

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 16, 2010

A Regular Meeting was held by the Board of Trustees on Tuesday, March 16, 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. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Eight (8).

PUBLIC DISCUSSION – Preservation of Building 52 on the Waterfront.

Mayor Swiderski: The thought here was to get input on the Board discussion we have had. Is there anyone from the public who would like to speak?

John Gonder, 153 James Street: I wish you would consider taking that Building 52 down. I think it is approximately two acres in size. It will be a detriment to anybody that wants to purchase property and have that on their hand to either rebuild it or fix it up, make something out of it. It would be much better if you just got rid of it. I can see saving the water tower. It would not be a large expense. It would be nice if you put the Anaconda logo on it: from mine to consumer, with the arrowhead and the snake. But that Building 52 is going to be a nightmare for you in this Village for the next 100 or 200 years.

Peter Callahan, 42 Whitman Street: I respectfully disagree with this fine gentleman, who I have known for many years. It is a beautiful building and can be turned into something nice. I look at Irvington and see what they have done, and they have done a great job. I do not know all the ins and outs like you all do, but I think it is something worth preserving. I fear what will go up in its place. I do not want a 45 Main Street or something like that. This building is a nice height and it is a beautiful building, and I think it should be preserved. It would be a nice gift to our grandchildren.

APPROVAL OF MINUTES

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearings Nos. 1,2,3, and 4 of March 2, 2010 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of March 2, 2010 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 58-2009-10 \$ 11,422.22

Multi-Fund No. 59-2009-10 \$171,605.24

PUBLIC COMMENTS

Mr. Gonder: Trustee Armacost is definitely going to be elected; that is great. Trustee Quinlan, even though I regret what you did last meeting on recusing yourself, I had to vote for both of you because there are only two names on the ballot. But congratulations. Trustee Quinlan, I wish you would reconsider about the ARB. You recused yourself, and the Board went on for quite some time. It is ridiculous. I think you have a good head on your shoulders and represent those people, elderly, middle-aged, and young, that own some of this commercial district. They should have some of your say because two meetings prior to that you had a little to say about it. I hope you would reconsider and have some discussions about it. When I hear about the ARB, it reminds me of things like the SS or Gestapo. It is not a guideline. It is going to be mandated, it is going to be the law. And that is not right. And I hope, Mr. Mayor, that you will not in the deer thing say nothing to report. Is the DEC screwing us up or something, or are there problems? Be honest and let us know. .

Elisa Zazzara, 68 Southside Avenue: I am here today as a friend of the Old Croton Aqueduct. The New York State budget is looking to cut \$11.3 million out of state parks, which would mean closing 91 state parks and reduced facilities at about 40. Some of them are within our county. The John Jay homestead and the Phillips Manor Park are looking at being closed, the FDR State Park reducing swimming pool hours, to mention some you know. I am asking you to call your state assemblyman and senator to ask them to restore the \$11.3 million. I do not know if the Village, as an official letter, can do something like that. State parks contribute greatly to the economic vitality of some communities and the closing could devastate them. They contribute, on top of the jobs at the parks, about 20,000 jobs to the state through the year. They are a low-cost vacation right in your backyard, so these closings would devastate some folks' vacations. It is a place of nature and, in terms of sustainability, it is a place where humans can connect with nature.

Tim Downey, 520 Farragut Parkway: I want to thank you on the outstanding job communicating with the community. We hope that more people could get on the rolls of that email. That was a fantastic, timely communication. I am sure it took some pressure off the police desk. People had their answers on that email, or directed to where to go.

Recently while walking our dog in Dan Rile Park, unfortunately he spooked some deer. Across Ravensdale Road they went, hit a car, the car got smashed up. I had to make sure the driver was OK. The deer was injured. It did not appear to be harmed that badly. It ran off. The point being, a conversation came up two weeks ago at the Rockland county fishing outdoor show with a gentleman from New Jersey who does the jobs that are often too large for White Buffalo. They do it about half the cost of White Buffalo. They are insured, they have a lengthy résumé of communities they work with in New Jersey. With the numbers in the budget, anywhere we can save a little bit. I will pass that information along in an email.

