

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 22, 2009**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 22, 2009 at 8:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Twenty-three (23).

PRESENTATION - Maple Avenue Sidewalk Project/Washington Avenue Sidewalk Project, Suzette Lopane, Westchester County Department of Planning

Village Manager Frobel: When we met in July, I had provided the Board with a copy of the schematic of the Maple Avenue project. At that time it was about 30% designed, and Ms. Lopane thought it would be advisable to come out and meet with the Board. Also, we informed the residents of the street to come out and talk about this project. It is funded through a Community Development Block Grant the Village received a number of years ago. The Village will be matching part of that contribution, as well. This project has gone through some public hearings. When the application was put together, there was some citizen input. It was viewed to be a necessary project, one that was going to add to the neighborhood and make some improvements to the sections of the sidewalk that were in disrepair. Suzette Lopane has worked with the Village on a number of projects, most recently Washington Avenue and Ridge Street. She is familiar with our process, and would like some time tonight to walk you through the project and answer any questions the Board may have.

Suzette Lopane, Westchester County Planning Department: I am a landscape architect, registered in the State of New York. I have done 21 streetscape projects in the past 13 years all over Westchester County, including Hastings. I did spend a considerable amount of time working on the sidewalks in front of the train station in 1998. Now we are doing a little more residential-type sidewalks. We are going to start construction on Washington Avenue sidewalks, the upper portion from Warburton to Broadway, in October. Under consideration now, this is the design that we are doing for Maple Avenue from Spring Street to North Street. There was a sidewalk study done in Hastings maybe two or three years ago. They were identifying areas within the Village that needed new sidewalks. The reason I am involved is that the Village applied for the CDBG grant, and is getting partial funding for this project. That is where my design services step in.

The conditions of the existing, I am sure you are all aware of. Many portions are heaving. Some people have fallen and tripped on some of the sidewalks in the area. That is a major consideration for me when I am doing a sidewalk project. What I am thinking about is the people that are walking in that space. I want to make it safe to walk, so I need to get a smooth walking space. I need it to be a certain width. Years ago, four feet was completely acceptable. Now we try to go with a five foot width or wider because of wheelchair accessibility. Strollers, two people at a time, you need to have enough room for everybody to get by. I also like to provide a little buffer along the edge between where the cars park and people walk so when the car doors open you are not being hit by them. That was what existed in this area. Spring Street at this end has concrete sidewalks with the 16-inch band that we did on Southside. It comes around the corner. I think that band is all on Warburton and up Spring. I left that in place, to the first driveway. From the first driveway onward, the character of your neighborhood changes to something different from what the downtown streetscape looks like. What I have done from this point onward is put in a brick band, which you have in some places. But in some places it is deteriorated or missing, so I have added it back in along this whole edge. I think 26 Maple is the one that has the large hedge in front, the smaller house. From that point onward the brick band disappears and you get a lawn strip along the curb line. So you get more of a residential feel in that area. I wanted to continue that along from that driveway.

It is almost like you have transition areas within Maple. From a highly traversed area where a lot of people are walking, the sidewalk is wider. It is a little more narrow and then even narrower where the strip is, and I like that. The grass strip allows me to put in more trees. You have got some trees, but it is not in a rhythmic pattern. We have discussed this, and I did choose to take out a few trees at the end of the street because they are heaving the sidewalk. There is a new cultivar maple that I have been using that fits better into that space.

In terms of the walking space, the five foot wide space that I am trying to put back in, I chose to put in a pattern that is very similar to the existing slate, which is to say, the slate is two feet wide. I cannot really put four foot in. That is not really wide enough to accommodate ADA accessibility. But I can put that two foot in, which is going to provide a nice flow to the whole sidewalk space because from Spring you can look almost all the way down the block to North. It is a really nice, smooth vista and I do not want to change that. But slate is very expensive to purchase now. Our quarries in this country are drained. There is very little left, and what I can find is extremely expensive. So I would want to salvage what I can. I do not want to put broken slate back in, I want to put smooth slate back in. The way I was looking at it is, from 14 Maple to about 28 I want to take what slate I can from all of the rest and put it back in. There are some portions of sidewalk in front of 14 and 16 Maple where it is okay. There are no problems there, and I am going to leave that alone because they recently did that.

This area that is the lighter gray color is concrete sidewalk. Then here would be the slate to remain because it is in pretty good condition. I will be changing the band out because I want to make the band a little wider. Then from that point onwards here, along this ledge, I am going put what slate I can salvage back in. Then the rest, all the way to North, is the sidewalk with a two foot wide scoring pattern on that.

Barbara Sansverie, 46 Maple Avenue: [off-mic]

Ms. Lopane: You are at 46 Maple Avenue. The linden? I left the linden in. What happens with that and the maple is that the sidewalks become much narrower. I think that has a lot to do with the hedges and all that kind of stuff.

Ms. Sansverie: I understand making it wider and more accessible, and I understand changing out the slates. I do not walk on those parts of Maple because I have tripped and fallen and hurt myself. I do not like losing trees. I understand that if they are going to keep growing and ripping out sidewalks you cannot have that. But can we not just lift up the slate, remove the trees, and put the nice slate back down and then we could all keep our slate?

Ms. Lopane: I will try to do that as far as I can. I have every intention of doing that. The way I have structured the bid is that there is an item for the contractor to salvage the slate, then there is an item for the contractor to reset the slate. I will go as far as I can with what material I have. I did my best estimate, and I thought if I could get this section of block done. I would go farther if I could. I just do not know if I have enough material.

Ms. Sansverie: Most of us at the end with all the trees have redone all the fronts of our houses, the paths that lead into our houses, to match our slate.

Ms. Lopane: I have no intention of disturbing those. I did notice that. It is getting more and more difficult with the materials. We are running out of our natural materials.

Ms. Sansverie: And that would be another good reason to just pick up and reuse the slate.

Ms. Lopane: If it was not broken, if it was not slippery. When we do a project like this, we are going to do this once in 40 years. We are not going to come back here again.

Ms. Sansverie: I would think this slate has not been touched in 100 years.

Ms. Lopane: I am not sure. Our aerials for Westchester County only go back to 1925. There were sidewalks then.

Ms. Sansverie: Then 1925, I am sure that slate has been there since. For maybe three to be broken is pretty good. Would the owners, if they wanted – I am not positive if the Topilnickys had replaced their own slate.

Ms. Lopane: That is the one where I am leaving it. The only thing I am going to do there is make the band wider.

Ms. Sansverie: Would other residents be given an opportunity to replace their own?

Ms. Lopane: I looked at it more as a kind of democratic thing, where I wanted to provide some rhythm and consistency to the pattern of the sidewalk. That is why I have concrete here, and then the slate as far as I can go, and then it goes back to concrete. I wanted to provide some rhythm. My vision for it would not be slate here, no slate here, slate here, no slate here.

Ms. Sansverie: What if it could be the concrete to there, and then all slate?

Ms. Lopane: That would be great, but I doubt I have that kind of material.

Ms. Sansverie: That is what I am saying. At that point, where it is concrete and then all slate, you give the residents an opportunity if they can come up with the slate on their own.

Ms. Lopane: You mean if they purchased the slate.

Ms Sansverie: So if you gave us all the opportunity, if it was deemed that you have six pieces and one of mine is not deemed okay, or if you went to John's and said you have two pieces that are not okay, and we would go and purchase our own and it would be taken care of. And then the next neighbor . . .

Ms. Lopane: When I am doing a sidewalk project, there is something we do called a "grading plan." In my cross-section grading plan of this I want to raise the curb up to a six inch reveal, which it is not right now. When I do that, that means that everything is changing its height. So you cannot take a piece out and put another piece back in. The sidewalk will be like this. Everything has to be reset, or nothing reset.

Ms. Sansverie: Okay, we give you the slate. I am just saying, could we have the opportunity to match and do with what your vision . . .

Ms. Lopane: I do not think that is a question for me to answer. I think the Board has to make a determination.

