

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 2, 2010

A Regular Meeting was held by the Board of Trustees on Tuesday, March 2, 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. Fobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Fourteen (14).

Mayor Swiderski: I want to preempt the proceedings with two items of business. One is to acknowledge the service of the secretary of the Village Manager, who retired this week and whose last day was today. Linda Knies is so modest that she is not even here to hear her own proclamation, but I will read it into the record and we will present it to her in private, where she is, I think, more comfortable receiving these things.

WHEREAS Linda Knies is retiring after more than 21 years of service to this Village; and

WHEREAS During her 21 years, she has seen three Mayors, three Village Managers, and many other employees and public servants come and go; and

WHEREAS during this period, she started as typist and quickly moved into the role of Secretary to the Village Manager. She served also as Deputy Village Clerk and liaison for the popular Spring Thing; and

WHEREAS Linda served the public, and the Village for these many years with grace and affection, now therefore be it

RESOLVED that on the occasion of her retirement the Mayor and Board of Trustees and the entire community of Hastings-on-Hudson congratulate and express their gratitude to Linda for her service these many years to the Village. I, Peter Swiderski, Mayor, do hereby proclaim Saturday and Sunday, March 6 and 7, 2010 as Linda Knies Weekend in the Village of Hastings-on-Hudson, New York in honor of her retirement.

Mayor Swiderski: We wish her the best.

The second order of business, it seems we have to acknowledge as a community the loss of Tunney Maher, who was important to so many people here. A village is composed of individuals, but it rests on the backs of people like Tunney. He built the CYO to what it is today; for 33 years he worked on that. A tireless advocate for any number of youth-oriented projects, including the Little League. The hole in people's hearts that he leaves behind is immeasurable, and if you had the privilege of being at his service on Saturday you would have seen the depth and breadth of affection for him. The meeting today will adjourn in his memory, but I wanted to acknowledge the loss to the community of somebody so important, so fine, and so dear.

On that sad note, we will proceed with the order of business today, which is four Public Hearings and then the regular Board of Trustees meeting.

[Resume 7:46 p.m.]

PRESENTATION – Hastings Little League

Gene Calamari, 6 Cedar Street: I am president of the Little League and I am here with several of my board members. Thank you for this opportunity to come before you tonight. A lot of great things have been happening in Uniontown in a collaborative effort between the Little League and the rec department. I would like to ask for your assistance for the completion of that project.

Little League started after World War II. Hastings Little League is one of the charter members from the 1950s. So we have been around in Hastings for a very long time. I feel like I am looking out on some friends here because Jerry Quinlan was a president of the Little League, and Niki Armacost has two kids that have passed through the Little League, and I am sure others here are familiar with it. Fran and I and Peter have spoken about this project in the past.

Last year we had 270 kids in the Little League, which represents about 40 percent of the eligible population of the school system. So grades 1 through 7, we have about 40 percent of those kids in our activities. In the past the Little League was exclusively a springtime thing. We have now gone from a spring activity to a spring/summer/fall activity, so the fields are used nine months of the year. In recognition of the amount of use the fields get, and as primary users, we have embarked upon a partnership with the rec department in maintaining and upgrading these fields.

My predecessor began this project. For the first stage of it I will refer to this map. This is Uniontown; to the right is the basketball court that at one time was tennis courts so there was unused space there. What was decided was, number one, the basketball courts needed to be renovated, and number two, field space was at a premium in Hastings. So together with the rec department, the Little League put in two batting cages at the south end of that space and paid for that. We spent \$17,000 of our own money on that. The rec department correspondingly, redid the basketball courts so that they are in prime shape right now. Moving to the area around home plate, one of the ongoing needs is to increase the intimacy between the coach and his players, and to give the kids the opportunity to enjoy the game as much as possible among themselves. To do that, we fund-raised for dugouts. We ended up spending approximately \$34,000 of our own money there to build dugouts. The Village, correspondingly, redid the fencing around the dugouts and paid for part of the construction blocks. So essentially, the Little League paid for the majority of the work done on the dugouts, plus re-sodding in front of the dugouts and a walkway that went the full length of the basketball court to the batting cages. In the last three years, the Little League has spent \$51,000 of its own money.

We have now moved on to the next stage of the project. The parking is insufficient. There are about 16 spaces, and nine months of the year that parking lot is at maximum capacity and then some. Parking then spills over onto the street. There are a number of handicapped spots that are often taken up because parking is not found in the lot. There are issues related to people's driveways. It is not uncommon for police to arrive at the request of a neighbor to have a car moved. So this is an ongoing issue which we want to remediate. In addition to that, the positioning of the parking immediately abutting a playground facility is not in good safety sense. Kids often run from the playground area through the parking lot, and it creates a hazard. We have had several near-misses. The next phase of the project, then, was to take the playground which, by the way, I am sure is not in code any longer because the metal fire truck is rusted and I do not believe that would remain as current playground equipment were a playground to be redone today. So the playground equipment needs to be replaced. The idea was to move the playground to alongside the basketball courts on the Farragut Parkway side of the basketball courts. That area is fairly flat and sufficient in size. When Fred Hubbard was alive, he determined that with the exception of one tree which was not in the area in which the playground would go the trees were not of significance.

By moving the playground we could double the current parking by having the parking lot extend into the old playground area, moving from 16 spots to close to 40 spots. This would address safety issues, give us an opportunity to renovate the playground equipment, increase the parking, and address the concerns of the neighborhood relative to parking.

The unfortunate part of this stage of the project is, it is beyond the scope of either the Little League budget or the current rec department budget. It would require a wider Village effort. We have assumed a side project of renovating the shed on the lower portion of that parking lot. It is an old shed that has been used for storage. The Little League has committed itself to the renovation of that shed, in conjunction with the rec department. Right now we are in the process of renovating it, which I believe is part of this project, as well, although it would be primarily for our use. The idea is to make the shed into a snack bar, which we attempted on a small level last year and were quite successful. If it becomes a viable snack bar we can use the funds from there to become more self-sufficient as the Little League, and subsidize the cost of maintaining Uniontown as a field. We currently split the cost of the drying agents and the soil preparation agents that are used on the field, but we could assume more of that responsibility were we to make this a viable snack bar.

That probably is within the scope of our budget to accomplish. But the other parts of it are definitely beyond our capabilities. I am looking for a commitment from the Village, an ongoing partnership, with the Village taking a wider role in the remainder of this project. I do not need to convince anybody here how important things are like the Little League. If we look around at the signs of health of a town we look at the libraries and school system, the parks and recreation facilities, the downtown. In our little corner of the world we are doing a large effort to make it special for our kids. I would like to see the Village become a very ambitious partner in the remainder of this project.

Trustee Armacost: My two children are part of the Little League, and it has really made a huge difference in their lives and, I think, in the lives of lots of young boys and girls. We have Lucy Mondello who gives every boy in the 7th grade a run for their money. It has been a fantastic experience for all of them, and I think it has been that way for many years. One of the things that I have admired tremendously about the Little League is its view of itself as a self-sufficient organization that generates income and pays for the projects that it cares about, or tries to pay for the bulk of it or creates matching funds for those kinds of projects. That example is one that is important for other organizations in the Village to follow. I am a big supporter of the Little League for personal reasons, but also because the impact it has had in helping children to understand good sportsmanship, important citizen values, and to be able to run and play which is what they need when they are that age.

Trustee Walker: I am a big believer in Little League, although my daughter only played two years in softball. It does include softball, right?

Mr. Calamari: Baseball and softball.

Trustee Walker: I know it is terrifically run. You do a really good job. I can understand the need for these improvements, having spent a lot of time in Uniontown both at the field and in the playground. Have you priced out these improvements?

Mr. Calamari: We have priced it out on a rough basis. The renovation of the shed is going to take about \$15,000. The parking area is about \$50,000. Clearing of land and preparing it to have a playground and to be paved is about \$15,000. The purchase and installation of the playground equipment is the biggest obstacle. Playground equipment comparable to Reynolds is about \$75,000. That is not the most scary part. The installation cost is about the same as the cost of purchasing the equipment. That can probably be negotiated, but the people that install these things are licensed individuals. On the high end we are looking at something on the order of \$150,000 for the playground equipment and its installation; site work, \$15,000; paving an additional \$50,000. A paved walkway would go around center field from the first hard edge in center field to the wooded area, which would be, then, the playground. The parking lot paving would include that walkway.

Trustee Walker: One concern is putting the playground in such a remote location. I understand completely that it is not ideally located next to the parking lot because the kids want to join the kids playing in the field and tend to run back and forth. But at the same time, I am afraid that spending \$150,000 on a playground that is buried in the woods, it would be used much less frequently. One thing would be to consider the topographical issues here, but putting it closer to the snack bar so parents can park and walk, or walk from the neighborhood, easily to the playground. As a mom, I know that one of the things that dissuades you from using a place is when there is lack of good visibility in and out. When a playground or a park is hidden it attracts negative uses and does not attract positive uses. It is important that a playground be visible, especially when moms and kids are hanging out there they feel safe, they feel secure, they feel like people can see in, they can see out, they can get out quickly. The

The other concern, from a green sustainability standpoint, it is time to start thinking about pervious paving and parking lots, and not using asphalt. And that may save some money.

Mr. Calamari: We have addressed the issue of the remoteness of the playground. We calculated there would be about 150 feet from the last parking spot to the playground. It is not as remote as it appears on the map because where the current playground is there would be parking right up to the tree line. When you walk out of your car you would be walking around a outfield. And that whole wooded area there now would feel less remote because the woods would not be there.

The negative uses we were concerned about that when we built the batting cages. Initially we thought this would incur a great deal of vandalism. It has not been vandalized at all and we have had it for a couple of years, and that is as remote in this facility as you could get. Weighing all of the concerns, which are totally valid, we looked at all the options of where it would go and it was too close to somebody's home or not an efficient use of space, or the land clearing that would have to go on, one of the suggestions was to push the playground further into the woods than it currently is now. The problem with that is, the land is graded severely upwards at that point and would involve things like major rock removal. And there are larger-growth trees there. So those concerns prevented us from looking at that angle of it.

Trustee Armacost: By my calculation it comes to about \$230,000. Is that right?

Mr. Calamari: Yes, that is what it looks like right now.

Trustee Armacost: Have you looked into grants to cover some of those costs?

Mr. Calamari: Fran and I have had a meeting with Ray about such a possibility, perhaps exploring something with the companies that are involved in the waterfront. At board meetings within the Little League, we felt that that kind of approach would be best handled at the municipal level, coming from the Mayor or the Village Manager's office rather than from the Little League. Our fund-raising activities are general appropriate to what we do, like raffles and things of that nature. Exploring possibilities from assemblymen's offices or private organizations like companies, we feel that would be within the scope of the municipality primarily.

Trustee Armacost: Do you have a timeline?

