

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 18, 2009**

A Regular Meeting was held by the Board of Trustees on Wednesday, March 18, 2009 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski (8:30 p.m.), Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Nineteen (19).

**APPROVAL OF MINUTES**

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Minutes of the Regular Meeting of February 17, 2009 were approved as presented.

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Minutes of the Regular Meeting of March 3, 2009 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 62-2008-09 \$ 1,283.40  
Multi-Fund No. 63-2008-09 \$ 31,927.64  
Multi-Fund No. 64-2008-09 \$102,553.92

**PUBLIC COMMENTS**

There were no public comments.

**19:09 AUTHORIZATIONS RE HASTINGS MONITORING TRUST ACCOUNT**

**Mayor Kinnally:** There was an account set up by the Village, or through ARCO, to cover fees and expenses to be incurred by the Village in engineering and legal review of certain documentation and studies that were generated by ARCO in connection with proceedings before the DEC relating to the cleanup of the site.

As the resolution indicates, a report of supplemental northwest corner findings on the DNAPL was submitted in January, 2009. The state indicated that it is moving forward with ARCO with alternatives to the remediation of the site, but that it is necessary for the Village to review the documentation and to look at the engineering and legal ramifications of what has been discovered and what is being proposed as far as remediation. Peter and I met with Mark Chertok of Sive, Paget. Mark had spoken with Malcolm Pirnie, and it was determined that it was time for them to start doing some of the work for us to move forward with the remediation. This authorizes the firm to move forward, and authorizes them to submit bills to the Village for review, to be reimbursed out of the monitoring trust account.

**Trustee Quinlan:** Can we ask for a monthly billing on this?

**Mayor Kinnally:** We can certainly ask for it, yes.

**Trustee Quinlan:** I do not think that is unreasonable to get a monthly billing so we can keep track of exactly how much we are spending and what for. I have not seen this report. I understand it is quite lengthy. Is there a summary?

**Mayor Kinnally:** I do not believe there is a summary.

**Trustee Quinlan:** Is there a hard copy in the library?

**Village Clerk Maggiotto:** There is an extra one downstairs.

**Trustee Quinlan:** So if I want to take a look at it, I can come in and see you, Susan? Because I do want to take a look at it.

**Trustee McLaughlin:** At one of the meetings I missed there was some discussion of which fund this money came out of, and it was not established in the minutes.

**Mayor Kinnally:** Yes, it is a separate fund. Susan, can you shed some light on that?

**Village Clerk Maggiotto:** It is separate monies that have been paid, so far in the amount of \$200,000. We also have been holding, since 2004, waterfront monitoring monies. We are holding that ourselves in one of our holding accounts. That started out as \$175,000, and is now about \$203,000. But this is separate, held in a trust account, the same way that \$1.5 million is in a trust account. The only control we have over it is, we are a party to how it is spent, as the other people are parties, and we determine whether it is going to be in a CD or a T-bill. That is about it, because the Bank of New York is the trust agent.

**Mayor Kinnally:** The other account has to do with the monitoring that arises out of the consent decree.

**Trustee McLaughlin:** While this is our money, it is not money that has come from our taxpayers.

**Mayor Kinnally:** Absolutely not. It is solely from ARCO.

**Trustee Goodman:** I have a copy of the agreement. It is called the monitoring trust agreement. I did not have that with me.

**Trustee McLaughlin:** What was the date on it?

**Village Manager Frobel:** It was adopted on March 14, 2008.

**Trustee Goodman:** Appended to it are exhibits, a letter from legal counsel and a memo regarding an estimate of legal and engineering fees. This specific testing and all of the data was specified when the trust was set up. So it is an approved task; it was task number two. As of May, 2007, task number two was to cost around \$25,000 to \$30,000 for engineering fees, and the legal fees were estimated to be at \$5,000 to \$10,000. That was for two things: bulkhead design, which we are not at. I was wondering if we thought the fees were still going to be around that neighbourhood.

**Mayor Kinnally:** I have no idea. But those numbers were submitted as part and parcel of coming up with an aggregate amount. I am not so sure how close they are to the actual estimates. We are going to have to see what happens over time. But, obviously, both Malcolm Pirnie and Sive Paget realize that this is not a bottomless pit.

**Trustee Goodman:** Then I would agree wholeheartedly with Trustee Quinlan that if we do not have a cost estimate that maybe in the future, when this comes up for another task, there should be some guestimate given to us because we do not have that monthly billing and keeping track. It is another way to go.

**Mayor Kinnally:** I do not know how they could do it.

**Trustee Goodman:** I do not know. That is why I was wondering what the document looked like. Because, from a legal standpoint, you could eyeball it and know how much analysis might go into it and have at least some ball park idea.

**Mayor Kinnally:** Not sure. It is not just the document. It is also dealing with the DEC. The suggestion of the monthly billing is a good one; I will pass it on to them.

**Trustee Quinlan:** I will keep track of it, too. I'll be in contact with the Trustees who will be in charge of the finance committee next year, and we will look at the bills and make sure they are in line with some of those estimates.

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 authorize Malcolm Pirnie, Inc., and Sive, Paget & Riesel P.C., to review the Report on Supplemental Northwest Corner Investigation Findings dated January, 2009; to consult with the Board regarding the report and their review thereof; and to conduct such follow-up activities (e.g., preparation of comments and/or participation in meetings) with ARCO as necessary; and be it further

**RESOLVED:** that the Mayor and Board of Trustees authorize the submission of the invoices related thereto for payment from the Hastings Monitoring Trust Account.

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

**20:09 GRANT APPLICATION AUTHORIZATION – JUSTICE ASSISTANCE GRANT**

**Village Manager Frobel:** The Chief of Police became aware of an effort through the City of Yonkers to make an application under this Edward Byrne Memorial Justice Grant. What we are looking for is a partial contribution towards the price of a new car. We are looking to purchase one car in next year's budget, and I was looking to purchase one in this year's. So this gets me more than hardware towards that first car I was looking to recommend you acquire. We expect to perhaps receive the grant before the end of the fiscal year. It something that I am glad the Chief was able to identify and encourage us to participate in.

