

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 19, 2009

A Regular Meeting was held by the Board of Trustees on Tuesday, May 19, 2009 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Bruce Jennings, Trustee Diggitt McLaughlin.

CITIZENS: Sixteen (16).

Mayor Swiderski: Trustee Jennings is out of town on business and Trustee McLaughlin is out on illness. We have a quorum.

PRESENTATION – Cablevision Program Changes - Robert Hoch

Robert Hoch, Cablevision: Rafael Zaratzian, the Village Access Director, asked me to come this evening to discuss some recent changes to the programming in our family and basic tier. Effective May 5 approximately 13 channels in the family cable package and one channel in broadcast basic began being transmitted by Cablevision in only a digital format. Prior to that, they were broadcast in the duplicate analog and digital feeds.

Because of Cablevision eventually moving to an all-digital system we have had a series of transitions where channels have been moving over to the digital format. Approximately 91-92% of our customer base are digital customers. We have certain demand for new services, particularly high-definition channels and addressable services like video-on-demand and pay-per-view. In order to keep up with what the bulk of our customer base is looking for in the interim programming, we have been moving our channels from the analog spectrum over to the digital spectrum.

As I mentioned, the most current change involved 13 channels, with one additional channel, C-SPAN on the basic tier; since it is a basic channel it is not encrypted. Therefore, customers who have a digital television with a QAM tuner are able to receive C-SPAN, along with the other basic digital channels, without a Cablevision box. Because our analog customers in the basic and family tiers have been affected by this change, Cablevision has instituted an offer of one free box with digital service for a period of one year. The offer is available through July 6, 2009. The box will enable customers in the family and basic level to have approximately 120 channels, 45 digital music channels, access to on-demand programming, and an addressable channel guide.

At the end of the one-year period the customers then can either choose to go back to the analog service, or can continue to be a digital customer. At that point they would be billed for the box and the digital service. The current rate of the box is \$6.50 a month. The IO navigation, which is the lowest level of digital service, is another \$5.95 a month. That \$5.95 charge would be for the entire house, \$6.50 for each box. There is an 800 number to call to take up this offer 888.776.3135, option 3. That box can either be picked up at the store in Yonkers in Executive Plaza or the customer can arrange an installation, if necessary.

This is part of a trend. Our system is going to be going all digital at some point. We do envision maintaining an analog tier for a period of time. I do not know how long that is going to be. We did send a notice out or a press statement. I know "press statement," and do not know if the notice came directly. But as of December 31, 2009 we will not be selling the family cable package. That's the expanded package. So after that point the customer options will either be the broadcast basic or some form of digital package. Our competitors are all all-digital systems at this time; whether satellite or the telecom offering. So digital equipment is required on every television in those situations. As of June, all broadcast television is going to be digital. Analog TVs will require a converter box, which is different from our box, to receive over-the-air transmission. It is part of where our system is eventually going. But there will still be this offering. There are approximately 45 channels in the family tier for our existing family customers, and about half that for the basic customers. You will still be able to take a cable and plug it into an analog TV.

Trustee Quinlan: If you buy a new TV is it automatically capable of getting the new kind of broadcasting?

Mr. Hoch: As it relates to us, the type of digital TV that would be cable-ready for a digital signal has a type of tuner called a QAM tuner. It is the initials for the technology, and I do not know exactly what it means. But it is my understanding that a large number of the newer TVs carry that technology today. Again, for our system the digital QAM tuner will allow you to use television, cable-ready, on the basic tier. And you get additional channels as a result of having the digital television.

Trustee Quinlan: So if you bought a new TV, and plugged it into the old box, it should work with digital.

Mr. Hoch: If you plug it into a wall you will receive unencrypted digital channels. There are other channels. The ones we have moved over in the family package, these 13 channels, as well as the channels in the digital packages, are encrypted channels. So that would require a box.

Trustee Quinlan: Let us say I have Cablevision TV and I have an old TV, and I have a box. I have basic cable. If I buy a new TV, a flat screen in a popular brand, and I plug it into the old box that I have sitting there, will I still be able to get my basic cable?

Mr. Hoch: If you have a Cablevision box you will get everything you got before.

Trustee Quinlan: So one of the options is to buy a new TV and plug it into the old box. If you have an old TV, then the other option is to get a new box at Executive Boulevard?

Mr. Hoch: No. If you have a Cablevision box now it will work with any TV. You can keep your old analog TV. The issue of where the digital TV might give you additional channels is where you are not using a box; where you are using that TV cable-ready. There are certain channels that can be received that are unencrypted channels. As soon as you plug that cable in, that TV will recognize the signal. That is where the newer TV comes in: where you are not using any kind of a box at all. If you have a Cablevision box right now you can use any kind of functioning TV that can accept the coaxial cable in the back. So you do not have to get rid of your old TV if you have a Cablevision box right now.

Trustee Quinlan: I did not know you could have Cablevision without a box.

Mayor Swiderski: You just plug the cable into the TV directly.

Mr. Hoch: But you do not get as many channels. You do not have the addressability of pay-per-view and video-on-demand.

Trustee Quinlan: Okay. And if you have an old TV without a box, then you can get a new box for free and use it. If you have an analog TV, you go down to Executive Boulevard and get a new box, and then you can get Cablevision.

Mr. Hoch: Free for a year.

Trustee Quinlan: Free for a year, and then you have to start paying for it.

Mr. Hoch: Correct.

Trustee Walker: Are they still selling analog TVs?

Mr. Hoch: I do not believe so.

Trustee Walker: So how long ago did they stop selling analog TVs?

Mr. Hoch: There was a period where they were selling them with both analog and digital tuners in them. They may very well still sell them with both. They have been selling digital TVs for a period of time, but there are different kinds of digital TVs.

Trustee Walker: Right. So if I have a five-year-old TV it probably is analog and digital?

Mr. Hoch: Possibly.

Trustee Walker: But if you have a really old one, over 10 years, then it is clearly analog.

Mr. Hoch: Yes, 10 years old it was probably an analog TV.

Mayor Swiderski: And the public access channels were part of the family package channels that moved to digital?

Mr. Hoch: No. The public access channels are still considered part of the basic package. They were moved after the summer, I believe. They were being transmitted in both analog and digital. They are transmitted only in digital at that point. However, those three channels are unencrypted so three of the channels that, if you had a digital TV and plugged it in cable-ready you would get them without the need of a box.

Dr. Jacques Padawer, 170 Villard Avenue: We hear a lot about the credit card companies taking all sorts of fancy footwork to fleece us. I have a feeling the same thing is happening with the digital TV companies. They told me I would be able to get 200 channels. They could give me 2,000 channels, but I will listen to one at a time, and I do not need all these channels. Until now I had family service, which included 75 and a number of other things, like some of the more interesting things from Congress. They have stopped that. I do not think they are allowed to prevent anybody from getting 75. They do not have to encrypt everything. I do not see why I have to pay for an extra box, which is \$6.50 a month, for giving them the means of denying me something I had until now in my contract, which was family service. There is something wrong someplace. At least for the public service stations, if they need a box, they should give us the box for free. Not for a year, but for 100 years, whatever it is. The Board should take advantage of the control it has over the TV system to make sure they do not deny us that, and do not give us just garbage stuff for free and anything that is of any value we have to start paying for an extra box. I have a box; why should I need a second one? Let them work them both on the same thing. It is usury, and I do not think that is acceptable. I hope you will convince Cablevision of their responsibility, which is more than just what the traffic can bear when they are forced to bear it.

Mr. Hoch: If I could clarify two points. One, the access channels are not encrypted. They are in digital format and are available without a box on digital televisions. The other thing is, the access channels went all-digital September 16. A month before that, a notice was mailed to analog family and basic customers about a box offer. To not muddy this too much, this was a separate box offer which was available initially from August 16 until October 16. We eventually extended it, with a notice to the customers, until December 31. This was a box enabled to act as a digital tuner to receive the unencrypted channels. It was an offer, for free, for as long as the customer maintained that current level of analog service at their existing residence. A mailing went out, and later a bill notice in November. During that period of time, if you were an analog customer who was no longer seeing PEG because your equipment was analog equipment, you could have redeemed this offer for a free box for the PEG channels. And that box stays free as long as you maintain that current level. That offer ended December 31, but we did move take an extra step to help people who wanted to continue that level of service but still had analog televisions to allow them to continue to see the public channels.