Mr. Calamari: We were hoping to get the snack bar completed this year. Registration is ongoing now, we are awaiting a number of sponsor checks to come in. So we do not know the extent of our funds at the moment. We were hoping for some help from the Village on the snack bar. In 2007 I thought this would be a three to five year project. We are hoping that it can be completed within that same scope of time, the whole project being done if not completely next year, then the year after that, understanding that these are difficult economic times for everybody, including the Little League. We are looking for forward motion on the project. We do not want to come to a point of stagnancy. Up to now, there has been continuous forward motion and we do not want to see it reach an impasse at this point.

Village Manager Frobel: Gene is right. Ray Gomes has been very supportive through his operating budget, and there is money in next year's budget as of now to assist in this, small numbers, not like some of the big numbers Gene has talked about. But as Gene mentioned,

too, we have been successful with member grants. The parks historic places grant probably lends itself best to this kind of an application. This last round we placed our emphasis on addressing some of our ADA concerns. But next cycle this would lend itself very nicely to that kind of a program. The problem is going to be, it still requires a 50 percent match. So even that would probably have to be phased in, or else the Village would probably be obligated to borrow the money to make that match up because it is a big number.

Trustee Walker: What about counting some of the volunteer hours that have been spent toward the match?

Village Manager Frobel: That is all eligible. But again, the numbers Gene has put out tonight are rather large.

Trustee Jennings: Focusing on the playground, you need to get some data on how many children use this playground. It would be nice if we could identify the children and parents who tend to use it. Give them a questionnaire, or talk to them, ask them what kind of equipment they want. We are making some assumptions about how much equipment needs to be purchased and what the costs would be. You used Reynolds Field as a comparison. But perhaps the community that uses Uniontown would not want to replicate Reynolds. We do have a good sense of the costs until we have done more research on what the project should entail. Also, from a community standpoint we need to know how many children utilize this and what proportion of investment of taxpayers' money would be relative to other facilities we have which might be utilized by larger numbers. It is a complicated matter, and we need to get more data.

Mr. Calamari: I have left the selection of the playground equipment, and the numbers that I have given you to Ray as he has the most experience. About the use of the playground, almost everybody that shows up has younger siblings that are occupied in the playground. It is happening more now than when I moved here 16 years ago. It used to be only used in the springtime, and then occasionally in the other months. But now it is used for nine months. The numbers would come back that it is getting much heavier use than ever. I always want to acknowledge that a lot of work has been done on Zinsser. I do not want to exclusively focus on Uniontown. We have, in collaboration with the rec department, created a second field on the north end of Zinsser. That is now an official-sized field, whereas before it was nothing more than a few cutouts. The rec department has done drainage work on Zinsser 1, which is the all-dirt infield closest to the nearest road. I cannot say enough about Ray's staff. Ray's staff has been tremendous, and it has been nothing but a pleasure to work with him on these projects; it has really been a collaborative effort.

Trustee Jennings: Where do the Little League games take place? Not just Uniontown, apparently. And do you have a longer-term plan beyond what you have described to us tonight? Where do the parents sit who come to watch?

Mr. Calamari: Currently, there are stands at the basketball court and at the end of the parking lot closest to the field. The plan is to move both sets of stands to just beyond the center field fence on a little plateau that currently is there. This would provide the best view of the game for the parents, and also puts the parents in the best position for the kids to enjoy completely their experience.

Trustee Walker: You are putting the parents across the field.

Mr. Calamari: By the way, this is the model that I have seen in most of the parks that I have gone to so it is not exclusively a Hastings need.

Trustee Jennings: Is it the policy of the Little League to make participation available to all children who want to, or do you limit participation based on ability?

Mr. Calamari: No, we do not limit participation on ability. It is open to all. As far as I am concerned the future of any game, and this game in particular, is often dependent upon the kids least able to play it. If it were only for the most talented there would not be an awful lot of people playing. It is open to everyone. We do have the Hastings borders as per Little League International's requirements. We are limited only geographically.

Trustee Quinlan: Meg makes a good point about the location of the playground when the games are not being played: how will the parents feel being that far away from everything else. But that is about the only reservation I have, and I did not even think about it tonight. Parking in that field has always been a nightmare. When I was president we had eight teams, and then it was a problem. We were expanding when I left the administration to go back into coaching. We created a minor league, which was about another six teams for the younger kids. The problems became even more apparent. The street is a problem. A lot of people do not have garages. A lot of people have multiple cars. The fire house is there. When the cars are parking there, it becomes like a one-way street. The 16 spaces are totally inadequate, especially with the expansion of Little League to the numbers you are talking about now. The complaints are justified. People park in the driveways, in front of the driveways, which they should not do. It is just an incredible problem, and this goes a long way to help solving it. So I am totally in support of it. The only thing is the playground being so far away. The only way we will ever know is give it a try. How are we going to know whether a mother and her children are going to feel safe there?

Trustee Armacost: To Bruce's point about asking questions of the people who are currently using it, it can incorporate that, too, framed in a hypothetical way that does not influence people one way or another so you could see whether there is a fear factor, or not.

Trustee Quinlan: We can study things to the nth degree and never get anything done. That is one thing Hastings is very famous for: studies, and more studies, and then we lose the momentum of going forward. Fran, you said in the budget this year there is a little money. Is that money dedicated to the shed?

Village Manager Frobel: Gene, is not his intent to help on the shed?

Mr. Calamari: Ray's intent is to help on the shed. He did not let me know the dollar amount that he was going to asking for, so I have left that up to you and him to discuss.

Trustee Quinlan: We will see that when we start talking about the budgets. But I am a more concerned about this not fading into thin air. What is the plan to do some concrete steps to make this happen if that is what we are inclined to do? It seems like Nicola and myself are inclined take a major commitment. I would like to hear from the rest of the Board whether we are going to take some more concrete steps. Is all we are going to do is apply for grants? Are we going to take some tax revenue and put it into the budget, and take the heat that we will hear about raising taxes? I hope all the people who are involved in Little League can talk to your parents and say your taxes are going up and one of the reasons is this. Around \$90,000 is 1 percent of tax increase. With \$230,000, you are talking 2.5 percent.

Mayor Swiderski: That is a one-time charge. Amortized through a bonding it is a lot less than that.

Trustee Quinlan: It is important that we realize the numbers. If we came up with a miracle number, and gave you \$230,000 next year, everybody's taxes would increase 2.5 percent in Hastings, just like that, for one year. Is that something that everyone in this room is prepared to be happy with? I do not know.

Mr. Calamari: I am not going to look at it too narrowly. I have to look at the full picture. I look at it as an opportunity to get a great construction price in this market. There are a lot of guys out there looking for work that do this sort of work. We could get a pretty good price. These numbers are rough numbers. Perhaps some of the work could be done by people in the Village or affiliated with the Village at a much more cost-effective price. I am not going to necessarily fully commit that we have a certain tax increase based on this request. I am leaving it up to the people who are experts in this area to endorse a good project and find a way to make it happen.

Trustee Quinlan: It is obviously beyond the capabilities of Little League. I do not even know you raised \$51,000 to do what you have already done.

Trustee Armacost: Kathy Gunther sold a lot of hot dogs.

Mr. Calamari: A great first year for the snack bar, thanks to Kathy.

Trustee Quinlan: We have to decide what concrete action we are going to take, if any. How much we are willing to put our poorly-paid jobs on the line for the tax increase? And what are the next steps? I do not think personally putting in a few thousand dollars to fix up the hot dog stand is a real big commitment from the Village for Little League. I think we have to make a stronger commitment.

Trustee Armacost: Your project seems to have modular elements to it. The shed at \$15,000 is a stand-alone project. The parking lot is \$50,000. That is another little module. You have to think about getting rid of the playground, but you do not have to think about building a new playground in order to get the parking lot issue solved. Then you have a remaining module of \$150,000 which is where the big expense is. If there is a way to think about financing plans that match up with each of those modules separately, that may be a way to grapple with this so that we do not necessarily have a tax hike instantly.

Trustee Quinlan: In the last election the majority of the Board ran on shared services; we think this is a way to cut our taxes, this is the way to cooperate. I have to commend Little League in the fact that I do not know anybody else that comes before us and says we have raised \$50,000 to make Hastings a better place to live for our kids. This is an example of people participating in shared services.

Mr. Calamari: Thank you. We are hoping to do it in a modular fashion, and we have approached it that way so maybe that is the best option.

Trustee Walker: There are lots of community programs. There is one called KaBOOM that is a non-profit that works with communities to use volunteer labor to build playgrounds.

Mayor Swiderski: I have to say the cost is an issue, and if I can do things like what you are talking about, KaBOOM, if we can break from a model of assuming something. It is the same gag reflex I get on \$150,000 for a playground that I get for a quarter of a million dollars for a public bathroom. I just cannot believe these things cost so much. If we could work on that somehow, that would be big.

Deciding the issue is something that requires us to go down there and walk it with you and Parks and Rec. It is too big a commitment to just idly make it. I have not done that site visit so I do not have that same sense for what makes sense here. The parking issue has always been atrocious, and we can address it. I also agree with the comment about sustainability and permeability. There may be ways of doing that that do not involve asphalt and does not have runoff and may have different maintenance costs over time. If we were going to do it asphalt, I would assume we would do it as part of the annual repaving contract and lump this in with that. It might save some money. That is part of the sequencing in determining what makes sense. If we could make it a permeable surface, and KaBOOM or whatever, it might bring this down to something that is not unreasonable. I have no doubt it has support among the 227 families that have kids here, but it is a cost imposed on all and it is our responsibility to see what we can do to maintain a reasonable expense, especially if we make it volunteer-driven, community-driven and sustainable. There may be grant money there, as well, that will help us. My suspicion is we may be able to get this down to half of that, at which point I am not having the same reflex of that is a lot of money.

Mr. Calamari: I asked for worst case scenario numbers from Ray because I did not want to sugarcoat something that ultimately could cost more than I thought.

Trustee Walker: We need to do our due diligence and find out what type of playground works in that neighborhood, whether it is through a community process, or looking at all the other playgrounds and filling the gaps. It does not have to be a burden. And it actually helps in getting grants if you do some type of community process and engage folks in the discussion. Just eyeballing this also, I think that you can double the size of the parking lot and still perhaps have room for a playground at the west end of the field.

Trustee Armacost: But I think the goal is not to have the playground near the parking lot.

Trustee Walker: True. But the reason it does not work now is because kids are running through the parking lot to get to where their parents are watching the game. If you tuck the playground up against the fence, and then you put up some hedge barrier or something that you can see over between the parking lot – we can think about these things. I am getting into too much detail.

Trustee Armacost: No, I think it is fantastic. You should design it.

Mayor Swiderski: That is why we have a site visit ahead of us.

Trustee Walker: Right. That is why we should look at it.

Trustee Jennings: And the parents are going to be sitting in center field anyway.

Trustee Walker: So a site visit as soon as the snow melts and it is not too muddy.