**Trustee Goodman:** We watch the news, and there are all these allegations about there being pork in the federal recovery stimulus monies. This money comes to us through the efforts of President Obama, who signed into law, with the legislature, of course, the American Recovery and Reinvestment Act of 2009. So this is recovery money coming to us, and we are going to use it towards the purchase of a police cruiser. To me this is doubly good because the taxpayers are relieved of about half the cost of the police cruiser, and it will keep people to work at Ford. So it is a very good thing.

**Mayor Kinnally:** But it is still pork.

**Trustee Goodman:** It is not pork. Not when you are getting real capital equipment that we need that we do not have to pay for now. I don't consider that pork.

**Trustee McLaughlin:** Mayor Kinnally, do you want to go on record as saying that we do not need this vehicle?

**Mayor Kinnally:** No, I am not saying that. I am just saying, in my opinion, it is still pork. But it is our pork, so it is good. It is still coming out of taxpayer money.

**Trustee McLaughlin:** I was interested in the fact that we were joining Yonkers in a project. Do we often do this?

**Village Manager Frobel:** We turn to them, certainly, for help on police matters. We rely on them. But we keep good communication with the city.

**Trustee McLaughlin:** I know that you do. But so often we see the Village joining with other villages in Greenburgh, and I was not aware of a time when we had gone to bid on something with the city. So I am glad to hear that.

**Mayor Kinnally:** I had a number of meetings with our former Police Chief before he left. He spoke about was the cooperation with the police department in Yonkers. It is terrific. Training, personnel, equipment, technology: they have been very helpful in working with us.

**Trustee Goodman:** I have one related pork question to do with the hook and ladder, which is going to cost us a lot of bacon. I know, Fran, you said we were going to submit a proposal to Congresswoman Lowey's office for a contribution. But I saw that in April there was a Homeland Security grant as well for fire equipment. If we make a request through Congresswoman Lowey, does that foreclose our ability to get some funding through the Homeland Security grant system?

**Village Manager Frobel:** Actually, just the opposite happened. The Congresswoman's office called me and indicated that that apparatus was not eligible under the Omnibus Tax Reconciliation Act because there is a FEMA grant available, and that is the one you are speaking of. We are going to prepare that application and get that in on time. There has been a little bit of a delay on their part. I have been online a couple of times, I downloaded the entire application, I have spoken with the Fire Chiefs. But the Congresswoman's staff thinks that is our best chance to apply under that program.

**Mayor Kinnally:** A point of clarification, Fran. We have the money in the budget to deal with this? Is there a match on this?

**Village Manager Frobel:** No, no match is required. That is a flat-out grant. And that is the Chief's suggestion that we piece it with existing money to purchase a cruiser. That detail has to be worked out later.

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 authorize the Village Manager to submit a grant application for a Recovery Act: Edward Byrne Memorial Justice Assistance Grant, in the amount of \$11,465.00, to be used toward the purchase of a marked police vehicle, and to sign any related required documents.

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

**21:09 ABANDONMENT OF GRANT –MARINELLO [KINNALLY] COVE  
AQUATIC HABITAT**

**Village Manager Frobel:** As much as it may hurt, I think the decision is pretty much firm that we are not going to build that aquatic habitat. The cove project is finished. We had some discussion about the wisdom of going forward with the project, such as was envisioned

eight years ago. We think it is in our best interest, and the state's, to turn back that money, allow another community to avail themselves of it, have it be reallocated, and for us to continue to apply for other grants for other projects and not have this as one of those still out there, funded but not complete. It was a \$50,000 grant. Part of our match was the acquisition of the property. So it was not new cash we had to come up with, but it was more money we would have to put in to the project because it would cost more than \$50,000 to build that which was envisioned by the engineering firm.

**Trustee McLaughlin:** Many members of the public are unhappy when they see us give money back, so I would like to review why we chose to do this. The project for Kinnally Cove followed a visioning process and a lot of work, and the suggestion of doing something like building an artificial wetlands is one of those things that manages to sound great: who could be against it. But nature puts wetlands where nature wants wetlands to be, and there are no wetlands there already, which indicates that probably anything that gets built there artificially is going to wind up scoured out. Once it is built it is our responsibility to keep it going. So we would likely find ourselves having to rebuild and rebuild and rebuild, and we would find ourselves maintaining it out of the ongoing Village budget.

The information I brought to this came from my years on the board at the Beczak Center, when we delightedly built a wetlands. I believe that wetlands has now been rebuilt three times. But it has taken a lot more than the \$100,000 Beczak originally got from NYSDEC to maintain it over time. We just could not imagine seeing that kind of financial burden on the Village. Not just in these times, but it would be an unwise expenditure at any time. So if you feel reluctant to see a grant go, understand that we are going to wind up saving money because we are giving up on this project.

**Mayor Kinnally:** I do not think we have the expertise, nor the personnel, nor the time, nor the money to deal with it. So we have got to face reality.

**Trustee Quinlan:** I want to thank Diggitt for reviewing the history. You know that we all agreed with you. It was great that we did get Kinnally Cove finished in the last couple of years. It had been hanging around for years and years, and it would have cost considerably more than \$50,000, maybe a couple of hundred thousand to do it, not only to maintain it. We wanted to finish that project, open up that cove for the enjoyment of not only ourselves, but everybody else in Hastings and the county. These grants that are not used negatively impact new grants that we may ask for from the state. So it is good to give them back so that we can apply for monies that we can spend and, hopefully, have a much better chance of getting.

**Trustee Goodman:** I was going to say, again, thank you, Diggitt for a review of the history, and to remind everybody that grant money is not free money. We have a duty to act

responsibly when we apply for grants, and if there is a change of circumstances or conditions, or a change of mind, I do not think we should be embarrassed about that, nor apologize. This is the responsible thing to do. I would much rather see the children running on the beach, which they do now, than to have it roped off and trying to plant a marsh that would be difficult to maintain. The project would be at cross purposes. It is a small area, relatively speaking, and you cannot have a nature preserve and kayak launching and kids on the beach. I vote for the kids on the beach.

**Meg Walker, 58 Washington Avenue:** I am not going to argue for wetlands, and I know a lot about this grant because I was the one who wrote it to the DEC. I think we were overly enthusiastic about our potential for creating and maintaining a wetland there. Kinnally Cove is a beautiful place. I do appreciate the beach and the kayak launching area.