Village Manager Frobel: I would also remind you, Suzette, we are trying to salvage slate from the Washington Avenue project.

Ms. Lopane: There are like four pieces there. Meg, please, speak up for me because you know what is there.

Trustee Walker: Yes, there is very little there, and it is in pretty poor condition.

Village Manager Frobel: I must have miscounted. I got the impression there was more. Four pieces?

Ms. Lopane: I went out and specifically counted what pieces I could to come up with. I cannot salvage something that is broken. It will fall apart as soon as he lifts it.

Trustee Walker: Many of them are broken.

Anne Marie Ross, 24 Maple Avenue: I know that if there was an opportunity for whoever wanted to augment what was there for the slate, are there other considerations that you need to account for? Is there a reason why you are advocating slate if it was available? To put concrete in further down the roadway, if the residents provided a means for the material to be available is there a reason not to go with the slate?

Ms. Lopane: Yes. When I did the construction drawings for this I was very conservative in the way I am dealing with the slate. You can just lay slate on dirt. I am not an advocate for that because it is a modular paver and it will heave. So I am building a concrete sidewalk underneath all the slate and putting that down. It is just a tremendous cost to do that. Whereas just putting in a regular concrete sidewalk, obviously you are going to spend dramatically less because with the slate piece, I have to build a whole sidewalk underneath.

Ms. Sansverie: It is just not as nice. I deem us to be one of the last historic areas. I see what has happened with the Village with those new lofts and everything that is going on. We have our nice little historic walk, and we have Squirrel Alley, and we have all those houses down Maple Lane, and we have all the character and everything. And you are going to take it all away and you are going to give us concrete. Not you personally. It is going to be cold and it is going to be hard, and I just do not like it. It is not going to be tasteful, it is going to be taken away like every other little thing in Hastings seems to be just chipped away and chipped away and chipped away. We are looking at the trees disappearing. And then we are

going to be looking at playing with our parking: is it going to be parallel, is it going to be vertical. And then it is going to be a one-way street. These are all other ideas that people have. The avenue has a lot going on: the waterfront and the trucks going up and down the block. We have enough with the commuters racing down the block and passing the school buses, and practically running everyone over to get to the train on time, and the Farmers' Market issue taking over the summer.

Ms. Lopane: In consideration of that, I did think about the slate. That is why the large majority of this is slate. Just think about this: these are apartment houses up in here.

Ms. Sansverie: The large majority of the slate that you are keeping is everyone that had the foresight to make it all beautiful beforehand, getting this done.

Ms. Lopane: Right. And I have spoken to some of your other neighbors and they do not feel exactly the same way as you do about the slate because they recognize the fact that it is a modular and it is going to heave quite a bit more than the concrete sidewalks are. Some of them are getting older, having difficulty seeing, and they want a smooth surface. In terms of the aesthetic, I am trying to provide that with the scoring pattern.

Ms. Sansverie: The heaving is because of the trees, and you are going to remove the trees that are causing the heaving and put trees in that do not cause this heaving.

Ms. Lopane: All trees are going to give some kind of heaving. It could definitely happen.

Ms. Sansverie: How long you think my tree has been there for?

Ms. Lopane: This linden, maybe 20 years.

Ms. Sansverie: I have had the house 15. That tree was well-established when I bought the house.

Ms. Lopane: You know what happens when you have a tree in a tight space like that? It tends to be stunted in its growth because it has very little way to move with the roots. I think you have to understand, once again, that it is a modular. Now, if there is a joint of slate every two feet it is going to heave more than a joint of sidewalk that is 20 feet.

Ms. Sansverie: I would not want to see two feet of slate either.

Ms. Lopane: That is what these are. They are two by four feet.

Ms. Sansverie: I would not want to see slate, and then concrete, and slate and concrete and slate and concrete. I would not want to see that either.

Ms. Lopane: So here is my point. I am going to go as far as I can with what I have.

Georgia Honovitch, 28 Maple Avenue: I understand it is either going to include me or exclude me. But what you are saying is, if you go slate up to that, whether it includes me or does not include me you cannot have concrete for a couple of houses and then slate for a couple. That is not an option, is it?

Ms. Lopane: That is not my vision, no. My vision is to go as far down as I can with a continuous band of slate. Otherwise the look, the aesthetic, is gone.

Ms. Honovitch: Even if the person wanted to include himself, can they be included even though there is concrete on both sides?

Ms. Lopane: We will go as far as we can with the materials.

Ms. Honovitch: Even if they wanted to pay for it, it helps. We have no option there. That is just what I am asking.

Ms. Lopane: I do not know what the Village's obligation is on maintenance of the sidewalks. I cannot answer that question for you. But the Village does have to take into consideration that the sidewalks are in their right-of-way and they have to provide a safe walking surface for all of the residents of Hastings.

Ms. Honovitch: Is 28 included in it, or is it excluded?

Ms. Lopane: You are on my border.

Ms. Honovitch: I don't care. At my age I am not going to fight it, but is it included?

Ms. Lopane: Based on my math, I took the calculator out and the scale and I figured out how far I could go. I do not think I could make it to your house, but I am really trying.

Ms. Honovitch: I am 83, my husband is 95. But you cannot give the option to people that want it, even though it is in between.

Ms. Lopane: It is not for me to answer that question, I am sorry.

John Bauman, 50 Maple Avenue: I have not been as effective in keeping my slate as I would like it to be, but I was not aware until this weekend about the issue that is coming up in this meeting and I would like very much the opportunity to smooth out the slate in front of my house because I love the slate and I hope that we do not lose it. There may be other residents, too, who would be willing to do that.

Steve Topilnycky, 18 Maple Avenue: I notice your trees start from like 26 down towards North, but there is nothing from there down to Spring Street. This looks a little void.

Ms. Lopane: It is now void.

Mr. Topilnycky: Why not have a consistent spread?

Ms. Lopane: I would love to take that into consideration; however it is too narrow in this area for the trees.

Mr. Topilnycky: There used to be trees there.

Ms. Lopane: They are certainly not there now, and I think the reason why you are not seeing them now . . .

Mr. Topilnycky: The town cut them down.

Ms. Lopane: Because they were in deteriorated condition because of the lack of root space in this area. That is why I really wanted to keep that grass band. That gives the roots a little more space and allows the trees to grow.

Nelson Childs, 54 Maple Avenue: What is the timing on this project?

Ms. Lopane: I am working on the construction drawings now. It is a little late for me to go out to bid to expect anything to happen before the winter. Plus, with Washington Avenue taking place this fall, my anticipation is that we would construct this in the spring. It sounds like it would work better with the other things going on in your neighborhood.

Mr. Childs: Will you be getting back to us on this before you award the contract?

Ms. Lopane: The procedure from this point, for me, is that I make the presentation and address any comments we may have here and that the Board would like to make, as well. Then I would make those alterations to the drawings and provide them to the Village.

Mr. Childs: There seem to be a lot of misconceptions and some unknown information here. I would like to track this a little bit better in the future if we could get some more information from you, or from the Board or someone, as to what is happening and what our options are so we can have a nice, smooth project with no problems. If we could count on you or the Board for that, to get some more information as it develops along the way.

Ms. Lopane: This is my concept. This is what I have at this point, other than the comments that have been made.

Denise Weber, 60 Maple Avenue: I just wanted to make sure about the tree by my house coming down. There were two trees.

Ms. Lopane: The silver maple at the end, yes.

Ms. Weber: You are going to replace it with two trees?

Ms. Lopane: Yes.

Ms. Weber: Is that going to happen when you take the tree down?

Ms. Lopane: No, the tree comes down first and the roots are removed. And then they come in and do the sidewalk, and then they put the trees in. I have to go to the nursery to pick these out, so it has to be in May.

Ms. Weber: No, I understand. It would not be like in six months.

Ms. Lopane: No. The contract should only last 120 days so it would be three or four months at the most. I have to time it with the season. I am not going to plant it in July. I am very particular about that.