Also, we do have a strong commitment towards access programming in the Village. The Village and Cablevision entered into an agreement last year, in which we are providing what we feel is substantial support for PEG access. We are in the process of building infrastructure allowing the community to originate programming from the schools and from different public buildings. We actually completed our link to the new Community Center before the franchise was even inked as a sign of our commitment to those access channels. So we are making an investment in access. We do not feel we are depriving customers of that. And in addition we did go the extra step of providing those free boxes to the people who redeemed that offer.

Trustee Quinlan: Can the people in Donald Park who are in our school district but not in the Village see the school channel?

Mr. Hoch: If they are in the unincorporated Town of Greenburgh they are not receiving Hastings schools on their education channel right now. We are trying to come up with a solution.

Trustee Quinlan: But was there not an agreement between the Village, and correct me if I am wrong because I was not intimately a part of the negotiation, but I sat up here for the last three years and listened to it. Did you not agree to provide that? Yes or no, did you agree to provide that?

Mr. Hoch: It is not a provision of the franchise. I was made aware of it after the franchise agreement was completed that there had been discussions that we would try to provide that, and we are in the process of trying to make that happen. The issue is that those residents in the school district but not in the Village are in a separate franchise area. We are negotiating a renewal with that municipality. The issue is being able to provide the channel to people outside of the franchise area while fulfilling our obligations to the Town. It is not an easy fix, which is why it is taking time.

Trustee Quinlan: Was it in a side agreement to the franchise agreement?

Mr. Hoch: No.

Trustee Quinlan: So there was never any agreement.

Mr. Hoch: There were discussions about it, but I believe Cablevision made it clear that it was not going to be obligated to do so in the franchise agreement itself. But we are in the process of trying to make it possible, as soon as possible, for those residents in the Town of Greenburgh to see Village school programs.

Trustee Quinlan: How long do you think that is going to be?

Mr. Hoch: It has a lot to do with when our renewal takes effect in the Town.

James Horelick, 124 Washington Avenue: I have a television with a cable that comes right to the TV; I have no box. About two years ago, there is a station called TCM or TMC or something. It shows old movies. This company announced that if you want to still watch that station you have to get a box. And it was the only channel I watched, because it has no commercials. So I got the box. You could get it free for six months. But they do not tell you there is a \$9.95 charge for what they called "the wire." It is a racket and a scam. How can they just cut out 13 stations and leave this garbage of home shopping and Spanish-speaking channels. I do not speak Spanish; I do not want to watch them; I cannot watch them; and I do not want to pay for them. But that is all that is left. How can they just do that? Is my bill going to go down? I have the family channel. I now have about 20% of the family channel: junk stations. You send a man to speak to 15 people. Why did they not send something out before they cut the channels, in writing, for us to know what is going on?

Mr. Hoch: We did. We gave a month's notice to both the municipality, and a separate mailing to the analog customers. The digital customers who are not eligible for the box offer did receive, in the bill, the notice. But the answer to your question is, the price of the family package is staying the same.

Mr. Horelick: Yes, but I am not getting the family package. How can you charge me for the family package that I am not even getting?

Mr. Hoch: What level are you getting?

Mr. Horelick: I do not know. I do not know what the levels are.

Mr. Hoch: I cannot tell you what you are getting if you cannot tell me what package you have.

Mr. Padawer: They are taking away and charging us extra for a box so they can give us back part of it and a lot of stuff that we do not need. The gentleman is absolutely right.

Mr. Horelick: Of course. After I got the bill for the \$9.95 for the wire for TCM I told them to come take the box out. Then, this cable man is right, last summer they stopped broadcasting this station that shows these meetings. Then they offered a free box, which I did not follow up on. But then, as he said, they extended the offer. I called them on December 4, 2008. A man said that he would send a box by parcel post, and it never came. I never got the box so I cannot watch the Hastings station.

I want to share with you a letter that appeared in a Connecticut paper, saying the same thing about the family package, which costs \$52.95 in Fairfield County: "Can now only be viewed in the digital domain with the addition of their IO package; \$10.95 and a digital cable box, for \$6.75." They offer no reduction in cost for the diminished service, and will make money by renting equipment to anybody who wants to maintain the same level of service as before." This is Cablevision in Connecticut. "Something about that seems very wrong to me," writes the writer, and he says "everybody should complain to the attorney general of Connecticut." I think people should complain to Andrew Cuomo, who seems to be on the side of the public, about this rip off. I want to finish with one question. For more than two years they have these interminable commercials saying that the digital TV is coming and you do not have to worry about it if you have cable. It is only people who had antennas on their roof. You can get a subsidy and buy some kind of a box. Well, they never said, to get this digital TV, if you had cable, you would also have to buy a box or pay for a box. I think this is an astounding rip off that they seem to be getting away with.

Mr. Hoch: Just to address Mr. Horelick's point about the box, if he did call on December 4 and we failed to get him a box in that period of time when he was eligible, I am happy to go back and check and get one to him. We will do an installation of the box, if that is the case.

Jean Halpern, 26 Ravensdale Road: I, too, am feeling very cheated by Cablevision. They keep on cutting back the channels that I used to receive in my family package, and my bills just keep going up. Now I understand from the representative that the basic family package is going to go away totally at the end of this year. I am not quite sure what will be replacing it other than another package, perhaps, that will cost more money. I would like the representative to be a little more specific.

Mr. Hoch: Let me clarify that point on the family package. As of December 31 we will no longer be selling the family package to new customers. We will continue to support the family package for our existing customers. Again, if they have the analog that is approximately 43 channels; if they have a digital television there are probably another 20 channels available, unencrypted. The same goes for broadcast basic as well. What I meant to say was that we will no longer be selling it to new customers. For new customers the choice will be either broadcast basic or some digital package. But the existing family cable customers who want to stay at that level, we will continue to support that.

John Gonder, 153 James Street: I am one that has analog. I have contacted cable, I have contacted other people. The prices are quite high, and you get a lot of rigmarole. That is why you have to get some competition. Also, when you have contracts it should be more specific, saying that they cannot change these things, and if they do, there has to be a price reduction. It is partly the Board's fault for not being more specific in their contracts.

David Skolnik, 47 Hillside Avenue: I would like some clarification: how the rates are determined, whether these rates are set on a state-wide basis, whether it is negotiated from village to village. Also, there were negotiations with Verizon that seemed to have gotten stalled. If there were another service in town how does the representative think that would impact on some of these structures?

Mayor Swiderski: I will answer that question before I ask the representative to approach the mic. To my knowledge and understanding, the one portion of the cable bill which is set at the village level, or the franchise level, more accurately, is what is called a PEG fee. I think it is a \$1.75 a month for Cablevision customers, and that fee goes largely directly to the Village to subsidize the cost of running the two channels we offer. The rest of the fee structure is not set at the village level, neither the package of services offered, nor the costs involved. As to your question about Verizon, Jerry and I will be meeting with Verizon tomorrow to restructure negotiations. I make no promises beyond that, but we share the public's belief that competition is always good.

Mr. Hoch: The only rate level that is regulated is the basic level, and that is regulated by the FCC, unless it is a community where there are multiple providers. If there is competition,

then there are situations where even the basic rate is not regulated. But I do believe, at this time, the basic rate in the Village is regulated. The other rate levels are dependent on our programming costs and other factors. But those rates are comparable to what our customers are charged in the same cable system in surrounding towns, and in many of those we are in a competitive situation and the rates are the same.

Mayor Swiderski: Thank you for coming. You got an earful from some frustrated customers. I took the names down of those who have asked for a follow-up, and I will pass those on to you afterwards.

APPROVAL OF MINUTES

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing of May 5, 2009 were approved as presented.

Mayor Swiderski: Diggitt did have a comment on one of them that she forwarded. I do not want to hold anyone up. If there are additions, I will get you those afterwards.