However, I would like to ask if there is not a possibility of using some of that money to do some upland vegetation. The cove would be enhanced with additional trees and shrubs. I spoke to many experts from the DEC in the process of applying and getting that grant. I asked, if we cannot use this for wetlands, is there a possibility that we can use it for upland vegetation that would enhance the natural aspect of the riverfront? They said, yes, if it looks like it is impossible, make an argument that you cannot do it, that it may be scoured out, and it would be difficult to maintain. Then make the argument to us, and we could convert it, or we would probably allow you to use it for upland vegetation. I know it probably has to be matched. We are not talking about as much money, I am sure, and we could use a portion of it so it would be easier to come up with a match. We could probably raise money from private citizens. It would enhance the beauty of the cove and also create some more vegetation for natural habitat to attract birds and wildlife.

**Village Manager Frobel:** I think we did try to convince the staff to reallocate the money for other projects, but I cannot speak with certainty whether it was as you have described. That may be worth an effort.

**Mayor Kinnally:** What do you think? Put it off.

**Trustee McLaughlin:** It is fine with me to put it off, sure. What is the site that this would be used for? Are we talking about the entire cove area, including where the lawn is, or are we talking about around the edge of the water?

**Village Manager Frobel:** I am not sure. I am going to have to get some clarity.

**Trustee Goodman:** I thought Carolyn Summers and Michele Hertz drew up planting designs for a native garden.



**Village Manager Frobel:** They have, and we have been sticking to it.

**Trustee Goodman:** If that is in a formal presentation-ready form, maybe you could show that to the DEC and see if that would fit the bill. Certainly the DEC should be interested that the Village has designed a native plant garden for the cove and that we are already planting, and we have made expenditures.

**Village Manager Frobel:** We have, and we do have more plans for this spring. We also have more money for that planting, as well. We have made an application to another agency for more money for these kinds of plants. But let me double-check that Angie did not make a strong effort to convince the DEC to reallocate the money on-site for other uses. We tried to convince them to use some of the money that was allocated for the floating dock and the wave deflector towards the improvements you saw, and they would not support that. But let us try this.

**Mayor Kinnally:** We will remove this, and Fran can reach out to the DEC, and then bring it back to the Board to see if it is something that can be dealt with.

### **22:09 SCHEDULE PUBLIC HEARING 2009 - 2010 PROPOSED BUDGET**

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, April 14, 2009 at 8:00 p.m. or shortly thereafter to consider the proposed 2009 - 2010 Budget.

<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	

### **DISCUSSION PROPOSED DESIGN GUIDELINES FOR COMMERCIAL DISTRICT**

**Bennett Fradkin, Chairman, Architectural Review Board:** We have distributed a draft of the architectural guidelines, dated Aug. 4, 2008 to the Mayor and the Board of Trustees.

We created these guidelines from our collective experience as members of the Architectural Review Board and also from our experience as practicing architects and as applicants to other boards and authorities in various communities, and our general research into the history of effective ways to create a cohesive downtown community. I had a lot of experience over the last 10 years in creating guidelines as a paid consultant for the community of Radburn, New Jersey, which is a historic town. It is a very important town, the first Garden City. The community of Radburn recognized, after many years of not having guidelines and having a couple of clauses in their bylaws that addressed it, that it was a problem to create clarity to applicants as to what they were expected to present and, in the long run, to preserve the character of that community.

I mention this because it took that community, which is much more cohesive than Hastings, 20 or 30 years to come around to recognizing that, in the long run, the guidelines would be an effective tool. We created the guidelines in my office. I have also had the experience of seeing the enforcement of those guidelines over the past five years, where we have had some new development and renovation projects. We had the signature commercial building that would be the equivalent of Hastings House, which had a big fire and had to be rebuilt. There was a big battle because the owner of the building did not want to spend the money to recreate it in a historically accurate way. But the guidelines gave a clear way to enforce the reconstruction of that particular building. Our document has been worked on by Karen Cure, myself, Christina Griffin, Mitch Koch, Suzanne Levine, Toby Mardis, Josefa Mulaire, Ellen Hendrickx, and Rena Mande.

I am going to read to you the introduction of our document:

Design guidelines are widely used by villages and towns throughout the country to describe features and details that are important elements defining the character of the downtown. These regulations describe methods for building on the historical and cultural resources found in the variety of forms and architectural styles that exist in the Village.

The Hastings Design Guidelines Committee, consisting of architects, designers, and other volunteers from the community, devoted many hours to examine ways to create a document that would result in projecting a vision for positive growth in the downtown. After review of examples of guidelines from other communities, the committee agreed to develop guidelines for Hastings that would be user-friendly and would describe the aesthetic goals and priorities of the community. The guidelines were written to mandate that certain distinctive historical buildings and features would be restored, or preserved.

Enhancement of the small-town character that is unique to the Village of Hastings-on-Hudson would be encouraged. It was also intended that the guidelines inspire merchants, property owners, and local government to work together to create an attractive image, as demonstrated in other municipalities. The promotion of high aesthetic standards and preservation of historical, cultural features important to the community, as indicated in the design guidelines, are beneficial to stimulating growth and vibrant commercial activity in the downtown.

That gives you a synopsis of what the general function of guidelines are, and how we see it being applied to this community. I emphasize that these guidelines had been painstakingly created. Really, the word guide and guidelines is key because it is a guide. It tries to identify what is unique to the characteristics of the downtown of Hastings, to find a way to enhance what we already have, restore things where appropriate, and add new things where appropriate. Nobody says you cannot do anything new. There is quite a bit of latitude. But it focuses on people doing work with integrity, with sensitivity, and with an eye toward the future, not just toward somebody's six-month budget, but toward recognizing the impact of the work, and how it affects the continuity, or fabric, of the downtown. Sometimes you look at one storefront or one sign and you say, what is the big deal, that is okay. But then the next person does it and the next person does it, and you have something that is not very attractive. So finding an organizing device, which is what the guidelines are, for identifying what we have that is worth building upon, and finding a way to enforce it and to help people prepare their designs to present to the Architectural Review Board is what we are after.

