

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 5, 2010

A Regular Meeting was held by the Board of Trustees on Tuesday, January 5, 2010 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Thirty (30).

ADMINISTRATION OF OATH OF OFFICE - Police Officer Robert Gagliardi

Mayor Swiderski: The first order of business is probably one of my most pleasant duties other than the secret power of being able to marry people, which is providing the oath of office. In this case, it is for our newest police officer, Rob Gagliardi. We have a request that your father hold the Bible.

Mayor Swiderski administered the oath of office to Robert Gagliardi.

Mayor Swiderski: Congratulations.

PUBLIC COMMENTS

Mayor Swiderski: I want to segue into an early portion of the public comments. It is a nice segue, after this moment. Superintendent Shaps, would you like the floor?

Robert Shaps, Superintendent, Hastings schools: It is fitting tonight, as we celebrate someone who is part of public service, to be here on behalf of the board of education, the administration, faculty, staff, and students to publicly recognize, and thank and express our gratitude for, the commitment of the Hastings fire, police, and first responders, specifically, their act of, in many respects, saving our school, committing themselves to put out a very dangerous fire on a night that was really meant for families. I appreciate as the superintendent of schools each day, when we have a minor incident that the fire alarm goes off and we evacuate the building, we see, coming around the corner, our firefighters and police, knowing his is a volunteer force and what it means to be a part of a village and a community where people serve and volunteer out of the belief that service is quite important.

We all appreciate what all of the firefighters did accomplish on Christmas Eve. Our heartfelt thanks and gratitude to all because it was wonderful to open up school on Monday, and welcome students back to know that we are back to normal, in part because of the bravery and valor and commitment of those who serve. So thank you.

Mayor Swiderski: The Board heartily and happily seconds those good sentiments. We are grateful beyond words to be blessed with the department.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of December 15, 2010 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 42-2009-10 \$171,317.88
Multi-Fund No. 43-2009-10 \$ 70,283.38
Multi-Fund No. 44-2009-10 \$101,655.00

PUBLIC COMMENTS

Mayor Swiderski: Occasionally we will have new store owners who want to introduce themselves and tell about what they are up to. I would like to invite one of our newest up front.

Alex Sze: I just opened up a restaurant at 575 Warburton Avenue. The name of the restaurant is Juniper. It is a small restaurant, trying to do great food there. It is open for lunch right now, and brunch. The hours are 10:30 a.m. until 3 or 4 o'clock. I do a lot of baked goods in-house, and sandwiches, salads, soups. It is going to be a farm-to-table type restaurant. Right now it is the winter so it is tough to get all the vegetables. But I am looking into getting vegetables from the Farmers' Market, talking to all the farmers and the ones that I have used in New York City, coming up from Manhattan. Hastings has been a great community. They have welcomed me into the community. In fact, today one of the customers wrote me a card saying hoping the best of luck to Juniper. She contributed to my cookbook collection and gave me two cookbooks. I feel really good about Hastings. The space looks great, I think, what it has become. I am trying to open for dinner this weekend.

John Gonder, 153 James Street: I want to thank the Board for the nice calendar and directory of services. You have what you call an ambitious agenda for this year. You missed a few items I would like you to consider. Swimming and tennis: free for all Hastings students five years through 19. Any other individual, charge them whatever you want. Deer: get something really done. The Mayor is trying. But have two or three alternate plans going at the same time. Remember the DEC animal control is to protect animals; that is their priority. Dogs running loose: get a dog warden back. Greenburgh animal control is useless, and our police are not dog controllers. You have to do something about the dog problems.

Here is a big one. I have been fighting for this since the late '60s and '70s. Get sidewalks throughout our whole town. It looks beautiful, Washington Avenue. Use some vision. Any house up for sale must have sidewalks, prior to sale, in front of the home to the Village specs or landowners will be charged for construction costs. We have a lot of heavy kids. Why? Because they cannot walk. They could not walk on Ravensdale, you put a little blacktop down. Same thing with Broadway. That is not a sidewalk. You have to do a job like you did on Washington. Use some vision, get something done in the next forty years.

Be less friendly with Atlantic Richfield and do not take any money from Amoco until the property is cleaned up. Get both parties, the DEC and ARCO, to get going. Yes, it looks nice, some buildings down. That is no big deal. It is getting all the mercury and PCBs and lead out. That is going to take a long time, so get them going. Forget Feiner's request for a vote to see if voters want to pay for a pool tax. Tell him to get lost. You cannot even fund the Julius Chemka pool. T-Mobile wants cell phones on 555 and 565 Broadway. If Verizon can use or rent these antennas, turn them down. Have police set up one or two stops per year on either Farragut Avenue, Broadway, or Warburton Avenue with other state, county, town, and village police to get DWIs, DWUs, drugs, people with warrants, no licenses, no insurance, et cetera, and collect some good fines. It has been done in a couple of communities in the rivertowns and we should do it, also. Make our village a little safer. Dedication: the Board should be dedicating, give the 2,000 families or so that live here 200 percent of your time. You have to be 100 percent committed and dedicated.