Jeff Honovitch, 28 Maple Avenue: I have a question about the curbs. We have all slate curbing almost of the whole street. Are you going to save that or do anything with that? Also, what happens at the driveways? Do you take care of all the interface between the property to the road?

Ms. Lopane: Yes. With regard to the slight curb, that is an item that is really hard to come by at this point. I am not going to be able to salvage that because as soon as we remove the asphalt along the roadway and the sidewalk on the other side it is just going to disintegrate and fall apart. I do reset and reutilize granite, have done that in several different sites. But the nature of this slate is, it comes off in leafs. It just falls right apart. So no, it will be a

concrete curb. With regard to the driveways, I do go back to meet grade with the asphalt. For example, your driveway is asphalt. I will go back as far as necessary to meet the grade. In fact, your driveway is the one with the roof leader on the side that comes out. That, I am going to connect into a series of drains. Your driveway is a low spot in the roadway. The catchbasin in the roadway is too far away for me to drain this properly. I noticed a puddling action right in this driveway.

Female Voice: No, that spot is 26 Maple Avenue.

Ms. Lopane: Oh, it is?

Female Voice: He has that concrete walkway coming up. That is the low spot. That is why the water always drains in a south direction.

Ms. Lopane: Well, I have to fix that.

Female Voice: I cannot build it up because it dips so low.

Ms. Lopane: Right. I am going to put some drains in there so the water drains out of there towards the street because right now it sits a little low there. I noticed there was a puddle there.

Female Voice: What about the gas and water connections? They are right in the middle of the sidewalks. What are you going to do about that?

Ms. Lopane: What happens with the gas and water is always interesting. The utilities are responsible for providing us with new valve cover boxes, if necessary. The contractor is responsible for resetting those and coordinating that. I am adamant that that is done properly, flush with the sidewalk. Otherwise they just become a nightmare tripping hazard.

Tim Sansverie, 29 Maple Avenue: My concern is is not so much the plan, but that Maple Avenue is becoming Maple parking lot. There is no character. We just talked about the trucks from the waterfront coming up and down. I would rather see money spent on speed bumps to keep people from racing down to the station and back up from the station. As my sister mentioned, there is concern about the slate and the look of the street. It is a residential street very close to the downtown. We cannot avoid that, but I feel like our street is losing its value and appearance and character. This might level things out and all, but my concern is about Maple Avenue overall.

Village Manager Frobel: Mayor, let me just make a suggestion. As you know, the Board awarded the project for Washington Avenue sidewalks a few weeks ago. Those prices came in better than we anticipated. And do not forget, this is a combined project with CDBG money so we have a certain amount of flexibility. Maybe we can go back and get some prices for extending the slate further than what the existing will allow and maybe get a unit price. Just see exactly what we are up against here.

Richard Shemonoski, 16 Maple Avenue: I am told that my property would have slate on the north end of my walkway and concrete on the south end. It would be a mix of concrete and slate.

Ms. Lopane: The first house after that apartment building? What is interesting about your house is that there is this concrete pad there. It looks like maybe it was used to store something. I am not sure what that piece of concrete was for.

Mr. Shemonoski: No. That slate was replaced after it went through a rough winter and shattered. They took it out and put concrete in it. The Village did that.

Ms. Lopane: I do not really know where properties begin and end. I only know where the right-of-way is. I did not realize.

Mr. Shemonoski: Would that concrete piece be replaced with concrete, or with slate?

Ms. Lopane: I was replacing with concrete.

Mr. Shemonoski: So it will be a mix of concrete and slate.

Ms. Lopane: It is just the point where I started the slate. I cannot tell where your property starts and ends. I do not have that on my drawing. I just took a best guess. From the staircase of the house, this way is all slate and that seemed to be a good starting point.

Mr. Shemonoski: "This way" meaning north, or south?

Mayor Swiderski: North.

Ms. Lopane: Yes, it seemed like a good starting point to me. I do not have to do it that way. That was just where I thought was the best starting point.

Mr. Shemonoski: Does it follow, then, that south of the staircase would be cement?

Ms. Lopane: Right, all the way down to Spring.

Mr. Shemonoski: Not a combination, half-and-half.

Ms. Lopane: No.

Mr. Shemonoski: I am kind of a demarcation point, but the point is in the middle of the sidewalk.

Ms. Lopane: Yes, it is the staircase. But the brick band will be continuous along that whole ledge.

Mr. Shemonoski: I understand. The other consideration is, I have been waiting for a few years for this project. I have the ability to put off-street parking on the south side of my steps between me and my neighbor.

Ms. Lopane: It is really steep, though. From a design standpoint, it is very steep. You would have to build some walls.

Mr. Shemonoski: Oh, no. I had a contractor give me a quote to level it and put a wall inside of it to create three parking spaces off the street, which would necessitate losing one meter. But the town would gain two off-street parking spots.

Ms. Lopane: Generally speaking, if there is not a driveway there I do not usually put a driveway there. I had no idea that was the case. I do not have a driveway there.

Mr. Shemonoski: You could not cut the curb for the driveway?

Ms. Lopane: I just go by what is out there. If somebody has a driveway in front of their house I maintain it.

Mr. Shemonoski: I understand that. But could you put a cut in the driveway although the town may have some objection to that? The Building Inspector, several years ago, asked me if I could do this because the town, and Joe Marsic was the Chief, was looking for as many parking spaces as they could get. Picking up one or two was a big deal; I would assume it still is. My understanding is that all the parking changes that are going to take place, we are going to lose one spot, just like the Boulanger Plaza ended up losing one space. I am offering this: cut the curb there, and I am going to put in off-street parking. It makes my property more valuable, but it is much more convenient, especially for me. Parking is a difficult thing for me because I have trouble getting around.

Ms. Lopane: I would hate for you to have to take all these planters down that you built in here. It is really only about 11 feet wide from planter to planter, so you can only get one car in there. Three cars? You would have to stack them like valet parking, back-to-back. You would not ever get a driveway wide enough to accommodate three cars side-by-side.

Mr. Shemonoski: I beg to differ with you. I have drawn that up with different size vehicles, and I can back three cars in there, certainly two. But three would be difficult, yes.

Ms. Lopane: You would have to take out the planters, though.

Mr. Shemonoski: I do not have any problem with that. The planters' width is 10 feet, and I have about 14 feet without taking the planters out. But I do not want to discuss that. Off-street parking is the issue, not saving the planters. This is off-street parking, which is a benefit to the town and a benefit to me. So I would like that to be considered.

Ms. Lopane: Does the Village have a procedure for doing a driveway?

Village Manager Frobel: I can look into that. It should not be a major obstacle.

Mr. Shemonoski: Mr. Topilnycky is the neighbor to my north side, and at great expense he redid his sidewalk and brought new slates in. It is a beautiful thing. If the whole street looked like that, with the slate pieces, it would be marvelous for the town. Holding on to the old character of the slate, I am sure that is too expensive to do it for everybody. I replaced mine and did it myself, physically moved a lot of the pieces aside. Because the town planted a tree, and several slates heaved and several broke. I dug up the slates, moved them to the side, ripped out the old roots, and then laid gravel and put the slates back in. I would say he has the best-looking sidewalk in town. I have got, by far, the second-best.

I love the tree. I did not like the type of tree, a berry tree that would stain cars. But I love the tree, even though it heaved after 25 years. So slates are removable. You take them out, you cut the tree, you put the slates back. I would love to have a tree. I like the idea of the shade and the look of it, and there are trees that do not go that big. I have several on my property I planted that are limited to about 12 feet. That is a thing you might want to look at. I would like to have a tree in front of my house, and it does not have to be a big maple. Forty years ago there was a big maple tree in front of the house that ripped the road up. The thing was about a three foot diameter trunk, and they finally ripped it out and fixed everything.

Mr. Honovitch: You said the slates were going to be reused by resetting them in the concrete sidewalk. You pop them right down as the concrete is wet? My question is why you cannot use broken pieces. Could they not be reset in the concrete, with maybe a crack down the middle or slight cracks in them, and get a few more blocks at least?