On MOTION of Trustee Walker, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Minutes of the Regular Meeting of May 5, 2009 were approved.

APPROVAL OF WARRANTS

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

Multi-Fund No. 74-2008-09 \$46,291.77
Multi-Fund No. 76-2008-09 \$56,384.03

PUBLIC COMMENTS

Mayor Swiderski: As is the new tradition, we have a PSA. Let us start with the sustainability PSA.

Christy Pennoyer, 58 Villard Avenue: I work at the Audubon Center in Greenwich, Connecticut on a program to promote organic lawn care. I have come here tonight to talk about lawns. I come here to urge people to think carefully about the chemicals that may be being used on their lawns and gardens. Synthetic pesticides have become the backbone of the modern lawn care industry. According to the EPA, Americans spend more than \$2 billion a year applying more than 100 million pounds of pesticides to their lawns. According to the

US Fish & Wildlife Service, the typical treated American lawn may have twice as much pesticides on it when compared to an agricultural field. Westchester County is the second-highest county in the state in terms of volumes of pesticides that are used. We are way ahead of the upstate farming counties. By the way, pesticides is an umbrella term that includes insecticides to kill insects, herbicides or weed killers to kill weeds, and fungicides to kill fungus. All three of these chemical compounds are used in a conventional lawn care program. All of this is a problem because we now know that synthetic pesticides, in addition to being bad for birds, wildlife, pets, and bees, are bad for human health. There is a growing body of studies, literally thousands, documenting the link between human health issues and synthetic pesticides. Pesticides are linked to cancers, neurological disease, learning disorders, asthma, and infertility. If you Google “pesticides and human health,” you will see exactly what I am talking about. We now also know that 100% of Americans have traces of synthetic pesticides in our bodily fluids. So while the industry may suggest that they are going to waft off your lawn within 24 hours, that is probably not true. And even if they do, they are highly persistent; they remain intact, they end up in our water and in the air we breathe and, eventually, in our own bodies. Because we all have traces, this means that infants are exposed before birth to traces of pesticides.

Fortunately, the public is beginning to be aware of this problem and elected officials are, as well. The state of Connecticut has banned pesticides on all schools with 8th grade students and lower. Greenwich, Connecticut and Bronxville, New York have stopped using pesticides altogether on school and municipal property. Maybe our town will be next to adopt an official policy, and maybe I will be back to try to push that. I know our schools do not use pesticides, which is a good thing, and have not for a number of years. There is a good Web site called grassrootshealthylawnprogram.org, a Westchester program. I may talk to the Conservation Commission about linking. At Audubon we have two resource sheets: a list of organic products and a list of organic lawn care strategies. Maybe we can get some kind of a link on our Web site.

Mr. Gonder: About a year ago at this time tree pruning was the big thing of the day here. I think 99.9% of the population of the village of Hastings were against Con Edison’s tree pruning. The old Board passed a resolution, and instructed Mr. Frobel to hire an arborist at quite a few thousand dollars a day or something. I was a minority of one. I said Con Edison knows what they are doing; you need those power lines clear. I remember when Westchester Power & Light was the electric distributor around here. You would have a storm, and you may have been out of power for four or five days. Con Edison is probably one of the best utilities in the world and, definitely, the best in the nation. Con Edison is the winner this year of the Arbor Day Foundation Award for tree cutting. So in the future, forget instructing Mr. Frobel to hire an arborist, and spend the money on something better.

**32:09 FARMERS' MARKET – APPROVAL OF USE OF MUNICIPAL BUILDING
PARKING LOT**

Mayor Swiderski: Before I turn to the Board, I was going to ask counsel to comment on recent legal issues around this.

Village Attorney Stecich: Last Thursday we were called in because the plaintiffs in the Topilnicky suit against the Village about ADA compliance of the Farmers' Market had gone into federal court to seek a preliminary injunction from holding the Farmers' Market in the municipal lot. In connection with that, they sought a temporary restraining order forbidding the Board from voting on it tonight. The court set the hearing down for June 1 on the preliminary injunction on whether to forbid the Farmers' Market from being in the municipal parking lot. The court did not sign the interim relief of saying the Board could not vote on it tonight. At first the court said, how about holding off the vote. I explained it did not make much sense. The judge agreed it did not make much sense to hold off the vote. So the Board is free to vote tonight; however, everybody should recognize that the court was not happy about the plaintiffs coming in at the last minute – this suit was started in January – but nonetheless set a very abbreviated briefing schedule. The Village's papers are due Thursday, and the plaintiffs' reply papers are due Tuesday so the Memorial Day Weekend will be ruined, which is good. The judge will hear witnesses on June 1 and either make a decision that day or soon after. Hopefully, everything will be clear enough that day to him that he can make the decision on that day. All I can say is the judge seems to be very, very fair. It is Judge Karas in the southern district. He is a new appointment and seemed to be very fair, thoughtful and intelligent. Anyway, go ahead and vote tonight and keep your fingers crossed.

Mayor Swiderski: Is Sue Smith out there? Would you care to address the Board on the request, as you do every year.

Sue Smith, representing the Farmers' Market: I am here again to formerly request that you grant us the library lot. We were on the street the first year, but the 10 years after that we have been in the lot, and this would be the 12th year of the market. It is a known quantity.

Mayor Swiderski: It certainly is. Are there any questions or comments out of the public? Well, that is a contrast to previous years, not to my dismay, I may add.

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

RESOLVED: that the Mayor and Board of Trustees approve the use of the Municipal Building parking lot for the 2009 Farmers' Market on Saturdays beginning June 6, 2009.

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

33:09 ADOPTION OF LOCAL LAW NO. 1 OF 2009 TO ALLOW NON-RESIDENTS TO USE THE VILLAGE'S SWIMMING POOL

Mayor Swiderski: The reason we are modifying the law is largely a budgetary concern. We are heading in a difficult environment economically. The concern was that the pool budget is self-funding and relatively closely balanced in terms of the revenues and expenses. The desire was that if we see revenues, as indicated by early memberships registered before May 31, are depressed below some threshold we would open the pool up to outsiders, to a limited number, to try to plump up our membership so we would not run too deep a deficit. Ray was to come up a threshold for a set of rules that would be the trigger for when we would decide to institute this open door policy for up to 10 families.

Superintendent Gomes: First of all, we wrestled with the date. But we thought May 31 should be the date when we would make a determination as it concerns revenues. We came up with this: if we do not have 70% of our budgeted revenues, we would then consider allowing nonresidents to join the pool. For example, the budgeted revenue this year is \$260,200. We would then have to make approximately \$180,000 by May 31st before we opened it up to nonresidents. That is about 70%. We have done that in the last three years twice; one year we did not do it.

Mayor Swiderski: In the year where we did not pass the threshold did we run a deficit?

Superintendent Gomes: Yes, we did. That was 2006.

Mayor Swiderski: So you are choosing the threshold from that year we ran a deficit as the point where we trigger it.

Superintendent Gomes: I think it is a good benchmark. It is not opening the door for us, where it will be a yearly policy. It will definitely depend on the revenues. Of course, our permit sales are weather-based: if we get a hot May we will sell quite a bit. The revenues we might get translate to not putting on a two to three percent permit increase. It is about \$10,000. This is about the longest stretch we have not raised permits. So we keep trying to find these different streams to keep our permit fees down, still paying off the deficit.

Trustee Quinlan: Ten families. Is that going to be a maximum limit that we are going to allow, 10 families?

Superintendent Gomes: Ten families and 10 individuals.

Trustee Quinlan: That is the absolute limit.

Superintendent Gomes: Yes.

Trustee Quinlan: It cannot go higher than that no matter what. I did read the minutes of the meeting, and I have a little a different take. Although I am in favor of it, as my fellow Board members, I have some different reasons. What do you plan to charge ?

Superintendent Gomes: Family, \$636 for the season, individual \$369. Those fees are identical to our school district fees.

Trustee Quinlan: What do we charge a family for people that live in the Village?

Superintendent Gomes: For a family early bird it is \$465, and an individual \$248. Regular full season is \$507.

