

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

A Regular Meeting was held by the Board of Trustees on Tuesday, November 3, 2009 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich (7:50 p.m.), and Village Clerk Susan Maggiotto.

ABSENT: Trustee Jeremiah Quinlan.

CITIZENS: Ten (10).

APPOINTMENT

Mayor Swiderski: We have one appointment to announce, William Crosby to the Tree Board, to fill a two-year term expiring in 2011. We call on the Tree Board when there are issues around potential tree cuts on properties of more than an acre or when we need help in determining what to do in certain situations when large trees are at risk. Thank you very much for your volunteer service.

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of October 30, 2009 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 27-2009-10 \$38,987.51
Multi-Fund No. 29-2009-10 \$55,786.10
Multi-Fund No. 30-2009-10 \$28,387.64

PUBLIC COMMENTS

John Gonder, 153 James Street: What is the procedure for Village tax grievance day? How much time do I have to present my case, who listens to the grievance, when is a

decision made and who makes that decision, can I bring an attorney, and who makes the decision to deny or grant the tax grievance?

Village Clerk Maggiotto: Grievance day is the third Tuesday in February. Anyone who wants to grieve their taxes can call or come to Village hall, and there is a booklet available with the form and instructions. It is also available on the state Web site. You must submit this application by that night, the third Tuesday in February. That is the night the Board of Assessment Review, which is an appointed board by this board and has three members, sits. You do not need to bring an attorney. You may, of course. You do not even need to come to the meeting. Many people do not. They let the paperwork speak for them. The board has a public hearing and hears these cases. There is a period of time, a month or so, when they review, and the assessor also reviews. The board meets again and makes a decision, and then you would get a letter in writing telling you the determination.

Mr. Gonder: Is there a time limit?

Village Clerk Maggiotto: You have as long as you would like.

Robert Zahn, 24 Crossbar Road: I have been a resident in Hastings since 1993. On September 13, 1997 the Village Conservation Commission held a waterfront conference and festival. Meg Walker and Peter Wolf were responsible for that, along with Mayor Lee Kinnally, and Village Manager Neil Hess. What I proposed, and Meg backed, was making a video of the waterfront conference and festival. I wanted to do this because I am a "green" person. I have made copies of the original video, which was done and copied on VHS cassettes. I have transferred it to DVD. "Miracle on the Waterfront" is the title. This was done as an effort by a lot of residents with a lot of contributions and the financial backing of the Village to contribute \$1,000 for the making of this production, which is 66 minutes. I want to present copies to the Board of Trustees and the Village Manager. I think it should go to WHOH for viewing by the public, the public library, and perhaps to Hastings Video.

This is a document of what people in the Village involved in business and history issues of the Hudson River came to talk about. They were interviewed on camera after they made their presentations so they are short and concise. Then at the afternoon festival we interviewed several dozen residents giving their comments on what they thought should be done down at the waterfront. There was singing by local groups, and Pete Seeger was there. His comments are saved for the end, where the word "miracle" comes in.

This shirt is a remembrance. There were buttons and these T-shirts.

Trustee Walker: And we had 100 volunteers. It was an amazing effort. Bob asked me if I thought it was a good time to re-release this document. I said people have already forgotten what we did 12 years ago; it is time to think about it again. Besides, we want to promote not just the cleanup, but thinking about the future of the waterfront in a positive way. This helps you think about it in an optimistic way. And it is also timely because the Comprehensive Plan Committee is looking at it and the LWRP is getting wrapped up finally.

Trustee Jennings: You might want to give a copy to Riverkeeper and to Scenic Hudson.

Trustee Walker: This was the kickoff to the waterfront planning process. It was shortly after that we had the conference, and reawakened an interest in thinking about it seriously. The Board of Trustees decided to appoint a committee to do an LWRP. Now that we hope we are at the end of that process, it is timely to look at this. And it opens new doors.

64:09 ACCEPTANCE OF PROPOSAL FOR COMPARATIVE ANALYSIS OF WATERFRONT RECOMMENDATIONS OF LOCAL WATERFRONT REVITALIZATION PROGRAM AND COMPREHENSIVE PLAN COMMITTEE

Kathleen Sullivan, Chair, Comprehensive Plan Committee: This proposal from PPSA came to us after the work session with the LWRP committee and your Board and the Planning Board; the CPC's consensus was that a document like this would be useful for meeting with the LWRP committee, and would be a good basis of comparison and place to begin a conversation about how to put the plans in synch with each other as we finish up the comprehensive plan process.

Mayor Swiderski: What comes out of this effort? What are you looking to compare exactly, and how does this work?

Ms. Sullivan: One of the comments from Phil Karmel struck the committee very much. The LWRP and the Comprehensive Plan are very different types of documents. The Comprehensive Plan would be a policy document, with recommendations for some zoning and other measures. We are not just about the waterfront; we are looking at many different things. We felt it would be helpful to have our planning consultant review the policy and the implementation in the LWRP, and look at what the Comprehensive Plan is proposing for the waterfront and the implementation. We are hoping we could also frame this in our look at the large tracts, at tax issues, and some other issues. It would be fact-to-fact. The depth of knowledge that they have of their plan is something that would take the committee, as often as we have read it and referred to it, quite a bit of time to get up to speed to be able to discuss the points that are common and the points where we need to find compromise on.

There is a need to meld these two documents together and knit these two groups together. That was apparent to us after taking a different direction with the waterfront recommendations earlier this year when we had our meeting in May with the community.

Trustee Walker: It is an important thing to do. However, could it be done under the auspices of beginning to rewrite the zoning for the waterfront, for which we have a grant? We have said we would like Phillips Preiss Shapiro to do planning work for the Village on an ongoing basis, project by project. I have no problem with them doing this work. Richard Preiss I have worked with and I know he is extremely good at looking at zoning. But this could lead us into scrutinizing the zoning with the public. In our discussion with the LWRP and your committee, we talked about perhaps the zoning and planning could go on almost simultaneously. We do have this grant that we need to draw down. So is there a possibility that this could be the beginning of that?