Specifically, we talk about objectives, which I just summarized. But I am going to read what it says here:

The objectives of the design guidelines are as follows. To provide regulations for preserving and enhancing the character and historic resources of the central commercial district in the Village of Hastings-on-Hudson. To ensure that renovation and new construction are consistent with the scale, range of architectural styles, and history that exist in the central commercial district. To inform property and business owners, developers and residents, about the architectural significance of the buildings and streetscape of the central commercial district. To encourage aesthetic improvements that will benefit both the community and its businesses. To encourage positive private/public partnerships in which private businesses work together with the public, the village of Hastings, and the Chamber of Commerce, for example, to establish and maintain a high aesthetic standard. By doing so, the

downtown will attract pedestrian traffic necessary for a vibrant commercial district.

I am going to ask Christina Griffin to speak more about the history, because it was under her leadership of the Architectural Review Board that the idea of creating guidelines was started.

**Christina Griffin, Architect, former ARB member:** I was a member of the ARB for about 14 years and chair for 11. I joined the ARB because I was unhappy with a new façade. When I came to the Board, the Board showed me the design that was approved, and it was an entirely different façade than what was built. The previous chair, Harriet Archibald, had a discussion at her last meeting about the ineffectiveness of the Architectural Review Board. At that time we were an advisory board. The Board has only had the authority to approve of buildings in the downtown for about five years. But even when that happened, I felt like the Board was operating similarly to the way many ARB meetings happen all over Westchester. I have had a practice for 21 years, and I have been in front of architectural review boards all over Westchester, New York City, and Putnam County. Quite often, it becomes a very subjective process. Unlike when you have to work with historical landmark standards, it is very much up to the board to decide on what they feel is best for that community.

I feel that our board has been always reacting to something that has already been designed. I can even remember an applicant saying, well, what do you want? Some people have even come in carrying a sign that has already been built. We conceived of putting together the design guidelines almost 10 years ago. But, of course, we are working with volunteers and you never know how long these things will take. We did collect quite a few design guidelines from all over the country and compared them. Some of them were almost like a zoning code, with a list of restrictions. There was one in particular that we liked quite a bit that actually described what makes a village. It had a lot of ideas on the importance of small-town scale. That guideline, in particular, was very inspirational. In fact, we decided to have sketches, as you will see, and guidelines. They show some fundamental concepts that we feel some people do not know about when they come to the ARB. When they are designing, some people do not hire architects. Some architects do not know the downtown. We felt there were ways to describe very simple ideas that will help people understand that the scale and the character of this downtown is something that is very important to this community. We also felt that these design guidelines should be about Hastings. Instead of being a boilerplate similar to other towns like Hastings, we decided to take photographs so people would see images of what is really special about Hastings.

We have had so much discussion throughout the years about how Hastings is a real mix with lots of different styles. But if you look hard there is a lot of character in this downtown. I hope you can see that in this document. There are details, and buildings and storefronts and

doorways that are what give this village character. Too many times, people have dismissed it, or felt that if we are really a creative community we should not put so much importance on that. But this is what gives this village character. So we start looking at these buildings, and saying this building is important, such as the First National Bank building. Undoubtedly, that is an outstanding building in the downtown. Movie House Mews, the original theater in the downtown, has a lot of character. It is not a movie house, but we want to preserve that look. It has history, it has cultural importance to the downtown.

I am looking forward to seeing that this will be adopted. I believe that once we have this, we will have something. When people do renovation and construction in the downtown they will have a guidelines to work with. They will realize that we have beautiful buildings and we care about changes in the downtown that tie in with the context we have here. One of the most important principles we have is preserving the character of the Village and the historic downtown. Incorporate and maintain traditional building elements. And although this may be obvious to some, I do not think everyone knows the traditional façade from the early 1900s. It was a straightforward façade, usually a residential façade, and the lower and upper cornice has very basic, fundamental concepts that I would like people to understand and maintain if we want to keep the character we have.

Enhance the downtown experience. In this you are also going to see some items related to maintenance: dumpster enclosures and waste enclosures. Ardsley has a new waste enclosure ordinance that started about two years ago. I see exposed waste all over the downtown right now. And even some restriction on paper signs, which we know is out of control. We should not allow people to just cover their buildings with paper.

**Mayor Kinnally:** What do you see as the process to get input from the Board on this document? I am not going to be part of it, but to have a work session, with the Board and the ARB to talk about these concepts?

**Ms. Griffin:** I would love that. That would be great.

**Mayor Kinnally:** It would be beneficial, before you have that, if the Board has any comments to get it back to the ARB so it could tee up the dialogue to have a productive meeting. A joint work session between the ARB and the Village Board could be productive and move this forward.

**Chairman Fradkin:** That would be great. I would like to have a conversation at this point. I emphasize that the Board feels strongly that we need this document adopted in order to be able to conduct business effectively as a board. We believe in it. We think that it will make a very positive contribution to the Village by having a transparent process, giving applicants

some idea of what is expected of them, identifying key elements to preserve and celebrate and respect and respond to. It will really improve the downtown.

**Trustee McLaughlin:** Perhaps Tuesday, May 12, for a joint meeting.

**Mayor Kinnally:** How is everybody's calendar? But, of course, two other people need to weigh in. But perhaps put it down in pencil, and then revisit it on Apr. 7?

**Trustee McLaughlin:** This is such a great guidebook for people to have in their hands and walk around the Village, looking at the Village in order to become, as you say, aware of what is really here. One of the things that is really true about Hastings is the interesting brickwork and the different shapes in the buildings. This will open your eyes, as Christina points out, to interesting doorways, interesting window treatments, the brickwork; a lot of things that people overlook because they are not spectacular. Hastings does not look like a theme park. Because of that it is easy to overlook the fact that we have a very consistently designed building-to-building downtown. I look forward to having a joint meeting with you and being able to make this happen. We know the residents want it, and it has been hanging out there for all these years.

**Trustee Goodman:** Thank you so much for preparing such a meticulously detailed document. It must have taken you many hours, so we are fortunate to have had this body of work. My favorite page dealt with the doorways and entrances. I hope you do put this online because it is a beautiful example of Hastings. We drive through the downtown to the train and we should stop and smell the roses, or look at the doorways or look up at the brickwork. It is beautiful.