Trustee Quinlan: Everybody wants to study it and everything. Who is going to do that? Is this just going to be words going out into the room and out the window? I do not think the Little League should take on the responsibility of doing a survey of who uses the playground and what they think about the site. That is the rec department's responsibility. They have enough responsibilities coaching the kids, getting uniforms, doing the practices, making the schedules. Who is going to do it?

Trustee Walker: The rec commission.

Trustee Quinlan: The rec commission, or the paid rec staff?

Trustee Walker: It starts with the commission. Would you not say that they look at it before they give it to staff?

Trustee Quinlan: Yes, but then it is just going to fade away.

Mayor Swiderski: No.

Trustee Quinlan: OK, we will see.

Mayor Swiderski: We can talk to Ray about the best way to do this that does not lose momentum but happens quickly.

Trustee Armacost: And if we need a person on the Board to be the point person I am willing to be that person for this.

Mayor Swiderski: We love volunteers like that. Seriously, that will push it along. I know Jerry's fear of things falling into analysis paralysis, which we have in the past suffered from. We have not in the last year, and I would not have that happen here. But at a quarter of a million dollars, there is enough due diligence that is merited that I have zero problem in insisting on that and wanting that.

Trustee Armacost: Yes, and I have a real interest in the costs being low so let us be creative.

Trustee Quinlan: If Trustee Armacost is willing to take on that responsibility, then I have no fear. It will get done and it will get done right.

Mayor Swiderski: Step forward. And we will come up with a sequence of the steps we will do in the next couple of weeks.

Mr. Calamari: I appreciate everybody's comments and the opportunity to be here, and I would like to invite everybody to the parade which will end up in Uniontown, leaving from the American Legion Post on April 17.

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Public Hearing of February 16, 2010 were approved as presented.

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of February 16, 2010 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 55-2009-10 \$104,782.90
Multi-Fund No. 56-2009-10 \$ 90,143.36
Multi-Fund No. 57-2009-10 \$ 96,695.53

PUBLIC COMMENTS

John Gonder, 153 James Street: All I know is what I read in the newspaper. Yonkers Marks \$40 million Cleanup of Waterfront: PCBs, lead, asbestos, other industrial toxins were cleaned up in Yonkers waterfront. I do not want to go through everything, but: Peter Grannis, a long-time Albany lawmaker who heads the state Department of Environmental Conservation: Some projects are small, some are pretty big, Grannis said. As you know, this is a pretty big one. In the remediation statistics, 22 billion total, 600,000 square feet demolished. Ninety-thousand tons of contaminated waste taken by rail to certified depositories. One-thousand cubic yards of building material containing asbestos removed.

The two companies responsible for the pollution, Phelps Dodge Corporation and British Insulated Calendar Corporation, and they were prorated for the cleanup. Blackthorne Partners has run the cleanup for two companies since 2005, and is drawing on another \$20 million pot of money through AIG charters to begin clearing up the nearby river bottom in mid-April, as soon as fish spawning is over. And it goes on. How can a plant three miles south of us do it five years? It is a little smaller; same PCBs, everything else, asbestos, probably mercury, lead. How can they do it in five years, and it has taken us so long? Maybe you can talk to the DEC.

Another thing I read in the paper, a grant of \$2 million to stabilize and study Building 52 next two years. Logan stated it would cost about \$750,000 to stabilize 51, which could come out of \$2 million negotiated for Building 52. The Board decided to dedicate the entire amount for Building 52. ARCO never fully committed to preservation of any structure. This is arguably the largest grant the village has ever gotten: I am just quoting what the paper said. It may be an error. Building 52 is over 82,000 square feet, this is my calculation, two acres of an albatross or a large lemon. There is a fellow, David Makulec: Saving Building 52 A Waste Of \$2 Million. And that was in *The Enterprise* February 26. Marcy Gorman, February 19: White Elephant Should Also Be Demolished. I thought I was the only one that wanted Building 52 demolished. Many people agree with me that are talking. Do you remember the song "Stout-Hearted Men," start me with 10, I'll give you 10,000 more? Did the Board ever have a hearing on the fate of Buildings 51 and 52? Did the Board ever pass a resolution to preserve Building 52? And if not, why not? What did you negotiate to get a grant of \$2 million? Are there ethics involved? This is not \$1,000 or \$2,000 or a new green vehicle. It is not \$20,000 or \$200,000. It is \$2 million. Did you sell your souls to the company store, ARCO? You remember the song "Sixteen Tons" I brought up back in November. I wish I could have some answers to some of those questions.

Tim Downey, 520 Farragut Parkway: I come before the Board with three items. One would be to repeat a request I made earlier: to consider amending the blower law that was enacted two years ago to line up more with the natural conditions of when the leaves come down where it does not detract from the spirit of the law trying to reduce the amount of noise. We might move that period back to October 1. Other villages that have enacted a similar law have used October 1 as their starting date versus October 15. The unusual characteristics of 2007 may have led to using that later date as opposed to something that is more in line with when the machines are needed, and their use.

Mayor Swiderski: What are the other communities' dates?

Mr. Downey: Ardsley and Dobbs Ferry are both October 1. I was a little taken aback when I saw the initial emails after the storm. They were offering to Village residents rides to

restaurants and to the grocery store in the event they were not able to get there. They did not qualify, or clarify, whether that was just pertaining to elderly or those people who had handicaps. It was a broad statement to the community. As soon as I saw the email I said that is going to lead to problems. Sure enough, they did arise. Residents will abuse that, think of it as an entitlement. A number of years ago, after Katrina, there was an organization in Hastings that spent many hard meetings trying to develop a mindset in Hastings of independence and being able to take care of one's self. We have gone the exact 180degree opposite of that, where now it is almost a babysitting service. Unfortunately, this puts a great deal of stress on resources of the police and the DPW. It is too late for this year, but perhaps we could broaden it. The Village Manager does a nice job with this, putting out notices before the winter season starts of things we should be mindful of. Perhaps we might broaden that, and then do some strong enforcement so that the resources of the police department and the DPW are not taxed so heavily.

The last item is regarding snow clearing. The Village did a good job considering what it was up against. But you have people who just selfishly leave their vehicles in the road. I had it happen right around the corner from me in Branford. The plows cannot do their job efficiently. They have to make these slender little passes. They cannot widen the roads. Anyone who has r a level driveway or positive-slope driveway, where gravity can roll them out after the snow, it should be mandatory they park in the driveway. I do not think any of you here have ever done snowplowing professionally. I did it for a number of years. When the plow has to constantly waste time in the same line, versus moving it all the way to the shoulder and removing the material off the road, he then has a buildup and has to attack that heavy buildup later on when it is weighted down, costing both man hours, wasted cycle times, greater labor hours, and damage to the equipment, the transmission in particular. I know there were several vehicles that did go down during the snow. It was an unusually heavy snow. I would like to see the Village take a stronger position on this behavior. If you are on the street, and you are blocking and creating problems, summons them heavily because that will go into our kitty to do the repair and maintenance on the vehicles that were damaged as a result of the abuse of work that took place, and the overtime.

Mayor Swiderski: Just a note about the offer of the rides. There was exactly one instance of that offer being taken up by a citizen. One couple. So it was not heavily abused at all. People were generally, however, reassured that if they had needed something somebody would have been there to assist. But, in the end the spirit you speak of, independent individual reliance, is what won out. This storm was exceptional in terms of the impact on people. I do not remember in recent memory that many people without power for as long as they were. So there was some desire to want to extend a helping hand.

Mr. Downey: I agree with the spirit. I just would not want to see it abused.

21:10 DEMOLITION PERMIT EXXON MOBIL CORPORATION

Village Manager Frobel: Wee have heard from the company and we have held our Public Hearing. The only change from what you heard at our last meeting is that the work will commence late summer/early fall. Originally, they had hoped to do it this spring. The other change is that as part of the specifications the U.S. Coast Guard is requiring some lighting devices be placed on the remaining caissons that in the river. Nothing exists today to indicate where they are, but the Coast Guard has asked that to be installed. And, of course, the company will. We have met preliminarily with appropriate staff, our public safety personnel, myself, and public works and building officials. We are comfortable with their initial safety protocol. All work will be done by barge. The traffic in the Village will be absolutely minimal. Everything will be from the river.

Mayor Swiderski: I had an email from Jacques Padawer regarding this permit, expressing the sentiment of groups who, in the past, had worried about uses for the waterfront, indicating that the caissons were going to be the bases, potentially, for whether it is a ferry stop or a boating use. This does not impair that. It is simply getting rid of rusted...

Village Manager Frobel: The catwalk that goes between them, and removing what has already become submerged from the caisson to the shoreline. We have talked about with the company, and the intent is to keep the caissons there for future use, as Mr. Padawer spoke of.

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 authorize the Building Inspector to issue a permit to Exxon Mobil Corporation for a demolition permit for the offshore central dock structure and catwalks for the former Mobil Tappan Terminal site as per the application dated Jan. 15, 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	

22:10 ESTABLISHMENT OF FEES FOR USE OF DESIGNATED PARKING METERS BY BUSINESS OWNERS AND EMPLOYEES

Village Manager Frobel: I would like to see you go ahead and establish it. You did hear from the Chamber at the last meeting that there was perhaps some hesitancy about it. I think it is low-risk. If it works, that is fine. If it does not work, there has been nothing lost. The spaces will still be available to motorists to use and feed the meter. We have indicated it would be upwards to 18 spaces at strategic places in the downtown area that we think will accommodate the businessman and the employees. My recommendation remains that we give it a try.

Trustee Walker: So how will we indicate that they are for employees?

Village Manager Frobel: The meter will be indicated in some color.

Trustee Walker: Could we just put a band around the pole?

Village Manager Frobel: That has been spoken of, just a band. Orange, or some color that would catch your eye. Some kind of signage would have to be there, so we do not chase away the motorist wondering if this is reserved for someone.

Trustee Walker: We need to make it known to people, through the Chamber, of course, but maybe other ways of notifying business owners.

Village Manager Frobel: Yes, an ad or news article in *The Enterprise*.

Mayor Swiderski: Do we have a right to restrict it to business owners?

Village Manager Frobel: We were under the assumption we could, yes.

Village Attorney Stecich: I do not know. I know that other places do. Tarrytown does it. So I am assuming it is, but I have never looked into the issue. If you want me to, I will be glad to.

Mayor Swiderski: I think we can pass this.

Village Attorney Stecich: Why do you not pass it. If I find anything, I will let you know. It probably would not be prohibited because anybody can park there.

Mayor Swiderski: Right. But it is an issue of whether it is discounted permitting.

Village Attorney Stecich: I will take a look at it.

Trustee Walker: Then how do they prove that they are a business owner?

Mayor Swiderski: Or employee. We will figure that out.

Trustee Quinlan: It is a pretty easy thing to figure out. You can follow up. You have to have some good faith, but I do not think people are going to lie about it.

Mayor Swiderski: No. That is the easy part of it. The only question was the restriction.