Ms. Sullivan: I would say no. I do not think we are at that point. There has been a lot of discomfort with where the LWRP stands right now, and the committee is very sensitive. Our committee felt very uncomfortable with the tenor of the conversation we had. We need to come to a consensus, and then we will have the plan that the zoning can follow. I do not think we are far from each other, but there seemed to be two different committees tackling the same problem. We would like to use this document to come to a consensus with that committee, and then be able to say yes, we can move forward with zoning for the waterfront. I understand your point and am curious about which grant and how it could be reused, but we are not at the point in that process to say we can move into a clear understanding of what we think the waterfront zoning should without this conversation we are proposing.

Trustee Walker: Is it the document that is important, the analysis? Because there are a number of people on the LWRP committee who could practically do that analysis if they had the time. Or is it the fact that you will have your consultant there to act as a facilitator?

Ms. Sullivan: We never spoke about needing a facilitator for the process. The committee was very strong in thinking that this was a document that they wanted to use to talk with the LWRP committee; we need it to get the facts side-by-side. We do not know their document as well as they know it; they do not know our document. So we do not want it to be what we consider or what they consider. We want it to be a factual review side-by-side, where we can find common ground and move forward. I did not share this with the committee, but I was thinking we needed another workshop and a facilitator. That was not the committee's attitude. They do not feel it is that much of a contentious, mediation-needed process.

Trustee Walker: A facilitator does not necessarily mean it is even contentious, but just helps resolve things.

Ms. Sullivan: We included in this proposal time for Liz Leheny from PPSA to be there to hear the conversation because she found it very helpful when she attended the work session. Since September we have been meeting with subcommittee people to review the recommendations and holding discussions of elements of the plan. We have two more sessions. One was to be the waterfront large tracts for next week, which we will postpone. t because we need to regroup with some of the that. November 18 will be a conversation on climate change and sustainability. We have held one on affordable housing and taxes, and another on circulation in the downtown. The committee is wrapped up in reviewing these recommendations. We have subdivided into different groups and are working with anywhere from two to ten volunteers on some of the topics. We would like to undertake this analysis ourselves; we have people on our committee that could do this analysis, as well. But it seems useful to go out quickly to an outside source and have them pull it together, and then we can get together with the LWRP and have conversations about how these two documents can come together. We would feel more comfortable that we would have strong recommendations in the Comprehensive Plan for a variety of things, including the waterfront.

Trustee Armacost: If that pot of funding is not available, is there another pot of funding?

Village Manager Frobel: Yes. In the operating budget we have money for outside planning services. That would be where this is charged to.

Trustee Jennings: I have got two thoughts about it. One is just procedural, and the other is more substantive. Perhaps I missed a meeting or was not listening, but I have not heard about his before. I hate to vote on a resolution even for \$2,500 that I have only given five minutes of thought to. That is a bit of a complaint on my part.

In terms of the substance, I do not see in the written scope of work exactly what you are hoping will come out of this. I want to make sure we get what we actually want and need. What I see is particularly under Step 2. The rest of it is attending meetings and helping you do a revised draft of the Comprehensive Plan as it concerns the waterfront area. But Step 2 should point to an analysis of what the substantive difference is between the LWRP and the draft Comprehensive Plan in terms of goals and objectives, in terms of assumptions and values, and perhaps in terms of some of the implications of the differences for further action, such as zoning, if that is not premature. That would be worth spending \$2,500 to get. What I see here described, however, is simply a summary comparison. I do not think that is worth \$2,500. That is something that your subgroup on the waterfront should already have done because the LWRP was the touchstone document that long preexisted your work and your research. Or, more likely, I would have thought this would already have been done under

your existing fee for the consultant with the documents reviewed and digested and analyzed for you as preparation for your work. Why an additional add-on at this stage is a question that I have, because the way it is described here it should have already been done under the current fee. If we do approve this I would hope that you would work with the consultant and tweak it so you get the actual document you want and not just a summary of the two things, two columns. We do not need that at this point in time. We need something much more difficult to ferret out, and substantive, and clear. It will make clear the differences so we can make some hard policy choices going forward. That was my feeling out of our joint meeting a few weeks ago. That it is what we needed next, and I wish this proposal said that more directly and clearly.

Ms. Sullivan: It would be helpful for you to propose a language because I think we are aiming to get what you are asking for from our consultant. Our initial approach to the waterfront was a little hands-off. Right now, the Comprehensive Plan's recommendations are not to change any zoning at the waterfront, the pieces that are going under remediation. There are some things that were discussed at the meeting we had in May, which were to look at other areas and take some suggestions. But none of it was very well formed. Some of that was guidance the consultant had gotten, and some of it was them hearing that this topic of the future of the waterfront was a difficult one for the Village to handle.

The committee walked away from the work session feeling that that was not the right approach. We have heard that from one of the gentleman on the LWRP committee, we have heard that from people who were in attendance. One of the things we will get from the consultant is another look at what potential zoning should be at the waterfront that we do not have right now; that it is something that we did not have in our recommendation. So it is a new piece of work we would be getting from them, after them getting direction to go off in another approach. What we talked about at the work session was looking at something like form-based zoning, which is a certain approach to looking at developing an area or proposing zoning for an area. People are very excited about that, and that is information we will ask the consultant to prepare, and look into the pros and cons of that vis-à-vis what could happen at the waterfront, and be able to discuss that with the LWRP committee in a way that we could not at our work session. To your point of not feeling the language is correct, let us modify it.