Ms. Lopane: I was trying to go with a consistent pattern. I am not much into this irregular stone look, where half the sidewalk is slate and the other half is concrete like a quilt patchwork. That is not me. That is not what I like to do. I want to be consistent, with as nice, wide, big pieces that I can put in.

Female Voice: But if you do not have enough slate, maybe you can stretch it that way and make more people happier.

Ms. Lopane: I think it is going to look like a patchwork.

Mr. Topilnycky: Since you are resetting the blue stone into concrete, does that mean all of it, including the ones in front of my house?

Ms. Lopane: No, I am not touching yours. I am going to fix the band, but no.

Mr. Topilnycky: Are there still some uneven ones? I thought you were going to make it all the same.

Ms. Lopane: Yours are very smooth. I am not messing with that. If it is not broken, do not fix it.

Mr. Topilnycky: There is some settling because of the curb.

Ms. Lopane: We have had this discussion before about the curb, and I am going to reset that curb and get that grade on those bricks to be a little flatter. Now it kind of tilts down, so I am going to fix that.

Mr. Topilnycky: Because of the curb shifting the way it has, the bricks are settled and a couple of the stones have shifted.

Ms. Lopane: We are going to do this in the spring, so if it starts to move more we will have to fix that. I cannot leave it like that, you are right.

Ms. Sansverie: I am just curious how Steve has so much information from you that the rest of us only knew a week ago.

Ms. Lopane: This was at a public meeting in, February I want to say. I did not attend, but I did read through the meeting minutes and there was a discussion of this project. I guess that was the 30%, but I do not know what the discussion was.

Village Manager Frobel: I mentioned at the onset of the meeting that that was when we had a discussion here. It was closer to July.

Ms. Lopane: Maybe a year and a half ago or even more than that, there was probably a discussion here about getting the grant, because the Board had to pass a resolution to accept the money from us. So it has been here for a little while.

David Skolnik, 47 Hillside Avenue: If the cost of the slate were not the issue, would it have been an option to just go with slate structurally? Because I thought I heard you say that there were some stability issues or some reasons why slate was not as reliable as concrete.

Ms. Lopane: The only consideration is, it is like a math problem. A concrete slab's joints are 20 feet apart. These slabs have joints every two feet. Just think of the math. Now you have a higher percentage chance of heaving. You are not going to get any heaving of a 20 foot slab. But every two feet you have a potential for water to penetrate in between the joints of the slate, and thus heave it. Most damage is the frost heave action of the winter. .

Mayor Swiderski: If you can describe what is going to happen over the next six months in terms of the final plan and when we would expect to see that.

Ms. Lopane: I gave you the budget I have now. I need to have some feedback from you as to whether or not you feel the budget is appropriate. Once I have that, my construction drawings are pretty much done. What I would anticipate is that we would go out to bid in the winter, preferably before January because that is when I get my best numbers. We would start construction in the spring.

Trustee Walker: I do have some comments about Washington Avenue while Suzette is here. Going forward it is really important to involve the public and residents on these streets at an early stage in the process, not just at Board meetings, but perhaps at separate meetings. It is a significant change to the look of their properties and, often, they have maintained it over the years. It is important they be involved right from the beginning, and to have some separate meetings with the landscape architect to resolve these things before it gets so far. I do not know if there were meetings held with Washington Avenue residents, but I have heard from a number of people who are concerned about what is going to happen on Washington Avenue in October. Most people are very pleased because many sidewalks are in very

deplorable shape. But there were some issues that I wanted to raise, Suzette, and ask you a few questions, or Fran. I know the slate sidewalk in front of the Cropsey House is going to be retained. Can we retain also the stone curb that holds the Cropsey sidewalk?

Ms. Lopane: No. The reveal is too shallow. That needs to be changed out. I am looking at this as a 40-year plan. You do not want to go back in ten years and rip that out again.

Trustee Walker: And when you say “reveal?”

Ms. Lopane: The reveal is not six inches right now.

Trustee Walker: Above the roadway.

Ms. Lopane: Right. I want to look at this comprehensively. When you do a sidewalk project, you want to get this over with and get it done. It is just not economically viable to leave a curb in such a bad condition like that.

Trustee Walker: And other stone curbs up the street. Same thing? Being replaced?

Ms. Lopane: Correct. Just as the concrete curb already started up by Broadway. I wish the materials issue was something better. Things are not getting better. I just installed 1,000 linear feet of curb in Peekskill in July. Already it is starting to chip. The quarries are not producing the kind of quality that we are used to having, and I do not know if I can get an explanation other than our quarries are starting to run out of materials. We need to hold those as treasures, and start to look at some of these more manmade materials.

Trustee Walker: The stone curbs at the Cropsey are very handsome. Did you talk to the owners of the property about that? The maintain them very well.

Ms. Lopane: As I walk the sidewalks I do go up and down, talking to whomever I can find. There was a gentleman who, I think, maintains the property. He is not the owner.

Trustee Walker: Yes, he is the caretaker.

Ms. Lopane: The caretaker, and I did discuss several matters with him about drainage and everything. He did not seem to have any objection to what we were doing.

Trustee Walker: He is amenable. I am sure if somebody has an objection I do not want to hear it after the fact that they were not consulted. They have been maintaining these sidewalks for decades and doing an incredible job, and then to have them replaced . . .

Ms. Lopane: That is why I do not want to rip something out that I think has been done recently. But the sidewalks on Washington are absolutely deplorable. They are some of the worst sidewalks I have ever seen.

Trustee Walker: I know. But some pieces people have been maintaining very well. What about the grass medians further up the hill? The residents would like to maintain their grass strips.

Ms. Lopane: I think that is still in.

Trustee Walker: Is it still in, because they were questioning whether that is still in. And even though the sidewalks are narrower there, they are going to be maintained the same. In fact, I do not think those sidewalks, where there is a grass median, even need to be replaced. I am looking if there are some places we can save money, and then we can buy more slate for Maple Avenue.

Ms. Lopane: Let us start from Broadway. All there is is a curb; there is no sidewalk there. So I have to put a sidewalk in along there. It has to be five feet wide because that is the minimum to accommodate wheelchairs. I know where you are talking about. It does not look that bad. But, again, I am on a 40-year plan with this. No one wants to come and revisit this. And the curb is really bad there. If the curb reveal is low I cannot leave the sidewalk or the curb will be sticking out.

Trustee Walker: But can the grass median remain?

Ms. Lopane: I did not see any room for a grass median. My sidewalk is five foot six inches, including the face of the curb.

Trustee Walker: Again, the property owner should be consulted before the grass medians are removed, I think.

Ms. Lopane: Well, you have to accommodate a five foot wide sidewalk. This is the layout plan. This is going to give you all the dimensions. I put in a minimal sidewalk, as minimal as I could get in there.

Trustee Walker: And a new sidewalk going in at the Aqueduct where it crosses.

Ms. Lopane: There is no sidewalk in front of the Aqueduct. Yes, there is going to be a sidewalk there now.

Trustee Walker: Some residents are concerned about stormwater because a lot of stormwater goes off into the Aqueduct now. It is going to increase the stormwater going down Washington. But if the curbs are higher, what often happens is the stormwater runs over the curbs.

Ms. Lopane: That is why I think they did the curb up at Broadway, because it was running into neighbors' yards. That is going to happen; it is just going to continue down.

Trustee Walker: Just so I understand, it is five foot six.

Ms. Lopane: From face of curb to back of sidewalk.

Trustee Walker: Even if you have to remove the grass median.

Ms. Lopane: And you can look at the right-of-way. It is right there.

Trustee Walker: Then there is the issue of stormwater because a lot of stormwater goes off into the Aqueduct. So there will be more stormwater coming down.

Ms. Lopane: Potentially there is more. And no, I did not put another catchbasin up there. There is no place to connect one.