Trustee Jennings: I am asking a question about what is a business owner. What if I do not work for a merchant in the Village but I just have my own business, and there is one of these meters, and I would like to park there rather than have to feed the meter all day long?

Mayor Swiderski: The idea is to move people like you, who otherwise would be sitting on a feed-the-meter spot where a customer of a store might otherwise go, to the periphery. So I would say yes.

Trustee Jennings: Because I think there are people like that in the Village who might want to buy this permit. Even if it costs exactly the same amount that it would cost them to feed the meter, it saves them the inconvenience of having to go out and do it every two hours. That is a huge benefit.

Trustee Quinlan: When they say business owner, I never had the impression it would just be for a merchant. I would assume even if you are an accountant you would have clients, if you are a lawyer you have clients, if you are a psychologist you have people. So it is a business. Unless you are just sitting there and you a writer writing a novel, you are going to have people come and visit you.

Mayor Swiderski: Even then you are still taking up a spot. The issue is to move people out of that spot.

Trustee Quinlan: Butt us say you were in an office in that big building at the corner of Warburton and Broadway where the doctors are. That is very close and you could rent any kind of space in there. Or on North Street right across from the gas station. That is broken up into many different businesses on One North Street. That would be very close. So it is a good point.

Trustee Armacost: The definition of employee, is that up to the business owner? For example, a temporary employee. As long as the business owner endorses that employee, that is all we care about?

Mayor Swiderski: And how temporary would that person be if he is willing to pay an annual fee? The monthly fee maybe, but fine. Either way, it is a body that is being freed up out of what could be a parking spot.

Trustee Quinlan: And we are doing this on a trial basis. Because there has been some sentiment that merchants do not even like the idea.

Elisa Zazzara, 68 Southside Avenue: Will these be transferable?

Village Manager Frobel: Yes. The businessman takes one. He can give it to this employee who is working today, and maybe I will need it tomorrow or the next day. It is going to be a card. It is not permanently affixed to the windshield.

Trustee Armacost: Which solves the employee problem because it is not attached to the employee. It is attached to the business owner. And if you have something in front of your window you do not even need to verify if the person is an employee or not. They just need to be given that token.

Trustee Jennings: The existing meters that are near the stores right now: do we have signage that says two-hour limit or something like that? Or is just as long as you feed the meter, you can stay there?

Village Manager Frobel: No, the Code talks about prohibiting the feeding of the meter.

Trustee Quinlan: It does, but the practice is if you have money in the meter that is it.

Trustee Jennings: So it may turn out to be necessary in order to achieve the goal of this that the financial break is not enough. We are going to have to start enforcing the existing law, and ticketing people who feed the meter all day long. If we did that, it would provide an additional incentive for those folks to get their permit and move down the street.

Trustee Quinlan: That is going to cause a major problem with the merchants and with a lot of people, the employees, and the shoppers.

Trustee Walker: But this is something that is commonly done around the country. Enforcement of time limits is critical to getting turnover in front of shops so people can come and go.

Trustee Quinlan: I mean, it is OK with me.

Trustee Jennings: It would not be a burden on shoppers. It would really just impact the employees.

Mayor Swiderski: Let us start with this, and we can escalate over time. But this is addressing a perceived parking problem. Let us see if it helps address it.

Trustee Armacost: How are we monitoring the effect?

Village Manager Frobel: We will see how the sales are, first of all.

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 institute the following fees for use of designated parking meters by business owners and employees in the downtown area:

Annual Fee: \$150.00
Monthly Fee: \$20.00

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: A lot has been written this weekend, through your efforts, of keeping the community informed about our work fighting this storm. It was a storm that was probably the worst of 10 or maybe 15 that we have experienced of late. Certainly, a special

note of thanks to our volunteer firemen, who played a key part in helping with the traffic and controlling some of the situations where we had downed wires.

The DPW did a wonderful job with some real adverse conditions, being short of manpower for one, with an aging fleet of equipment. Our mechanics kept our equipment running in a way that I think is astounding. Of course, the police were out there working around the clock, as well.

I am going to have a report to you this week summarizing the number of man hours and equipment we devoted to the storm. The county is making an effort to apply for federal disaster assistance. I have already sent out a note to the key department heads to begin pulling together our cost estimates. There is a slight hope that we can get some reimbursement for what we paid out of pocket as a result of this storm. That threshold, as I understand it, for our area is about \$3 million worth of damage. If, as a group, we reach that, then we meet the initial threshold to seek out some federal reimbursement. The county wants a very rough number by Friday, so we have got to really get cranking on this.

Mayor Swiderski: And whose damage? Private individuals?

Village Manager Frobel: Right now it appears to be only municipalities.

Mayor Swiderski: Damages over time, and broken equipment?

Village Manager Frobel: It is going to be equipment, manpower, equipment rental, materials like salt and plow blades, any kind of damage to trees that are on Village property and there several that have to now be replaced or removed. So there is a whole host of things we have to take an inventory on and figure out what it came to in terms of a total estimate. We will know better towards the end of the week.

Trustee Armacost: Congratulations to the team. They were really extraordinary, all of them. Several people called me up who had lost power and wanted to know what to do. The emails that came out were really helpful. Everyone said they were dealt with courteously and thoughtfully and effectively. Some people had lost power for longer than others, but most of them seemed to understand that it was not in the control of the Village. They were grateful, so congratulations to your team.

Trustee Quinlan: Not to repeat, but I got a lot of compliments also from residents saying that considering what kind of storm it was they thought the Village had a tremendous response; not only the Mayor, but Fran, Susan, the DPW, the police, everybody. I know

everybody worked really hard, and overtime. That is something that we will not hesitate to pay them for because they did a tremendous job.

BOARD DISCUSSION AND COMMENTS

1. Waterfront Building Preservation

Trustee Quinlan: I thought we would discuss whether it would be worthwhile to sometime in the future have a resolution where we commit ourselves as a board to mothballing or whatever you want to call it Building 52, and using the \$2 million that ARCO has committed for the stabilization and preservation of Building 52 for the foreseeable future. I drafted a rough draft.

Mayor Swiderski: Why do you not read it into the record.

Trustee Quinlan:

WHEREAS on July 5, 2007 the New York State Office of Park, Recreation and Historic Preservation concluded that Building 52 and the steel water tower are eligible for a listing on the state and national registry of historic places, in part because they are associated with events that made a significant contribution to the broad patterns of history, are the sole surviving structures from a major industrial complex along the Hudson River waterfront, and that Building 52 is a good representative example of early 20th century industrial architecture with a distinctive rooftop monitor, corbelled brickwork, large open interior space, and a roof supported by massive steel trestles/girders; and

WHEREAS the Board of Trustees supports the adaptive reuse of Building 52 and the salvage, restoration, and/or relocation of the water tower because redevelopment of the waterfront should include acknowledgment, preservation, and retention of the Village's industrial heritage; and

WHEREAS ARCO has committed \$2 million for the stabilization and preservation of Building 52 for the foreseeable future as the waterfront is remediated, it is hereby

RESOLVED: that the Board of Trustees hereby accepts ARCO's commitment of \$2 million and will support measures to ensure adaptive reuse of Building 52, and the salvage, restoration, and/or relocation of the water tower within the constraints of Village finances, and environmental and public safety concerns.

Trustee Walker: I think it is good to make it a more formal resolution. It is also good to then have a public hearing so everybody can weigh in on it. Then there is some thinking about how the \$2 million is going to be spent. But that is not what this is about. This is really to move this forward and formally say this is what we intend to do with this \$2 million.

Trustee Quinlan: Meg, you make a good point. There are two separations on those two. I think they have to be dealt with separately but are equally as important.

Trustee Armacost: I agree. If the money has been offered and given, and there is an intention to use it in this way, it needs to be captured in a formal sense. Otherwise we get back into the situation we were in before, which is not the optimal situation to be in.

Trustee Jennings: I agree. I think it would be useful to do this. Probably the most important aspect of this resolution is not so much officially saying that we welcome ARCO's spending money on the buildings for this purpose, but our statement as a Board that we feel that the preservation of the structure is in the best interest of Hastings and something we want to do. And we want ARCO to help us do it. The story of ARCO's willingness to provide some monies for this purpose goes way back, all the way back to the consent decree. But actual amounts of money only surfaced very recently is my understanding. We do not want to pass a resolution with a particular figure in mind until we have a clear-cut understanding from ARCO that this is a real number. We do not want to do something to embarrass ARCO. We also do not want to do anything to let ARCO off the hook: if we ask for \$2 million and they are prepared to invest more money, that would be a little weird, too. So maybe there is stuff that needs to be clarified with ARCO before we officially would act on this and fine-tune it. Also is ARCO prepared to orient their monies toward the water tower as well as toward Building 52, or just toward Building 52. If they say we just want to take care of Building 52, do we, as a Board, also want to embrace a project of preserving the water tower, even though that, at this moment, is unfunded in a way that Building 52 is not unfunded. That would be a significant question about the present wording, since the resolution itself explicitly mentions the water tower.

Mayor Swiderski: A clarification. The \$2 million was in a written commitment out of ARCO for 2010 and 2011. I do not think we are embarrassing them by using their own

number in a resolution. It is a written commitment and technically it is not a grant to the Village because it is not a Village building. It is a commitment to spend that much money on what is currently their own building.

Now, there are questions that have never been resolved about the ultimate disposition of that building. And ultimate may not be so far a science fiction future. Because as we know through the granting process, money in hand gets money. This is not \$2 million if you are thinking in terms of this matching grant money. It is \$4 million, conceivably. Grantors are not going to give money to a building owned by ARCO. Grantors might give money if the ownership moves to some sort of public-private partnership. That would then make the building a more interesting target for granting organizations, and that \$2 million then the seed money for more money. Once you are at the point of \$4 million, you can do serious work on this building in a way that makes it far more attractive as part of a development package, and also moves it much further along in the process of being renovated. So there are a couple of questions we are going to be looking to resolve here over the next few months; not years, months. Very soon that discussion with ARCO needs to happen about whose building is this, after all, and a greater question about whose waterfront is this. But let us start with 52.

I am happy to have a public hearing on this. It is not required. I would like to see it scheduled sooner than later because these questions come out of this commitment. I would like to see this moved as quickly as possible.

Trustee Quinlan: If I could just answer Bruce's concerns, I do think the water is important. I do agree with you, but right now what is on the table is Building 52. Even though it does mention the water tower because we were going back into the history of the New York State Office of Parks and Recreation. It confirms the water tower's importance to the Village, which mostly people would agree with. I do not want to delay this to go back to the drawing board about the water tower. Peter is right. We have seen it in writing. And this even cements it more, because not only have they put something in writing, but we have put something in writing. We can put everyone's feet to the fire, and say we are going to start spending the money, here is what we think needs to be done, and let us move on it.

Trustee Armacost: Are you suggesting that the resolved part ends up deleting the words "and the salvage, restoration, and/or relocation of the water tower"?

