

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**MAY 5, 2009**

A Public Hearing was held by the Board of Trustees on Tuesday, May 5, 2009 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**ABSENT:** Trustee Jeremiah Quinlan

**CITIZENS:** Seven (7).

**Mayor Swiderski:** Mr. Quinlan is out of town and is unable to attend tonight.

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the May 1, 2009 issue of *The Rivertowns Enterprise* to consider the advisability of adopting 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, to allow Non-Residents to Use the Village's Swimming Pool.

**Village Manager Frobel:** This a suggested amendment to the local law that would allow non-Village residents to take out memberships to the pool and eliminate from the local law the specific number of persons which may use the pool at any given time. That was somewhat antiquated language. Those standards are set by the county health department.

**Mayor Swiderski:** I received a couple of emails on this topic expressing some concern. It is worth mentioning the genesis of why we are suggesting this rule and at least my intent for how I saw this was intended to be implemented.

This came out of the budget discussion, where I raised concern about what we would do if memberships for the pool this year dropped off in any significant number. Our pools are self-funded. To date, we have pretty good estimates of how many people sign up. There is an early bird signup and then the regular signup. The idea was that if the early bird signups were depressed because of economic reasons, Ray Gomes would have the flexibility to allow some outside families, up to a maximum of ten, the opportunity of joining the pool so that we would be up to our typical expected numbers for the year at that point.

Conversely, at least the way I took the discussion during the budget meetings, if there is not a depressed turnout for the early bird signup I would not expect this capability to be executed

by the Parks and Rec Department. The intent is not to make more money from outsiders or to increase traffic or parking issues, but rather to address a possible fall-off due to the economy. This is a preemptive move to provide Ray with the flexibility to do that. Before I allow public comment I wanted to maybe verify that that was at least the perception of the rest of the Board as to the intent of this: to provide that as a guiding principle for Ray in thinking about this for this year.

**Trustee Walker:** I think that is exactly what we had in mind. We always expect the pool to be self-sustaining, and we do not want to have to find that we are subsidizing it suddenly. I think it is a good measure to be taking, but only to be used if, and when, we need to.

**Trustee McLaughlin:** That was my understanding, too. I know that there have been residents who are concerned about the additional traffic in the area of the pool and additional pool users, and that was not our intention. Also, we recognize that this summer the people who ordinarily join may join and may, in fact, use the pool more rather than going out of town. So this year of all years would not be a year that we would want to add more traffic, because we may get more traffic even if our membership does not increase.

**Trustee Jennings:** I certainly agree also. The idea of opening up the option for non-Village residents is a fallback position to make sure that we keep membership at the levels it needs to be in order to sustain the pool financially. I received some emails of concern about the crowding issue and utilization issue. In the budget and in the pool policy we have a projected number of members. Whether they come from the Village or outside the Village, the number is the number. If people feel that the pool is too crowded, then it is really about that number; it is not where those people come from. I hope that we have budgeted wisely and that we have struck a balance between having a pool that is enjoyable for every member to use, but also having a pool that is financially self-sustaining. We need a certain level of membership income in order to achieve that. I would like it also if there were only ten members to the pool, then I can have the pool all to myself, but that is simply not feasible.

**Elisa Zazzara, 68 Southside Avenue:** You had mentioned taking verbiage out about the maximum capacity, but what is the maximum capacity? Is there anything legally binding?

**Village Manager Frobel:** Yes. You will be pleased to hear that for the large pool, while the code said up to 300, the standard today is 293.

**John Gonder, 153 James Street:** You should be credited looking for revenues, but you hit a pet peeve of mine for over 50 years. I learned how to swim in what they called "the duck pond," up where the pool was. It was free. Just like our recreation is free, playgrounds were free, our library is free to all our residents. Our police are free; we do not have to pay an

extra amount to get police protection. The same with the fire department; we do not have to pay extra. I cannot see why this village has to charge people for a swimming pool and tennis courts. We built a new pool, and we got elitism, the people that could afford it. Some people could not afford it: kids, middle-aged people that were against tough times, and maybe elderly people. I would think some day you would reconsider this. I do not blame this Board because it was done 50 years or so ago. I know a pool costs a lot of money. But if you want a pool, it should be open to every citizen in the Village and not outsiders.

My feeling is, if we have 10 vacancies that the Board would say, we will give it to the children in Hastings that cannot afford to pay for a membership, or maybe to some senior citizens, excluding me because my time of swimming is over. But maybe some families that are out of work in this economic time. I wish you would consider both that you have a free pool for everybody in our community, and also maybe instead of getting outsiders giving it to some people that need it.

**John Klein, 115 Hillside Avenue:** Anybody from the outside will be driving to the pool and will have to park. The parking is pretty bad where we live. Secondly, allowing people to park near the creek, in the dirt or the sidewalk, is degrading the creek bank and polluting the creek. I would suggest that those parking spaces be eliminated. I hope you do not have to sell memberships to outsiders, but I understand where you are coming from.

**Mayor Swiderski:** Thank you for the recommendation. It is a good one. I wanted to raise a question with Counsel. A couple of people asked if there is any way to prioritize those families who come from the school district, but not within the Village, in selecting those who would be allowed in.

**Village Attorney Stecich:** The way the law is drafted, all it does is eliminate the residency requirement, and gives the Board of Trustees the authority to issue whatever rules it must. Those rules would include membership, and I would think that you could, in your membership rules, prioritize. You would have to treat everybody equally, so you would have to have some reasonable basis that could justify it. But it does not have to be in the local law. It would just be in whatever rules you come up through the Parks Department.

**Village Clerk Maggiotto:** People in the school district can join the pool now.

**Village Attorney Stecich:** Well, then that is it now.

**Mayor Swiderski:** I am sorry. I was operating under a misconception and so were a couple of people who spoke to me about it.

**Trustee Walker:** Because the Code says “residents.”

**Village Attorney Stecich:** The Code does say “residents of the Village of Hastings.” So I guess they should not have been in before. This is why the whole thing does not make any sense. Just take it out and deal with residency and out-of-towners and everything in your own rules instead of with the law. All those issues are issues that you can discuss when you are coming up with the rules.

**Trustee Walker:** Then that means that occupancy is also dealt with outside of the law.

**Village Attorney Stecich:** For occupancy, the Board of Health has regulations, and they have to comply with those.

**Trustee Jennings:** In setting the fee schedule and the classes of membership, and some process for deciding when to throw it open to non-Village/non-school-district residents on a first-come, first-served basis or whatever, there are number of policy decisions that follow from this amendment that we are looking at now. I want to clarify whether or not the Board of Trustees will have the final determination on those policies, or if that is within the purview of the Department of Parks and Rec.

**Village Attorney Stecich:** No, it would be the Board of Trustees. It says: “the fees and rules to be determined by the Village Board by resolution, which may be amended from time to time at the recommendation of the Parks and Recreation Committee.”

**Mayor Swiderski:** So in terms of a process, they are likely to present to us a description of the rules at the next meeting. We would approve it, and that would guide them.

**Village Attorney Stecich:** Right. Or you can come up with them yourselves. But you are the body that will come up with the rules, and it will have the recommendation of the Parks and Rec Department, or not. Presumably it would.

Hearing no further comments, Mayor Swiderski asked for a motion to close the Public Hearing.

### **CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 8:20 p.m.