23:10 SUPPORT OF PRESERVATION OF BUILDING 52

Mayor Swiderski: Jerry, you were one of the primary architects of this statement. Want to comment on it?

Trustee Quinlan: I talked about it at the last meeting and I have nothing further to add.

Mayor Swiderski: You are also an architect, Niki.

Trustee Armacost: I fiddled with a couple of words. Jerry is the sole architect, but I support him wholeheartedly in this.

Trustee Jennings: My understanding is that this resolution does not commit the Village to expend any Village funds, so when we say we support the preservation of the water tower as well as Building 52, we are not committing ourselves to paying for the preservation of the water tower, and when we say within the constraints of Village finances, we are not implying that we are going to contribute public funds for the preservation of Building 52. Am I correct in interpreting it that way?

Mayor Swiderski: I would assume that this resolution does not commit us in any way. Maybe the record will reflect if we all agree to that.

Trustee Armacost: We changed the resolved clause to remove the reference to the water tower, so all we are resolving is a very small amount. The rest is preamble. Right?

Mayor Swiderski: Right. But it says within the constraints of Village finances. The question is, does that imply that there is any inclination on our part to underwrite any expense. I do not know if a casual reading would imply that. How do you take that?

Trustee Quinlan: In my opinion, it does not.

Trustee Armacost: Me, too.

Trustee Walker: Yes, I agree.

Mayor Swiderski: The first dollar spent out of that \$2 million will be on an engineering study that will thoroughly poke at that building. I do not think anyone is interested in a white elephant. If huge problems are discovered, there will clearly be another discussion. If it turned out that the building superstructure was rusted through and the renovation would be \$10 million-plus, it would not be realistic to expect anyone to finance that. So the first dollars here to be spent will give us a thorough clue to the future of this building.

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

WHEREAS, on July 5, 2007, the New York State Office of Parks, Recreation and Historic Preservation concluded that Building 52 and the steel water tower are eligible for listing on the State and National Registers 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 brick work, large open interior space and a roof supported by massive steel trusses/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 \$2,000,000 for the stabilization and preservation of Building 52 for the foreseeable future as the waterfront is remediated, now therefore be it

RESOLVED: that the Board of Trustees hereby accepts ARCO's commitment of \$2,000,000 and will support measures to ensure adaptive reuse of Building 52 within the constraints of Village finances and environmental and public safety concerns.

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	

24:10 ADOPTION OF LOCAL LAW NO. 2 OF 2010 AMENDING CHAPTER 282, VEHICLES AND TRAFFIC, TO CREATE NEW PARKING METER ZONES

Mayor Swiderski: In section one and two we are adding new language. We are striking “the Penn Central south gate,” and adding “the south end of the sidewalk adjacent to the Metro-North platform, extending south for approximately 90 feet from that point in Washington Avenue.”

Village Manager Frobel: We have had our public hearing on this. This is the addition of approximately four long-term parking spaces that are certainly needed, and this will free up some available annual permits in the Zinsser commuter parking lot. As Trustee Walker suggested, I contacted Metro-North and spoke to a representative. I forwarded maps and the ordinance. I have not heard back from them, despite three efforts. So we are probably within our rights to do this. I do not know where the right-of-way is, but I did send detailed maps and have not heard an objection.

Trustee Walker: When work was done on sidewalks along Southside we had to get Metro-North approval to do the work. I do not remember exactly where their right-of-way was, but at least into the middle of Southside Avenue, maybe beyond. But I do not see why they would have any objection to this because they want to find more parking spaces.

Village Manager Frobel: My conversation with the representative did not indicate any problem. He did not think there would be. But he probably sent it on to either legal or real estate, and did not hear back from them.