Trustee Walker: Right. There is a storm sewer there.

Ms. Lopane: There is a small drywell drain at the Cropsey property that actually drains into the property. So I asked the groundskeeper about it. I said, What is this? You do not want this, do you? You are catching roadway drainage and putting it on your property. So that I am actually eliminating, but it was not catching water.

Trustee Walker: I do not want to take a lot of time tonight because I understand this is very detailed stuff. But the stormwater issues on some of these streets is really significant because it becomes a river, there is not much we can do unless we were to do some kind of French drain at the Aqueduct, which is maybe something to think about.

Ms. Lopane: I do not know if they would be very pleased. Does that not feed like eight million people worth of water? They do not want to put any kind of stress on that system.

Trustee Walker: No, it does not have any water that goes to the city, and it is a historic property so there is that issue. But there is water that goes out onto it now. Just in

consideration of the amount of water, you, as a landscape architect, are trying to reduce stormwater wherever you can.

Ms. Lopane: Yes, it is just hard to do in a roadbed with rock under it.

Trustee Walker: That is pretty much it. There were some specifics from one homeowner, but I think you got those notes. But those were the big issues. I wanted to find out why the grassy median was being removed and the stone curbs. But otherwise, I think people will be very pleased with the new sidewalks on Washington. I was looking for ways maybe we could save money.

Ms. Lopane: Not putting slate back in.

Trustee Walker: Not replacing some of the sidewalks.

Mr. Skolnik: There was some mention about the sidewalk had to be wide to do with wheelchairs. Were you talking specifically a) is there legislation that requires it; and b) is it a specific site? Are we talking about the northwest sidewalk at Broadway and Washington? Is that the sidewalk in question?

Trustee Walker: The whole street east of Warburton up to Broadway.

Mr. Skolnik: There is something that strikes me as a little absurd. I find it hard to imagine wheelchair usage on such a steep incline; and, at the corner of Broadway and Washington, since there has been no movement to continue the sidewalk north on Broadway and the Board was against putting a crosswalk at that point to the other side of Broadway, I am not sure what the point of the discussion about wheelchairs is. If it is something that has to be done because it is in all new construction, that may be one thing. But I cannot imagine when a wheelchair would be an issue there. Secondly, it seems like stormwater should be a significant issue, but I am not sure it was really addressed. I heard there were reasons you could not put an additional catchbasin at one or another place, but I am not sure where that leaves the problem of stormwater. It would be reasonable to have more clarity.

Trustee Walker: There is no storm sewer on Washington until you get to the bottom at Warburton Avenue, and that is where it tends to pool. With big storm events, Warburton often floods down there. So that is one of the issues, and we may be getting even more stormwater. But if there was some way to mitigate and create some kind of small drainage area on the Aqueduct, I understand that is problematic, too. Not because it is carrying water, but it is a historic property that belongs to the state. Does the state have any requirements about the way the sidewalk meets the street, where the Aqueduct crosses?

Ms. Lopane: I shared the plans with them. They are aware of this project, so it is not a problem. The stormwater is an existing condition. We are not adding any impervious space. If I were adding more impervious surface it would be an issue; I would need to address the stormwater. But because it is a maintenance issue, and I am replacing it, it is not a big stormwater issue. In some communities I have been putting in little rain gardens to catch some of the stormwater, which is a fun, cutesy thing to do. I just did one in Peekskill. I am doing one in Pleasantville. Those are really neat. There was not that opportunity here. Washington is really steep going down. It would be difficult to maintain a rain garden on that street so it was not something I took into consideration. As far as the wheelchair accessibility, I just generalize when I say that. It has a lot to do with people who are visually impaired, people using a cane to walk. They need a certain width of space. It is also for consideration for two persons going down the sidewalk so one does not have to jump into the road. That is why we try to stick with the five feet.

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of September 8, 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. 18-2009-10 \$ 22,532.33

Multi-Fund No. 20-2009-10 \$123,454.67

Multi-Fund No. 21-2009-10 \$ 79,262.21

PUBLIC COMMENTS

Mr. Skolnik: With regard to taking down the buildings, is there any thought to documenting that process? Has that been addressed in some official capacity?

Village Manager Frobel: Like a video of some sort?

Mayor Swiderski: There might be a photographer in town, or two, who might be interested in doing that. But I am not sure we have money for that now. It is an interesting idea.

Trustee Quinlan: The Historical Society might do it.

Mayor Swiderski: That is a good idea.

John Gonder, 153 James Street: Last September 1 I came here and the building was dark. I thought maybe you had a meeting in the Community Center. September 15 I came down here, the building was dark. I thought maybe you had the meeting in the Community Center. This calendar is what I go by. I do not have Cablevision, I do not have a computer. This says every meeting will be the first and third Tuesday of the month. I can see, when you had a Tuesday meeting on St. Patrick's Day, you canceled it. But I cannot see it when you say I am going on vacation that week or someone else says I am on a business trip. You are out one Trustee now. You can still have the meetings, or you should have a conference call somehow to get people to know. The Hastings *Enterprise* prints the time of the meeting. In fact, it is at 8 o'clock. And your calendar says 8 o'clock, but you moved this one up to 7:30.

Mayor Swiderski: They are all moved up, from now on, to 7:30. The change was made at the last meeting

Mr. Gonder: Maybe you have to do a better job on your calendar next year because this is very good. I think you should keep it up. There was a CBS news report that said something about West Nile virus was found in Westchester County in the Village of Hastings-on-Hudson. I was concerned because West Nile affects a lot more older people than younger ones. I have a storm drain, cut through Pulvers Woods through my property. Eight years ago or so it was leaking like a sieve. The county was checking for West Nile at that time, and they called the Village. It took them over two years to repair the leakage. It is starting to leak again. I am concerned. Every day I am chasing deer up into that property of Pulvers Woods and there are a lot of mosquitoes, with water pouring out of a storm drain that is running all the time. So I would like that to be fixed as soon as possible. I was wondering if you could use barbed wire in Hastings. Maybe I would like to barbwire my property if you are not going to do anything about these deer.

I know there are a lot of problems with Westchester County and it is going to affect this Board. If you keep on changing meetings, one is about the retirement funds that are coming up. It is going to hurt the Village. With the police, I think they are supposed to go up from 15 to 18% and somebody is going to have to make this up, and the Village employees from 7 to 11%. So that is something that is going to come. And the federal housing problem. I know you have a lot to talk about, and you cancel these meetings and you are not getting that accomplished.

Mayor Swiderski: No meetings were canceled, for the record. They were shifted around because of Labor Day. We still have two meetings scheduled for September. The move to 7:30 is a permanent move for all meetings from now on, in an attempt, which is apparently futile, to have these things end earlier than they usually do.

Mr. Gonder: Maybe tell *The Enterprise* that, because they had the wrong dates, too.

Mayor Swiderski: Very good point.

Claire Filipelli, 11 Berkeley Place: I am talking about the deer, and the article that was in the September 11 *Enterprise* with a woman who was on the deer task committee, the minority report. She said that she disagreed with it because she does not believe that culling will solve the problems associated with the overabundance of deer, and she feels there are a lot of alternative reasons that there is a problem. It is not the deer doing it alone, but also the work of acid rain, human intervention, disease, development, insect damage, invasive plants, and the non-native earthworms. Eliminating the deer would not solve the problem, and could alter the ecosystem. She cites reports that back her decision. She gives her number, and says she is willing to speak to people about this, either individuals or groups. I would like to know if anyone on the Board has contacted her, because you said you were looking at alternative ways, as well. Did anyone contact her?

Mayor Swiderski: Not yet.

Ms. Filipelli: Are you planning to?

Trustee Quinlan: I was sent the deer minority report. I sent it to the Village, and it has been made part of the public record.