Trustee Quinlan: Yes, I think that is a good point. It was not anything about the water tower, if I am correct.

Mayor Swiderski: It was not.

Mayor Swiderski: We want to move to rely on volunteer citizens to help us through the process of working through what needs to happen with this \$2 million. Ultimately, this is ARCO's money, but they have expressed willingness to work with us and are open to a collaborative effort. What we would like to do is not reconstitute the same committee that looked at the waterfront, but rather a smaller focus group that is no longer an advocacy organization pitching for an idea, but rather an implementation group that acts effectively as a client rep with the ARCO engineering team, that reports back to us and keeps us abreast and generally assist us in thinking through logically what should be happening and how it should happen and working with ARCO to realize that. The Board is uniformly comfortable with initially appointing Doug Alligood as the head of this group, and looking to him to suggest the four others which we would then approve. And this is in short order. Introduce him to ARCO as, effectively, our rep, in concert with our Building Inspector, but something beyond just a building inspector role and more visionary than that.

Again, when we say 2010-2011 we are already three months into 2010. ARCO is ready to start spending this money now, and the first step is the hiring of an engineer to poke at that building and determine exactly what the shape is. And the creation of that RFP, and determining what they are looking at, is something this citizen group can be very important and constructive in offering input on.

Trustee Quinlan: I agree. One of the things that has to be clearly delineated about this committee is that they would just advise us, for example, to put tarps on this section of the building to preserve it in the short term. But then it would be the Board's responsibility and policy to tell ARCO this is what the Board of Trustees wants. The power and the responsibility comes from us.

Mayor Swiderski: Right. They are not signatories to anything.

Trustee Quinlan: They have no liability, they are totally advisory. And the power and responsibility remains with us.

Trustee Armacost: I think Doug is a fantastic choice. Is this an ad hoc, informal group? Or is this an official group that will have status for a certain period of time?

Mayor Swiderski: I am embarrassed to instruct a committee, since we seem to have 26.

Trustee Walker: But it should have a sunset clause.

Trustee Armacost: We actually only have 25. There was one phantom committee, so we can replace that phantom committee with this one and still have 26.

Trustee Jennings: We should in the future have more of a willingness and policy of bringing together expertise in working groups for a particular purpose with a short work plan and timeline behind them as an ad hoc thing, as opposed to creating the standing committees and that whole ongoing function that they serve. I see a clear-cut distinction between the standing committees on the one hand and the ad hoc, special-purpose groups on the other.

Mayor Swiderski: A working group?

Trustee Jennings: Yes, call it a working group, call it a task force, call it whatever you want. This is a perfect example of what the working group entity should do. This is a great opportunity for us to try that process out. Now, that does not mean that people who are on standing committees who have expertise cannot have input also. But it would be a big mistake for us to create another permanent entity which will then have to figure out what it is going to do after we have done the advising on Building 52.

Mayor Swiderski: Well, then, what are we going to call it? Building 52 working group?

Trustee Armacost: I think task force sounds kind of important.

Mayor Swiderski: All right, task force it is. Building 52 task force? And the sunset should coincide with the \$2 million, which appears to be in 2011?

Trustee Quinlan: Yes.

Trustee Armacost: So it has a sunset.

Trustee Quinlan: December 31, 2011.

Mayor Swiderski: Twenty-one months. And composed of a chair, and four members to be identified.

2. Update on Deer

Mayor Swiderski: I have no update on deer. Still awaiting something back from Fish & Wildlife. I will be meeting with Dobbs Ferry's group that has been set up on this issue to advocate strongly that they join our effort.

3. Other

Mr. Gonder: On the preservation of Building 52, there was some talk about a hearing. Are you going to have a hearing?

Mayor Swiderski: Yes. Let us have that as the first order of business for the next meeting.

Trustee Jennings: I would like to we put a sustainability policy item on that agenda for discussion; I am going to have some materials to share with the Board.

Trustee Walker: Have we heard back from the consultant, PPSA, on a price for completing the LWRP document?

Village Manager Frobel: Not yet. She is working with one of the senior members of the firm to come up with a working budget. They are taking a little bit of time putting that proposal together. I think it is OK. She knows the documents and also knows that I have not called DOS yet to ask that question about reallocating that grant until I have a sense for the number.

Trustee Walker: We need to create a framework for all of this waterfront discussion at some point. I know the Comprehensive Plan and the LWRP are holding that up, but there are so many pieces that we do not want to lose. We have to start looking at it as a whole. So after we get that information and hear back from the Comprehensive Plan we can put together a schedule of how we want to address these things. It is really important, and the clock is ticking.

Mayor Swiderski: We need that zoning discussion underway to feed the design process on the waterfront at some point. Where infrastructure gets laid, where the parks are, all of that. They talk about form-based zoning. They need to move those blocks around on that map and come up with something real within a year because we will have a design process underway, hopefully, by then. We all know the paralysis here has got to come to an end.

4. Update on Comprehensive Plan

Trustee Quinlan: The Comprehensive Plan Committee is holding a public discussion tonight and a discussion with their board on the large land tracts and the waterfront recommendations. They are hoping to wrap up the Comprehensive Plan in this phase and formally recommend a plan to the Village Board in May.

5. Update on Waterfront

Trustee Quinlan: The demolition is complete. Most of the steel in the last phase of Building 51 was taken out by barge. I had a discussion today with Ben Conlin, the supervising attorney at the DEC, regarding the status of the consent decree on the Tappan Terminal site, 17 acres owned by ExxonMobil and Uhlich. He informed me that both ExxonMobil and Chevron, who is the respond party for the Uhlich seven acres, have agreed to sign the consent decree and that it is being circulated between those two parties. He expects it to be on his desk in a week or two, signed. He will then make a recommendation to the commissioner to sign that consent decree. Then we can start talking to George Heitzman and Bill Ports of the remediation of exactly when they are going to put that consent decree into action. I know they want to have a public forum first before they start any remediation. But it looks to me like the remediation of the southern portion of the waterfront is going to happen sooner than later. I am hoping that we can have some action there in terms of actual remediation of that southern site before the end of the year. I will continue to push them, as I have been.

On Friday we are having our third technical meeting with the DEC and BP/ARCO in Albany; I will participate by phone conference. Things are moving. We are doing the meetings every two to three to four weeks just to try to keep everybody thinking about how we are going to approach the design phase of the remediation of the northern portion.

Trustee Walker: Do they have to go through a lengthy design and engineering process for the Tappan Terminal site? It appears that they can move quickly into remediation.

Trustee Quinlan: Yes. My understanding is that the consent decree will outline the ROD that was issued a few years ago. It indicated what the cleanup will be. Evidently Uhlich is not participating at all; Chevron is the responsible party for their seven acres. Ben Conlin said that they do not need their agreement to move forward. The design has taken place whether we like it or not. They are going to come down and present it, to re-present it, as they presented it years ago, to exactly what the remediation is going to be. I think they are still going to have to wait on the experiment about what we called the Miracle-Gro: bioremediation in terms of eating away the chlorobenzenes. That is still a little iffy, but they can start removing the dirt and things like that. I do not know, it is very complicated.

Trustee Walker: Does this mean that the DEC is hiring the contractor to do it?

Trustee Quinlan: No.

Trustee Walker: Or the DEC is supervising?

Trustee Quinlan: Yes.

Trustee Walker: It is more of a supervisory role, but they make sure. They do not have to wait for Chevron and ExxonMobil to pull together and hire their own contractor.

Trustee Quinlan: Yes, they do. They have to wait for that, but I have not seen the consent decree. We have been kept in the dark about the terms. Once it is signed, I have been promised they will send me a copy. I was originally pushing why are we waiting for Uhlich and Chevron when we can start with the ExxonMobil portion? It was explained to me that Chevron and ExxonMobil want to hire the same contractor and do remediation of both sites at the same time with the same contractor. They have already made steps. We have had some inquiries in the Village. Remember a year ago, when we had the guy come up and say I want to talk to the police department about the best routes for the trucks? We are also going to push the barge concept, which I do not think they are going to use. But yes, the DEC is just going to supervise it to make sure that it is done according to the written consent decree. So it is very unusual. But to a certain extent, it is going to follow the ROD issued two or three years ago, which some people will be happy with and some people will not. But as far as I am concerned, it is progress, it is moving forward. It is taking toxic, dangerous materials out of the site and moving them away from Hastings, and cleaning it up.

Trustee Jennings: What, if any, will be the Village's role in talking about the details of this process as it affects the Village and the neighborhood?

Trustee Quinlan: That is a good question. I do not know the answer. So far, it appears that until pushed by myself and the Mayor we were kept out of the loop on exactly what was going to happen. But I plan to become quite involved about exactly what is going to happen and exactly who is going to supervise what at the time it happens. ExxonMobil and Chevron have no court action controlling them, as BP/ARCO does. They are dealing entirely with the Department of Environmental Conservation. The Village, as far as they are concerned, I do not know what they think about us. But we will find out, I promise you. We will find out what their plans are, and we will become involved to the extent we can about especially the truck routes and things like that.

Mayor Swiderski: I wonder if Exxon even recognizes we exist. They have been studious in avoiding that recognition because it has been unnecessary to date. But when we get down the point of planning truck routes, I think at that point. It is curious how they have been so measured in not widening the parties they are talking to. It is probably to their best interests.

Trustee Walker: As we start to talk about the zoning and planning for the entire waterfront we are going to have to have more discussion with all of the owners. Even 10 years ago when we were working on waterfront planning, ARCO was very actively involved and ExxonMobil not at all.

Trustee Quinlan: Right. ExxonMobil, again I have not spoken to them. I do not even know who represents them. As far as I know, they are not interested in or concerned with any infrastructure on the southern site. They are not even willing to pay for it. They just want to clean it up, and I do not know what they plan to do with it after that. They have no responsibility to put the infrastructure in.

Mayor Swiderski: But in a design phase we can certainly try to chime in, and say, If you are scooping out here and laying down, can you use that sort of grade rock so we can lay in things?

Trustee Armacost: We can try. We can say what we want, it sounds like they do not have to listen to us.

Mayor Swiderski: Neither does BP.

Trustee Armacost: But BP is charming, in comparison.

Mayor Swiderski: It is an interesting contrast.

Trustee Quinlan: No, it is very interesting. It is like night and day. The other thing which is interesting, I am a little more hesitant about the zoning than the rest of the Board, but I am willing to dig in and do it. What about scheduling? I know we have the budget coming up.

Mayor Swiderski: I do not think this will happen in April. Simply queuing up the process will take us a couple of months.

Trustee Quinlan: I am in less of a rush that everybody else because I am not quite certain about whether the Village has come to a consensus about zoning on the waterfront. But I am willing to give it a shot. So we are talking about May and June?

Mayor Swiderski: Yes.