Mayor Swiderski: All right. Are those concerns enough to wait for Metro-North to respond, or can we continue to a motion?

Village Manager Frobel: I would move forward.

Village Attorney Stecich: If they raise an issue, deal with it then.

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 hereby adopt Local Law No. 2 of 2010 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282, Vehicles and Traffic, as follows:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

(new language in *italics*; deleted language ~~stricken~~):

Section 1: Section 282-35 (Parking meter zones) of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new paragraph:

Q. West side of Southside Avenue, starting at the south end of the sidewalk adjacent to the Metro North platform and extending south for approximately 90 feet from that point.

Section 2: Section 282-25.A (26) (Parking prohibited in designated locations) of the Code of the Village of Hastings-on-Hudson is hereby amended to read:

(26) *Except for parking meters, Southside Avenue, on the west side between ~~the Penn Central south gate~~ the south end of the sidewalk adjacent to the Metro North platform extending south for approximately 90 feet from that point and Washington Avenue, and also on the east side from Commuter (Zinsser) Plaza north for a distance of 60 feet.*

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

25:10 ADOPTION OF LOCAL LAW NO. 3 OF 2010 AMENDING CHAPTER 18, ETHICS, TO ELIMINATE REQUIREMENT THAT VILLAGE JUSTICE SERVE ON ETHICS BOARD AND TO ELIMINATE MAXIMUM NUMBER OF TERMS OF BOARD MEMBERS

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 hereby adopt Local Law No. 3 of 2010 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 18, Ethics, as follows:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 18-17 of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (deleted language ~~stricken~~):

§18-17. Establishment of Ethics Board; qualifications; appointment; term of office.

- A. There is hereby established an Ethics Board consisting of five members, ~~one of whom shall be the Village Justice.~~
- B. No more than one member of the Ethics Board may be an appointed officer or employee of the village.
- C. No Ethics Board member shall hold office in a political party or be employed or act as a lobbyist or hold elective office in the village, ~~other than the office of Village Justice.~~

- D. Within 60 days after the effective date of this chapter, and no later than December 31 each year thereafter, the Village Manager shall appoint the members of the Ethics Board.
- E. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that, of the members first appointed, one member shall serve until December 31 of the year in which the Board is established, two shall serve until the second December 31, and two shall serve until the third December 31.
- F. An Ethics Board member shall serve until his or her successor has been appointed. ~~Except for the Village Justice, consecutive service on the Ethics Board shall not exceed two full terms.~~
- G. The members of the Ethics Board shall not receive compensation but may be reimbursed for reasonable expenses incurred in the performance of their official duties.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

26:10 ADOPTION OF LOCAL LAW NO. 4 OF 2010 AMENDING CHAPTER 209, PARKS AND RECREATION, TO ELIMINATE MAXIMUM NUMBER OF TERMS OF COMMISSION MEMBERS

Mayor Swiderski: This was an effort by Trustee Armacost to bring everything into line with each other. We have talked about it. Anything else to add to it?

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 hereby adopt Local Law No. 4 of 2010 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 209, Parks and Recreation, as follows:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 209-12, subsection E, of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (deleted language ~~stricken~~):

E. ~~Length of service; Vacancies. No member of the Commission shall be appointed for more than two consecutive terms to serve as a member of this Commission.~~ Any vacancy on the Commission shall be filled for the unexpired term in the same manner in which the original appointment was made.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

27:10 GRANT APPLICATION AUTHORIZATION – COMPREHENSIVE PLAN

Village Manager Frobel: Several years ago the Village received a grant from the Hudson River Greenway Council. You heard a few weeks ago from the chairwoman of our

Comprehensive Plan Committee that additional work needs to be accomplished. We see this as an opportunity to encourage the Greenway Council to continue in their participation in this effort. The maximum grant they are inclined to support is \$15,000, even though their regulations indicate that it was up to 50 percent. So we are hoping that we will get more than the \$15,000 that we originally thought. It is a rolling program; there is no deadline for submittal. We would like to get it in as soon as possible. The additional work involves some SEQRA work, some drafting, and some completion of that document. We think this, and a cash contribution in in-kind services from the members of that committee, will leverage sufficient money to complete their work.