Trustee Quinlan: I know the reasons my fellow Boardmembers thought we should do this was so the pool could be self-sustaining. When you sell "self-sustaining" you mean that pool revenues pay for the lifeguards, the chemicals, lawn maintenance and all the associated costs. When we made renovations did we borrow money as a Village to make renovations?

Superintendent Gomes: Under the operating budget we have some debt that paid for the renovation five years ago.

Trustee Quinlan: And that debt is paid by these pool memberships, also? So then at the end of the year the pool, hopefully, it will have completely paid for itself, including the money we borrowed and all its maintenance.

Superintendent Gomes: Yes.

Trustee Quinlan: And that has happened in two out of the last three years.

Superintendent Gomes: Correct.

Trustee Quinlan: I know I am in the minority, but I do have to voice this opinion. I think the families out of our school district and Village should be paying more than the people in Donald Park. People in the Village pay taxes and can volunteer for our boards and commissions and participate in Village life to a great extent, and get the benefits from that, but also incur the responsibilities. The people in Donald Park do the same thing with the schools. They are members of the PTSA, they might be on the school board, they vote on the budget, they participate in school activities. The people that come from out of the Village, whether they are from Ardsley, Dobbs Ferry, Tarrytown or wherever they come from, are not paying. And also the people in Donald Park pay school taxes. So these people are not participating in our village in any way, shape, or form. They are not paying any taxes for the school or the Village. They are not participating in Village life. I do not see why, to have the privilege to join our pool, they should not pay a greater amount than the people that are paying taxes and participating and contributing to the great village that we live in.

I do not know who is going to set the fees, whether it is going to be the Board of Trustees or the Recreation Commission. But my opinion is that they should pay more because they are getting the privilege of joining a fantastic pool. I think the pool is one of the best things we have in Hastings. I am a half-year individual member. I love it there, it is beautiful, it is fantastic, I have no complaints about it. Also, this is a good way the Village can make some money. We do not have many ways to make money except to increase taxes. And this is one little way we could get over the edge, and maybe even make profit, on the pool. I think 10 is the right number for both individual and family.

I live on Hillside Avenue, and the pool has parking problems. There are many times, on hot days, when they park all the way down Hillside Avenue and the adjoining streets, which does not really bother me, but one of the things the public should know is that there is parking at Hillside School. On weekends there are over 50 parking places there and it is less than a five-minute walk. Maybe we could put up some signs on the way up to Hillside Pool, on hot days, saying there is alternate parking at Hillside School on the weekends and it is a short walk. I think that would help. We could put it on TV and under-scroll it that there is parking at Hillside on the weekends, it is a short walk, and it will help the traffic and the congestion.

Trustee Walker: How did you come up with the number 10? Is it in terms of capacity of the pool, or is it something the Parks & Rec Commission came up with?

Superintendent Gomes: It was a dollar amount we were looking to put in retrospect with other revenues. The permits are just one component of our revenues for the pool. We have lessons and guest fees, and felt it would punch up that number to where we felt it should be.

Trustee Walker: When did the pool permits go on sale this spring?

Superintendent Gomes: This year we have more in than we have ever had, and it is twofold. We started having credit card use this year, which has very well received by the public. But this year we also advertised in April. So we are doing early bird April and May.

Trustee Walker: So how are the sales going?

Superintendent Gomes: Right now we have about 32% in, which is about \$85,000. But the last two weeks the average from now to May 31 we pull in maybe \$145,000. And if the weather stays like this, it may be much higher.

Trustee Walker: So it is hard to tell now what the final count will be because so many people register in the last two weeks.

Superintendent Gomes: There are a lot of factors that go into it besides the economy. Some people downgrade their permits; they will not buy a family but buy an individual. But we keep trying these different aspects to give the residents a bang for their buck as best we can. They are choosing the programs they want and are paying for it, while we are keeping the permit the way it is for the families.

Trustee Walker: Jerry, if we were to raise it, as you recommend, a little higher for nonresidents and non-school district people, how much higher?

Trustee Quinlan: In answer to that question, first I had a question. Who decides on the \$636 for the family? Is that the Parks & Rec Commission or is the Board?

Mayor Swiderski: It is the Commission, and we approve.

Trustee Quinlan: After a public hearing. So then the Commission came up with the \$636.

Superintendent Gomes: Correct.

Trustee Quinlan: I would recommend, for a family, at least \$100 more. I still think it is a bargain for what they are getting. And for the individual, maybe \$50 more.

Superintendent Gomes: If we have a program, aerobics or something of that nature, in the past there has been a 20% markup for nonresidents. So if you would like to go with that.

Trustee Quinlan: If that is a benchmark you use, then for the sake of continuity, if everyone else agrees, that would be fair and reasonable in this case, too.

John Klein, 115 Hillside Avenue: The law is being changed, but there is no text in the law that says what the new allowance is, whether it is 10 families or 10 individuals. This equals about 50 extra people joining the pool, with 10 and 10. So how do we prevent that it is not decided in five years that we have no money, we need to make money, and bring in 300 extra people into the pool? And why is it not in the law that is being written now?

Mayor Swiderski: Because the Parks and Rec Commission sets the rules that govern who, how much, and what number, and the Board approves it. Whether it is a benchmark of what the threshold is that sets off allowing people in, or the precise number, that may be something we tweak over time. If it was in the law, we could change the law just as well. But this makes it a little easier to tweak it, and it is the sort of thing you do not necessarily hard-code into the law.

Mr. Klein: I respect that the Board now is restrained and wants to make sure the pool is not oversold. But who knows, in 10 years, what will happen? I think there should be those limits put into the law, at least to start, that it would be 10 and 10 or maybe the 70% threshold at that date to determine what the numbers should be. It could be abused in the future. I would like you to consider putting in some type of language to keep the numbers at least codified. Remember that all these folks will be coming in in cars. Parking is a problem. I live closest to the pool, and we deal with it every weekend and some evenings and it is a hardship sometimes. They block our driveways, they park on the creekside. That is not allowed, but they do not get tickets necessarily. It is degrading the creek.

Addressing Jerry's comment about the school parking, I would think we should require that employees of the pool park at the school instead of parking in the closest spots to the pool, and allow more handicapped spots and more spots for the public. It is, after all, a five-minute walk. That should be a requirement of working at the pool.

Kevin Dawkins, 126 Washington Avenue: I am a member of the Parks and Rec Commission. The reason the law had to be changed was to permit a nonresident access to the pool in general; that that is why the Village Code has to be changed. But the concept of how many people, and the fees and whatnot, are set by the Recreation Commission. Rather than viewing this as a way to generate lots of revenue, you need to look at it from the other

end. It is a safety net. If our revenues do not meet the expectations it is a way to make up for the shortfall. But there is no guarantee that a person who lives in Dobbs Ferry that may get a permit this year will have that in perpetuity. This will be looked at by the Commission on an annual basis, as we did before this idea came up. So I do not think there needs to be a fear of overselling the pool and people standing in the water shoulder to shoulder. I think it is a reasonable response to the potential for shortfall. One of the sentiments that came up in the meeting when we were discussing this was the fact that even in this economy we may see many families who traditionally sent their kids away to sleep-away camps deciding not to do that. So this may not even happen this year. We will know within the next couple of weeks.

Mr. Skolnik: I take it there has not previously been a provision for nonresidents. So do you, Ray, have a waiting list, or do you have a way of soliciting interest in this? Would it require some advertising?

Superintendent Gomes: We get calls every year from mostly people in the river villages if they can join our pool. Ardsley seems to be high-priced, much higher than ours, and not as up to standards as ours. Dobbs Ferry has a smaller pool, and those residents like the setup we have and the customer service. One route we could go that I have investigated is to have a Hastings resident sponsor an out-of-town resident that might want to join. Some communities have done that. But when the concept first came up, it was first-come, first-served and we already have a list now, if we choose to do it. There is interest.

Mr. Skolnik: Trying to come up with what an equitable price for this, it would be interesting to y know in this area what other facilities exist and what they charge. It is the kind of thing that would put a real value, apart from any other issues or methods that you have used to come up with a price.