Village Manager Frobel: The demolition permit was complete at the end of the February. Just a note for the record that your staff did a wonderful job in providing oversight. Deven Sharma was there almost every day, Chief Drumm, Chief Bloomer, the whole police

department. I like to think it went without a hitch: meeting with neighbors, minimizing inconvenience to their neighborhood. When it first came before you in late autumn there was some anxiety about how it would work. It was a big project, but your staff did a wonderful job. It is a credit to them. The firm that ARCO hired was top-notch; they did absolutely everything they could to satisfy us. We were very pleased with their work, as well.

Trustee Quinlan: I agree with you. I should read just a bit of the last memo from Joe Sontchi to Fran and Peter and myself, and Jim Drumm, and the fire department, and Chief Bloomer, and Deven Sharma. In his last sentence he says, "I would also like to take the opportunity to thank each one of you for all of your assistance. And I appreciated all your help. It was a pleasure to work with you. Thank you." So it was a good job on everyone's part. They did a good job, we did a good job in oversight, they were cooperative.

6. Design Guidelines Enforcement & Other Issues

Trustee Quinlan: I want to reiterate a memo I sent to the Board of Trustees, and for the public. I have been thinking a lot about my participation in the design guidelines, and owning a piece of property in the central commercial district. As time went on, I found myself troubled by the dual hats that I was wearing as a member of the Board and as a property owner. It was an uncomfortable feeling that perhaps I was not being as objective as I possibly should have been, could have been, or even must have been. So the safest way to proceed in the future is to keep it as honest and pure as we can. I think it is imperative that I recuse myself from any further discussion on this so that I can take off the two hats and just concentrate on the things where I do not have even the appearance of an impropriety. So I will step down during this discussion.

Mayor Swiderski: Enforcement.

Village Attorney Stecich: The easiest thing is to go through the memo I sent February 22, which lays out the changes. What I did to enforce the design guidelines was amend two laws: the ARB chapter of the code, and certain provisions in the zoning code. What had to be done in the ARB section of the code was to give the ARB the authority to approve changes to any façade or roof in the CC district that do not require building permits. There are changes that could be made that do not require building permits like siding changes or window changes or whatever. They might not require a building permit. Right now, they would not go before the ARB at all. The amendment to the section on the authority of the Board gives them that authority.

Then a second change I proposed to the ARB law is that right now it has that the Building Inspector has to refer to the ARB any application for a permit for any building, sign, or

structure. I made it clear that it was construction, reconstruction, or alteration of any building. So it is just not new stuff. Any changes would also have to go. Then I added a provision that is not in there right now, but you do not need to go to the ARB for interior work that would not be visible from the street. So that is what that second change does.

Then the changes to zoning law: the first one just says that any required yards, maximum building height, and coverage are subject to the design guidelines. So you do not automatically get the coverage, or probably more significantly the building height or the required yards, that you would in that zoning district if they do not fit within the design guidelines. That is what that first change there does.

The next change: right now only the CC district regulations say that before you apply for a building permit you have to go to the ARB. In fact, in any district you have to go to the ARB unless you are a single-family house. So the fact that it was included in only the CC district was a little confusing. The ARB law is the one that says you have to go there, so I just took it out of that district. You still have to, but it just does not say it in the statutes, so someone cannot say I am in the MR-C, I do not have to, it just applies in the CC district. But it does add a provision that any alteration to a façade or the roof of a building that does not require a building permit has to go to the ARB. Right now that is not covered. So that is a change from the current law.

Trustee Armacost: Where is "façade" defined?

Village Attorney Stecich: It is not.

Trustee Armacost: So this point that you are making, how is everyone going to know what is meant by "façade?" Is that defined in the ARB?

Village Attorney Stecich: No, it is not. But not everything is defined. The Building Inspector knows what the façade is. It is the front of the building.

Trustee Armacost: Like, for example, the issue of painting. That is what I mean by it.

Village Attorney Stecich: Definitely, that is a façade change, painting a building. And originally I had some examples of changes that do not require building permits like changing the siding or changing windows.

Mayor Swiderski: What about painting where the color is the same?

Village Attorney Stecich: That would not be a façade change because the colors do not change. I gave Deven this to go over because he is the one who is going to apply it. I call him a good nitpicker, so he would find things that did not make sense. He asked why I was giving examples. He thought the examples sounded petty, things like changing a window.

Trustee Armacost: The problem with examples is that you can sometimes be limited to those examples. It is not so much the pettiness issue. It is that do they constrain you. My concern is that we are going to have competing definitions of façade.

Village Attorney Stecich: Well, of façade change. And that was the one issue. We started to discuss it at the last meeting and put off a decision about painting. I think everybody was in agreement that changing siding should have to go to the ARB.

Trustee Armacost: Right. Or doors.

Village Attorney Stecich: Changing doors, changing windows. Painting is the one open question right now. All these other changes I have gone through implement pretty much what the Board had agreed on the last time, except for the painting. Deven said he thought of course painting is a façade change. Peter asked a question. Painting the same color, no. Repainting a white clapboard, that is not a façade change. But that is a question for the Board, whether you would want to require somebody who is painting their building a different color to have to go to the ARB. Now certainly there were things in the design guidelines that would require that because they wanted historical colors. But I know there was some disagreement on the Board about that issue, and that is really for you to resolve.

Trustee Walker: Before we get into the painting question, I want to clarify that façade is not necessarily the street front. A façade would be any exposed wall exterior wall of a building, even facing a parking lot. They made a special point in the design guidelines of saying how important even those back walls are. I just wanted to make sure we all understood that.

Trustee Armacost: The only reason I raised the issue is that the word "façade," or "façade change," is key to this whole set of changes. If we all think of it in a different way it is going to be a problem.

Village Attorney Stecich: You could do as I have. Façade changes, including changing siding, changing windows. Or you could even say including, but not limited to. It still does not get you to the question of painting. This is the only thing that there has been any disagreement about. If there is some agreement as to whether you want to require people to have to go to the ARB for painting I can write whatever you agree on.

Trustee Armacost: But to Meg's point, that the back is considered a façade. Façade, the origin of the word implies front. So it is important.

Trustee Walker: From an architectural point of view it would mean any exterior wall. It is the face.

Village Attorney Stecich: It is a face of a building so it would be any side. But I will clarify that that is Deven's understanding of it.

Trustee Walker: I will stick my neck out and say that painting should be included. Painting could have a major impact, negative or positive, on the character and aesthetics of the downtown.

Village Manager Frobel: Oh, very definitely. We had a problem just on Maple Avenue, I think, last summer. Someone was painting a building that was awful, and Charlie had to go down and try to talk him out of it. A real concern.

Mayor Swiderski: I agree. For starters, you could paint brick and do irreparable harm.

Trustee Jennings: There are two points here. One is, we can get so concerned to keep something bad from happening that we do not write this in a way that tries to encourage something good to happen. So if it is painted a hideously ugly color already and they want to repaint the same color, it is OK. That does not make any sense to me. I do not know what to do about it, but I note it. The other thing is, if we are going to get into the painting area I have had some conversations with people in the ARB. We need to be careful of not setting up a process with the ARB that becomes a subjective guessing game for everybody, especially the applicants. They get frustrated, and they say I am just going to paint it the same color and be done with it. I was asking if they could give a list of the colors that would be approved to avoid a lot of back and forth with the applicant. Let us see if we can make the process as user-friendly within the goals we want, which is an historically respectful, aesthetically pleasing, and welcoming architectural-built environment. I do not want to just create another hoop that people have to jump through if it is a hoop that is hindering creative change by individual property owners. I do not want to discourage them because we are afraid that they are going to do something hideous and stupid with our visual space.

Trustee Walker: There is the danger that people will choose to do nothing and the buildings will become more and more dilapidated because the process seems so onerous to them. There has got to be something we can introduce that will alleviate the penalizing effect that this appears to be to property owners. For example, there are instances where

there are design guidelines in historic districts where they have a committee and grants to help the property owners either hire the architect or do the work. I am not saying that is what we should do, but certainly we have to take steps to make this less onerous for the property owner. Because otherwise it may backfire, and we may find that they will not make any changes to their properties.

Mayor Swiderski: A year ago when we ran we did hear from a number of people with frustration with bureaucracy. That was one of the problems we heard repeatedly out of the downtown merchants, and the few who spoke for the property owners had a sense that it took forever to get anything done. The big example was Hastings Restaurant, Hastings House, where it went in circles for 14 months. So I hesitate to ignore the effort here.

Trustee Walker: Part of it is that the ARB is introducing these. They feel very strongly that they want to enforce them, they want to see them enforced, and they want to make them work. So we may have to ask them to come up with unwritten rules, unwritten procedures, of how they are going to make it easier for the property owner. They are going to do it in a timely manner, they are going to assist them in certain ways, I am not sure.

Mayor Swiderski: What it should not be is if the timing is off, a property owner waits a month before they meet before the ARB, and then the ARB says we will take a month to consider and another month to correct what was submitted. Suddenly you are four months into paint for a new painting job.

Trustee Walker: I had another question about the way the ARB interacts with the Planning Board. I am thinking back on why we put that into the CC, because I was involved in it.

Village Attorney Stecich: And I was not.

Trustee Walker: You were not, but I was involved with it, the planner we hired was involved in it. I do not remember explicitly. But I wonder if it had something to do with having the ARB review these things before they went for site plan approval. I am just throwing that out there. I do not want to make it another hoop, but is there any reason? And you know how they go back and forth, or how the ARB serves as an advisory board to the Planning Board. It can be fraught with difficulties, and not always do they get the results they are hoping for. So how can we look at that as a process that could work better?

Village Attorney Stecich: Probably what makes sense would be to have the application, as soon as they come in, a copy of it go to the ARB.

Trustee Walker: I think so. Go to both.

Village Attorney Stecich: We had the same issue recently in Irvington. We wanted things to get to the ARB sooner in the downtown. We dealt with that by sending it to the ARB right away. It is easier there, though; their ARB meets twice a month so things get in and out of there pretty fast. Anyway, that is what I would do. Send the application there. Right now, I do not think it goes unless it is a big project, where they want to get the input of the ARB which happened with 10 West Main Street. Before they went any further, they wanted to see what the ARB thought about it. But for the most part it goes through site plan approval, and then after site plan approval it goes to the ARB. So it could go to the ARB at the same time it goes to the Planning Board.

Trustee Walker: Yes, which might be useful. But then how do they advise the Planning Board during the site plan review? That may have been part of the intent putting that into that part of the zoning code for the CC.

Village Attorney Stecich: But hopefully what they are doing is working with the applicant. Well, not so much working the applicant and coming to some agreement that affects what is going before the Planning Board.

Trustee Walker: Yes. Because then the Planning Board may be seeing a better application. And then they do not have to go back and forth and back and forth.

Trustee Armacost: But procedurally, if they are supposed to be advising the Planning Board that has to come early on, or before. It seems to me not sensible that it happens afterwards. That is defeating it.

Village Attorney Stecich: I am not suggesting that.

Trustee Armacost: No, I know you are not suggesting it. But if our procedures in some way create that reality, we should flip it around somehow.