Trustee Walker: I am definitely in favor of applying for this grant, but since the consultant's budget was submitted before they undertook the planning process I wonder if there are any changes since they now know what the document is going to be. I would like to see a detailed budget for what they are proposing to do next.

Village Manager Frobel: There is some concern about that. Their original proposal is smaller than what I am hearing may be the cost to complete. We are going to need to meet with the chairwoman and make sure we understand what the additional work is and where there is a deviation from the original proposal, because they were awarded based on that price and based on the fact that there were competitors to that effort. Now, to modify the scope of work, I want to make sure we are all comfortable with that. But you have touched on something that concerns me. It does look like it is going to cost a little more than we originally thought, but how much I do not know.

Trustee Walker: So it is important to know what this scope of work is, and what the actual itemized budget is for the scope of work. Does it include any rezoning, or is it just up through the SEQRA process, completion of the plan? Does the implementation come later?

Village Manager Frobel: I think the question is that implementation question, the drafting of the zoning you have touched upon. And the fact that there is some form based zoning being discussed now that may have a premium cost to it.

Trustee Walker: Although that may be the other grant from the DOS for the waterfront.

Village Manager Frobel: Could be, yes, for the waterfront if that is all it applies to. I guess it does. But that is where we need the chairwoman to come back, perhaps after the budget process is worked through, to understand that better.

Trustee Walker: Do you think we are going to have to put something in the budget?

Village Manager Frobel: If we get this grant, we still need to match it and there will be cash besides in-kind services. So I have put money in the budget.

Trustee Walker: So we will, at some point, revisit this and look at the details.

Village Manager Frobel: Yes.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to submit an application for a grant in the amount of \$28,000 to the Hudson River Valley Greenway for development of the Comprehensive Plan for the Village of Hastings-on-Hudson.

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	

28:10 ACCEPTANCE OF PROPOSAL FOR UPDATE OF LOCAL WATERFRONT REVITALIZATION PROGRAM

Village Manager Frobel: This is a result of our conversation a few meetings ago in which the Trustees and the Comprehensive Plan and the LWRP committees tried to put together one document that addresses some inconsistencies. We went to the consultant to get a price for what it would take to come up with that document, and that is what is before you this evening. They do not think it should be more than \$2,500. But given some of our concerns, I put in there not to exceed \$5,000 on the upside chance we reach that. It also says from general fund. As you know, money is contained in the budget for these kinds of specialized outside services, but we are going to be now approaching, if this passes, the Department of State to determine if they would be inclined to reallocate the grant we received a number of years ago and fund this work from that program. I have not posed that question to the staff yet. I wanted to see how far along this moved before I asked that question. But either way, either through that grant, a reallocation if approved by the state, or through our own operations, we would like to cover this cost and have this working forward so you have a document you can submit to the state for its consideration.

Mayor Swiderski: The Department of State grant is not insubstantial: \$60,000. We have consistently asked for renewals, and the last renewal term is this month. We have gotten indication that patience is running out on the renewal of that grant. Also, it allows us to address some of the funding requirements for zoning from the comprehensive planning process. So it is killing two birds with one stone with state money that I do not want to lose by letting this process slip on. The LWRP committee would typically do this work. But we may have come to the limits of what volunteers can do. Given the time pressures, it seemed like a wise idea to pay a few thousand dollars to secure \$60,000. And again, the rezoning of the waterfront does not have to happen right away on that \$60,000. But in line with the Comprehensive Plan, it could actually be a great way to fund it. The idea here was to triangulate our way into much of that funding.