Trustee Armacost: I understood that you were trying to do this in exactly the spirit of what Bruce is suggesting. He used words like "implication for future action," which has a more practical, tangible feel perhaps. But I think you are getting at that by saying alternative approaches to rezoning, which is pretty direct in terms of your intention. If there is a need for language that grounds it even further maybe we should suggest some, but we are all in a similar space and this is additional activity that needs to happen beyond what the planners were contracted to do under the first contract.

Ms. Sullivan: Yes, we are asking them to go in a different direction. I think the point is to have a good conversation about what the future of the waterfront should be, based on the work that has happened. We have read the LWRP, many of us, many times. But this review is to help come up with a common document. We would like a common place for both groups to look at and be able to have a fruitful conversation.

Trustee Armacost: Your initial comments show that there is not a huge amount of trust. Part of what you are trying to do is a gesture toward building trust and a common language together. That is very laudable to create that initiative. If we have to pay a little money to forge trust, I am in favor of that.

Trustee Jennings: I agree, but if we are going to get the differences out on the table clearly, and we do not feel that those who know the LWRP inside and out and those who know the Comprehensive Plan inside-out can get together and put this comparison side-by-side together, and we need a third party, let us make sure that the third party gets it right this time and represents the assumptions of both sides correctly. Otherwise, when you have this document as the basis for the next meeting, or conversation, you are going to spin your wheels, with Phil saying that is not really what we meant, and somebody from the Comprehensive Plan saying something else. We have got to get beyond that somehow.

Ms. Sullivan: I understand. I totally agree. There has been concern about the Comprehensive Plan Committee in the past that we were not going to be considerate of past planning efforts. Our recommendations to date have been well-based in all the hard work that has gone on in the past and by a lot of caring and hardworking volunteers. We would like to build, with the LWRP committee, on the work they have done, and take it further and make it into one document, one approach, that we all can move forward from. It is not a debating tool. It is not useful to anybody to do that.

The way we operate, typically, is we will have a draft of this document prepared and it will be reviewed by both committees. If there are any misunderstandings and misinterpretations, we would hash that out before we meet. We are very collaborative as a committee, and we would extend that, as well, to the LWRP. And I do not see this as a single conversation. I have reached out to Phil and have not gotten a response back, but I will continue to pursue it. This is the beginning. It is a very complex document, very complex. I do not feel we are very far apart in getting our two documents together. I think this could be a useful tool. The committee felt so, also.

Trustee Walker: I see this as a positive step forward if it can be done well. As my colleague suggested, it could keep us from spinning our wheels and help us move forward. And it can be forward-looking as opposed to just rehashing those documents. However, there are some things in the LWRP that I think it would be really helpful for the consultants to understand, for example, the zoning and the generic DEIS. The zoning recommendation is fairly minimal, but when the DEIS is where you see the zoning that the document is building on, which is the previous zoning that was done in the late '80s. Phil could make it very clear why we chose to do that at that time. I am not saying that is the correct thing to do now. In fact, we could go in a whole new direction. But that is a starting point, and Mark Chertok had a lot to do with that, looking at the SEQRA implications of the LWRP and new zoning, and whether or not we would want to go through this very tedious SEQRA process. But if we built on the old one, we would not have to do that. So that needs to be understood, and Phil is probably the best person to explain that. The consultants, then, should have some opportunity to talk in-depth with him about that.

Phil may have some comments about what you could put into the proposal, into this scope of work, so that that could be encompassed. But that is the starting point; that is looking to the past. We have to look into the future. I am very pleased to think about alternative approaches to the zoning because I think that is where we are going to find common ground. But there are reasons why things were done the way they were because of barriers and thorns along the way. So they need to be aware of those barriers and thorns.

Ms. Sullivan: Getting Phil and Liz into conversation quickly would be very helpful so he can give her some background. He is incredibly articulate, and it would be very helpful to have him do that before she starts spending time weeding her way through.

Trustee Walker: And how to interpret, when somebody could explain it very quickly.

Ms. Sullivan: Excellent suggestion. Thank you.

Mayor Swiderski: One of the themes of the meeting we had, where comprehensive planning and the LWRP were in the same room, was an explicit statement that for all sorts of reasons the Comprehensive Plan Committee has, whatever term you want to use, chosen not to become too explicit about the western side of the tracks waterfront, and, in fact, redefine the waterfront and broaden it and talk about other parcels, as well. But what was lacking in that meeting, as a result, were actual recommendations for what the LWRP had recommendations on. When I saw this I was confused because I was not sure what you were comparing. It is a negativity in terms of absence of proposals versus explicit uses.

Ms. Sullivan: Correct.

Mayor Swiderski: You draw up the matrix, and there is a blank column.

Ms. Sullivan: With the exception of form-based zoning as the recommendation. That is the new addition. The committee said we need to sit down with the LWRP committee. It was residents and neighbors; we all have the same goals. A document that is a synopsis of both approaches, and the approach would be what the goals would be for the future.

Mayor Swiderski: When you say both approaches, what are you referring to on the Comprehensive Plan Committee's side of the boat? Is it to form-base?

Ms. Sullivan: Yes, that would be the addition. The direction we headed in May was hands-off: it is too hot, we cannot go there, let us think of intermediate uses. Some things have changed, some things are going to be gone soon, other approaches are going on. But the committee heard that that is not the right approach for a comprehensive plan to take, that we needed to have a vision for the next 10 years in it. Well, we have a group of people who have been spending almost 10 years grappling with the same thing. We would like to sit down with them, with a good working document where we can talk about what may be the differences. We might have Liz go through this exercise, and have people say this is excellent, we are saying the same thing, or, I understand what you are doing, I understand what the consequences are. But we are going to ask Liz to bring the pros and cons, what form-based zoning would do for us in looking at the waterfront. It may not just be in the parcels that are going through remediation. We may want to look at this up and down the waterfront, and think about it in some other areas in the Village. But I am getting ahead of it. Some of us understand what that zoning is, others do not. It would be nice to have it in a way that people, the LWRP committee, and the Comprehensive Plan Committee can understand the consequences and maybe say that this would be a useful direction for the Village to take as a joint recommendation.