Village Attorney Stecich: The truth is there are not lots of site plan applications before the Planning Board.

Trustee Walker: Not right now, but there have been in the past.

Village Attorney Stecich: Let us assume an ideal world, with lots of applications coming in for the downtown district. Then it would be a good process for them to go to the ARB and the Planning Board at the same time, and they will both be doing their reviews at the same time.

Trustee Armacost: So if someone were to bring an issue forward, what is the timeline for that being resolved at the moment? Let us assume the Planning Board is not involved. Is there an efficiency provision?

Village Manager Frobels: No. It can take a lot of time. I used to attend their meetings, and I was going to suggest we get some input, because there have been some difficult experiences. For example, the young couple, the property at the corner of Spring Street and Maple, had a tough experience with the ARB. I attended a meeting with an eyeglass shop on Warburton. Difficult time, very lengthy, longer than it probably had to be. Slices had difficulty. There are a few concrete examples where a little input from them might help you figure it out. I do like the idea of timelines. Under Rhode Island law, things were very strict. You had 45 days, yes or no. In the absence of a decision it was approved.

Trustee Armacost: I think we have to have something like that.

Village Manager Frobels: It helped move that along. It is very fair.

Mayor Swiderski: Does it have to be legislated, or can we set it?

Village Attorney Stecich: I would something like that would have to be legislated. It is not unusual. In Irvington the ARB has to decide within 30 days. Thirty days is short, but on the other hand...

Trustee Armacost: But 45 days would not be outrageous.

Village Attorney Stecich: Yes, and the applicant could extend the time. You can always do that by mutual consent. That happens right now where there are deadlines. The applicants will generally agree to extend it.

Trustee Walker: Because there are some very complex designs that they have to review sometimes with a lot of pieces and materials.

Village Manager Frobels: But it can be discouraging for the applicant.

Trustee Armacost: We are trying to promote a process which is not onerous to applicants. Onerous amounts of time is one of the things that makes it onerous. There are a number of different things that people might complain about, but the timeliness of the process would be one which is something we can do something about by having a provision like this. Not

one that is scandalously short, but 45 days is a reasonable amount of time. You should not have to wait 90 days for a decision.

Village Attorney Stecich: I assume you are talking about those applications that do not otherwise go to the Planning Board - the new things that are going to the ARB.

Trustee Walker: That is probably right. You cannot really limit it when you have site plan approval.

Trustee Armacost: I think that has to be in a separate category.

Village Attorney Stecich: So we could say that in those applications they have to decide within 45 days.

Trustee Walker: Maybe two meetings. They have to decide within two meetings.

Trustee Armacost: About 60 days.

Village Attorney Stecich: It might not be, depending on when the application comes in, in relation to the meeting.

Trustee Walker: But remember, they come with their application, the ARB has to make recommendations how they could be changed, they go away, they change them, they have to bring them back. Some of them get approval immediately, but most of them have to come back again.

Village Attorney Stecich: So let us say the worst case is the ARB meeting is March 30. People put in their application the day after the previous one, March 1. So it comes in March 1, heard at the March 30 meeting and then at the April 30 meeting. That is 60 days.

Mayor Swiderski: That is maximum.

Trustee Jennings: But is there not a problem in the mechanism? If it is a two-stage process, are we are talking about a time limit within which the thing has to be resolved? Are talking about a time limit in which the ARB has to make a determination? The determination might be this is not good as it stands, go back, revise it, and bring it back.

Trustee Walker: That is a determination.

Trustee Jennings: Well, if it is, then I think the time thing is OK. The obvious problem with the other way would be that the applicant, then, would be able to manipulate the time. And we do not want that. So when the ball is back in the applicant's court the clock stops ticking as far as this thing we are talking about now. If it takes them a day to get back or 60 days to get back it will not matter for this purpose. We are trying to expedite it from the point of view of the government. And if the applicant takes longer than that, that is their problem.

Mayor Swiderski: Right. They cannot run the clock down. Agreed. That is tricky wording, but that is why we pay you the big bucks.

Trustee Walker: I am sure the ARB will point to many instances where it took longer because they could not come to an agreement with the applicant.

Village Attorney Stecich: But this is not building a whole building.

Trustee Walker: But sometimes these are just about signs.

Village Manager Frobel: Awnings and signs.

Village Attorney Stecich: And there are things that they would not have even looked at before.

Village Manager Frobel: But the guideline should help, too. At least the applicant will have something to refer to.

Trustee Walker: True. So now they have the guidelines.

Village Clerk Maggiotto: I just wanted to go back to the word "façade" because I was sitting here doing some online searches. In my mind, façade means the front of the building. In every online dictionary I found, the definition was the front of the building.

Trustee Armacost: Exactly.

Village Clerk Maggiotto: So as long as everyone understands that.

Village Attorney Stecich: I am understanding. We will get it right.

Trustee Walker: In architectural terminology you say the rear façade, you say the east façade, the west façade.

Village Clerk Maggiotto: That is why I think it should be clarified because there is confusion about it.

Trustee Walker: A building often has more than one. And most of the people who are applying will not be architects. We have to use the common man, or woman's, definition.

Trustee Jennings: But the definition either has to be in the law or it has to be in the guidelines that the law incorporates.

Trustee Armacost: The guidelines do have a whole section on facades. They talk "visually-balanced composition." They have the traditional front façade, downtown façade; they have removal or concealment; facades abutting public spaces; and corner facades. But they do not have rear facades. So they are not contemplating rear facades, at least here.

Trustee Walker: Except when it abuts a public space, like a parking lot. That could be a rear façade.

Trustee Armacost: Theoretically. But the way they are framing it here makes it look like it is a side façade. So I think it is not so 100 percent clear what we all mean.

Trustee Walker: Your point is well taken.

Village Attorney Stecich: Maybe what we should do is somehow incorporate what the design guidelines are looking at. I will look at the design guidelines on facades.

Trustee Armacost: Or refer to the design guidelines.

Village Attorney Stecich: Yes, but you want the statute so somebody can be able to read it. So you could say a front, a side facing a public space, a corner, whatever. I will look at what they are looking at.

Trustee Walker: If that is their intention. Because we do not care about a façade that nobody sees. Right?

Village Attorney Stecich: Right. A rear could be significant.

Trustee Walker: It could be if it faces another property owner.

Village Attorney Stecich: Like on 10 West Main the rear was significant.

Trustee Armacost: But all of those, even if we get the placing of it clear we do not get it in here. It says "masonry wall." That is part of the way that the façade is, with little arrows showing what is a part of a façade, which still, to me, does not 100 percent address the painting issue. I mean, I does. You do something with masonry walls. You do various things with them, and I suppose you paint them. I guess it is implied.

Village Manager Frobel: You repoint.

Trustee Armacost: You do not necessarily have to paint, though. Normally they are brick, they are exposed. This one looks like it has been painted in this particular situation. But painting is not addressed in this, as I read it.

Trustee Walker: Painting is addressed, colors are addressed. In fact, they refer to historical colors.

Trustee Armacost: But not in this section.

Village Attorney Stecich: But it is definitely in there. And the point was, how do you even look at paint? How would you even look at it. It might not be in "facades," but it is in there.

So is there agreement that you want people to have to go to the ARB for painting?

Mayor Swiderski: Yes.

Trustee Armacost: It is a tricky one. Let me just do a weird test case. Say the building is bright white, and you decide to change it to off-white. Is that a color change?

Village Attorney Stecich: That is actually tricky, and Deven said that. Apparently it has come up, and I am not sure even why he sends to the ARB some paint jobs. I guess because the people agree to do it, and maybe somebody changed from one color to another. To him, it was blue to blue. He did not really see the difference. The ARB said why did this not come before us? They changed the paint color.

Trustee Armacost: Matte to gloss. Is that a change? I personally like matte. Gloss can look really garish. But what if you are using bright-white gloss versus bright-white matte. Is that a color change? I do not know. There is a point at which it gets a bit complicated.

Trustee Jennings: There is an additional complication. As I said, I had a conversation with ARB members about this very thing. My suggestion to them was that in order to have a

user-friendly process it would be good if there were a listing of the historical colors. We did not get into glossy and matte, but at least a list of colors. If I own a building I would like to know what I can choose from. But it was not as simple as that because it is not just the color of a particular building. It is how that building fits in with all the other buildings on the street. They do not want every building painted the same color. So it is not a judgment about the building alone, but the building in relationship to the streetscape.

The reason we are wrestling with this at all is that we are proposing to move our law from advisory to approval. That is a very important change. We are not going from somebody wants to paint their building and make it fit in, and they want some advice from experts. That is not what we are the talking about here. We are talking about a regulatory, adversarial process: the use of government power. You ask me am I comfortable with it. I am not sure yet. Part of my problem is that when we legislate we just talk about authority. We cannot micromanage the process by which that authority is then used. I have no objection to giving the ARB authority if I am comfortable with the way they will use it with the process. But that is my sticking point. We do not have to be totally legalistic here. We are working with people we know, we are working with people of good will. We can work this out, I know we can. So at the end of the day, I probably would agree to change from advising to approving.

But I do hope we will follow up on this and make sure. The ultimate thing here is not to empower five people to be the aesthetic philosopher kings of Hastings. The point is to get a process where we have a downtown that is conducive to property owners who want to help improve it. And we do not get in their way; we facilitate that. As the Mayor said, we did hear about that. It is on people's minds. We want a user-friendly process.

Trustee Walker: I know. I was the one who proposed putting paint colors in. But one way we could do it is to ramp it up more slowly and try it without the paint colors to begin with. There is a lot they are going to have to look at that they are not looking at now, without even getting into the paint colors. So we could see how it goes. Once it is mandatory that you go to them in order to get the certificate of compliance, even if you do not need a building permit, if you are putting up an awning or you are putting in new windows or you are putting up a new side, you go. If we do not put paint colors in right now, we could at least see how it works with these other elements. Then if it is going well we can add color later.

Trustee Armacost: Meaning that we do not put paint color into the design guidelines. Is that what you mean?

Trustee Walker: Well, they may still be in the design guidelines.

Trustee Armacost: Because they are in it. They are in the guidelines.

Trustee Walker: But so people will get some clue as to what they should be using.

Village Attorney Stecich: So we are saying you have to go to the ARB for façade changes other than painting, although you would want them to come if they are going to paint brick?

Trustee Armacost: I think, Meg, it is tricky. I am wondering how you can remove it.

Village Attorney Stecich: It is not removed from the design guidelines.

Trustee Walker: It could not be taken out of the design guidelines.

Trustee Armacost: No, but I am saying for example in the law. Either when we say façade changes we mean it includes painting, or we do not.

Trustee Walker: We just say "excluding painting."

Trustee Armacost: OK. So right now we would write it saying excluding painting, and then they could decide to change it.

Village Attorney Stecich: And it might still. Anybody who requires site plan review for their building would have to meet them. Or many people coming in for siding, and the color of the siding will be relevant. So you are not going to miss everybody. Painting will not be totally irrelevant.