Tim Downey, 520 Farragut Parkway: In prior weeks I come here and made a couple of comments. Now that I am learning the process, I will present in writing beforehand. I would like to have response the signs, the change of days for the blowers, and so forth. Tonight I would like to discuss the condition of Southside Avenue. To my knowledge, we have three contractors that are squatters partially on Village property, somewhat on Metro-North property. Those who are parking equipment on Village streets should be paying a fair market value if we are going to accommodate them that way. There was discussion here regarding the parking and the meters. It came up about the importance of \$2,500.

Sometimes this sounds like it is important, other times it does not. We could raise several times that in the course of a year by requesting fair market compensation for the land that is being used by contractors down there. It is not fair to have them have a free ride.

Mayor Swiderski: Could you be specific. I am not familiar with the issue.

Mr. Downey: I am not sure of the name on the further side of Southside. It is A & B Construction or Ricci Construction. Then forward of that is Dosing's Towing Auto Body, who has a marina parked on the south side along with all the other cars. Then there is Pete's Moving Service right behind the salt shed. I have heard that Pete's does pay some compensation. I am going to request freedom of information to find out what that value is. This is more than just revenue consideration. It is also the appearance coming into the Village. If I was a developer coming into the Village, I would want to know how the Village books look. Are they fiscally responsible? We had the audit people in here last month. This should give reason for us to pay attention to the books more. Not that you are not, but to give a great priority to it, because we have revenue problems and cost problems. That will be one thing that will help in enticing a good contractor to come here. The other would be the appearance. It is not going to be one of the most appealing points to do development in Hastings. If I go to the village of Irvington, who has a similar condition, a DPW facility and land along the tracks, it is fairly neat and well-kept and looks very nice. They are consistently in order down there. This ties in with the DPW facility on Southside. What we have down there is carnage and it has been that way for years and years. We have piles of material that get shuffled around when they hit the panic button. There are new land masses down there behind the concrete barriers. There has to be a system for handling materials in place, going forward in the future, so we do not do random dumping which has occurred now behind the Zinsser ball field parking lot at the end. In the month of December, additional dirt and material was put there and then pushed back over the trees. We are going to kill trees and have to pay for them to be removed. It does not make sense.

We need to examine how things are done down there with the urgency that we put into what I felt was a poorly drafted or considered law for the contractor fee. We need to apply the same urgency to a different approach in developing a system for materials handling, to create a better appearance and a safer appearance so it is a win-win for the Village from the terms of appearance as well as revenue. The more efficiently we use materials down there, the more money we can save.

1:10 DESIGNATE GENERAL VILLAGE ELECTION DAY

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 designate Tuesday, March 16, 2010, as General Village Election Day, for the purpose of electing two (2) Trustees for a term of two (2) official years each, and be it further

RESOLVED: that the polls are to be open between the hours of 7:00 a.m. and 9:00 p.m.

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

2:10 DESIGNATE ELECTION DISTRICT

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 designate one Election District to be located at the James V. Harmon Community, 44 Main Street, for the General Village Election to be held on Tuesday, March 16, 2010.

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

3:10 GRIEVANCE DAY

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, February 16, 2010 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

RESOLVED: that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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

4:10 TAX LIEN SALE

Village Clerk Maggiotto: This is an auction, and the maximum that the liens, which are the unpaid taxes, can be bought for is one percent a month interest to be charged to the owner if they redeem the liens and buy them back. Last year we had competition for selling them, which accrued to the advantage of the taxpayer because the buyers kept underbidding each other for the privilege of owning these liens. There was one person in particular who wanted to own them, and he was willing to go down as low, in some cases, as two or three percent. That is how we do it: they keep bidding each other down and then it is sold for whatever that rate is; that is the maximum that that buyer can collect when the loan is redeemed.

Mayor Swiderski: Is it a penalty assessed on top of the amount due, or is it out of the amount due?

Village Clerk Maggiotto: Whatever the value of the lien is, the taxes plus the penalty, to that date.

Mayor Swiderski: So it accrued to the advantage of the property owner and not necessarily the Village. Right?

Village Clerk Maggiotto: The Village is made whole. On that date we get paid. We end up with almost 100 percent tax collection because almost every lien is bought.

Trustee Armacost: How many liens did we have last year?

Village Clerk Maggiotto: Thirty or forty. Soon you will get a report on the unpaid taxes. Then you will get a report and see how many are collected. We send late notices now and people pay, and then we have this small group that remains unpaid, for whatever reason. Then the investors buy these liens and the Village has almost 100 percent tax collection.