I embrace the notion of adoption of an objective standard and less reaction. It would go a long way to decreasing the time spent by applicants going back and forth. Sometimes the reason that projects hang around is because they are aesthetically not pleasing. Things go back and forth in an effort to try to get the applicants to pare down or change it. So anything that gives you leverage would be great. Right now you make opinions, they are advisory, and who knows about them, where do they go, what happens? Is there an example you could give of something that happened that was aesthetically not great, and how these guidelines in place would help avoid something that is not aesthetically pleasing?

**Chairman Fradkin:** I am going to answer that in two parts. The way it works now is what I would call peer review. We have a group of design professionals that are a committee that sit with an applicant and discuss the project. There are five people on the Board. They do not necessarily all have the same point of view but ultimately there is a vote, so there is a consensus or a majority as to what happens. But sometimes we end up picking up the pencil

and trying to help somebody improve things by drawing it for them, so to speak. That is more of the peer review process. That can be fine, but generally if you have a more objective outline, then you have something to refer to. You can say, this does not follow Section 3, which says that you cannot take down that cornice because it is an important historic feature. Or it may say, for example, something that we are in the process of looking at. Christina is doing this nice project for Hastings House, but there was an issue about the corner, which we voted on. But you asked for a bad example.

**Mitch Koch, Architectural Review Board member:** I have one. Without pointing any fingers, at the corner of Warburton and Washington Avenue, windows were put into the property that were completely inappropriate and would be clearly defined in the design guidelines as belonging on the back of a house in a suburban community, not in an urban building like that one. That is one-half of it. The other half of it, of course, is enforcement. Once the ARB says no, sometimes it just happens anyway. And that is another story, and something we can take up later.

**Mayor Kinnally:** This is a very exciting thing to do. Part of it is the guidelines, part of it is enforcement. But it is terrific. I am going to follow this very carefully. I would be interested in seeing how the community responds, how the other architects respond. This sends a clear message that there is a commitment to respect the architectural integrity that we have in the downtown, and to build upon that.

**Planning Board Member Jamie Cameron:** When we worked on the height restrictions in the MR-C and CC districts we spoke to the Architectural Review Board to get their input. I would suggest that these guidelines be sent to the Planning Board, perhaps prior to you looking at them, perhaps in the course of your looking at them. Coordination would very good on these things. We see a lot of things they do not see, and we are there earlier. One thing I mentioned at the ARB meetings I attended was that we should get together and look at recently completed projects and see how we did, the two of us, in guiding these people, and whether we got what we wanted and whether we did it the right way. In fact, I suggested that at our last Planning Board meeting, and we are going to approach the ARB do that. So I would hope you would let us look at these before you finish. Listening to them at their meetings, they do a fabulous job, they take a very close look at everything that is going on. They are wonderful minds, looking at architecture, and I am sure these guidelines are terrific. I just think we should have a look.

**Mayor Kinnally:** I agree. We were talking about having a joint Village Board/ARB meeting. Perhaps the Planning Board could be part of that also.

**Ellen Hendrickx, Architectural Review Board member:** I am also on the Comprehensive

Plan Committee. Just to reinforce your assistance in making this come to reality, fixing up the downtown is something that many villagers are really interested in and behind. Again, I want to reiterate enforcement because that is so important; not only once we have met with the people, but also making sure they are educated beforehand so things do not happen like TV screens going up in windows, and neon signs. People who do not even know that there is an ARB to come to and get approval for. It is all part and parcel of the process. And also, Jamie, thank you. It was a pleasure working with him and the Planning Board. It is important to have all the boards communicate with one another.

**John Gonder, 153 James Street:** They are recommending guidelines, but then I hear regulations. Why do you not call it regulations if that is what you really want? Guidelines, to me, means suggestions and recommendations. I like to be honest, come right out and say, these are the regulations we want.

**Village Attorney Stecich:** John segued into exactly the point I was going to make. I read through them twice carefully, and I think they are really good and are going to be good for the boards to work with, and for the public. There are quite a few enforcement issues, though. One of them is what John says: on the one hand you are calling them guidelines, and on the other hand a lot of them read like regulations or rules. Then there are other things I think are rules, but it uses a little cushier language, like this stuff should be considered., but how can you enforce it?

Also, some changes are going to have to be made to the zoning code in the CC section. Right now that is also a little confusing. On the one hand it says you need ARB approval for any change to a façade or a building, but it does not say anything about new buildings. In any event, it might be useful for me to meet with the ARB to see what the intention is on those issues, and maybe we could recommend whatever tweaks need to be made in the zoning code and in this document.

**Chairman Fradkin:** Certainly this is a draft and it needs to be vetted in a number of different respects, including the legal one. In the document I referred to that I produced as a professional consultant, it was reviewed by attorneys for a long time, to figure out, look ahead, and find out what could be enforced. We have had a couple of cases where we have needed to use the document and there have been legal challenges. But it has held up. In zoning, if you say the setback is 30 feet and the height is 32 feet, that is black and white, completely quantifiable and objective. In something like this, if you identify a building and it has a nice doorway or it has a cornice or it has certain kinds of windows, and somebody wants to tear that all down and not produce something that is of equal merit, then I think the document will protect something like that. We can get into semantics, but I do not see a problem, calling it guidelines. But the Architectural Review Board will either approve or



disapprove of a project, and then we need a way of having that enforced. That is ultimately what it comes down to. Otherwise, you do not need the Board. Then you are just saying that it is completely prescriptive, which it is not. It gives a persuasive or suggested method, but it is not exactly prescriptive.

**Boardmember Koch:** The intent was that the guidelines would exist with the understanding that the builder, the user, in the downtown could use them as a basis for planning something and bringing it to the ARB, which would be the ultimate arbiter of whether it was acceptable or not. So it was to hand something to the public and say use this, and for ourselves also to be able to refer to it. In terms of enforcement, our feeling had been that if the ARB said so, then it becomes regulatory at that point.

**Village Attorney Stecich:** That is the sort of stuff we need to talk about, to tweak. For instance, the code has specific height limits and setback limits. So somebody comes in with a building and it is within the setbacks. Your picture on page 10, maybe that house is within the setbacks. But you do not want it there because it is better to have the uniform front line. So you will have to change the code to say, Subject to the guidelines these are the setbacks. Somebody could come and say that is the setback, you cannot tell me I cannot build it. That is an example of what we have to clarify. And the reason it is a little confusing with guidelines, it is not black and white. It is a balancing, and making things go. John does make a good point. They are really more than guidelines. Somebody will say, those are your guidelines, but all I really have to observe is the code. So you just want to make sure, and you can do it with language in the code. There are a couple of spots where I am not certain whether what you intended was mandatory or just something you would think about. Those were the things it might be helpful to talk about.