Trustee Walker: It is just those folks who are only painting their façade, or only painting their trim or only painting their door, will not have to come in. It does not look as onerous. But they may want to come in.

Trustee Jennings: It is just advisory. And the ARB can give them a list of good colors that they believe will fit in well. We are assuming people of good will that want to follow that advice. It is just that it will not be ultimately a veto power.

Trustee Walker: And then we revisit it and we see how it is all going with these elements that were not in before that are now in that they would have to review. How quickly are they getting through it? We have to talk about the time limit. But how easy is it for them to get their approval to put in a new door or a new window? And then if it is going well we can add the paint colors later.

Mayor Swiderski: I, for one, am for doing it all now. But now without Jerry there is four of us. We cannot split here.

Trustee Armacost: It is just a question of definitional issues, that is all. We absolutely have to enforce this.

Mayor Swiderski: But setting aside the definition of façade, what about painting?

Trustee Armacost: Painting is the only thing that makes me slightly queasy. I do not think we have as much of the problem that you were framing earlier. If you have got the palette of colors that you choose from, you have choice A, B, and C. You are not going to be told none of these will work. You may be told the guy next to you has this color so we would prefer you not to use that color. But you are not going to be told none of those colors work and you now have to go to fuchsia. That is never going to happen. So you will still always remain within the palette. We are still OK from that side. Just maybe you may not be able to use your absolute first choice.

Trustee Walker: And there is still a huge range of colors. You could not possibly give them the list because there are hundreds and hundreds of colors made by different manufacturers.

Trustee Jennings: I am not sure. There may be problems with it, but I do not think that is one of them. If we incorporate the design guidelines document, they talk about historic color. They give a focal point.

Trustee Walker: I thought you meant, literally, the list of colors.

Trustee Jennings: Now you go online and you look it up. This is a term or art, apparently, which probably also needs definition. But there is a range of colors called "historical colors," and they ensure that we are never going to look like San Francisco because they do not have any of the pastels. Earth tones, mostly. But anyway, the applicant can go online and get the list. I said it would be better if we went online and gave them the list. But that is doable. The problem is that if we could ensure that if somebody picked from the list it would be OK, then I would have no problem with that at all. But it is the indeterminacy. Again, I am only partly sympathetic to the applicant. I am more concerned with the outcome. And the outcome is that the thing does not get repainted at all, which does not require anybody's approval. But that is the worst possible outcome for the Village. We have to worry about that. This is not addressing that. If anything, it is cementing it in place if we are not careful. So what do we do? I do not know. I would feel more comfortable if we left painting advisory rather than approval. If we make it approval, then so be it. But then it is our

responsibility to follow up and talk to the process with the members of the ARB and work this out and make sure that it is user-friendly. That is, too, the policy of Village government to develop the downtown and make this user-friendly and make it look better, not make it so hard to do that nobody does it.

Trustee Armacost: Did the time limit get shifted from 45 days to 60 days then? That seems like a long time.

Mayor Swiderski: That is maximally. If the worst scenario was that you just missed the meeting by a day...

Trustee Armacost: So it would be no more than 60 days. Is that the way it is going to be framed?

Village Attorney Stecich: I think Peter was the one that raised the issue. You say no more than 60 days, and the applicant does not get the stuff in before the second meeting, until the day before the meeting or very shortly before the meeting.

Mayor Swiderski: But you can run down the clock if you do not need permission.

Village Attorney Stecich: You hear a lot of applicants complaining about how long it took. But frequently it is because it sits on their desk for six months before they come back. That is why it took ten months. I could try to word something that says it has to be settled in two meetings, if you are comfortable with that. The day thing is a little tough because it can be manipulated.

Trustee Walker: And the applicant also has to bring a full application. Part of the problem is they only bring a part of it. I know we are nitpicking this to death. But they sometimes only come with half of what the ARB needs in order to make a decision. Then they have to come back again just because they did not even have the stuff the first time.

Mayor Swiderski: But with all that said, I have been to my share of ARB meetings. There is no sense of urgency. Let us leave it at that.

Trustee Armacost: If it is our entity, all we can do is ensure that our entity is efficient. We cannot ensure that any other people who interface with it are efficient.

Trustee Walker: Let us say two meetings.

Village Attorney Stecich: Let us do it by meetings, two meetings.

Trustee Armacost: But just so I understand, that is no more than 60 days normally.

Mayor Swiderski: If everything moves correctly.

Village Attorney Stecich: No, you cannot put the time limit. Because applicants can really extend the time.

Trustee Walker: They could come back three months later.

Village Attorney Stecich: Two meetings after a complete application.

Mayor Swiderski: The ARB makes suggestions. The applicant has got to come back with revised plans in time for the second meeting. Otherwise there is no second meeting. There is an assumption of good faith and effort on the part of the applicant to resubmit materials if needed or whatever in enough time for that 60-day window. Otherwise, they could just run down the clock, show up at that meeting, and say this is my second meeting, where is the decision? Two meetings.

Trustee Armacost: Two meetings.

Trustee Jennings: What if the iterative process went a third time? Come in first, incomplete, not quite right, please go back.

Village Attorney Stecich: Two meetings from a complete application.

Trustee Jennings: And then you come back with another try, and they send you back to revise yet again. There is no limit to the amount of times the ARB could tell the applicant to revise it because we will not approve this. If we say two meetings, are we essentially saying the ARB is only allowed to send people back? What does a determination mean if they say, no, we will not accept this plan? That is never final.

Village Attorney Stecich: Determination, I think, is understood as a final decision. That is a recommendation.

Mayor Swiderski: So that is yes or no. It could be no.

Trustee Armacost: But then there is an appeals process if it is no.

Village Attorney Stecich: Bruce, what could happen? In your first example, I would say that meeting did not count because they did not submit a complete application. The ARB will have to be clear about what has got to be in the application. They should probably also clarify that the applications have to be submitted in X number of days before the meeting so they have time to review it. So they come to the first meeting. The ARB says that does not work, do this, do this, do this. They hopefully have some dialogue, they come to some agreement. They come back at the next meeting, and there is agreement. That is easy. They come back, and the people did not listen at all to what the ARB said. They come back, and at that point the applicant has got the choice of taking their decision, which may well be no because they did not listen to the ARB. Or why don't I try once again. And then they come to the third meeting. But they have made the choice for the third meeting. They are the only ones who could call the Village on this had to be decided in two meetings.

Trustee Jennings: The "no" stops the two-meeting, and then another two meetings. So if you get one no it could take you four meetings to get this done. If you get no twice it will take you six meetings to get this done. But it was not the applicant's fault.

Mayor Swiderski: You can appeal it.

Trustee Jennings: I wanted to ask a question about the appeals provision. What is the difference between taking a no and coming back with another plan versus appealing? Obviously, the difference is when you appeal it you stick with the plan that was rejected.

Mayor Swiderski: If you think that the Architectural Review Board is too nitpicking, and you are frustrated with the level of interference, you want to kick it upstairs to the higher power and appeal to their reasoning. I think that is why you appeal.

Trustee Jennings: Again, going to reality as I have heard it described, sometimes people are turned down or turned away. Maybe it does not seem so definitive to them. But what happens is, they are not upset because they had this one color that they really wanted and were told no. They were willing to do whatever color, but nobody would tell them what color to do and it took a long time. So they threw up their hands and said I am not going to paint at all. It was the process. Giving them this appeals mechanism, when you are upset about the process, is hardly going to make you feel better. It is simply throwing more red tape. So, again, I think this would be fine and it will work great. We will not have very many appeals if we make the requirements very clear and give people a menu of choices so they do not have to guess what the ARB is going to like and keep coming back until they get it right. That kind of Russian roulette aspect is what bothers people the most.

Village Attorney Stecich: I thought that was the point of the design guidelines, so people have some notion. That was what the ARB had in mind.

Trustee Jennings: Incorporating guidelines into this process will be a huge improvement. But there still is a subjective element.

Trustee Walker: There is a subjective element in the fact that it has to be contextual, that it cannot be the same color as the color next door. That becomes a subjective decision of the board that could lead to some problems. But the fact that there is so much that is defined now, we may find that that is going to not be a problem.

Village Attorney Stecich: I do not know whether paint is in or out.

Trustee Jennings: We are not going to decide this tonight. Right?

Village Attorney Stecich: No, there will be a public hearing. We will have a draft. The question is, what draft do you want to present to the public?

Trustee Armacost: I would rather paint be advisory than obligatory right now.

Mayor Swiderski: OK, we have three advisory. Let us leave it advisory.

Village Attorney Stecich: It will not be advisory. It just will not be in the law.

Trustee Armacost: But it remains in the guidelines. So it is there, and you can be urged to do a certain thing. But if you do it fuchsia, you do it fuchsia.

Village Attorney Stecich: Did you prefer to have some examples of façade changes, including, but not limited to, changing doors, windows, awnings?

Trustee Walker: Awnings. Stop there maybe.

Village Attorney Stecich: But not including painting.

Trustee Walker: Siding, but not including painting. As you point out, Niki, people may not understand façade changes, because they may not see a window as part of a façade.

Village Attorney Stecich: I think the examples are a better idea. Let me take care of that.

7. Friday Night Live

Trustee Walker: This Friday, from 5 to 9, we are going to have our first annual literary Friday Night Live. It is going to be a blast. There is something for kids, something for teens, for adults. The poetry contest has been very well received. This morning we had 20 poems, and they were still coming in. People have asked why are we having a concert at the Community Center when this is a literary event. There are a number of reasons. The concert is the culmination of the evening. We want to make the Community Center into an anchor in the downtown the way Tarrytown has a music hall and Irvington has a theater. In keeping with the theme, though, this is an opportunity for the jazz singer to show a video about Lit World and raise money for that. That is our Friday Night Give component. She is going to speak before the concert, so that is how we are tying the concert into the literary event.

Trustee Armacost: If she is singing she is singing words. She is singing poetry. It is totally tied in.

Trustee Walker: If Carter Smith, who is booking the musicians, can do it well in advance he can get really good talent. But if you wait until the last minute you take what is available. Six or eight months in advance, he can book some terrific groups. We are trying get some good names so that will be a draw to the downtown. A number of restaurants are having specials and shops are going to be open late with a lot of sales. Our Mayor is going to be reading and Niki is going to be MC'ing one of the poetry events. If other Trustees would like to do the same, I am sure we can find events for you to MC as well.

Trustee Jennings: I am not a good MC, but I will read something if you need a reader.

Trustee Walker: Reading is always good. We are announcing the poetry winners at the Rainwater Grill at 7:30. We will need to read those poems if the poets are not there, so you could help out with that. Programs are available throughout the downtown and online at rivertownsguide.com.

ADJOURNMENT

I would like to adjourn in memory of Tunney Maher. Please stand for a moment of silence.

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting in memory of Tunney Maher at 10:45 p.m.