Trustee Walker: You mean that by starting this process, hiring this consultant and maybe allocating a little bit of the \$60,000 toward this, we would begin to eat away at the \$60,000. Even if we are not jumping into the rezoning, we have got to do the LWRP first and then submit it to the state.

Mayor Swiderski: Well, \$3,000 or \$4,000 out of the \$60,000 would go to securing the \$60,000.

Trustee Walker: But by paying the consultants to start revising the language that may have to do with the zoning, which is what the \$60,000 is intended for.

Village Manager Frobel: Yes.

Mayor Swiderski: That meeting we had a couple of months ago between the LWRP and the CPC, in the end there were not many points of difference. The consultant was there. The consultant has sat through the comprehensive planning discussions. The hope is that she can make those modifications that get the two documents in line, and secure the money we could use then for the zoning that would satisfy both documents. The zoning would effectively be informed by both documents. If they are in line with each other, the zoning should reflect that.

Trustee Armacost: My view is either way we should go for it, because we are going to lose the \$60,000 on March 31.

Trustee Walker: Mr. Frobel, have you had any contact with our representative at the DOS in the coastal resources division to tell her what we are up to? I know she likes to be in contact with us and know what we are up to.

Village Manager Frobel: That will be the call tomorrow, and get a sense from her. We do speak often, and there is an interest on their part for Hastings to begin spending that money down. I think it will be well received.

Trustee Jennings: I support going ahead with this small grant to get the document finalized. But procedurally, does the Board of Trustees officially accept the LWRP document before it is submitted to the state?

Trustee Walker: It is a two-step process. We cannot formally approve it until the state has reviewed it. We are going to vote to send it to the state. We are going to accept the document, but it is not the final approval of the document.

Trustee Jennings: What is the timetable for the finalization and approval of the Comprehensive Plan?

Trustee Quinlan: They are hoping to have it wrapped up by the end of this year. I think they plan to present it to us in May.

Mayor Swiderski: Then there is the SEQRA process that has to kick in before it is finalized. I think they are talking about October or November of this year.

Trustee Quinlan: Nobody knows, obviously, how it will be accepted by the members of the Board and whether changes or compromises have to be made. Hopefully we can get an agreement and consent to pass it to a certain extent. But I do not know how everyone is going to relate to what we see.

Trustee Jennings: Therefore, between comments we might receive from the state on the LWRP and our own deliberations on the Comprehensive Plan, there could be a need for yet another reconciliation of those two documents before they are both finalized by us.

Trustee Quinlan: I think the Comprehensive Plan can be accepted and finalized by us without any kind of state approval, whereas the LWRP has to go up to the state, and they have to review it, and they may or may not make changes, and send it back to us. That is a very tricky question, because if we accept a final draft of the Comprehensive Plan, hopefully we will send up a consistent document with the LWRP, it comes back with major changes. Then I do not know whether we will be able to accept the LWRP if it is not consistent with the Comprehensive Plan. It would not make any sense to, but we will cross that bridge when we get there. When we met with the coastal management director in

Albany, I did not get the sense that they make a lot of changes if it is accepted by the Board and studied by the community. But you never know. Fran, this grant of \$60,000 expires March 31. Do we have any guarantee it is going to be extended?

Village Manager Frobel: No, but routinely they have done that.

Trustee Quinlan: But we are hearing a little clatter about what have you been doing and why have you not been doing it?

Village Manager Frobel: Oh, very definitely.

Trustee Quinlan: So we are not sure that it will be extended, but we are going to ask for it.

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

RESOLVED: that the Mayor and Board of Trustees accept the proposal of Phillips Preiss Shapiro Associates, Inc. to update the Local Waterfront Revitalization Program to be consistent with the proposed Comprehensive Plan for a cost not to exceed \$5,000 to be paid from the general fund.