Trustee Quinlan: Ray, do we have a rate for seniors?

Superintendent Gomes: It is \$99 for the season.

Trustee Quinlan: That is great. It is a great idea that John had about the employees of the pool parking up at Hillside School. Kendra, you could make it a rule. They are young; the five-minute walk would not hurt them, even though I am sure they will complain about it. And it would help with the parking problems. They are usually the first ones there because they have got to be there early for the pool to open up, and they get the closest parking spaces. You even have some reserved right when you go in. They park in the dirt by the creek.

Superintendent Gomes: Correct.

Trustee Quinlan: We have got two problems there. There is not supposed to be any parking there, except when the pool is open, for the lifeguards. Number two, we have the integrity of the creek and the creek bed, which is very important to me. It is a beautiful, creek; absolutely magnificent. I do not think there should be any parking there allowed. It is very easy to insist that they park up on Hillside. That would help open up the parking, give them a little exercise, and alleviate the problems that we have in the adjoining neighborhood. So I would ask you to consider that. To give some direction to the Parks and Rec Commission, do any of my fellow Board members have any ideas of what the fees should be for out-of-town residents?

Trustee Walker: I do not, but I think the idea of looking at comparable facilities, whether private or public, in the area would be a good start. Our pool is of higher quality than a lot in the area. So it is not just any pool, it is something comparable. It may be the Ardsley Swim Club.

Kendra Garrison: It is a private club.

Village Attorney Stecich: But it is not a country club. It is only a swim club, so it really is equivalent.

Male Voice: It is tennis also.

Trustee Walker: Tennis and swim. But we have tennis and swim, as well.

Village Attorney Stecich: The Ardsley Swim Club would be a good measure.

Mayor Swiderski: It is as close to a comparable as we have.

Trustee Walker: I agree with the idea of employees parking up at the school, and I also agree about parking along the stream bank. It is one thing to park along the road, which is always not allowed, I think. But they are often pulled off into the dirt area next to the stream, which could, in fact, cause some problems, erosion and so on, to the stream bank. Those two things are worth looking at. I do not think the nonresident fees should be so high that we scare people away. I think \$100 more might be tolerable, and if we look at others are charging maybe we can compare. It is worth looking at.

Superintendent Gomes: I will do some comparisons in the area and send that along to you.

Mayor Swiderski: The Farmers' Market has done such a good job in routing parking down to the Zinsser lot through an aggressive campaign of signs and handouts. We do not have to go quite as all out, but clearly effective. The employee parking comment is on the money. It is easy enough to encourage, and one of those folding signs at the foot of the ramp coming down from Hillside angled out to everybody who comes in and does a loop around the parking lot looking for parking spaces would probably be the place to put it, or at the base of the entrance.

Trustee Walker: We could avoid permanent signs because we do not need more sign clutter. But a temporary sign.

Mayor Swiderski: Exactly what was used at the Farmers' Market. I do not have a strong feeling about the fees. To be honest with you, the extra amount of money raised across 10 families and individuals will be \$10,000. It is something. I would just want to make it is not punitive enough to discourage anyone from joining. It is going to be tough to find comparables just because of the apples-and-oranges nature of what we are dealing with here. At a private club, you join. You do not have to worry about being kicked out the next year because you do not pass the lottery. A private club is different, so it is not easy. Sprain Ridge Park is a different sort of facility and Dobbs Ferry is a very different sort of facility, and the Y in Tarrytown is very different. It is going to be tough to draw a lesson from those other facilities. The point is that a good pool is hard to find in the river towns, and I would argue this might be one of the best. The whole issue of who to let in, and how much to charge, I will add as a side note is what triggered off the Finneran Law, and the argument over access to Veteran's Park. So this is an issue of great passion for all sorts of people, and I think this says something nice about us that what we hear are rational arguments about parking, and both the tenor of debate and the willingness to allow others into our pool is sensible. And we are not hearing some of the unpleasantness that the other communities have seen when they have done the same thing.

Superintendent Gomes: We should not forget is that we are putting our benchmark in May 31, so they are missing two weekends. That was part of our consideration, too. They might not be getting a full season, where the school district people who sign up early would be for that fee.

Trustee Quinlan: The water will be very cold, so I do not know how much they are missing. But I think, interestingly enough, the Village, it appears, already has a benchmark and a continuity of 120% for nonresidents for the other programs. So it seems to be very consistent. Why should the pool be any different than a yoga class?

Randy Paradise, 35 Floral Drive: In terms of the 20% benchmark, the question is that you have a two-tier system built in already. So would the 20% be built on top of the Hastings resident fee, or would the 20% be built on top of the fee for the people who live outside of Hastings who are already paying a higher rate? The question is not are you going to add the 20%, but what do we consider to be the baseline for that 20% to be.

I am with Meg. I understand the idea to want to increase the fees for people from outside the Village. And I agree with your rationale about that, Jerry. But if you start pricing things so much beyond what other people are paying, it does cut down on the desirability. If we are going to open it up to 10 families and 10 individuals, I would assume we would want to try to max out that number. And pricing will be a factor, especially if we are looking at the fact that we are not getting as many people signing up because of the economic conditions. If you start pricing higher for the people who are outside the Village, that may become a factor for them. But more importantly, for the 20%, what do you use as your baseline?

Trustee Quinlan: My answer would be 20% over what we charge the people in Donald Park, who are in our school system but not in our village, because those people are already paying school taxes, which are 80% of their tax bill. People from outside of the Village are not doing the same kind of participation. So my 20% would be above and beyond the highest year. It is interesting that no one knows what the economics are. On one hand, you could say the economy is bad and maybe some people cannot afford the pool. But on the other hand, the argument could be made that we just have to see. Maybe the people who cannot afford to send their kids to summer camps, which are really expensive, instead will be home and in our camps in the Village and at the pool.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 1 of 2009 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 209, Parks and Recreation, as follows:

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

Section 1: Section 209-2 (Charges for use) of the Code of the Village of Hastings-on-Hudson is hereby amended as follows (new language in *italics*):

§ 209-2. Charges and rules for use.

The Village of Hastings-on-Hudson is hereby authorized to impose *rules* and collect charges for the use of the swimming pool and related facilities, all in accordance with the fees *and rules* to be determined by the Village Board by resolution and set in the fee schedule, which may be amended from time to time at the recommendation of the Parks and Recreation Committee.

Section 2: Section 209-4 (Persons permitted to use pool; maximum number) of the Code of the Village of Hastings-on-Hudson is hereby amended as follows (deleted language ~~stricken~~):

§ 209-4. ~~Persons permitted to use pool; maximum number.~~ Guest passes.

~~A. The use of such pool and related facilities shall be limited to residents of the Village of Hastings-on-Hudson. At no time may the swimming pool be used by more than 300 persons at any one time.~~

~~B. In order to make full use of the facilities available at the swimming pool, the Recreation Commission is hereby empowered to permit holders of family and individual annual memberships to have guest privileges. The number of guests, their qualifications, the charges and the times of admittance to and use of the pool shall be set by the Recreation Commission on an annual basis for each season, commencing with that of 1966.~~

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

ROLL CALL VOTE

AYE

NAY

Trustee Bruce Jennings	Absent
Trustee Jeremiah Quinlan	X
Trustee Diggitt McLaughlin	Absent
Trustee Meg Walker	X
Mayor Peter Swiderski	X

34:09 CERTIORARI SETTLEMENT – BROOKDALE HOLDINGS CORP, INC., 615 BROADWAY

Village Manager Frobel: This case was brought to your attention last fall. The case actually goes back to the year 2000 although, as you can see, the Village was in it in 2007 - 2008. It involves property on Broadway. The recommendation is the settlement that is before you. The defense was, as it always is, coordinated with both the town and the school district. The Village share of this settlement, as noted, is \$1,641. We do budget for settlements like this.