Ms. Filipelli: I was not able to make the last meeting when the people from the DEC were here. I did watch the majority of it on television. I understand he said that for birth control you have to have veterinarian consultants or vets on-site. Now, if you were going to bait and anesthetize to kill the deer, can you not bait, anesthetize, and sterilize or use birth control? And, at the same time, apply what they put on for dogs and other animals to kill the ticks that are on them? And get in touch with some colleges and universities that have veterinary departments, see if they are willing to work with the Village on this and even possibly get money towards it with grants or programs they use? These are alternatives to the culling of them. Also, I do not even know what the lifespan of a deer in the wild is.

Mayor Swiderski: Ten years.

Ms. Filipelli: So if you can eliminate generations, if you kill all the deer and the other deer move in, you are not really accomplishing what you have set out to. But if you can eliminate generations from coming in, and keep a certain amount of deer still in Hastings, it will stop the other deer in communities bordering us from coming in. These are things I think should be thought through in a more detailed manner.

APPOINTMENTS

Mayor Swiderski: After I became mayor I realized I had some secret powers I was not aware of, including marrying people and appointing a Trustee to the Board. The marrying one is particularly cool as a secret power; however, the appointment of a new Trustee is also quite important. We had a resignation from the Board several meetings ago. Diggitt McLaughlin has since moved to Chicago. We spent, as a Board, some time talking about potential replacements and relative strengths of various candidates and what we were looking for. After probably undue consideration, I do have an appointment to announce, though the swearing in will not happen until the October 6 meeting; at which point that new Trustee will be seated.

Joining us at that time will be Niki Armacost. Niki has a history in the Village. The absolutely wonderful Take Me to the River concerts that we have enjoyed for three years are, in large part, due to her behind the scenes efforts with Liz Liebeskind. There is the puppets festival on the waterfront. And Niki has also been involved in Hastings Education Foundation auction work, the Cub Scouts, and other school activities, as well as an illustrious career that I will share with the Village in an email describing her background.

We are pleased and lucky that she has accepted, and we look forward to seating her. Her first order of business will be to help us more effectively use our committees and boards, and after that I am sure we will find other things where Niki can help us. I hope the Village welcomes her as much as we will, and it is an honor and a pleasure to appoint, and look forward to swearing in, Ms. Armacost.

PUBLIC COMMENTS (Continued)

Ms. Filipelli: A lot of people in the Village I have spoken to, they are not even aware of the discussion of the deer. Is there a way, before this is a final decision, for the Board to do an entire Village mailing and explain what you plan on doing?

Mayor Swiderski: There is an expense involved with that. I think we should talk about that as a Board. Public outreach is always a challenge. We have an email list that reaches over a thousand people.

Ms. Filipelli: Yes, but there are backwards people like me that do not have computers.

Mayor Swiderski: Admittedly, but there have been articles in the paper. It is not entirely a surprise. You know, we try. Your point is well taken. We will try to reach out, and talk about it as a Board whether the expense of a mailing is something we want to shoulder. Times are tight, and that is several thousand dollars. We will do what we can.

Ms. Filipelli: Maybe you can have the school send it home with the kids to their parents; you would reach a large group of people.

53:09 HASTINGS FARMERS' MARKET – APPROVAL OF USE OF MUNICIPAL BUILDING PARKING LOT

Sue Smith, 645 Broadway: This is the wintertime market which has been in the Community Center, but there are conflicts with some of the dates there. We do not have produce other than some things grown in greenhouses. But we could be outside, which is easier in a variety of ways. It does not mean cleaning up the Community Center. And since it is used much more these days, both for Recreation Department functions and personal party functions on the weekends, this seemed to be an alternative. We realize there are weather risks, but we are willing to take them.

Mayor Swiderski: You would propose to cover, as you have in the past, the cost of safety personnel?

Ms. Smith: Yes, we would do the same things we have done before.

Trustee Walker: If there is poor weather in December or April, just like in the summer it would go ahead. Farmers would take the risk; they either come or they do not come. But you would not change at the last minute to the Community Center.

Ms. Smith: No, not anticipating that. The only exception would be if there was some really brutal storm, a hurricane, coming we would cancel ahead of time. But it has to be something where you know it is going to be awful. There have been a few times where we wish we had known ahead of time, but it is a rain-or-shine event so that is what you put up with. Some of the vendors, it depends on where they come from. Conditions might be different where they live and what they have to come through. Sometimes they are not able to come.

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 approve the use of the Municipal Building parking lot for the Hastings Farmers' Market on Dec. 12, 2009, Apr. 10, 2010, and May 8, 2010.

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

54:09 APPROVAL OF INTERMUNICIPAL AGREEMENT FOR GIS SHARED SERVICES

Village Manager Frobel: We already have a relationship with the county to provide this service to us, and they do a wonderful job to provide this data at no cost. They have made some internal changes between their GIS section and their technology section. It is more an internal reason why this matter is before you again this evening, given the fact that the existing contract would have covered most of the services. They are looking to broaden it to include some additional infrastructure features: fire hydrants, valves, manholes, and catchbasins. It is more an expansion of the services they already provide, and one that we certainly support and appreciate.

On MOTION of Trustee Walker, SECONDED by Trustee Jennings 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 Intermunicipal Agreement with Westchester County for Geographic Information System (GIS) shared services at no cost to the Village for a period commencing Oct. 1, 2009 and terminating Sept. 30, 2014.

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

55:09 AUTHORIZATION OF CERTIORARI SETTLEMENT – BROOKDALE HOLDINGS CORP. LLC, 615 BROADWAY

Village Manager Frobel: This is the second half of an action you had already taken earlier this summer involving the same parcel. The attorneys provided you with a copy of some of the discussion about it. It is one that we had hoped to combine with the resolution you had passed earlier. We were not able to. Once that was settled, quickly Richard Esposito agreed for this settlement. As we have in the past, this has been coordinated with the school district, as well, and is recommended for settlement.

On MOTION of Trustee Walker, SECONDED by Trustee Jennings 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	2000-2005

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, Counsel to the Village Attorney is authorized 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>
2000	84,000	DISCONTINUED	
2001	84,000	DISCONTINUED	
2002	84,000	DISCONTINUED	
2003	84,000	71,964	12,036
2004	84,000	74,120	9,880
2005	84,000	65,350	18,650

The refund to Village taxes amounts to \$6,691.57 ±..

ROLL CALL VOTE

AYE

NAY

Trustee Bruce Jennings
 Trustee Jeremiah Quinlan
 Trustee Meg Walker
 Mayor Peter Swiderski

X
 X
 X
 X

56:09 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 2 OF 2009 TO ELIMINATE CERTAIN LOADING AND NO PARKING ZONES AND TO CREATE NEW PARKING METER ZONES

Village Manager Frobel: A few months ago you heard from the staff and the Chief of Police about some suggested changes to placement of metered parking and some changes on Villard Avenue for expanding existing parking on that street. What this does is set that for a public hearing. I think it was met with some support. At least that was our understanding from that work session. Now we are looking to move forward. We have not included the concept of any prepaid business-only parking meters to be established. We think that will come at a later time, and it needs a little additional research and time. But this is simply to effectuate those changes that were talked about: expanding the parking along Warburton and Villard.

Village Attorney Stecich: It also eliminates the loading zone on Main Street, which creates more parking, and creates a loading zone on the bridge where they cannot put meters.

Trustee Walker: I would like to make sure that the Chamber is made aware of this.

Village Manager Frobel: In advance of your work session, I met with two members of the Chamber, the ones that had been most vocal and involved in parking, and there was support for it. But we can revisit that. I can re-contact Nina and see.

Trustee Walker: There is a Chamber meeting tomorrow morning that I cannot attend.

Village Manager Frobel: I will make that meeting, then.

Village Attorney Stecich: It actually creates more parking spaces. Mostly it eliminates no-parking zones and makes some needed parking.

Trustee Walker: Ultimately, it will definitely be in their favor because they will have these dedicated parking meters. But in the short term, they may think that some of those non-metered spaces they use are being eliminated. They use spaces on Villard right now.

Village Manager Frobel: For free. And those will be metered now.

Trustee Walker: So it might be good to forewarn them.