Mayor Swiderski: Again, is it to facilitate a discussion? Are you asking Shapiro to step in as a neutral proxy and come up with alternative zoning recommendations, with the exception of the form-based zoning, in the absence of existing recommendations out of the Comprehensive Plan Committee on the waterfront? Is it an attempt to come up with a set that will then be reviewed by the Comprehensive Plan Committee? I do not quite understand the sequence. Are suggestions coming from the consultant? Is it speaking to both parties? And what is the Comprehensive Plan Committee now saying that they were not then, other than form-based zoning?

Ms. Sullivan: I cannot be specific about the process. We are asking PPSA to talk to us about form-based zoning. Some of us are interested in it. We thought for a long time that it

has a place for us on our waterfront. We would like to have our consultant share with us what that really means, what we can gain from it, and what may be the negatives of it. Step 4 provides draft comprehensive plan recommendations for the waterfront area. I am very interested in looking at the waterfront in relationship to the work that is being done with the large tracts. I think it is very important, comprehensively, to consider these things side-by-side. We are talking in our subcommittee about what that might do for framing decision-making in a variety of different ways. The answer is, we would come up with some draft recommendations. Are they coming out of the consultants back in a room, and then they pop them on us? No, that is not how it works. This is going to be a conversation with us and the LWRP. You can see that those recommendations come after the conversations we have with the LWRP. So it is not something they are going to develop and then present. It is the beginning of a conversation on how these two documents can come together with a new set of draft recommendations that I would only surmise are going to be ones that are a consensus between the two committees.

That is what we do not have right now, a consensus on what the direction is. We would like to try to step in because we have been thinking about a lot of different things in our short time, comprehensively, in the Village. Some good conversations are ahead of us, and this document starts us off in having one that could be very fruitful.

Ellen Hendrickx, Comprehensive Plan Committee: Kathy just said it: we are not trying to rewrite the LWRP. I keep hearing that there seems to be that perception.

Mayor Swiderski: No, that was not my concern. My concern was that the premise here, based on the starting proposal, was a comparison of recommendations when, in fact, there is not a set of recommendations to compare against out of the Comprehensive Plan Committee. So how can you compare two things when one of them does not exist?

Trustee Armacost: I was an audience member in the meeting where these various groups came together. What I heard was the Board saying this is a great first step, you have all come together, now go and find a way to work and move into a place that is more common. What this group is doing is putting forward a recommendation here which allows it to find common ground. To move that process forward, I think it is being done in good faith. I think they are choosing people who are very well qualified to do that work. And I think they deserve support from us in that good faith effort to move something which has been very contentious forward into a place that is positive.

Mayor Swiderski: I do not argue that they deserve support. I just want to make sure the premise is clear. The \$2,500 is almost immaterial. Just to make sure what is happening makes sense in the context of what is happening, the way that is described, in what you have

said in clarifying my misunderstanding, certainly satisfies me. In terms of logistics, we have a proposal. Let me see whether anything has to be done to change the resolution. Can we vote on this tonight or does the resolution need modifying?

Trustee Walker: It says “provide a comparative analysis.” Could we add some language that would give it more substance, underscore particularly what Bruce and Niki were saying?

[Discussion of language]

Trustee Jennings: After “to provide” add “a framework for the comparison and reconciliation of the LWRP and Comprehensive Plan Committee draft reports, and to clarify future action on waterfront zoning.”

Mayor Swiderski: I am comfortable with that language. Is everybody else comfortable?

Trustee Jennings: When I say “to clarify future action,” what I am picking up on is the idea that part of the goal is to educate all of us on this form-based zoning concept. Right?

Ms. Sullivan: Definitely.

Trustee Jennings: This is intended to capture the three points that have come out of this conversation. Number one, we do not just want two documents to be reviewed; we want to make sure the consultant talks to people and reads between the lines and gives not a summary of, but an interpretation of. Secondly, this is partly a consensus-building project. And thirdly, going forward we need to have a common ground on the form-based zoning concept because that is likely to be the convergence of this whole thing for all of us. That is what I heard tonight, and that is what is meant in the resolution wording somewhere.

Trustee Walker: Beautiful.

Trustee Armacost: Perfect.

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

RESOLVED: that the Mayor and Board of Trustees accept the proposal of Phillips Preiss Shapiro Associates, Inc. to provide a framework for the comparison and reconciliation of the Draft Waterfront Recommendations of the Local Waterfront Revitalization Program and the Comprehensive Plan Committee and to clarify

future action on waterfront zoning, for a cost not to exceed \$2,500 to be paid from the general fund.

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

Mayor Swiderski: If you could circulate a revised scope of work prior to commencement of the work, that would be appreciated.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Crews began work on the Washington Avenue sidewalk project this week. We have made very good progress. I estimate that upwards of 300 feet of sidewalk has already been completed or is ready to be poured. The project is a challenge with the change of elevation in some of the locations. Our goal is to have a project at the end of the day which will keep street water off people's property and which would be safe and passable for our residents. I am out there every day, a couple of times a day, monitoring the work. Mike Gunther is on the site. We have been trying to accommodate all the homeowners. We are probably 25% near completion. Right now we are going through the most difficult part of the project. I am told by the contractor the rest of it should be fairly straightforward.

I am meeting with the Quarry committee next week, in advance of a presentation to you on November 17. I gave you a copy of my letter that went out to Scenic Hudson. I have not heard back as to whether they would support the request to modify the \$20,000 grant to complete some of the environmental work in advance of design.