Trustee Armacost: Are you expecting more this year because of the financial crisis?

Village Clerk Maggiotto: That will be interesting to see. We did not see anything last year. People still pay their Village property taxes despite the economy.

Trustee Jennings: Would there be any conflict or inconvenience for staff having this on the same day as the election?

Village Clerk Maggiotto: No, we have always done it that way. It is over very quickly.

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 16, 2010, as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I spent quite a bit of time today on the site of the collapsed manhole and pipe for the sanitary sewer line. I met with county officials and Mike Gunther. We toured the site. It is a very difficult site to work on. There is about 450 feet of double-run pipe which is working as a bypass. They believe they have finally isolated the source of

the break. It is a collapsed manhole and a portion of the pipe. They have men working on-site 24 hours a day with a generator that keeps this flowing as it goes through the bypass. This is a major undertaking. It will probably takes two months, maybe three. This is a far larger break than the one that occurred upstream in Yonkers, at Greystone. The contractor who is doing the work is the one who did the work on the other site. I met with them today. The trail will be closed. There is heavy equipment on site, a large excavator and payloader. They are bringing in material to build a roadway to get to the site. It is also going to require construction of some metal sheeting to shore up the hillside. We are asking people to not even try to access the Rowley's Bridge trail until this can be complete. There will be some restoration work come spring when this all done. Right now that seems minor in nature. When it is all done we are going to have a wider trail and a more accessible site. We will continue to monitor it. The DPW was very helpful that Sunday when the break first occurred. The county was very appreciative of our efforts, and we will continue to work closely with them. The commuter lot is fully open and has been since Monday. We had to close it for a few days last week, but it seemed there was plenty of room for people needing to park there during the work day.

Trustee Walker: Where is the break with relation to the bridge?

Village Manager Frobel: It is almost to the rear of 185 Warburton Avenue just this side of the Rowley's Bridge. Down that steep bank, and the manhole that washed out is about 15 feet deep. You can see the hole it created. It must have been filling over a long period of time gradually with earth, and then eventually backed up. The pipe is large; it is about a 54-inch concrete pipe.

Trustee Walker: Does that run along the hillside, or does it run along the Rowley's Bridge trail?

Village Manager Frobel: Along the trail. At times it is absolutely flat and then it dips quite deep. It continues into Yonkers. That is why the manholes are so high and raised, because it is almost level with the material. It is all garbage they are digging through. It is all landfill, rubble, metal, steel, and garbage that was buried probably over the last 50 years. It is very difficult to access and the bitter temperatures have worked against them, as well. The land is very frozen.

Trustee Jennings: What, if anything, will be the financial cost to the Village?

Village Manager Frobel: None. This is an entirely county project.

Mayor Swiderski: Any health issues?

Village Manager Frobel: None. We talked to the county health officials. They had put down some bleach-like substance on the parking lot with the initial spill, but because of the cool temperatures they were not too worried about that.

Mr. Downey: If they want to dress the hillside for erosion control afterwards, if they are in need of material, we could offer either our compost at the dump or our hard material in the DPW behind the barriers or any leaf material, so they do not have to truck it in. There is a house off High Street that was filling its backyard. If the Village could, when we have building permits applied for and the contractor says he is going to be bringing material in, offer the material, this is a technique you use in managing material.

Mayor Swiderski: Thank you. Good idea.

BOARD DISCUSSION AND COMMENTS

1. Policy Re Temporary Signage

Mayor Swiderski: The first triggering event for this item was at least a couple of emails over the years regarding political signage. People have put signs on their lawns and in public areas, for local elections, national, the county, and town. To date, we did not take action. A couple of weeks ago two signs went up on public land that were substantially larger in scale than the typical 18-inch by 24-inch political signs, more on the order of five or six feet by four feet, wooden constructions, that were not temporary and did not seem to have an expiration date. I received a couple of complaints that this was an imposition on public land, and the public, to construct a sign like that and assume that everybody is fine with that. So I asked for this to be put on the agenda for discussion.

We do not have any rules in our books that restrict signage, whether it be political signs, single-issue advocacy, anything. I have seen two sorts of signs in public: political ones, and special events: the firemen's carnival, for example. But single-issue advocacy signage has typically been restricted to telephone poles and a few people who put that on their front lawn. This seemed to be different from what we have encountered in the past in size and scale. I put it here without necessarily an expectation that we will pass a policy, but rather because I think a discussion is worthwhile. I respect the precedence of no infringement on the First Amendment, and am probably most comfortable there. However, large structures without expiration dates, built on public land, maybe merit a discussion.

Trustee Walker: I looked into other municipal signage ordinances. This is separate from commercial signage and directional signage. Marianne has probably looked into it, the idea

of regulating movable or temporary signage. I saw that there were usually four different types. One is community signs that are usually event-specific and can be put up by community groups, non-profits, the firemen, that sort of thing. They could be around an issue, such as this tax issue. The second type is electoral, going up before an election. A third type is a movable business sign that could go on a property or on a sidewalk to advertise a business. A fourth would be a real estate sign which could be sometimes on public property because you want to advertise an open house.

