liens every year?

**Village Clerk Maggiotto:** Last year they bought almost all of them, yes. We are left with almost 100% tax collection.

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

**RESOLVED:** that the Mayor and Board of Trustees certify and approve the Return of Account and Affidavit as attached for the Village 2008-09 tax roll.

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

**13:09 APPOINTMENT OF ELECTION INSPECTORS - DEMOCRATIC**

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

**RESOLVED:** that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Wednesday, March 18, 2009 as Democratic Inspectors: Frank Brodhead, Alexander Cornwell, Barbara Erwin-McGuire, Laura Gardner, Barbara Lisio, Elizabeth Wasczek; and alternates Alice Shapiro and Ann Van Buren.

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

**14:09 APPOINTMENT OF ELECTION INSPECTORS - REPUBLICAN**

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

**RESOLVED:** that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Wednesday, March 18, 2009 as Republican Inspectors: Anne Connelly, Tom Donohoe, Timothy Hays, Eleanor McGinagle, Kimberly Morella, and Veronica Wemer; and alternate Jan Gustafson.

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** I reported to the Board last week that we were very successful in this last round of the community development block grant. Our hope is to get the construction of new sidewalks on the east side of Maple underway perhaps as early as this summer. It would be designed also by the county. We have to do some survey work first. The second item, which is very exciting, is a replacement van for our senior program. We received a grant of \$60,000, which will enable us to buy a replacement 12-passenger van. That grant also had the component whereby New York Power Authority and the State of New York DOT had agreed to participate and allow us to purchase a hybrid van. The price is dramatic. It is \$170,000 versus the \$60,000 grant. But with the commitment from New York Power and the State of New York, we are very optimistic that we will be able to get a 14-passenger van under this program. So certainly some good news there.

Regarding the federal stimulus bill, we received a phone call late last week to hurry up and put together a list of some items that may be eligible for inclusion in that act when it becomes law. We met the deadline, and we did submit it to the state. But in conversation today with an official from the New York DOT, it appears that this would be a somewhat cumbersome process. Once this act becomes law, there will be a work session municipal officials will be invited to attend. There will be a screening process.

The key is that any eligible project must go through the typical federal standards and procedures, which means that it must adhere to their rules and regulations which, as described to me, are somewhat involved. A project must be listed in the state transportation improvement plan, of which nine are in the Village. If those projects are funded we will benefit. But they do not include any of the small projects that I had submitted, for example, the Quarry Trail or the Quarry Park. I will attend that work session to find out the exact process by which a project could be put on the list, but it must be one that is ready to go very quickly. If the state gets the full \$150 million, which is anticipated to be our fair share, the state already has well in excess of that in projects contained in their transportation improvement plan. So they could spend that money and not even complete all the projects that are already in planning or in design, or under construction. As we expected, it is not going to be as fast as we had thought. We hope to see some of the projects that are contained in the plan acted upon, but I would be surprised if we are going to see any small amounts of money for some of those small projects that we had hoped would be accomplished.

**Trustee Goodman:** What is in the state plan that is here? Is it the Ravensdale bridge?

**Village Manager Frobel:** Ravensdale bridge, replacement of the Warburton bridge. Some drainage problems would be addressed on the Saw Mill River Parkway. There are upwards of nine projects. Improvements of the South County Trailway. There is a part of it that touches the Village that they would like to have in their plan to be addressed as well. The Zinsser bridge, the replacement over the Metro-North railroad. I am not saying that is a high priority for them, but these are a sample of the projects that are contained at least within our geographical boundary. I mentioned the Warburton bridge.

**Trustee McLaughlin:** Is that slated to be replaced?

**Village Manager Frobel:** Yes, it is a complete replacement. And again, that is just in their five-year capital program. I do not know if they will reprioritize, but they will be working off this list.

**Trustee Quinlan:** Is the Zinsser bridge by the train station or down in the south end?

**Mayor Kinnally:** The south end.

**Village Manager Frobel:** That may be one that we will have to see how far along you want to move that, not knowing how you want to develop it. The DOT is overwhelmed. They have a staff of ten trying to field many questions from different agencies.

**Trustee McLaughlin:** The Ravensdale bridge so clearly needed replacing that I am interested to hear that the Warburton bridge is trailing it by a few years. There are definitely things on the Warburton bridge that need to be repaired, but replacing? Is it in bad shape?

**Village Manager Frobel:** The narrative is, Warburton Avenue/Factory Lane: remove and replace existing bridge; superstructure, including structural deck, sidewalks, fascia, railing and parapets. It will include repair of brick wall, village, Hastings-on-Hudson. It looks like, though, in 2011, when it is coming up, that is some of the design and planning work. So construction would happen much further in the future. But the five-year plan includes all those elements: planning, designing, and construction.

## **BOARD DISCUSSION AND COMMENT**

### **1. Economic Development Committee Report**

**Trustee Quinlan:** The Economic Development Committee is here, and maybe we could take them out of turn.

**Mayor Kinnally:** We can move it up. We have their report, which is a very good narrative. Who is going to be the spokesperson tonight?

**Nina Cangiano, Economic Development Committee:** Thank you for seating the Economic Development Committee. As someone who lobbied for the creation of this committee, I am happy to be presenting this report and letting you know that we have been very busy at work for the two years that we have been seated. We spent the first six months trying to figure out what it was we were supposed to be doing. We felt that the broad nature of our mission made it hard to put our hands around what we were supposed to do. But we worked it out, and the good news is that we focus on two major issues: regional economy and large land tracts, and the downtown. We have learned that the waterfront presents the greatest opportunity for economic development in this village. What we need to establish, though, is access to the waterfront. Without it we are not going to have commercial developers knocking on our doorstep.