BOARD DISCUSSION AND COMMENTS

1. Yard Waste Fee Proposal

Village Manager Frobel: I am going to suggest a work session either later this month or early in December. I gave you some additional data in your weekly report. We have been able to isolate some of the direct out-of-pocket expenses that the Village incurs in handling yard waste. I also met with several of the landscaping firms that do business in the Village.

They came up with some suggestions that merit further consideration. We have an opportunity to change the way we do business. Some of the suggestions range from coupon books, to better monitoring the site, and perhaps even working with the county. Some of these landscaping firms, we are finding out, are not licensed by the county to do business. So one of the criteria we may want to look at is that in order to qualify for a Village license you need some county license, as well. Additionally, we are surveying some neighboring communities. In our discussion there was mention of the penalty for illegal dumping. We are on the low side, at \$50 per occurrence. Both Dobbs Ferry and Irvington had a maximum of \$250. Part of this package will include recommendations for modification to those charges for illegal dumping. We could meet next Tuesday night. I was going to brief you on where I think we are on the Ridge Hill mitigation improvements, but I thought maybe an evening where we could make sure we are on the same page.

Trustee Jennings: Next week I am out of town all week.

Mayor Swiderski: I am inclined to schedule it for next Tuesday and at least have four of us.

Village Manager Frobel: There is no urgency, as such, but this does require the setting of a public hearing. That is what I would like to see come out of the work session: setting a public hearing on the fees.

Trustee Walker: I have to say thank you for doing this analysis of the indirect and direct costs because it is an eye-opener.

Mayor Swiderski: Totally. It changed my opinion on this entirely.

2. Support Letter for Ridge Hill Mitigation Intersection Improvements

Village Manager Frobel: I put this on the agenda to keep control on the support letter. We heard last week from the planner in Greenburgh, and it was a lot to take in, in one evening. We left that meeting with some suggestions as to not necessarily the top three, but three suggestions. And we are not limited to three. We can add any number we wish to the list. But in looking at the minutes of the last meeting, it was left that the Board was going to speak among yourselves. If you want that work session next week I could tell you the three intersections that I think are important, and to make a further effort to not exclude the improvements to Jackson Avenue and 9-A in Hastings for that turn lane.

Mayor Swiderski: Are we holding up anything by not doing the letter prior to that?

Village Manager Frobel: No. Tom said that there would be a meeting of the committee sometime in November, so I think we have got time.

Trustee Walker: The only drawback is that Bruce will not be there, and he was not there for the last discussion. I would like him to be able to weigh in on this. Maybe you could have a separate discussion with Fran.

Village Manager Frobel: Let us do it if you are available during the week. Go over what I think are the top three that came out of that meeting, and make sure that we are clear.

David Skolnik, 47 Hillside Avenue: I am not sure the process between what you are doing and what the committee is doing. Will that be a public meeting, or open to the public at least?

Village Manager Frobel: The meetings are open to the public at the Greenburgh town hall.

Mayor Swiderski: If you are asking what is the best modality for you to submit comments technically work sessions are not open to the public but we have gotten soft on that lately. I would not want you to count on a whole block of time if we are covering multiple topics. An email or a memo will always get read. You may want to start with that, and if there is a chance to speak up during the work session you would have a chance to speak up.

Trustee Armacost: What Peter did in the last meeting was ask Mary Jane where she would put her money. For safety's sake she would get rid of the Y intersection at Jackson Avenue and Sprain and would give the rest to Ardsley. I agreed with that and I think Peter and Trustee Quinlan also agreed with that, Meg had a nuance on it, and Bruce did not have a chance to weigh in. So that statement by Mary Jane was as much of a consensus as we had at the last meeting.

Mayor Swiderski: It is an assumed starting point. One thing is properly prioritizing all the other changes, as if they will ever get to them. We might as well do that together as a group. Apparently there is a consolidated bullet point list of the various intersections and what is being done. That would help to drive our discussion.

Village Manager Frobel: I can give you that.

3. Verizon Proposed Contract

Mayor Swiderski: Everybody is aware that we have one franchise in this village for cable TV service, and that is Cablevision. Negotiations with Verizon to provide FiOS, optic fiber-

based cable TV, broke down, after approximately a year of work, in March of 2007 when Verizon stepped away from the table and took their contract with them. When I assumed this current role, I approached Verizon within a matter of weeks. Jerry and I sat with them. We reviewed the March, 2007 contract which they had put in front of us, and said they were willing to consider resubmitting it unchanged if we would accept it. We tried to make a couple of changes; Verizon said no way, take it or leave it. We swallowed our pride at the end of July, and said we will take it because the few things that we had issues with were minor compared to the advantage of having cable service provided to the Village. Within that contract were a couple of advantages for Hastings which were also present, and are standard, in the contract that was signed with Cablevision. Specifically, there was a \$61,000 payment that Cablevision made and was in the March, 2007 contract, that Verizon would make up front as a cost of starting business in Hastings in cable television. The justification for that money was to help us finish our TV studio in the Community Center. We bought much of the equipment with the Cablevision money, and Verizon had agreed to pay that, as well.

Additionally, there is something called a PEG fee, which is collected on a per-subscriber basis. Verizon, in March of 2007, was willing to pay 75 cents per subscriber per month. This is typically passed on to the subscribers on their bill. I am not sure if Cablevision has it, but most cable companies have that on their bill. Once we indicated to Verizon that we were willing to take their March, 2007 contract as is, I heard back about two weeks later that they needed to reexamine it make sure it was suitable for submission before they sent it to us. We received finally, two months after we agreed to accept it, last Thursday, the revised contract. That contract is entirely missing the initial payment. They have decided to unilaterally drop it. And they have unilaterally decided to drop their monthly payment from 75 cents to 55 cents, which is 25%. I called the Public Service Commission, which is the New York State body that regulates these things, and asked whether we had any recourse in arguing with Verizon. In fact, a franchisee is not obligated to offer service to a community, and a community is not obligated to accept a franchise contract if it is unacceptable. There is, however, one caveat: we cannot sign a contract with one cable provider without having it economically equal to a contract signed with another.