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 schedule a Public Hearing for Tuesday, Oct. 6, 2009 at 7:30 p.m. to consider the advisability of adopting Proposed Local Law No. 2 of 2009 amending the Code of the Village of Hastings-on-Hudson Chapter 282, Vehicles and Traffic to Eliminate Certain Loading and No Parking Zones and to Create New Parking Meter Zones.

ROLL CALL VOTE

AYE

NAY

Trustee Bruce Jennings
Trustee Jeremiah Quinlan
Trustee Meg Walker
Mayor Peter Swiderski

X
X
X
X

**57:09 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 3 OF 2009
TO CHANGE CODE PROCEDURE REGARDING SENIOR CITIZEN TAX
EXEMPTION**

Village Manager Frobel: Your Village Code allows exemptions for age-eligible and income-eligible residents. Currently about 55 people take advantage of that. It was last adjusted in 2006, and the recommendation is that for ease of modification we do it by resolution each year, or whenever that scale is modified. This is a two-step process: you would eliminate it now from the code, but you would have it in effect through resolution. It would make it a little easier for administration.

Trustee Jennings: The material difference being that to amend the law we have to have a public hearing, and for a resolution we do not.

Village Attorney Stecich: And you have to file with the state and everything else. There are all these procedural requirements you have to follow for an amendment to the local law. A resolution, you just pass a resolution and it is done.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Oct. 6, 2009 at 7:30 p.m. to consider the advisability of adopting Proposed Local Law No. 2 of 2009 amending the Code of the Village of Hastings-on-Hudson, Chapter 260-17 Senior Citizen Exemption Extent of Exemption, to allow changes to the sliding income scale to be made by resolution rather than local law.

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

58:09 DEMOLITION PERMIT ATLANTIC RICHFIELD COMPANYY

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

RESOLVED: that the Mayor and Board of Trustees authorize the Building Inspector to issue a permit to Atlantic Richfield Company for a demolition permit for the former Anaconda Wire & Cable Co., specifically Buildings 17, 22, 22A, 22B, 22C, 51A, 57, 72, 72A and remnants of 15, as identified on the Waterfront Application for Hearing dated Sept. 4, 2009 and attached map.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Sunday, at the pool, we had our annual dog swim. It was very well received. Ray Gomes informs me that upwards of 80 pet owners and their pets participated in that, and it was a very enjoyable time.

The member grant we received from Assemblyman Brodsky is almost complete. The state participated, through member grants, in improvements to the Hillside Woods tennis court entranceway. That work is now completed. Unfortunately, although the grant was \$10,000, that would not have gone very far in the amount of work that needed to be accomplished, and the labor was all performed by our own people. I hope everyone has a chance to take a look at it. The men from the Parks and Recreation Department did a wonderful job in putting in a very nice addition to that court, and it was something that was very badly needed. There was some retaining wall done, and some stairs. Also, that grant was used for a contribution to the dugouts built at Uniontown, and they are complete now, as well. Our crews are doing some additional cleanup work, but that project is nearing the end.

Finally, I apologize. I thought there was some additional neighborhood input on the Maple Avenue sidewalks. What you heard tonight was our intent to keep it pretty much the way it looks in terms of the slate and the attractiveness. This has always been an interest of ours. In fact, when we prepared the specifications for Washington Avenue, our intent was to

salvage, and the contractor will salvage, as much of the slate as we can to be used on Maple. I was handed this evening, by the country planner, a budget for the project. It is up already dramatically from what we understood it was back in July. Her estimate now, without a 10% contingency, is about \$120,000. The original budget for that was \$80,000. Our number back in July was \$117,000, with a 10% contingency. So I have got to take a look at that and see just what has caused that project to go up to the point of magnitude she envisions it. The Washington Avenue sidewalk project came in better than we anticipated. We may have some money from that project that we can apply to Maple Avenue, and that is what I would like to do. I would like to look at that, and come up with some recommendations to the Board long before we look to go out to bid on that project. The sense was we need some additional work on that before we are ready to proceed.

Trustee Quinlan: What is the match on that?

Village Manager Frobel: The match is \$40,000. It was an \$80,000 grant, and it was \$40,000 and \$40,000.

Trustee Quinlan: But now it is \$120,000?

Village Manager Frobel: Right now, the working estimate that Ms. Lopane gave me tonight is about \$120,000.

Trustee Quinlan: So our match would be \$60,000.

Village Manager Frobel: No. The grant is the grant.

Trustee Quinlan: So our match now goes up from \$40,000 to \$80,000.

Village Manager Frobel: If you were to proceed with it, Jerry. Or, our conversation with her back when it was \$117,000 was we would have to look at scaling it back somehow. That may mean less street trees. There may be some changes that have to occur to make it work.

Trustee Quinlan: I know there are going to be changes, but if we were to accept her numbers and what we discussed tonight, it would be \$80,000 from the Village: \$40,000 for the grant, and \$80,000 for the Village, to make \$120,000, without the 10% overrun.

Village Manager Frobel: That is not with the 10%. The Washington Avenue project had a budget of \$225,000, and we signed a contract at \$164,000. So there is money left over there that we could reallocate to Maple Avenue. So we have some flexibility. But it is still very much in flux. The numbers are flying all around.

Trustee Quinlan: And I have to say they do concern me.

Trustee Walker: So how will Washington Avenue residents be alerted that their sidewalks are being ripped up?

Village Manager Frobel: I will have to do, perhaps, a door-to-door flier or something; postings on telephone poles getting word out once we begin. We are hoping to meet with the contractor mid-October before he mobilizes his forces to begin that work. We had a contract signing, but we have not had a pre-construction discussion yet.

Trustee Walker: I want to reiterate how important it is that the residents have a chance to voice their concerns and opinions before the project starts. I worked with Suzette carefully on Ridge Street and we involved the community in many meetings. It was very successful in the end because we could allay their concerns along the way. Suzette, and other landscape architects like her, are very good at dealing with the public and can start from scratch with them and then work up, if it is in their budget, of course.

Trustee Jennings: I would like to second Meg's point. I felt that the presentation this evening and the discussion with members of the public, most of whom live on Maple, lacked context. It was not clear to me what our role as Trustees was this evening and why this was before us in the way that it was. This is the kind of conversation that should have happened at a neighborhood community meeting some time ago. I got the impression that many of the residents felt that this was something they had not heard of before and it was being thrust upon them as a fait accompli. I am not particularly comfortable with that as a Trustee.

Insofar as I figure out anything that was relevant to policy that emerged from the conversation tonight, it seemed to be the tradeoff between aesthetics and neighborhood character on the one hand, and perhaps the safety of a wider and a more even sidewalk approach, which is a legitimate policy question. But our forum tonight did little to illuminate that or resolve it, I am afraid. Add the budgetary complications on top of that, and that may ultimately be the deciding factor. But nevertheless, I would hope that maybe in the future, with other neighborhoods and other projects of this type, with planners or architects or county officials coming in to work with us, that we make sure that when it does come before the Board of Trustees there is a reason for it to be in front of us, and some role for us to play in terms of our responsibilities, and that the groundwork had been well-laid in the neighborhood that would be impacted.

Mayor Swiderski: Meg, explicitly, what are you asking for on Washington regarding public input?

Trustee Walker: Going forward, nobody on Washington Avenue knows this is happening. One of the residents found out before he went on a month-long vacation, and he is alarmed because he is not going to be around when it is happening. At this point all you can do is a flier. But if we had been able to approach them when this project began we could have involved them in the process.

Mayor Swiderski: Flier-ing with information about what is going to happen.

Trustee Walker: Yes, when, and how much disturbance, and what is going to happen. People will be concerned about their driveways, as well, and how they are going to be replaced.