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

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Brookdale Holdings Corp., LLC	615 Broadway Sheet 12, Block 629, Lot 1	2007, 2008

WHEREAS, petitioner's court challenge is now pending in Supreme Court, Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges; now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize Counsel to the Village Attorney to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Years</u>	<u>Current AV</u>	<u>Settlement AV</u>	<u>AV Reduction</u>
2007	65,000	60,950	4,050
2008	65,000	60,950	4,050

The refund of Village taxes amounts to \$1,641.96±.

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

35:09 TAX WARRANT 2009 - 2010

Village Manager Frobel: Several meetings ago you adopted your budget for the next fiscal year. That action required a budget increase of just over 1%. The general fund remarkably only went up less than 1%. The Board did a terrific job in going through that budget very closely. At this time it is necessary that we set the tax warrant which is the levy we require. That would be set at \$216.31 per \$1,000. That does require a 2.5% tax increase for the reasons that you are very familiar that occurred in the Village over the past year. On balance we have done a wonderful job in getting a budget that is workable, austere, but one that the department heads are prepared to manage and be here next year at this time with a budget that comes in on balance.

Trustee Quinlan: Fran, could you just tell the public what that means in dollars and cents for the average tax assessment, and what that is in Hastings for the Village?

Village Manager Frobel: We use an average assessment of \$17,500. The average homeowner would see a tax increase of \$7.81 a month; annualized, that is about \$94 a year.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the Tax Warrant for 2009 – 2010.

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

Mayor Swiderski: I wanted to clarify an issue that seems to linger in some municipal employees' heads, and the Library Board, as well, regarding the budget. It is a point of reassurance. We expressed, and understanding that this is an austere budget and a tough one, and I certainly said, that I would like to see, ideally, a zero percent increase in salaries. That is not something we have entire control over. We are heading into negotiations with the police union, for example, and out of that, but we hope not, may come an increase. It is not the intent, or the policy, of the Board of Trustees to penalize non-union or union workers in relation to one another, but to treat them as a group in general. If the police union does want a 1% raise we would look to make sure that everybody is treated fairly. It is not the Board's intent, or desire, to choose one group, whether it is the library or municipal workers or our union workers, over one another. If there was any confusion on that point, I want to be clear that the Board felt unanimously there should be fair treatment.

36:09 MEMO OF UNDERSTANDING WITH SCENIC HUDSON

Mayor Swiderski: Over the last month we have been in discussions with a not-for-profit group, Scenic Hudson, headed by an individual, Ned Sullivan, who worked closely with this Village during the negotiations with ARCO that led to the original consent decree. His assistance during that process was funded by a grant out of the Alton Jones Foundation that was not, at the time, fully expended; about \$31,000 remained. During the period that has followed, there has not been a great need for his advice. A consent decree exists, and the last five years were spent in testing and design of remediation plans. With a new Board, and with the desire for this Board to move quickly where we can on the waterfront, we decided that we can use all the expert help we can get, especially given that there is a fragment of a foundation grant left out there that might help pay for that. Ned Sullivan worked at the DEC before he worked at Scenic Hudson. His understanding of the politics, the players, the way you work a bureaucracy and move things along is one that we cannot hope to match, and could spend a couple of years ramping up on while we spin our wheels further in this village.

Jerry and I have talked to Ned. We have already had a joint meeting with the DEC and with Ned, and think that this expenditure of funds that are actually dedicated to this is smart use of money for advice we could certainly use. The memo of understanding was drafted with Scenic Hudson. It lists the sort of things they are likely to do for us. This is more in the nature of a retainer over the next year, year-and-a-half, where there is a rough sense of what their services will be. Jerry and I will call on them for advice and help in attending meetings and writing letters and everything else that they can do to help us move the process of choosing a final remediation option, and then working the parties to try to move this process along as best we can.

I will speak for Jerry here, in saying that he had some hesitation because, certainly, if he could spend the money on something more tangible, he would. But in the end, I prevailed on him to look upon this as advice that we could well use.

Trustee Quinlan: Yes, Peter, I agree with you. I did have some reservations. But they have been allayed, and I think that this is really the best use of the \$31,000. It is grant money that they have. It is going to cost the taxpayers zero. And we could use some advice and help in moving the cleanup of the waterfront along

Trustee Walker: I trust you are going to make Mr. Sullivan work very hard for his fee.

Mayor Swiderski: Well, when we need him.

Trustee Walker: So when you have serious questions, things to review.

Mayor Swiderski: We got him to come up with hourly rates for the people in his firm. While we are not going to hold him to a strict monthly billing cycle, when we use him for a project we are going to ask, over the course of the year, roughly how much remains of the grant so we can somewhat track how this spins out. We are off to the DEC commissioner in late June. Ned helped structure the letter that got us the appointment, and will accompany us and help to structure the agenda and the discussion. I am blissfully willing to admit where I am a neophyte in dealing with Albany. So I am happy to seek his advice.

Trustee Walker: Item number four in the list of goals: provide strategic advice and assistance in developing letters, plans, or other documents, including the following. And then there is a list, and there was one item, number four: identify elements of the remedial plans that can be reflective of the Village's vision of a land use plan for the waterfront as it emerges through the development of a local waterfront redevelopment plan, revitalization plan, and other planning documents. What does that mean?

Mayor Swiderski: What he is suggesting, and, again, this is indicative of the sort of things he might do, is that if one of the scenarios may result in something that affects planning down the road he will reflect that. He might point out that this plan will lead to something that may damage our vision of having an esplanade. So he is going to be a double check on us to think. It is worth mentioning that Scenic Hudson was instrumental in the Irvington park that was developed and a series of parks up and down the Hudson. So they have got expertise and knowledge in design and thinking about these issues, and it is simply a double check.

Trustee Walker: It would be really useful to take advantage of the fact that they went through that whole process of capping the park site in Irvington and coming up with a strategy for installing wells and trees and probably some footings. So that sort of thing he has got some experience in, probably also from his previous background as deputy commissioner of the DEC. He has been through this several times before. That could be useful. Those are things where we often use the technical assistance of the Division of Coastal Resources, but they do not always have it especially with this sort of thing. There is a gap between remediation and planning for parks and redevelopment; he can help bridge that gap.

Mayor Swiderski: Fran made some good, small adjustments to the document which may not be reflected in this version and do not substantively change it but will be reflected in the final, and circulated. I would want a vote despite those small changes not being in the document, with the understanding that they will be folded in.

Mr. Skolnik: I was struck by the bit of vagueness about tracking the relationship between what is expended and what we get for it. Given the climate, and given a certain sensibility that often we end up paying for studies and consultants, and nobody seems to necessarily know what we got for that, is there a way, without poisoning the relationship, that there could be some sort of . . .

Mayor Swiderski: I think it is reasonable to ask for a quarterly report, where he makes enough of an effort to track so we are not surprised that it is being depleted faster. Again, I think the use is going to be episodic, and sort of specific and intense when we do use him. There may be weeks where nothing happens, and then we are off to Albany and we need a briefing memo. There will be these little intense periods. I do not think it is unreasonable for him to keep some track of that.

Trustee Walker: This is money that was given to Scenic Hudson and not to us. They are the grantee and a foundation is the grantor. We do not have any legal or fiduciary control over this. We just happen to be the beneficiary.

Mayor Swiderski: Right. And we put more structure around this than was the case in the first use of this consultant. During that period money remained. I do not want to be entirely naïve here because I have been a consultant for half my professional life and know exactly the game. But this is not a consulting company; it is a not-for-profit. And, in fact, a rate sheet of the sort he drew up for us is the first time he has done that. So he does not think in those terms. He is out for a success story here, like we are. I think there is quite a bit of goodwill here on both sides. And he wants the same outcome we do, which is, literally, a scenic Hudson. A quarterly report is reasonable

Trustee Walker: Yes, and he is not just in it for the money. He is in it so that he can say he helped us resolve this, and put it in his newsletters and in his emails to his members. He wants a win for Scenic Hudson.