Clearly, the \$61,000 already paid by Cablevision sets a standard that we feel Verizon needs to meet. The same cannot be argued for the monthly fee because it is more complicated. On the face of it, at least apparent to your average kindergartner, if you say a deal is good as it now stands, and the other person says sure, and then you say on second thought I am going to take half off the table, it is flat out bad form. I am choosing my words carefully, since this is in the record. Bruce and I today called both the Verizon government representative, Mr. Butler, and their chief negotiator, Mac Kirby, to discuss their submission and to understand their reasoning.

The reasoning on the 75 cents versus 55 cents was based on what Cablevision's per-subscriber cost essentially comes to, which is about that, in fairness. There was no equivalent reason for dropping the \$61,000, other than we can, and if you think our service is worth having, and are willing to argue as such before the PSC on our behalf, the PSC might consider that fair enough and let it go through. In fact, I do not think it is fair and I would not be willing to argue that to the PSC. It would take money out of our pockets, and essentially ask us to subsidize a for-profit company coming into our community to offer us for-profit services. To me, that is strange beyond words.

A given subscriber, at 50 or 60 dollars a head in FiOS services will, over the 10-year period of a contract, provide to Verizon an income stream of somewhere around \$8,000. So Verizon could raise, from seven new subscribers, the \$60,000 they're unwilling to pay in return for the right to offer services to the 3,000 people who now subscribe to Cablevision. Cablevision now makes approximately \$3 million in Hastings. If Verizon was able to win a million of that business a year, not unreasonable a few years from now, over the course of a 10-year contract they could realize a perfectly attractive revenue stream in Hastings of somewhere between \$8 and \$10 million.

Sixty-thousand dollars does not appear to us to be an unreasonable gate fee to enter this community, and in no uncertain terms, I told Verizon that our conditions, as signed with Cablevision, apply to them. If they want to play here they need to abide by the same offer they made five months ago to us: take it or leave it. I told them we are perfectly willing to take that contract as it stood when they offered it to us, though as it has since been submitted this Thursday it is not acceptable. Until they change that, that is where things stand.

An email will go out to the community with Mr. Butler's phone number. You are welcome to call him. I am without words. My recommendation to the Board would be that we do not negotiate away something that the other provider has been willing to provide us. Until that is addressed, I feel Verizon is a much bigger loser in this than we are.

Trustee Armacost: I want to thank you for going line by line through that document, and I think you are absolutely right. It is an outrage.

Trustee Jennings: The simple fact of the matter is that back in August or so Verizon gave us a contract and said take it or leave it. We had some concerns, but almost all of the Trustees at that time said that the downside of this, the risk of some financial hardship for the Village, was offset by our desire to offer our residents a choice of cable provider. Now, a few months later, they have come back and they have given us another take it or leave it. But the financial implications for the Village are significantly worse in this second take it or

leave it. For purely business reasons, as far as they explained it to us on the phone today, they are doing this because they can, and not because it is best for Hastings or a reasonable compromise between their interests and our interests. Under the circumstances, minus over \$60,000, we might be at risk for some future loss in terms of Cablevision wanting to re-level the playing field. That is a real possibility. That would depend on some rulings by the state commission. I believe the balance has tipped, and that as important as giving our residents a choice is, still, to me, the best interests of the Village are not well served by this and I would not accept this current take it or leave it contract.

Trustee Walker: I, too, agree that we cannot take it. One of the reasons we wanted to have Verizon was to provide competition to Cablevision. But we are not. We are actually giving them a leg up if we accept their contract. It would be more favorable to them than to Cablevision, and that does not make any sense. So I agree with the decision.

Mayor Swiderski: This will go out in an email to the broader community. I wish it were otherwise. It was something that we set out, within two weeks of being elected, to address. We thought we were there. My concern is that they took our take it or leave it acceptance as an indication that we were weak and that they could try to bully us out of some money. I think they misread that, and it is too bad.

Mr. Gonder: Could you give me that gentleman's name and a phone number?

Mayor Swiderski: John Butler is 914.741.8700.

Mr. Skolnik: Is the product they would be offering significantly different or better quality than the product we are receiving from Cablevision in terms of whatever the consumer experience is, whatever the issues are?

Mayor Swiderski: That is always going to be a matter of opinion. They each have programming that is unique to their own channels. Specifically, local programming differs between the two services: Cablevision has Channel 12, and the equivalent is not offered on FiOS. The price points are very similar. They both have aggregate deals they now offer, which are obviously going to be within pennies of each other because they are in hot competition elsewhere. What you get for that money is very similar. I cannot speak for the quality of what you see, despite what they advertise on TV. But in terms of price points, they are quite competitive, as you would expect.

Mr. Skolnik: When I first moved I went with FiOS on the assumption that the package was going to be available shortly. I am wondering if there is a sizeable number of residents who might have also made that commitment on the assumption that this was going to be available.

And once that takes place, whether, in fact, Verizon might be in a position to lose even more business because of the economics.

Mayor Swiderski: That is an interesting point. I am one of those people: I have Internet through FiOS. The same math that works one way, that around 10 or 15 people cover that \$60,000 gaining, works the other way, as well. If Verizon sees an erosion of its customer base because people are going to pitch it in and move to Cablevision and consolidate there, like I plan to do, on the record, and will inform Mr. Butler in an email that I will do so, and I think everybody else should if they choose to do so, it is penny-wise and pound foolish to worry about a sum like that, given the potential for lost business, either potential business they could have had here, or existing business they lose because of individuals like me.