BOARD DISCUSSION AND COMMENTS

1. Update on Deer

Mayor Swiderski: Following up on the DEC presentation, out of that it was clear that our options for a cull using firearms or a bow are going to be very limited, and that some sort of trap and euthanizing, if that is the route we go, is the only choice for most of the Village. The only area that falls within the parameters defined by the DEC of a 1,000-foot diameter circle is a tiny strip in Hillside Woods. And that is only a corner of the Village that is plagued by deer. What we need is DEC approval for an option they have not permitted, to date, in New York State. I have tried to initiate the discussion at the DEC, so far to no avail. It would be nice if they returned phone calls. They do not.

Secondly, I have begun to hunt down, with the deer working group, firms that do this. So far, the only candidate out there is a firm called White Buffalo, which, because of the animal rights activists that, I guess the term is hounded them, do not make themselves particularly easy to get in touch with because none of their information is published. I have gotten to them through Greenwich, which utilized them. The environmental department there spoke very highly of their services and said they are very flexible in how they work with the community and what they will allow you to do to lower the expense, etc., and did provide the magic contact information.

The deer group, and I am not using “committee,” which has a connotation I do not want to stir up by implying we are still talking about what we are doing, has a new chair, Bob Marin, who will be coordinating the research work that group will do to help us out on talking to communities that have carried out these culls, gathering information about any other competitors there might be, and helping organize the process.

I will keep you apprised because this has to move quickly if we are to select a firm in time for a January or February cull. If you work back from that deadline, we need to have a firm selected by early November for them to do their work and for the cull to occur.

Trustee Jennings: Let me make sure I have the facts straight. The New York State law requirement is 500 feet.

Mayor Swiderski: Five-hundred foot radius.

Trustee Jennings: Right. It stipulates that if there is to be shotgun-shooting, not by hunters but by paid professionals, we need to get the permission of residents within that 500-foot radius. So it is not an absolute prohibition, just a very difficult process. If we can get the state's permission to use another method, like netting and bolting, then fine. But I think we should not completely rule out an attempt to get consent, because the overwhelming sentiment of this community suggests to me that we might be able to get it. I realize one household could veto it but I do not think we ought to rule it out of our planning at this stage.

Mayor Swiderski: I do not entirely disagree, but if you impose a 1,000-foot bubble over anything other than the woods, if you look at Pulvers Woods behind Mr. Gonder's house or elsewhere, the overlapped number of homes is so great, and I have gone through the exercise of doing this, that I am just trying to be realistic about the mechanics of soliciting written permission from, potentially, hundreds of homes, with the probability that just a single household can veto the effort.

Trustee Jennings: I do understand, and appreciate fully, the difficulty. All I am suggesting is that we not rule it out entirely. Also, Hillside Woods, for example, is a large enough area, and I have not done the bubble experiment, that it seems to me that is one place where the number of residents that would fall within the bubble might be a manageable number. Whether we get 100% consent I have no idea. I just would not want to rule it out. I am concerned that some of the discussion that has elapsed since our large meeting with the DEC representative is posing as an either/or, something that is probably better understood as a both/and. I do not think that killing 100 or 200 deer alone will necessarily solve every problem that we have identified. We might have to do something directly with the mice and the ticks. We might have to do a number of things. We should try to cultivate public understanding going into this that this is a complex set of problems and may take multiple responses, and that, if you will pardon the pun because I do not intend it as such, there really is not a single magic bullet here. We should not be talking about do not do this, only do that. We probably are going to have to be talking about doing several things down the road over the next, say, five years.

Mayor Swiderski: I entirely agree. It is limited by both expense and public appetite for the actions taken, and cost-effectiveness. I think that is probably accurate.

2. Update on the Waterfront

Trustee Quinlan: Tonight we have hit the nail on the head when it comes to the waterfront. We had a public hearing that was quite extensive. We passed the resolution, and now we just have to look forward to having a safe demolition of the buildings for the community. I am sure the Building Inspector and the Village Manager will ensure that that happens. And we will be watching, too.

3. Update on the Comprehensive Plan

Trustee Quinlan: We are going to have a joint work session a week from tonight at the Community Center at 7:30 with the Planning Board and the Comprehensive Plan Committee regarding the waterfront. Is the LWRP invited?

Mayor Swiderski: Yes.

4. Other

Trustee Quinlan: The chairperson of the Public Health Board has communicated to me, because I happen to live with her, my wife, that there are only four members currently on the Public Health Board. We have quite a few issues facing our Village that are of high importance, including the safety of the waterfront, the deer issue, and the flu issue. She is desperately seeking help with new members. If anyone is interested in joining the Public Health Board, or if anybody knows of anybody who we can convince to be on the Public Health Board, please let us know.

Trustee Walker: I am sure you are all aware that we are among the villages in the town that were part of the Ridge Hill settlement to mitigate several intersections in a number of communities, mostly Greenburgh and Ardsley. We have been asked to look at the solutions and review the solutions that the engineers are putting forward. Tom Madden, the planner for Greenburgh, has offered to come and speak to us about it. I know they want to resolve this by the end of October, so can we get this on an agenda in October?

Mayor Swiderski: For a presentation?

Trustee Walker: And discussion. And they want our opinion about where to spend the money.

Mayor Swiderski: Can that be done in the second meeting?

Village Manager Frobel: Sure. I will resend the memo I have written. I summarized our last meeting with them, so let me send that and let us look for October 20.

Trustee Quinlan: We had some information about the possibility of ExxonMobil asking for a permit for demolition of parts of their port that are in the river. They are also going to have to get approval from the DEC and the Army Corps of Engineers, but they were asking what would be the procedure for them. The procedure would be to make the demolition application, we will have a public hearing, and then we will have a resolution. I would inform them that that is the procedure we just followed with BP/ARCO. I also would ask that we not do that before they get approvals from the DEC and the Army Corps of Engineers. I am sure those very important bodies will have a lot to say about the demolition and how and when it should occur, and the safety measures that have to be put in place.

Trustee Walker: Were you all aware that there is a NOAA station on that steel dock that they want to remove? The National Oceanographic and Atmospheric Agency has a station where they monitor the temperature and salinity and height of the water. It is a pretty significant testing site for them. They did not say anything about that in the letter.

Village Manager Frobel: No, they did no mention that.

Trustee Walker: If it is crumbling I assume they have to move it, but they must be aware it is there.

Village Manager Frobel: Sure. But we will advise them of getting their other permits in hand before they even come before the Board.

Village Clerk Maggiotto: Hardly a day goes by that someone does not call and ask about the progress with Verizon. When they call Verizon, Verizon tells them to call the Village. So could you give the update, please?

Mayor Swiderski: I spoke to Verizon yesterday and on Friday on this topic. Our contract is in their hands, going through eight different review boards, and they are hoping to get it to us by the end of September or early October. But they cannot make any promises. They have indicated there may be some changes to what they initially said, if we approved, they would take. I have indicated that if those are substantive it may be an issue. But until we see them,

it is premature to comment. I have spoken to the government director and I am going to give the phone number out because he has said he will take calls on this issue and apologizes that people are being told that we are the body holding things up. Mr. John Butler's phone number is 914.714.8700, and any calls should be referred to him because it is a Verizon matter. We passed a resolution accepting an agreement that was offered to us two years ago, as is, and that was as a result of a statement on their part that they would give it to us as is. Now they are apparently thinking about it. I have no comment.

Trustee Walker: I have a very important announcement to make. October 2 is going to be Friday Night Live from 5 to 9 in the downtown. At this point it looks like we are going to be closing Warburton Avenue. We are going to have music in the streets and ballroom dancing in front of Station Café. We have a singer/songwriter, a very special performer, coming to perform in the Community Center from 8 to 10. There are going to be kids activities, many shops are going to be open, and restaurants will be having specials and promotions. Grace Church is going to hold a blessing of the animals on their lawn at 6. I want to encourage everybody to come.

Mayor Swiderski: You have put in an amazing amount of work on this.

Trustee Jennings: The library is doing a book sale?

Trustee Walker: The library is doing its book sale, yes. This is their great big blowout book sale of the year. And teenagers are going to be doing an open mic, with bands playing next to the library. So it is a very exciting evening.

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.