**Boardmember Koch:** To speak to your point again, we could use some help with something we have been struggling with, which is this caveat that we would like to have in the guidelines, so that if Frank Gehry brought this fabulous project, and it did not conform to anything, yet it was a fabulous project according to his peers, then we could decide that it had a place in the Village, notwithstanding the fact that it did not. So we need to find a little help with that.

**Randy Paradise, 35 Floral Drive:** I am perfectly piggybacking onto what was last said. Although I have not seen the document, though I looked for it on line, my concern when I hear the words design guidelines are the following. I have traveled a lot around New England and seen a lot of what I would consider to be, for lack of a better term, legislated quaintness. It was very encouraging to hear from the chairman of the Board that these guidelines are not intended to ossify the Village and that new things would be permitted. But while there is a lot of great detail, I would agree, in buildings that I particularly like, I would

ask you to frame the guidelines, or the regulations or whatever they are going to be, loosely enough to allow new things to appear in the Village should new things be proposed. It does not necessarily mean that things that nobody considers to be aesthetically pleasing have to be allowed in. I doubt that Frank Gehry will come traipsing through the Village. But one never knows. Some of Frank Lloyd Wright's first buildings were in small towns in rural Illinois and Wisconsin, in places where you would not expect to see them. I would like to put that concern forward, and to ask that the document be made available to the public as soon as possible because I think they are going to find it, very interesting.

**Robert Kornfeld, Architectural Review Board Member:** The last statement was interesting because this does not come out of wanting to create new regulations. The spirit of it was to try to explain to applicants what they are facing. People who are not experienced or do not know the Village feel like they are being blindsided. They are coming in with what they think is a great idea for a sign for their store and that is their entire world of reference. The way we are looking at it is balancing the rights of the applicant with the rights of the Village to protect its environment. If you go back in the history of preservation, say 30 years ago, there was a sense that there was something being imposed from above. I am not saying that our board is a preservation board in the sense that a landmarks commission is. But people are starting to feel like the built environment is part of their environment that they want protected. In some jurisdictions there are very specific rules, like if you have wood windows you cannot replace them with aluminum windows. I do not think we are looking at anything like that. Some people do feel that it is arbitrary, but if you follow the decisions we have made over time there have been decisions that were good and not just rigidly saying that nothing can be changed. We see applicants that come in and have no idea what to expect. They have already hired someone to design their sign and it is ready to go. We are sort of slapping them down, and they end up coming four times. By the end they may have something that they think is great and we think is great. But if they had an idea of our frame of reference before coming maybe they would come once or twice. And, of course, we cannot guarantee that the same people will be on the Board in the future, so that is one of the reasons to codify the philosophy we have taken.

**Jim Metzger, 427 Warburton Avenue:** Somebody we need to thank for being able to even look at design guidelines is our police department. The second night that I lived in Hastings I was walking downtown in the evening and started talking to one of our local officers. He said, so what do you notice about Hastings? I said it is a beautiful village, and the stores are nice. And he said, you notice there is not a single rolled-down gate in the Village. The level of protection that they afford means that we do not have to have that line of ugliness. So we can discuss this issue today because our police department does a fine job in protecting us.

**Boardmember Koch:** I would like to encourage the Village and the Village projects to

participate more fully with the design process and the professional review process that the ARB affords, for example, the Community Center and, most recently a trail on the Aqueduct which is not normally under the purview of the Architectural Review Board. Yet having some kind of vetting and more public process for these things would benefit everybody.

**Ms. Walker:** I am so pleased that the ARB is bringing forward these guidelines. I have been talking to Christina about this for over 10 years. They are long-awaited and I cannot wait to see them. Is there is a way to allow the public to see them, and to have input outside of a formal public hearing? Whether it is to put them online and then ask for email comments, or to have another meeting that the public can attend and have an open dialogue. I want to hear what the citizens of Hastings think about this before we have to vote on it.

**Mayor Kinnally:** Trust me, if there is anything there is no shortage of it is hearing what people have comments on.

**Ms. Walker:** But in an orderly, open, and transparent way.

**Mayor Kinnally:** They will have an opportunity. I expect you will have a work session and whatever comes out of that work session. I fully expect that there will be discussion at a Board meeting like this, where there are going to be further comments on it. How soon can we get this up on the web? Sometime this week?

**Village Manager Frobel:** Try this week, sure.

**Trustee Quinlan:** I think it is a great idea, but I am concerned about enforcement. Marianne makes a good point. It is important to tweak the zoning code and the design guidelines to see how they are going to be enforced before we have a work session. A work session would be a waste of time until I can see how the setbacks, the heights, and the things in the zoning code will work with the design guidelines, because they have to work together. The ARB is trying to have subjective design guidelines, which is going to be a little difficult with enforcement. If you need a variance you ask the Zoning Board, and either they will give it to you or not. But if the ARB says this is not in compliance with our design guidelines, what recourse will the citizen have for an appeal? I do not know if we need one, but it is an interesting question. It is going to be a hard balancing act of where it is going to fit in with the zoning code. Not only should we refer this to Planning, but we have to send it to Zoning to see what they have to say about it, like we do most major pieces of legislation that will affect both boards. Then you have to meet with the lawyers and tweak it, and then we can have a work session.

**Chairman Fradkin:** In moving a process like this forward is I think it is best to get

comments from the different concerns simultaneously so you can problem-solve all of the different issues at the same time. Otherwise, what ends up happening is you put it to a legal test and you get some comments, and then you put it somewhere else you get other comments. It is a merry-go-round. You never really get it resolved. It would be a good idea to hear the public comments. I think it is good to have the work session. I do not see why some of this could not happen concurrently, within reason. We are not reinventing the wheel here. There are other communities that have adopted guidelines and have successfully been able to administer them. But obviously it has to be integrated with the Village code and that is going to take some legal work to figure out where that overlap is and what needs to happen. Nothing that is worthwhile ever comes easy. We have to make a commitment to taking time to do this. In the end it is about preserving the character and the scale and the quality of what makes this village of 8,000 people unique and special, and different than Central Avenue.