I think these are all legitimate signs to have on public property, but I also think they need to have, perhaps, and I think this is open for discussion, a consideration of size restraints, location restraints, and time limits. For example, a community sign about taxes perhaps could go up because there is going to be a rally on a particular date. I see no problem with putting up a sign about a rally if it is within certain guidelines regarding size and location, and a certain, let us say, two-week or three-week, whatever we decide in advance of the rally. Those are all legitimate, and it is worth considering an ordinance around these issues. But what I do not know, and I would want to ask Marianne about, is the issue of a sign that has no sunset, that has no time limit, and that is not about a particular rally or action or event. Do we have a right to limit that kind of signage?

Village Attorney Stecich: Meg makes some very good points. You could ban signs on public property altogether. That is legal. The U.S. Supreme Court has upheld it. I am assuming the Village does not want to go in that direction. It has not seemed to have wanted to go in that direction in the past. Once you allow signs on public property, you cannot discriminate on the basis of content. You do not have to allow obscene signs or even commercial signs, but for other signs, it does not matter what the content is. You cannot say you can have them about a particular event, but not an issue that is long-lived. But the way to deal with that, you can put time restrictions on them, for example, three weeks, and the person putting up the signs decides the best three weeks to put them up. I suppose they could stop after three weeks and then put it back in three weeks. You would have to work around that. You do not have to allow anything on public property that would pose a safety issue. Meg, you also make a good point about the size, perfectly fine to regulate the size of it. You might want to require the person to get a permit, which could be a little cumbersome. A permit would allow you to know which person was responsible for putting it up, and then you could make that person take it down. Or require that any sign has to be marked on the back with a name and contact person. Along with that, have a fine: that the person would have to pay whatever it cost the Village to remove the sign. I think those would address it, if that is the direction you wanted to go.

Trustee Walker: We should also look at some of the other signs such as the political signs that stay up for months. The other question that has come up in talking to the Chamber and

merchants is whether or not we can allow sidewalk signs. Right now we do not allow them, and merchants are fined for putting sidewalk signs out. I think we should consider allowing them within certain limitations. When you look at these as a package, then we start to see, well, do we need to have them for permits, do we restrict the sizes. Who is going to enforce all this? I would rather not get into enforcement issues and all those regulations. But sometimes we are motivated to do something.

Trustee Jennings: I very much would support a regulation that would require the name of the organization, or who was responsible for putting up the sign. I do not like anonymous postings. That invites trouble. There is a certain accountability if you have such a regulation. I like the idea of, if it is permissible legally, designating a certain area to create a public communication venue; a community bulletin board place where we permit signage in a controlled, regulated way. But not carte blanche across all Village property. I do not like the idea of people plastering signs on all the trees in the parks. It would not have to be an all or nothing. We would be able to say yes, some signage, properly regulated, but in certain locations. Locations that are highly traveled would be conducive to the communication goal of the group putting up the signs, but not just throw it open to all Village property, for aesthetic reasons. Granted, this has not happened in the past. But I am imagining worst case scenarios of a sign-crazy community. It would affect the character of the community. It would be ugly. So I would like to think about the Hyde Park corner concept, the bulletin board concept, some place where we could do it. I love the banners over Five Corners. It is very useful to have information up there. It is useful to have information on those beleaguered telephone poles, full of staples, because I have seen useful things many times in places like that.

Trustee Armacost: I grew up in England, and then did my university in Canada where people regulate much more willingly than they do here. One of the things that I learned very quickly when I arrived here is that the freedom of speech issue is, very dear to people's hearts. That is an important consideration here, and needs to be handled carefully and dexterously by us as a group of trustees. If there is a way to manage aesthetic concerns and fairness concerns and transparency concerns that people have raised one way or another, while preserving that right if we are able to walk that line carefully and delicately, then we will be serving our community well. But you Americans, me, I am an American now, too, really care about that free speech issue. So we have to be quite careful of that.

Mayor Swiderski: Yes, I agree.