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

29:10 SCHEDULE PUBLIC HEARING 2010 - 2011 PROPOSED BUDGET

Village Manager Frobel: State law spells out a timeline leading up to adoption of the budget for the next fiscal year. The law requires that a public hearing be held no later than April 15. I am suggesting April 13. Soon thereafter we will schedule a series of opportunities for further discussion in detail on the budget with myself and department heads.

[Discussion of dates]

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, April 13, 2010 at 7:30 p.m. or shortly thereafter to consider the proposed 2010 - 2011 Budget.

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	

[Discussion of dates. Public Hearing and Work Session Apr. 13.
Work Sessions Apr. 19 and 26 at 7:00 p.m.]

Trustee Armacost: Are we not doing any hashing as we go along?

Mayor Swiderski: No, of course we are.

Trustee Quinlan: It is a little more difficult to hash in front of everyone. I have not liked how the budget has been run since I have been a Trustee. The people are sitting there and they are like cheerleaders for their department. Then we are supposed to sit here and hash out their budget with them sitting right there. It is uncomfortable, but it certainly does not allow for concrete criticism, or in favor of, their budget while they are sitting there.

Trustee Jennings: It also is a process that does not lend itself to what I think is part of the nitty-gritty, that is, comparative judgments. We cannot just look at one department or one line item at a time, and say since this is a little high we are going to put this down 10 percent. We need to have a discussion of the relative tradeoffs among certain items. That is what I would call priority-setting. The process of turning account by account, one at a time, does not lend itself to that kind of analysis. That troubles me.

Trustee Walker: We did have one or two sessions last year where we did, without the presence of department heads, go through item-by-item and scrutinize the budget. I also remember that Fran and Raf had to re-juggle things a few times. It is good to have a little space of time so they can do that, so they are not doing it on the fly at the meeting before we vote.

Trustee Quinlan: I agree. There was even some discrepancy last year about the tax basis and the ratios, and we had to refigure them on the fly. There is nothing more important than the budget, so I am willing to having more meetings. I am looking forward to the comments of Trustee Armacost as a new member to educate me and go through some of these items maybe in a different, more creative and inventive way.

Trustee Armacost: I would be delighted to have as many meetings as it takes to make it feel like a transparent process. Fran, your team has done an unbelievable job at bringing together all of these documents and giving me new things that I wanted that were not in the packet. I would love to see some of the data presented in a slightly different way to be able to make the judgments that I would like to make. I do not know if you feel that preempts the budget in some way, but I have very broadly-framed questions about the way the data is presented, and drilling down on some of those items that maybe is more conducive to do in an executive session context.

Village Manager Frobel: I do not think it would be a protected topic, by any means.

Trustee Armacost: It does not matter to me whether it is in public or not in public.

Trustee Walker: A work session type of thing.

Mayor Swiderski: They are all work sessions. They are not public comment periods.

Trustee Armacost: Meaning that we are talking to each other, and we are not having stuff presented to us.

Mayor Swiderski: Both, but this is for the Board's utility.

Trustee Walker: Do you think it would be useful to ask for this material to be presented to us before the public hearing so that the public has access to a new presentation, if that is what it is that we are asking for?

Trustee Armacost: To me, it does not matter. I do not think what I am asking for is rocket science. It is just a new way of presenting numbers that tell the story in a slightly different way that allow for perhaps some different choices. The things that I am interested in are the big chunks of money. We should certainly look at our pennies, but I am more interested in some of the bigger structural things.

Trustee Quinlan: I am all for it.

Trustee Walker: After Mr. Frobel gives the presentation, you could ask tonight. Gather the information, and make it public as well.

Trustee Quinlan: Should we set up the meetings, though? Nicola, how long will it take you to explain this new way of looking at things in a work session?

Trustee Armacost: I do not know. Maybe two-and-a-half minutes.

Trustee Quinlan: That is fine. That sounds like a good time frame for me.