Any time anybody ever challenges me about guidelines, what I refer them to is all the strips in Ardsley. If you want to say that guidelines are bad and people can do whatever they want, then you are going to end up with that because people will talk the easiest possible route. They will look at their three-year lease, what their immediate problems are, and if you do not adopt something like this you are going to end up with these brown aluminum storefronts; you are going to end up with paper signs and video screens in the windows. It is happening right now. Some aspects of the Village unfortunately look worse than in recent years. But there have been a couple of really good projects, too. And that is another thing, to point out the good projects. This is something that can be done and should be done, and I hope we can move forward.

**Trustee McLaughlin:** Perhaps instead of having a work session in May we should suggest that the ARB send its draft to the Planning Board and to the Zoning Board, get comments from them, and give the comments to the Trustees and we could have a work session in, say, June. The idea of getting the Planning Board and the Zoning Board and the Trustees and the ARB together for a giant meeting over guidelines is a little much. Asking Zoning and Planning to go over it separately, and have the Trustees have their comments by the time there is a public meeting might be a little bit more wieldy.

**Mayor Kinnally:** Okay. What is everybody's thought on that?

**Trustee Quinlan:** I agree with that. I also think they have to meet with the attorney. I think you are going to find that the members sitting here now are very much in favor of design guidelines. So I do not think we are going to turn into Ardsley any time soon. But until I can see how it meshes with the Zoning Code, I do not need to come to the work session. I own a building that you have identified as a historical building. And that is another question: how

did you decide this is historical and that is not? This affects me personally and publicly, but I am totally in favor of it. Also, I would like to ask you to consider because it is subjective with five members and, as you said, the members change with appointments, is there going to be any appeal process.

**Mayor Kinnally:** This is a very fruitful start, and an opportunity for people to think a lot about what we have discussed tonight. We will put these on the web. People can take a look at it. And revisit it after April 7. Take a look at what you want to do with the meeting and whatever, but certainly we can get it out to the other boards and commissions and have them start reviewing it and get their comments to Bennett, and we can deal with it from there.

**Trustee Swiderski:** Which boards and commissions are we remanding it to?

**Village Manager Frobel:** Planning and Zoning.

**Trustee Swiderski:** Planning and Zoning, and they are to take a look before legal?

**Mayor Kinnally:** That is up to Marianne.

**Village Attorney Stecich:** I am willing to meet whenever you want to. Not to say to go one way or the other, but to point out where I think the enforcement issues are that we should talk about. That probably would be helpful before you went to the Boards. I agree with Jerry. I think it is a real basic issue. Not that we would be making the decision on it, but present it in such a way that it is reflecting what the ARB wants, because right now it is not entirely clear to me, and I think it is not entirely clear to other people.

**Trustee Quinlan:** So I think you should meet with Marianne first and work out whatever issues you can, and then send it to the boards. Does that sound reasonable, Peter?

**Trustee Swiderski:** I agree with Jerry that the enforcement issues here are paramount.

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

**Village Manager Frobel:** Staff is preparing a bond issue. I was prepared tonight to go over some of the key elements of that. However, as you know, we recently went out to bid for purchase of a ladder truck. Some of those numbers are still not firm. I would rather give up this time and prepare a written memorandum. At the conclusion of our budget public hearing we will have time to go over some of the elements that we are looking at that may be part of a bond issue that we would ask to be considered by the Trustees in the very near future.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I do not have anything beyond what I have discussed earlier this evening concerning the testing and analyses that are going to be done by Sive, Paget & Riesel and Malcolm Pirnie. I will be reaching out, probably with Peter, to the DEC to see where things stand internally at the DEC and where they are in looking at the alternatives and a timetable. If the past is any indication timetables are a fluid thing and I do not know if they will be able to give us anything. But I will give it a shot as far as coming out with the PRAP and dealing with the public comment period. Certainly, you are into the fall/winter of next year. I do not think we are going to have anything meaningful before then in recognition of where they are on the alternatives and taking a look at the supplemental review that was submitted recently.

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

**Trustee Quinlan:** The meeting Monday night at the Community Center was attended by about 50 citizens. It was run by the consultants, and we will wait for their report. I was at the meeting and I was at the same table as Meg Walker. It was a necessary step, and it was interesting. That is going ahead, and more meetings will be announced in the future.

### **3. Request to Purchase Land - Ridge Street Resident**

**Mayor Kinnally:** We have a request to purchase land from a citizen. We can discuss this in executive session, and my recommendation would be that we avail ourselves of that opportunity. Then, if the Board deems it appropriate, it can be discussed in public.

**Trustee Quinlan:** I tried to go to the site on Ridge Street. The applicant, or the owner of the property, was not home. I did not feel comfortable to go around the back to see exactly what portion of the land she discussed. So I am really not ready to discuss it in any detail. Without the owner here to explain it, I do not understand how much property the Village owns and what post of the porch she is looking at.

**Mayor Kinnally:** Perhaps we can get a survey of the area.

**Village Manager Frobel:** Let me provide you with some additional information.

### **4. Review Town of Greenburgh Recommendations on Changing Finneran Law**

**Trustee Swiderski:** I passed out a memo to the Board to try to summarize this issue. It is an eye-glazing one for most people. The town supervisor convened a committee to suggest an amendment to this infamous Finneran Law that has given us problems. The amendment has three components, two of which are relatively uncontroversial and one of which merits some attention. The core issue here is that Finneran essentially says town unincorporated parks and facilities are for town unincorporated residents and should not be shared with other residents unless they bear the cost appropriately. And in that case, it is taxation at the level of Greenburgh residents. Furthermore, new facilities are not to be open to non-unincorporated residents unless it is federal money.

This ran into problems. Over the years, some purchases of property were made. And one purchase in particular, Taxter Ridge, triggered a legal case, because Taxter Ridge was bought with state and county money, and state and county money now says you must share parks broadly; you cannot restrict it to one set of residents. So this Taxter Ridge property was opened to non-unincorporated residents and a guy in Greenburgh promptly sued, Bernstein, triggering off a multi-year process. He lost that suit, but the court came down saying that Finneran is upheld, in a rather strict interpretation of it. The problem here is that over the years a number of programs unincorporated have been opened to village residents: swim programs for disabled kids, softball leagues, etc. A strict interpretation would shut that activity down.