Trustee Quinlan: I am against any regulations of signs in the Village. I have lived here for 30 years and we have had no law regarding the restrictions of signs on Village properties with no significant problems. I also, although a true-blue Democrat, do believe we have to

be very careful about creating rules and regulations about every little thing that comes our way, much more like the Republicans think, and that there are some freedoms that must be upheld and we have to rely on people's common sense when we deal with this. We have a tremendous First Amendment issue that comes into play here. The particular sign that generated this discussion is not lewd, is not offensive. It talks about taxes, which has been a topic since before the Revolution and was probably one of the main causes of our own revolution. That is one reason why we are a free country, so it is a very important issue historically and locally. I understand that the people who put the sign up, and I have had discussion with at least one of them, plan to keep it up until May, which I do not think shows a lot of common sense. But to preserve the constitutional right of freedom of speech, we have to allow it. I would hope that they would reconsider the duration but, again, I do not see any problem with the sign at all. It is not a safety issue. The police, I understand, have looked into it. We go down a slippery slope when we start restricting signs of a political nature. I would like to err on the side of being too liberal with our First Amendment rights than be too restrictive because it becomes a problem when you start down that slope and you do not know when you are going to stop. It is a tough balancing act. So I am going to not be in favor of it on those grounds. And I am going to rely on people's common sense and sense of fair play of what a village is, as we have for the last 30 years.

Mayor Swiderski: Last 100.

Trustee Quinlan: Well, 100, but 30 years that I have lived here in Hastings. We have to protect our freedoms and our democracy and our Constitution, so I am against it.

Mayor Swiderski: My sense here is we do not seem to have a strong sentiment to take action. So perhaps at this point in time we sit, and live with, what I may consider an intrusion, but respect the right to that speech. We do not seem to have an overwhelming need here to restrict that. So maybe we table this, and if there is an outcry over the next few months we revisit it. I am comfortable with that. Does anyone have an issue with sitting on that for a few months and seeing how we live with this?

Trustee Walker: I am OK with that, but it raises an issue in terms of all types of signs that are not permanent. Then there is Mr. Downey's point that we let those election signs sit out there for months without being collected. I would like to see some signs on the sidewalks in the downtown, especially when the Farmers' Market is in town or when we are having Friday Night Live and want to attract people into the shops. I do not see a pressing issue to regulate the political signage or the community signage. We are all happy to see signs announcing the firemen's carnival and the Take Me to the River festival. We do not require that they get permits to put up those signs and I do not object to that. If we start restricting

political we have to look at all those signs. We cannot discriminate as to content. But in terms of procedures and aesthetics, at some point I think it would be worth looking at.

Mayor Swiderski: Perhaps we can ask you to look into, Marianne, where the restrictions are with the A-frame sidewalk signs. And we can talk about removing them over the next few meetings, the billboards.

Village Attorney Stecich: They are not allowed. Sure.

Trustee Quinlan: If you have a political sign that is on Village property, and the election is over, and as long as you do not rip it up and stomp on it or something, you just politely remove it, the DPW or whomever.

Village Manager Frobel: We do.

Trustee Quinlan: Politely remove it, and throw it away.

Mayor Swiderski: So we will table it, open for public comment. We are where we are.

Mr. Downey: I agree with Trustee Walker's thought about businesses having the A-frame signs. But there would have to be a minimal passable space. To Trustee Quinlan's thought about government intruding into every little nook and cranny, what happens when people do not take personal responsibility? That is when government always fills the void. We have a deterioration of people accepting personal responsibility for things. So these political signs that go up, and others, there should be some recourse other than the Village having to play housekeeper in cleaning them up. There should be compensation. We can talk a good game but it has not worked up until now. At some point we are going to have to draw the line and say enough is enough, we cannot be just picking up litter. To Trustee Jennings, that was a great idea about Village central signage. The Village of Irvington has it at the top of their Main Street. We use the Five Corners for banners, but there is a degree of liability and cost with tying them up and down. If we could set up a space like Irvington's, it is a great idea.

Dick Evans, 42 Darwin Avenue: I have been authorized by the Citizens Alliance for Affordable Taxes to speak on the issue of signs. It is not a permanent sign. It looks permanent because the wind keeps blowing it down and we have to keep reinforcing it. I am talking about the one on Farragut. As regards timing, this is the month when we all have to pay our school taxes. What we are all about as an organization is lowering school taxes. So now is the ideal time for us to get our story across. I would imagine that by the end of the month we will have achieved that purpose and we would, at that point, perhaps in our own self-interest, want to consider taking down the sign, moving it, or doing something new. But

it is specifically to address the opportunity presented by the need to pay taxes this month. That is why we are doing it. You had a point about who is it. Well, there is a Web site on the sign. And if you go to the Web site you encounter who it is. So it is not secret. Other than that, if you all are going to make some regulations about signage we just ask that we have an opportunity to participate in that discussion. With that, I invite you all to go to www.hastingstaxes.com and sign the petition.

Mayor Swiderski: As a matter of course, any regulation like that does not happen overnight. There is always the chance for public comment. While you are always free to come and speak during the public comment about a regulation we might pass, it does not look like we are intent on passing anything. Thank you for coming.

Mr. Gonder: Sidewalks are for people to walk, roads are for vehicles. I do not want to see any sign on a sidewalk.