Trustee Quinlan: One of the things that he did agree to, which he was not happy about, was to set rates for his staff. He balked at that, but came around and made it a condition of the memo of understanding. That goes a long way to show his good faith, and the control that we will have over the \$31,000.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Memo of Understanding with Scenic Hudson for strategic consultation regarding the cleanup of the Hastings Waterfront at no cost to the Village.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I wanted to talk about the sidewalks on Washington Avenue. I came before the Board earlier this year to discuss the progress the county had made in moving that project forward. A grant was applied for in 2005, and awarded in 2006, for sidewalk construction along that street. It was for pedestrian safety, and also viewed as an upgrade to the neighborhood, with some curbs, plantings, street lighting and a few other elements. At that time the plans were nearing 60% completion, and there seemed to be an interest on the part of the Board to tell the county to move forward with their design. Out of that meeting in January, I went back to the county and told them you were looking to eliminate the street trees and the street lights. My recommendation was to save some of the slate from some of the sections that would have to be removed. The county has changed its plans, modified the specifications, and they are now looking for direction from the Board to move forward with bidding. With CDBG grants there is a local match. Our share in this

obligation is about \$113,000. We will not know the exact amount until we bid it. The sense is that prices are coming in pretty good and the project could be less than \$226,000, the budget for the project. The county is, obviously, eager to move this forward. They feel the time is right to bid it. Our original desire was to combine this with the Maple Avenue sidewalks, but that will not be feasible. There is some back to the drawing board on that project. There is some interest on the part of the residents of Maple Avenue to modify that which was envisioned originally for that project. So we will not be able to combine the bids. Our match would be part of a short-term borrowing issue. I had reported to you in the past that I was looking to combine that with some other elements, not the least of which is the new ladder truck. It certainly is something that we have taken into account in our plans. I would like to have a consensus from the Board that you are, at this point, committed to this project, and to call the county tomorrow and tell the landscape architect to continue with her plans in the timeline they have put together to have this go out to bid early this summer.

Trustee Walker: I do not know if I can say I am committed, since I live on Washington Avenue, but I am intimately aware of the problems with the sidewalks. I was not part of the block grant application and I knew nothing of it, but I cannot tell you how many times I have tripped when I am running down that hill to try to get the train because of the pretty deplorable state of the sidewalks. I would like to have a chance to take a look at the plans.

Trustee Quinlan: I am in favor of it.

Mayor Swiderski: We call ourselves a walkable village, and the truth is that upkeep of sidewalks is at least as important as creating new ones, and far more realistic and likely to happen simply because in the process of constructing a new sidewalk where none existed you tend to encounter a lot of opposition and it is very often a very expensive process. Here, we have an asset that a lot of people use in both directions. It is slightly wet, and menacing on large portions of it. It would also, politically, I think, given how far this has gone with the county and the county's generosity, also be a mistake to step away from it. So for a number of reasons, it makes sense. It is always painful to borrow money, but maintaining our infrastructure is part of what we do as a Village.

Trustee Walker: Could the Village Manager explain to the public why it is that this sidewalk qualifies for improvements whereas other sidewalks in other parts of the Village do not; and they have to be maintained by residents.

Village Manager Frobel: Under the guidelines for the Community Development Block Grant program, neighborhoods have to be determined to be low-moderate in their income. This neighborhood meets that threshold under the guidelines administered by the county and, I think, originally, with the federal government.

Trustee Walker: I am in favor of moving that.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Trustee Quinlan: Peter has mentioned that we have a meeting set up with the commissioner of the DEC at the end of June. I am looking very much forward to that meeting. It is a breakthrough to a certain extent because we will be able to develop a relationship with the commissioner. I would guess that this probably has never happened before, that members of the Board have met with the number one man at the DEC, and starting to develop those relationships that we hope will be fruitful in getting the waterfront cleanup.

Also, a proposal is being worked on now by our engineers, Malcolm Pirnie, to submit to the Village to start using the trust fund. This is a separate trust fund of approximately \$185,000 that has been held in the Bank of New York for this type of service only. The plan is for Peter and I to meet with Malcolm Pirnie, and maybe perhaps Fran and other members of the Board at certain times, and the DEC to go over the remedial plan, the eight scenarios that have been submitted by BP/ARCO to the DEC so we can better understand them, and also, if possible, favor one or more plans or variations to the DEC with the help of our engineers.

Then we are going to meet with BP/ARCO and do the same thing. I have seen our role as an interested stakeholder, to say the least, since it is our waterfront, to get everyone to start thinking along the same lines so we can come to an agreement on what the final plan will be to wed the water with the land and get a plan of action that we can go ahead and do. That is on the northern portion. On the southern portion, the DEC is now doing some testing with a natural substance to see if it will work to eliminate, or at least make less, some of the more serious chemicals, the chlorobenzines, the cancer-causing pollution that is on the southern site. We are seeing if we can dissipate that in a more natural way as opposed to air sparging, which would take longer and be more expensive, etc. Peter and I have a second meeting with Joe Sontchi, the remedial manager of BP/ARCO, again at the end of June. We had a meeting with him two weeks ago which was very helpful and very productive. We have decided to do continue to do it on a regular basis, to, again, develop those relationships and get the cleanup of the waterfront moving in the right direction.

Trustee Walker: Mayor, when are we going to address the LWRP?

Mayor Swiderski: I was going to sit down with Jerry at some point in the next few weeks and begin to put dates around these things.

Trustee Walker: I want to have some opportunity to talk to Angie about her contacts there and where things are with the Department of State.

Mayor Swiderski: It has to happen soon, four weeks.

Trustee Walker: I can do that.

2. Update on the Comprehensive Plan

Trustee Quinlan: We had a thorough report at the last meeting. There was a public meeting, it went well, over 100 people participated. I am not sure what the next steps are.

Mayor Swiderski: They are setting up subcommittees and trying to find volunteers. People from the CPC themselves will certainly want to begin to dive deeper on subtopics. There is a waterfront one, and various topics as they have broken up the world. I know they are working through the mechanics of that. I know there is a date planned in June for the next public meeting.

3. Downtown Report - Trustee Walker

Mayor Swiderski: When the Board changed, one of the things we did was, as you see Jerry diving deep on the waterfront, Board members have various areas they are going to focus on. Meg has decided to tackle the downtown, and what sorts of things we can do there to help increase activity and interest. Over the course of the next few meetings the Trustees will speak to each of their areas of concentration, describing what these plans are. The next one will be Bruce Jennings and sustainability issues at the next meeting. Jerry, to some degree, will be giving a waterfront report almost every meeting.

Trustee Walker: I want to address an action plan that I have prepared to look at some initiatives we want to undertake particularly in the next year. But I will spell out some steps that may take a little longer. I wanted to do a little show-and-tell. It is a hand-drawn version, so the public can see what I am talking about while you are looking at that schedule. The real goal for this downtown initiative is not only to get people to shop downtown, but to increase social interaction and attract more people to the downtown. A general concept, when you think about public spaces, is that people attract people. We are not looking at major congestion; we do not want to overtax our parking lots and our streets. But we want to bring more people to shop in the downtown. And by bringing people to socialize in the

downtown, we can achieve both goals. It is a combination of the two. We also want to attract outside visitors to the downtown. Primarily, we are serving residents. However, we can attract more visitors and perhaps even tourists with a few steps we can take. I think they are pretty cost-effective. So that is something we should think about. But by and large, it is really community-driven. We are doing this for the community.

I have this chart divided into year one and year two, and a series of steps we are planning on taking. The first one I want to address is signage, both directional signage and a directory which is really a map of the downtown. There are other types of signage we could also talk about. But in conversations with the Chamber over the last few years, the Chamber has been interested in getting more directional, or way-finding, signage in the downtown and approaching the downtown so people can find it. Then once you are in the downtown, looking for important resources like the waterfront, the train station, the Municipal Building, and parking lots. We are going to start with this in the next few months, looking at what kinds of signs are most important. So setting priorities.

We are very lucky in that the Historic River Towns of Westchester, along with Westchester County, produced a sign manual and plan for all of the river towns along Route 9. The idea was to have a consistent look that you would see as you drive up Broadway and within the downtowns as well. It is quite comprehensive, and they are very handsome signs. Many of you have probably seen them in Dobbs Ferry. The signs are historic-looking. They use different colors and, in some cases, they use graphics. We are going to look into using these signs, since they have already been designed. We know where the manufacturer is; there is a whole package that goes along with this. It is easy to tap into. That is the first step: to apply this package of signs to specific locations, particularly those locations coming up Route 9, down Route 9, coming along Farragut, that will direct people into the downtown. That is primarily our major focus. Then we will look at some other things we can do over the next two years. But year one, we really would like to do some of those directional signs.