Furthermore, a concessionaire has approached the town and asked to build a tennis bubble, and said they will not build it if it is not open to the whole town because they will not be able to raise enough permits to make it profitable. So the town has realized that this Finneran Law is restrictive and wants to amend it in a way that will allow village use of town property on a selective basis. They have created a three-part amendment. The first part effectively says if the town board wants to open a town facility to the villages it can do so with a majority vote. The second part of this amendment says, especially in regard to this bubble, they just want to make it is perfectly clear that the bubble is allowed.

But then the third part of the amendment is the portion that goes a bit off the rails. It says, while we are perfectly happy to open facilities to village residents on a town board vote, we are willing to do that except for the pool, which is, apparently, a facility of great importance to the town. As a result we have an issue. We have an amendment that is being proposed that specifically says a facility in Greenburgh will be dependent upon an unincorporated-wide referendum that can determine whether villagers can use it. And that seems unfair to choose one facility, the most attractive one, and set it aside in this special category.

Ardsey has already said they object to this, as does Elmsford, and will not vote in favor of it

because they both expressed interest in joining this pool even at a higher fee. And this amendment will preclude that, in all likelihood. The town is looking for input from us by April 20, one way or another. I have two thoughts and a recommendation. There is a second lawsuit outstanding. That lawsuit is even broader than the first one, also brought by Bernstein. How it is resolved may clear this issue up entirely, so why rush on this until we hear the results of that lawsuit. So my first would be simply to stall until we hear how this lawsuit turns out. And the second one would be to say that this is an amendment we may be stuck with forever, essentially. You cannot keep going back to Albany for changing amendments specific to Greenburgh and expect them to listen to us, an amendment that is likely to stick us with something should not be written with a specific facility in mind and a concern about access to that one facility. It is narrow-minded and exclusive and can be something we all regret a few years down the road.

I would recommend, in the interest of not dragging this out much longer, a sense of the Board, hands raised. Let us wait until Bernstein lawsuit number two is resolved, and a general expression of concern about any law that is written that singles out single facilities and says these are important and need to be treated different. So respond to the town in that matter. I am happy to draft a paragraph and pass it around, and leave it at that.

**Trustee Goodman:** I would simply say that the issue of amendment of the Finneran Law at this time, before Bernstein II is fully litigated through all levels of the court, is premature to consider.

**Mayor Kinnally:** I agree, Peter. And you are going to have a hard time getting a law through the legislature that is so finely tuned to facilities like this and that is a reaction to a lawsuit. The legislature wants to deal with broader topics, and this is special legislation that is most specialized.

**Trustee Goodman:** Where they are talking about subjecting things to referendum, would that cost be borne by unincorporated only?

**Trustee Swiderski:** By unincorporated.

**Mayor Kinnally:** Because that is who would be voting.

**Trustee Goodman:** So that did not make sense to me. This is a state law. Now, say Bernstein II is completed and there is still this feeling that there should be an amendment, and an amendment is proposed that the villages do not agree with. Can the town decide to send an amendment up to Albany?



**Trustee Swiderski:** They can certainly do so, but the villages constitute a majority of the residents in the town. The original amendment was actually passed in defense of village interests. If there was substantial objection among the villages there is no way that Brodsky would. It will die an appropriate death.

**Trustee McLaughlin:** I had some micro thoughts. I thought it was sloppily drafted, and there were a variety of things like that. So in other words, your suggestion is we do not need to do anything. Let us wait until Bernstein II is settled.

**Mayor Kinnally:** It is still on the trial court level. If the judge comes down with a decision, it may be appealed. So it could be awhile, but I do not see this legislature in Albany going anywhere near this. Given the climate up there and the problems that they are having, they are not going to want something as fine-tuned as this.

**Trustee McLaughlin:** The Finneran Law is a) a state law, but b) specific to the Town of Greenburgh.

**Mayor Kinnally:** Absolutely. And c) this is going to specific to a tennis bubble; and d) to a pool.

**Trustee Swiderski:** It is crazy.

## **5. Other**

**Mayor Kinnally:** I did a survey of the other communities concerning the bill that we received from Keane and Beane. I cannot say everybody has focused on it the way we have. I put a call in to Nick Ward Willis today. I did not get a call back. To the extent that I get a call back I will reach out to everybody and tell you where we are on that.

## **23:09 CERTIFICATION OF ELECTION RESULTS**

**Mayor Kinnally:** There are machine results and write-in results. For Democratic mayor, Peter Swiderski: machine vote 359, absentee votes 10, total 369. Bruce Jennings on the Democratic line: 344 machine vote, 8 absentee, total 352. Democratic Trustee, Margaret Walker: 348 machine vote, 10 absentee vote, total 358. On the Hastings Forward line, Peter Swiderski 112, one absentee vote, total 113. Bruce Jennings: 119 machine vote, one absentee, total 120, and Margaret Walker: 113 machine, one absentee, total 114. The total of the machine and absentee vote: Peter Swiderski, 482; Bruce Jennings 472; Margaret Walker 472.

Write-ins: For mayor: Marge Apel 15; Jeremiah Quinlan 16; Mary Jane Shimsky 2; Patrick Cavanaugh,1; other, 1. For Trustee: Jim Metzger, 24; Nina Cangiano, 5; Mary Jane Shimsky, 5; Marge Apel, 3; Susan Maggiotto, 1; Jerry Quinlan, 1; and Carolyn Summers, 1.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby accept the Election Results and that Peter Swiderski is declared Mayor for a term of two (2) official years and that Bruce Jennings and Margaret Walker are declared Trustees for a term of two (2) official years each.

<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	

**Mayor Kinnally:** Congratulations to all. The process works, and sometimes the machines work, too, although we had a problem today. Congratulations to Peter, to Meg, and to Bruce. Best of luck to all. The term cannot begin before noon on the first Monday of April, so April 7 will be the organizational meeting and the first regular meeting of the Board of Trustees following soon thereafter.

### **ADJOURNMENT**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:05 p.m.