Jim Metzger, 427 Warburton Avenue: I want to thank the Board for their carefully considered comments on this, and I agree with pretty much everything that was said. The idea of developing a kiosk in the Village is something that has been around for many years. I would like to encourage the Board to figure out a way. I believe that there was an open competition that was done a number of years ago. Perhaps we could revisit the submissions that were done then, and maybe ask for some new submissions. I was hoping that the Community Center would be a spot that would have had some sort of kiosk but that was not done. The signage stuck up in the windows there detracts from the building. Signage to encourage people to shop in downtown is a great idea. We should look at how that should be accomplished to not impede the flow of traffic. And to Trustee Quinlan, I could not agree more. The idea of this being an open process is something that is near and dear. It is very difficult to get a message out in the Village. The cost involved to put an ad in the newspaper, to print up fliers, becomes astronomical. So you put up a large sign in a prominent location. This is probably the first time this issue has come before a board. I am happy to see that there is not a knee-jerk reaction to institute all sorts of regulations. The tax situation is very difficult, and we need to get as many people involved in discussing this issue as possible. I believe these signs are helping to accomplish that.

2. Update on Deer

Mayor Swiderski: I actually have something here. In conversations with the DEC on December 30, I was informed that it appears that the DEC Fish & Wildlife unit will be granting us a permit that gives us exactly what we were looking for. It appears that the permit will be granted sometime in January, and will require a couple of things of us. One of them is an indication that we will be treating this in some sort of academically rigorous

manner, and that we will have metrics going into the process that we try to identify if what we are about to do worked. Those metrics can measure deer counts before and after. It is expensive if you do it via infrared, but there are other ways to do it. They can include deer strikes by cars. Those statistics are now collected by the police. For example, last year it was 18 in the village of Hastings alone. So if, after a year with an action, that drops, that is a useful metric. Also, possibly of greatest interest to the DEC, is species counts: rope off a 100-yard square in Hastings Woods this spring, count the number of species there, and then a year later come back and see if there is a greater diversity and greater number, if the deer chewing through the understory have chewed through less.

There are a number of possible metrics we could collect. The DEC would require that we issue a couple of pages in terms of thought around what we would do. To grant us a permit they also would want us to run through a SEQRA process, believe it or not, to assess the effect on the environment. The DEC has seen our Greenburgh Deer Report and was very impressed by it. It is, apparently, an unusual document in its scope and depth. That, in and of itself, would constitute much of the facts that would underly a SEQRA submission. Given that the environmental benefits from what would most likely be a cull would be positive for the Village, our expected outcome would be positive. What the Village would do, in this case, is issue a negative declaration that there is going to be an effect on the Village environmentally negative from the cull, and we would be through the SEQRA process.

Those two requirements, an indication that we are serious about collecting metrics and that we issue a neg dec, are what the state is going to put before us. If we get the license, and it is likely to be issued for greater than a year, if we get this at some point in late January we will not have the time between public hearings, an RFP process, et cetera, to do anything this winter. By March you have pregnant does, and you do not kill pregnant does. It is bad form.

If we get the permit as we have been told we are likely to do, we would do this next year. The advantage to that, besides the fact that we can budget for it and go through a leisurely public comment period, is that we can run through the metrics process properly and do those species counts in the woods and figure out how we are going to do this. We have an informal deer committee, a member of whom is now working to see if we can interest an academic institution in adopting the Village and running the metrics program. The rigor that an academic institution would bring, and the remove from the Village, would be a positive thing. We are just beginning to start up the process of identifying what sort of foundations and institutions we might reach out to. It is a promising development. I will be working on the metrics document, which will be a couple of pages. That will be published out, and then sent off to the DEC, and we will go through the SEQRA process, which will take a couple of meetings.

Mr. Gonder: I have a question in regard to metrics. If I filmed a deer in Pulvers Woods . . .

Mayor Swiderski: Mr. Gonder, as a matter of fact I thought of you. All joking aside, I had this discussion with Dr. Jacques Padawer, who wrote a good part of the deer report and is a scientist as well, and he indicated that one valid metric is people who observe deer frequently become diarists; simply record the number and type of deer over the course of the year, with some rigor. Get a series of these people around the Village to do that. It will also develop a sense of patterns of movement.

Mr. Gonder: I will do it in Pulvers Woods. Guaranteed, 100 percent, I will start tonight because I see them every night sitting right over my property or on my property. And I have done this before. No problem. I will gladly do it.

Mayor Swiderski: I thought of you and Jeff Bogart and a number of people who are painfully aware of deer crossing their lawns. We are not going to do a before and after count and rack up \$60,000. I am not insane to propose that. There are secondary, land-based counts which can be quite accurate. You can develop a sense of herd size, and where they typically walk and the routes they take. That will also help in the placement of the sites where the bad things will happen.

Mr. Downey: The harvest number of deer: has there been a number discussed, what they felt mathematically needed to be removed?