Directory. The Chamber, in conjunction with the Village Planner, has produced this map and a directory to businesses in the downtown. This is now available digitally. We can start to put this on our Web site. The Chamber is going to put this on their Web site. Maybe not this year, but next year we can think about setting up some kiosks or some sort of structure, or even in the windows of the Community Center or down at the train station, to put up this map so that when people get off the train, or people who do not know the Village are coming into the Village for the first time, they can find our local businesses and find out what this village has to offer. That is going to be available on the Web site very soon, and then in year two probably on some kinds of structures in the downtown, and other kinds of information perhaps we can put on information kiosks.

Parking. We are undertaking a campaign to try to get people who work in the downtown to park in remote parking lots so we can free up on-street parking for customers. This is a problem that communities have everywhere: merchants, local employees, like to park as close as they can to their places of employment, as we all would. But that discourages some of the customers who would like to pull in quickly and pull out. So we are going to be talking to a number of churches in the area, private property owners who have some parking lots, and see if there are some spaces that can be used by local employees. They could charge fees, and if those fees are less than what the business owner or employee would pay to feed meters, and certainly being perhaps more convenient than running out and feeding meters all the time, then, perhaps that will be the incentive to move those employees into more remote areas. There could be some on-street parking that is remote, as well, that we could look into that is not great for shoppers but could be fine for local employees. We are going to be looking into that this year.

A second piece we would like to look at is developing some more on-street parking, and looking at some higher turnover areas in front of some of the very busy blocks of Warburton Avenue. But I do not think we are going to do that this year.

Events. Another effort that we would like to begin is to try to create a once-a-month downtown festival that does not require closing down Warburton Avenue or Main Street. That means sidewalk festivals, outdoor musicians, sidewalk sales, displays, outdoor dining, vendors on the streets. We are going to look at what other communities have done, like Tarrytown and some others in the county, that have these First Thursdays or Second Fridays. We are thinking of doing one on a Saturday after the Farmers' Market so we can move some of the energy of the Farmers' Market. This is particularly during the warm-weather months. Perhaps we will start in July because we have already got the Spring Thing in June. July through November, and move some of that energy from the Farmers' Market up into the downtown.

There is a committee that is forming that is going to include members of the Chamber and the Economic Development Committee, the Arts Council, and the Farmers' Market. We are looking for volunteers. If you are interested in helping with this event we would love to hear from you. You can send us an email at volunteer@hastingsgov.org.

The tool kit is something that the Economic Development Committee is working on. It goes hand-in-hand with the design guidelines, which the Architectural Review Board is working on. The tool kit is to facilitate businesses that want to move into the downtown or are thinking of fixing up their storefronts, renovating their shops, to facilitate the approvals process for them; to get them through the building permit, the zoning approvals and whatever other approvals they need. To speed it up so that it is one-stop shopping for them. Many of

these business owners do not hire architects, they do not have high-paid consultants working for them. They are on their own, they want to put up some new signage or they want to create a new storefront. We want to make it easier so they can really be improving the look of the downtown. In this tool kit are other incentives to attract them to Hastings as a downtown. For example, the EDC is looking at putting demographic data in there, information about local resources, what other attractions are in the downtown. So if somebody is looking to locate a restaurant in this part of Westchester they would say, this has a lot of things going on, we would like to maybe go to Hastings because it has more attractions than some other places.

We are going to put these items on a Web site. The EDC is finalizing this. It is also going to tie back into some of the aspects of the design guidelines. We spent a lot of time last week discussing the design guidelines with the Architectural Review Board. These will also really improve the downtown, not only aesthetically, but how it functions for pedestrians and shoppers. It is a lot more the facades and storefronts will lead to a more vibrant kind of sidewalk activity. These are both this-year efforts.

Then, landlord and storefront. That is a next-year initiative. We want to start thinking about how we can work with the Chamber; perhaps some kind of management committee that can start to approach landlords, and talk about recruiting the right businesses for our downtown, looking at the rents, looking at improving the storefronts and facades, perhaps going after some façade improvement grants. We need to have the landlords on board for that. That is an effort that may take a little longer.

Mayor Swiderski: If you get half of that stuff done it would be a great thing.

Trustee Walker: If I can. It is a big order, is it not?

4. Pool Rules and Regulations - Parks and Recreation Commission

Mayor Swiderski: We talked about a couple of paragraphs to be added to cover the selection process. We have covered that to some degree around the swimming pool and how you select nonresidents. I do not know how much there is to say beyond that.

Superintendent Gomes: I am really comfortable with what we discussed before. As you know, anything that we may have questions with I will discuss with the Commission and then we will bring it to you. But we generally covered what we wanted accomplished tonight, unless the Board has anything else.

Mayor Swiderski: No. For certainly the first two years of the pool being open the rules we use were tweaked every year to accommodate typical patrons. I am assuming that the rule base has stabilized by now and we are not changing it any further.

Superintendent Gomes: There were things in the code that were probably put in with the climate that was going on when the pool was built. New regulations, even by Westchester County, have changed, where they have more say in the number of people in the pool and so forth. Those rules can be tweaked, and we have done that to some great extent.

Mayor Swiderski: I have no questions. I think we beat it to death during the resolution.

Village Attorney Stecich: I had an idea that you might consider. Since you are worried about the parking on Hillside, make it a requirement of an out-of-town permit that they have to park at Hillside. They are out-of-towners anyway. If you tell people those are the rules, most people follow the rules.

Superintendent Gomes: I think we are going to do that. I am an advocate of it.

Mayor Swiderski: That is a good idea.

Trustee Quinlan: Let us just go over the list. We are talking about the parking at Hillside School, and the signage in two places, not permanent signs. We are talking about staff parking there and not on the creek bed. We are talking about how you are going to set the fees. This is just a list of the things you are going to have to discuss with the Board and the Commission, and come up with answers. And whatever answers you come up with, I am sure they will be the right ones.

Superintendent Gomes: I appreciate that, Jerry.

Trustee Quinlan: It is not easy, you know. There is no right answer. There are just ways to try to make an improvement.

Superintendent Gomes: Kendra, over the past four or five years, to show the monies we have brought in has done an incredible job. All of you have said the pool is a great asset to the community, and well-run and everything. She is the point person that makes it happen for those three or four months up there.

Trustee Quinlan: And thank you, Kendra. I have been a member of the pool for years and I think if it is not the number one, it is certainly in the top five reasons why Hastings is such a great place to live. You do a great job, Kendra. Thank you.

Trustee Walker: Some residents have asked me if the food could improve. My daughter and I love the pizzas and I do not have any complaints. But there have been comments about the quality and healthiness of the food. Could there be salads or other kinds of sandwiches?

Superintendent Gomes: We heard, we listened. We put the pool concession out to bid and Isaac from Slices will be doing our pool concession. We gained about \$600 in revenue with the change. But we did get an email from the folks at the Farmers' Market that they are going to work with Isaac about bringing stuff up from the Market. So we are pretty excited about that and, hopefully, they will follow through and they can get it together.

Trustee Walker: That is a great idea. Just imagine, having fresh fruit there would be nice.

Mayor Swiderski: I second Jerry's comments about Kendra. It is remarkably well-run.

Trustee Walker: I third.

Mr. Skolnik: I had one question of clarification with regard to Mr. Frobel's report. There was something you mentioned in passing about the Washington Avenue plan, something about the trees and the street lamps, that I did not follow.

Village Manager Frobel: The Board of Trustees at the January meeting decided they did not want street trees or street lights, so those were eliminated from the design.

Mr. Skolnik: That was a Trustee decision.

Village Manager Frobel: Yes.

EXECUTIVE SESSION

On MOTION of Trustee Walker, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss boards and commissions, and legal advice on real estate matters.

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:35 p.m.