Trustee Jennings: We should make clear the fact that what Verizon is currently offering us in the contract only applies to cable television. Our rejection of this offer by Verizon, or I should say their rejection of our offer, will have no effect on anybody's Internet or telephone service unless they choose to change providers. This is only about cable TV.

4. Update on Deer

Mayor Swiderski: Relatively little in the last two weeks. We are dealing with a relatively junior person in Fish & Wildlife. I spoke to his boss about our request for a reading on three different additional methods of addressing the deer plague we have here. The three methods that I wanted to know if they were legal were a tranquilizer dart and then sterilize; dart and then euthanize; and then finally net and sterilize. All three would at least give us options that would allow us to consider what we could or could not do to control the problem. I did hear back that they plan to give us a read by the middle of November, which is better than nothing; that they are sympathetic to our need for solutions and will work within the law to try to come up with a set for communities like ours to work with. And if they cannot consider working with us, to get the law changed to licensing and permit methods which will work for a community like ours.

I did speak with our assemblyman, Richard Brodsky, to understand how this process works. Communities cannot submit a request. It does not work that way. It is not particularly effective, more explicitly. The "right" way to do it is to convince Fish & Wildlife that the change makes sense. In this case, it sounds like there is a sense there that some change is certainly at least required. Fish & Wildlife then submits a request for this change to the environmental committee, which is headed by an assemblyman who then shepherds us through the process within the senate and assembly in the State of New York. I do not know what the time frame for that process is. I do not know if that is three months, or in the

science fiction future. But at least we understand the beginnings of the process for us to address this if we are not given any sort of satisfaction on methods that we can employ here. I was heartened to hear that they want to provide us with tools, and that they understand we have special needs. We will see where that goes within the restrictions of the law.

Jeff Bogart, 5 Jordan Road: I sought to put together some proposed legislation, without knowledge of this process of having the regulatory agency make the recommendation and having it shepherded by the legislators. But should that be a problem, I would like to propose that the Trustees start to consider some language. I would like to read a version of proposed legislation. I am calling this the Deer Infestation Act of 2009:

Whereas the deer population of New York State, especially in Westchester County, has greatly multiplied and is expected, absent the herein proposed legislation, to continue to multiply greatly; and whereas deer are known to destroy forest undergrowth, pose a safety hazard to vehicles, spread Lyme disease, destroy valuable homeowner landscaping, and litter homeowners' yards with undesirable fecal matter, thereby depriving homeowners of the quiet enjoyment of their property, the following law is enacted:

Counties with a human population equal to or greater than that of Westchester County, municipalities with a population density per acre equal to, or greater than, the population density of Hastings-on-Hudson may deem deer to be a public nuisance or safety hazard or a threat to property. Upon the issuance of such declaration, state and county and town laws, and any regulations issued under such laws and regulations that explicitly or implicitly prevent the municipality issuing the declaration from killing deer, shall immediately cease to be applicable to the municipality until it rescinds its declaration. State, county, and Town laws, and any regulations issued under them that shall no longer be applicable to the municipality include, among others, those prohibiting or regulating the use of firearms, bow and arrow, poison, bait, anesthesia or other drugs, netting and baiting, and trapping. This statute shall be self-enabling and effective immediately.

I think that should do it. All it takes, for starters, is this Board of Trustees to pass that as a resolution requesting the state government take action. It is something that these Trustees would want to refine, and they may even start from scratch. However, I figured that something ought to get started so I would like to propose that.

I would like to inform you of a petition that is circulating in the Village for lower school taxes in Hastings, and is sponsored by an outfit called the Hastings Alliance for Affordable Taxes. The petition, which now has 125 signatures, reads:

To the Hastings school board and school superintendent.

I support lower school taxes in Hastings for several reasons. Among them, our school taxes went up nearly 50% over the past five years while the number of students went down by about 8%. The current level of school taxes imposes a severe hardship on many residents. Hastings can offer good schools for significantly less than the \$27,500 per student we are currently spending.

That is the petition, and it can be found online at www.hastingstaxes.com. I thought you might be interested in what is going on in other portions of the Village.

Mayor Swiderski: We did receive a communication from a representative of the People for the Ethical Treatment of Animals regarding deer control in our community based on, apparently, the reading of a *New York Times* article that referenced Hastings, among other communities. The primary thrust of the email was to request that we not consider bow and arrow as one of our techniques because PETA considers it a cruel way of culling animals. There was a list of other suggestions regarding ways to repel deer from property and other mechanisms for controlling deer, but this specific request was regarding bow hunting. I should note that the letter was entirely respectful and proper, and in no way threatening or unpleasant. The email will become part of the public record.

5. Update on the Waterfront

Mayor Swiderski: Tomorrow, demolition begins on the first of the buildings. Asbestos has been stripped out of most of them. It would have started today, except this is election day and a vacation for unions. Quite a bit has happened on the waterfront, including the construction of a pier that juts out into the Hudson that has been used to offload all the heavy machinery currently on the site, including a number of these clawed devices that are going to take the buildings down and will be used to remove the steel sheeting from the site onto barges which will then take it away. So a considerable amount of truck activity that would have otherwise occurred has not because of this pier. It will also diminish, quite seriously, how many trucks will be leaving the site during the demolition phase. The demolition phase begins with a building tomorrow which is visible, just barely, at the base of the water tower down the alleyway that is formed between Buildings 51 and 52. Then they will proceed to the remnants of Building 15, which is barely visible from the water behind the metal buildings. Then starting south and heading north, the metal buildings will be first de-cladded

of their sheathing, and then whatever is left taken down. All brick that is not contaminated with lead paint will be on-site for use as fill down the road, and anything that can be recycled will be removed for recycling. This should be all done by December 19, everything taken down, and the site cleared and prepared with erosion control in place for eventual remediation.