Mayor Swiderski: Jacques' report, I believe, threw out 70 percent the first year. But we need to get some sort of sense of what the number is. One of the firms that I spoke to, truth in advertising the only one because there are not many out there that do any sort of academically rigorous work here, indicated that prior to a cull they would do something called an "evening spotlighting run" where they cover most of the Village street grid with cars with strong flashlights and simply count. He was claiming the accuracy could be as high as 90 percent. So once we get a baseline, you multiply that by 0.7 and we have some idea of what we would have to do.

Mr. Downey: When I was a hunter years and years ago, it was called "spotting." We used to do that.

Mayor Swiderski: Spotting, that is the word.

Mr. Downey: One thing you are going to have to communicate to the Village, to do an accurate spotting let people know that lights are going to have to go through the yards. A typical example is Hamilton Avenue. There are a couple of parcels of property there that

deer live in almost all the time. So they cannot just hit the area up by the Hillside School or the Burke Estate. They are going to have to go down streets and wash that light through the yards and look for those eyes to find them. As far as creating that environmental “rope-off,” I think what you meant is “fence-off” because a rope they can go under. You want to fence it.

Mayor Swiderski: No, that is not what they were proposing. They were simply proposing you pace off a 100-yard block and do a species count in that block, period. You do not put up fences or anything. You want to see what the count is before, and then after. The fencing-off that you speak of was done up at Pound Ridge and at other sites, and if you have ever seen the video or photos it is just astounding, the difference. It is amazing; a rich and vibrant, lush undergrowth compared to barren.

Mr. Downey: I would like to help with that committee because I know that material well.

Mayor Swiderski: We would welcome that.

Trustee Walker: What execution method will this permit allow?

Mayor Swiderski: The exact term he used, and he did not go into detail because he did not feel comfortable in doing so without the issuance, was netting and euthanizing. Euthanizing could take the form of gunshot or bolting, everything other than chemical euthanization. They want the meat to be usable.

Trustee Walker: And they are able to grant a permit without having to go to the legislature for a change in the regulations?

Mayor Swiderski: That is why they want it to be academically rigorous, because then this is termed a study. Once it is a study, it is treated differently under the law and it is no longer a hunt. This will be considered a pilot project that will be reviewed and examined by the DEC for, then, application across other suburban communities and a possible change to the law so, down the road, it will not require the designation of study but will just be a matter of course of what a community like ours can do. I find it both an honor, and quite interesting and exciting, that we are in this odd role of being a pilot project for the state.

Trustee Walker: Keeping these statistics is in our interest to really understand the efficacy of what we are doing.

Mayor Swiderski: There is money involved in doing this. The first pass here will not be done with volunteers. And it is not “chump change,” as they say. It is tens of thousands of

dollars. So it makes no sense to do this without rigorous metrics from our own perspective. It works for everybody.

Mr. Metzger: If this is being looked at as a academic project and as a pilot for other communities around the state, is there any money available? Has anybody looked into grants for this?

Mayor Swiderski: I will be asking, certainly, for the metric work. I have to imagine we should be able to get something.

Mr. Metzger: If the flyover is something that is more accurate, and we could get a grant for that as a means of having better data, that might be something we could look into.

Mayor Swiderski: A flyover is done in the winter, so we would do it in early winter of 2010, November. That gives us time to try to find that funding.

Mr. Gonder: I told this board many times I am willing to give you \$10 for up to 100 deer. That is \$1,000. You get another 50 residents, you are going to pay for the cull.

Mayor Swiderski: That is very kind of you. I will leave that in consideration. I consider that "John Gonder's specific tax." I do not know if I want to raise your taxes like that yet.

Mr. Gonder: They have done thousands of dollars of damage to me.

Mayor Swiderski: To me, as well, but I am trying not to personalize it.

Mr. Downey: Could the new Web site have a blog thing where people could count in what they are seeing?

Mayor Swiderski: Public participation with episodic sightings I would not want because that is not terribly useful. Diarists, who are sitting there, if we have people like you or John or others, there would be a structured log. It has to be usable and comparable across diarists and across time.

Trustee Walker: There might be some reason to have a survey. I know it is not a scientific metric, not really quantifiable, when you do it as a survey. But I still think, from the point of view of community engagement and their buy-in to this whole process, it might be useful to have a survey before and after, with questions about their yard damage and how many deer sightings.

Mayor Swiderski: That may be something that we ask people to consider in the spring to anecdotally tell us the next year. I just got this two weeks ago and we are just beginning to think about it. So that is a very good idea.