We met with the LWRP committee. We have given them comments on their report. We hosted a community event, where we had the president of the Hudson Valley economic development speak to the community. It was well-attended, and we learned a lot. The key from that was shovel-ready sites. That is what we have to be ready for when they are doling out the money with the site and the access and the plans. It does not mean that we have to hurry up and get a bad plan. We have to get the right plan. With respect to the downtown, we have met with people throughout the county that do planning. We met with the staff city

planner for Rye who thought we had the best downtown in all of Westchester. We met with county officials who do downtown revitalization. We have met with individual business owners in Hastings. What we have learned is that while our downtown certainly could use improvement, we are, in fact, doing better than most downtowns in the county. We have an enormous asset in our walkability. We have a two-block downtown. You can park your car on one end and walk from end to end. That is huge. That puts us over Dobbs Ferry, puts us over Irvington, puts us over Ardsley. We have several businesses from those communities that are constantly trying to come to Hastings, but the rents are such that it might not be the best economic time to make that move.

We have also decided that we will focus our goals for the immediate future on putting a downtown business owners' tool kit together. For the first time we will create an inventory of commercial square footage in the downtown, which could be used as a marketing tool by landlords, real estate brokers, and maybe even the Economic Development Committee. If we learn that there was a space that would be great for a bakery, we have talked about putting an ad in *Bakery World* if that is what the community said they would like to see. There is a real need for this committee. We have done a lot of hard work. We are going to continue to do that. I would like to thank you for seating us and for allowing us the opportunity to update you on our efforts.

**Roger Scheiber, Overlook Road:** I am part of the committee and I want to thank all of you for putting this committee together because it is very important to me. It is very important to Hastings and to Hastings' future that we take a serious look at some economic development in Hastings. Our past is the roadmap to our future. We have zoning in existence that could bring us to a great point in economic development. We just need to go back and look at what is here, and bring in some new assets that will bring true economic development to Hastings. One of the interesting statistics we pulled out was that 5 or 6% of our properties are commercial properties in the Village. They bring to us about 15% of our tax revenue. So if we were even able to get a few more percentage points of commercial development in the town it would do some tremendous things to offset the residential tax burden. We are in a very hard-to-sustain, or unsustainable, situation in the world of taxes. The cost of government is getting tremendous. It is putting a burden on a lot of people in the town. We need to look at some true economic development to make this happen.

We need participation from you, as a Board, to let us know what we are doing right, what we are doing wrong. But we need to know it from all of you, not just from select members. This is a big question because we have to speak to the Village and find out how they feel about economic development. It is a big issue, it is a big change. It is kind of a dirty word, but we all know that it is something that we need to take a serious look at, going into the future.

**Trustee Quinlan:** I want to thank everybody. I enjoyed reading your report. I was not aware of all the things that you did. You are doing a lot, and I want you to keep on doing it. We need it. It certainly is good to examine everything and create some energy to help particularly our downtown. Not that I think that it is bad. I just think that our downtown, like every downtown in Westchester, could use some help. Get some of our stores up and running, and empty spaces. I think you are trying to help in doing that. Thank you.

**Trustee Goodman:** I wanted to thank the committee. I have been your liaison, and I know you have been working hard. You did not mention one thing that I am hoping you are going to do: convene an economic summit with the other committees, the arts commission, etc. That is a good idea.

**Trustee Swiderski:** The initiatives on the downtown are great. The new business owners' guide and toolkit is a terrific idea. In a couple of months we will kick off an effort to look at whether the regulatory environment hinders or helps the downtown business owners. The outcome of that would feed the toolkit as well. I would like to get a handle on, for example, this story that is told about the difficulty of putting up a new sign, encountering roadblocks that make basic changes difficult; understand those issues better and address them. Does it require a simplified process or a dropping of regulations or what? There are a host of issues like that around the downtown that I think we will see action on.

**Trustee McLaughlin:** It is interesting that you bring that up, Peter. In the summer of 2007 the Architectural Review Board came before us and had had a draft of a lot of things it wanted to do, and we have not heard from them since. It was regulations about storefronts and design guidelines. Members of that committee have said to me that they wish they could have some kind of regulatory power. But you cannot have that without having design guidelines to begin with. It sounds like that is something that you all can be working with them on. I am sure that if you have not, you are going to, in terms of the cross-fertilization committee to committee. That is really a good one. The Arts Commission is look forward to working with you.

## **2. Update on the Waterfront**

**Mayor Kinnally:** Peter and I are going to meet with our counsel, Mark Chertok, on some of the waterfront issues on Thursday. I reached out to Joe Sontchi and he is hoping by the end of the month to get me some information. He indicated to me today that he has a copy of the summary report of all the drilling and sampling that ARCO did on the northwest corner over the last year, in both CD and paper copy. He is going to provide a copy to the Manager and



also a copy to the library, and perhaps we can put some of the information on our web site, depending upon the volume.

### **3. Update on the Comprehensive Plan**

**Trustee Quinlan:** I have nothing to report tonight.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

**Mayor Kinnally:** Let us have a moment of silence for Dr. Tom Fazio, the principal of the high school, and adjourn in his memory.

On MOTION of Trustee Goodman, SECONDED by Trustee Goodman with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of Dr. Tom Fazio at 9:50 p.m.