Trustee Jennings: Trustee Quinlan had arranged a meeting with Riverkeeper because the progress that is being made in discussions with the DEC and BP on the remediation planning may affect the court consent decree. Riverkeeper was a party to that lawsuit, and has an interest and a role in the terms of that settlement. So they need to be brought back into the loop with the DEC and us and BP. As a first get reacquainted kind of meeting, it was very well attended by Riverkeeper people. The executive director and many high-level staff members were there. It was a very productive meeting. Jerry summarized where we had come in the last several months in terms of meetings in Albany and discussions with the state, and the conversation about various approaches between the state, BP, and the engineering firms, and so on. Riverkeeper agreed to a confidentiality agreement, so it is now being given documents to review. It participated in a technical engineering meeting that has already been held. That is good because they will understand what is going on if, and when, it is necessary to get its agreement on any changes to the court agreement.

The second thing we talked about briefly was use of the fund of money for parkland that is a part of that consent decree. We wanted to alert them to the fact that we were discussing that possibility and thinking about that possibility. Their reaction was, Where is the quarry? What is the quarry? What does it look like? How big is it? What do you want to do in it? and How does it relate to the river? Jerry gave them some answers but most of what they wanted exists already in the Quarry Committee report. We left it that we would send them the appropriate documentation, they could understand what this is all about, and they would think about it and see if they thought this might be appropriate to the purposes of that fund. They did not commit themselves one way or the other. I do not know whether they will be favorably disposed to the idea of using some of that money. It depends on the information we give them, and whether or not we are able to persuade them in further conversations. It was a very good first meeting, and they are knowledgeable and interesting people. They are our partners in all this, and we need to remain in touch with them, and we got off to a good start.

Trustee Armacost: Did you get a sense of when they might respond to us, or do we still owe them documents before we can even ask them that?

Trustee Jennings: It is possible, since Trustee Quinlan was leaving for his trip abroad the next day, and I did not follow up with Village staff, that we might not have sent that

document yet. But it has only been a few days so I will talk to folks and make sure that the right documents get sent to them. I have the name of the contact person so we will get that moving along. I do not think they are going to take a long time to make up their minds, but they do need some time to review it. Maybe some of them will come and tour it, and if so, I am sure the people on the Quarry Committee would be happy to accommodate them.

Mayor Swiderski: One final comment about the waterfront. Our Building Inspector, Chiefs of Police and Fire, Village Manager Frobel, and others have negotiated the safety protocols and established visits that are virtually daily to ensure that all appropriate standards are enforced. I can certainly say, to an inexperienced eye visiting there, that they take that seriously and intend to have a zero injury site. Protocols seem intense. The only problem they have had is that commuters do not fully respect the sawhorses that say No Entrance, and continue to turn down that road to drop off commuters at the platform which is right in front of the site. This morning it resulted in an officer having to be stationed there to tell people they cannot move the sawhorses out of the way and cannot go down there. Other than that detail it has all been checked, double-checked, and triple-checked.

Mr. Skolnik: I had mentioned the question of documentation. I am wondering if anything further had been done about that.

Mayor Swiderski: Why do you not share our time lapse experiment, Jen.

Village Technology Assistant Corso: Raf and I have a camera set up pointing at the gray metal buildings. It is going to be on a time lapse; when it is done we are going to put together a video that is going to show it coming down. Fred Yaeger is going to let us know when the buildings are going to be coming down so we can get some other types of video in other locations. So we are going to be documenting it.

6. Other

Mayor Swiderski: Finally, an annual tradition. This is a request from the Chabad of Greenburgh for the placement of a menorah for Hanukkah celebration in mid-December. We have hosted that menorah, along with a crèche and a Christmas tree, in front of the VFW hall for as many years as I have been here. I turn to the Board, since I do not think it formally requires a vote. But I like to see the support, and ask for your assent in granting permission to the rabbi for construction of the menorah.

Trustee Walker: Yes.

Trustee Armacost: Yes.

Trustee Jennings: Yes.

Mayor Swiderski: Thank you. I will call him tomorrow and give the Board's sense.

Trustee Walker: We are going to throw the second Friday Night Live on Friday, November 6. We are not going to close down Warburton. We will barrier parking spaces in front of a few of the restaurants. If the weather is good they could do some outdoor dining. But traffic is going to move normally through the downtown. We are focusing on food. The restaurants are having specials and promotions and many of the shops will be open late. The Community Center is going to host a folk group called Driftwood, preceded by a group called News from Anywhere. We were also able to get Captain Lawrence Brewery as one of our sponsors. There is a new shop opening in town called Juniper in the old Scoops. If the weather is good they will be serving outside in that plaza area. If the weather is not good, we have offered them a space in the Community Center so they can start to promote their new bakery café. We are going to have a small bonfire in front of the Station Café. There will be music, and the owner is going to be introducing his new Middle Eastern platters of food. Maud's is also running specials and selling things outdoors. We will be sending out a program, and as we get specials we are putting them in the *Rivertowns Guide*. That is a wonderful source of information because they update it daily.

We are going to take January and February off. That is our opportunity to put together a business plan and a schedule for the next 12 months, and to figure ways to make it self-sustaining, so it will not take as much energy on the part of lots of volunteers, including me.

Mr. Zahn: I neglected to say that one of these DVDs should go to Mr. Sontchi of ARCO.

Trustee Walker: That reminds me to mention that ARCO is one of the sponsors. I wanted to stress that, along with Captain Lawrence Brewery, we are very grateful to ARCO for providing a generous sum of money to Friday Night Live.

EXECUTIVE SESSION

On MOTION of Trustee Jennings, SECONDED by Trustee Armacost with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel.

ADJOURNMENT

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:30 p.m.