Trustee Jennings: In terms of the goals of the number of deer to cull and the deer population before and after, I do not know very much about the research. So it will be nice if we can get some scientists on board and talk to them about this. It would seem that the absolute number of deer at any one location or at any given time is going to be very difficult to pinpoint, even with aerial techniques. But I am not sure that it matters a lot because if we can measure the effects of deer behavior it is more important than measuring the numbers of deer. I think they are probably correlated, but I do not really care that much about how many deer are here if they are not destroying Hillside Woods, if they are not destroying backyards, if they are not running into cars. So we look at the effects, and we can measure and record those. As far as the goal of a cull or a series of culls over successive years are concerned, we talked about this before with Jacques. A percentage is not the best way to think about it. The thing to think about is, we do not want to endanger the whitetail deer as a species by overculling. But there is no practical danger of our doing that here in Hastings, given a two- or three-year period of time. Therefore, the number of deer to euthanize is going to be a number which is not going to be dictated by percentages of population. It is going to be determined on the basis of practicality and expense, and also the hypothesis of our metrics. If we do 100 deer, will it make a measurable difference in Hillside Woods next year? Next year we do 200, did that make a difference? We can probably manipulate these variables if we are seriously viewing this as a research study. There is also the cost factor, of course. Even if we get an outside grant we are going to have to write it into the grant budget.

Mr. Metzger: I believe Jacques Padawer said the reason for looking at a percentage of elimination is that when you stress the deer population they have a tendency to reproduce in greater numbers. So if you do not eliminate enough of the population you will actually end up with more deer the following year, as they tend to have three or four calves as opposed to two. So if you do not eliminate enough deer initially you are going to end up with a worse problem the following year.

3. Update on the Waterfront

Trustee Quinlan: Building 22 is gone. This week they are going to complete the abatement of Building 72 on the roof. They are going to load the steel from Building 22 on barges and take it down the river. They are going to demolish building 51A and begin demolishing 72 and 72A. We will complete the demolition process in two weeks. We are hoping that will open the views and the sight lines, and spark our imaginations for possible uses there. I had a conversation, talking about the Tappan Terminal, which is the southern site, with Mr.

Conlin of the legal department of the DEC. I was asking him what was the hang-up with the consent decree between the DEC and ExxonMobil for their eight acres and the consent decree between Chevron, who is the responsible party to clean up the Uhlich site, for their six acres because nothing has been happening. He informed me that their division is eight attorneys down with no replacements so that they are having a personnel problem, that ExxonMobil is ready, willing, and able to sign their consent decree to do the cleanup that was issued by the ROD back in 2006, and that he hopes that the hang-up between Chevron and Uhlich can be resolved in January. He said he would take some personal responsibility for that, and the consent decree signed in the beginning of February. I will promise to follow up with him and to continue to bug him to find out why we are not moving forward with the cleanup of at least the Tappan Terminal site sooner than later.

4. Update on Comprehensive Plan

Trustee Quinlan: We have a member of the Comprehensive Plan in the audience and I will ask him to give the report.

Mr. Metzger: We, like most of the Village, have tried to take a few days off during the vacation. But our fearless leader, Kathy Sullivan, has been absolutely hard at work. We are in the process of compiling all of the information that we have been looking at for the last two and a half years to prepare a preliminary comprehensive plan for the Trustees to review. Our meeting schedule has changed. We are going to be meeting next Tuesday, and then the Thursday two weeks after that. I would ask you to take a look at the Village calendar if you are interested in coming. We have been getting into the meat of each of the subjects that we have been looking at. We have had various committees, for example, Richard Bass and I were looking at quality of life issues, affordable housing, and taxes. We are going back and forth with PPSA, our consultant, and fine-tuning all the issues. We have one more large meeting coming up about the waterfront, and then will be starting the process of Village-wide review of our initial proposals.

Trustee Jennings: Where do things stand with your discussion with the LWRP group?

Mr. Metzger: We have a series of days blocked out. There have been some issues trying to get the LWRP committee and the Comprehensive Plan Committee together to discuss the issues. As you know, you had appropriated money for a review by our consultant of the LWRP and of the Comprehensive Plan to take a look at the issues that meshed right away and issues that we needed to discuss. We are in the process of setting up that meeting, as we speak, and I am sure Kathy Sullivan will have some information on that in the next few days.

5. Other

Trustee Walker: We are kicking off a two-month long planning for Friday Night Live process tomorrow night at the Community Center at 7 p.m. with a brainstorming session, open to the public, to talk about themes and events we would like to hold in the downtown in the coming year. People have been coming up with great ideas over the last few months. We want to try to get those all up and on the calendar, and start putting themes to dates. We are looking for partners, guest producers, who can come in and help us, for example, produce an art walk or do a theater event in the downtown. After that we are going to have a series of smaller meetings more focused on specific issues.

Trustee Armacost: A reminder for all of the boards, commissions, councils, and committees. If they have not had elections for chairs sometime in the last 12 months they need to start doing it soon, and we need to be notified of when they are happening, if that is possible. We sent out a letter and procedures to all members of all 26 groups.

EXECUTIVE SESSION

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

ADJOURNMENT

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