APPOINTMENTS

Mayor Swiderski: We do have an appointment to announce. The Ethics Board has an opening because of the resignation of the judge, and Jim Keaney has been appointed to fill that vacancy.

VILLAGE MANAGER'S REPORT – Budget Presentation

Village Manager Frobel: Traditionally at this meeting, having given you the budget document last Friday and having it now appear on our Web site and available to the community, I go through a series of transparencies providing you overview of the budget. Tonight, in keeping with some of the comments that Trustee Quinlan had mentioned earlier in the year, we thought we would deviate from our traditional approach and deal with some of the major issues that have affected the budget.

The first slide is one of the most important exhibits we could offer in terms of what has happened to Hastings values. Over the past six years, with one exception, you have seen a steady, progressive decline in the amount of your assessed values, something that has a rather unique effect on New York municipalities, having worked in Connecticut and Rhode Island, it is very unusual for a community to suffer that kind of a loss in your tax base for any reason, good economies or bad. When an assessment is done it becomes a snapshot in time as to what your property looks like. Under New York law, it becomes a moving target. Tonight our assessment board met and probably adjusted 50, 60 properties. I am certain you will see that number continue to decline over time. In fact, this year we have lost 0.8 percent, less than one percent of our assessed values from last year to this year. Over the course of those six fiscal years, with the exception of fiscal year 2009 where we saw 45 Main Street come on, Hastings has lost 1.7 percent of our assessed values, or nearly three-quarters of a million dollars in value. Before you even begin looking at expenditures you have already got a structural problem in the amount of revenue that you can raise from your existing inventory of taxable property.

The next slide is something new. It shows is that if we had had the benefit of the assessed values in 2002-2003, \$43,400,000, the budget as proposed today would require a 4.3 percent tax increase. Given our loss of other revenues and our unusual, extraordinary expenditures that we are anticipating, most people would say 4.3 percent is not too bad in this economy. But we do not. Because of the rules, we do not have the values that the community had in 2002. Raf and I felt we wanted to share that with you because it heightens the awareness of what we are up against before we even begin to talk about payroll or other benefits.

Mayor Swiderski: By now people have learned to fear my mathematical sense of numbers, but we have a 60 percent increase in tax rate because of a 1.5 percent drop in assessments. Mathematically, I do not understand that relationship. How can we see the assessment drop 1.5 points, and the tax rate jump from 4.2 percent to 7 percent? I do not understand that correlation.

Village Attorney Stecich: It is 90 percent.

Mayor Swiderski: OK, even more than 60 percent. So it is almost a doubling of the percent increase for just a drop of 1.5 points. I would imagine it would correlate much more closely than that. Maybe I am missing something.

Deputy Village Treasurer Zaratian: If I take this year's budget, and I put in \$43,400,000, our tax rate would increase only 4.29 percent.

Mayor Swiderski: I understand that. But again, the difference between \$41 million and \$43 million is much less than the difference between 7.89 percent and 4.29 percent. Or am I in thinking incorrectly about this?

Deputy Village Treasurer Zaratian: I do not know the answer to that. I would have to do an analysis on the percentages. Basically, we are taking the assessments and we are putting it into the spread sheet and it is coming out with a tax rate. We are saying that the more assessments we lose, the tax base has to pay more of a percentage.

Village Manager Frobel: And the rates you are paying today would be a 4.3 percent increase if we had the benefit of that assessment.

Trustee Armacost: Maybe you could do the math again, and just see. There is something a bit peculiar about it. Maybe it has to do with expenditures.

Deputy Village Treasurer Zaratzian: The expenditures have not changed. That is the point of it. The point is, everything is stagnant. We are taking this year's budget and saying if you took 2002-2003's assessment, our rate would only be 4.29 percent.

Trustee Walker: But in accounting there is name for this, is there not? When one thing jumps only a little and the other factor jumps a lot. I have seen this in other budgeting exercises.

Mayor Swiderski: I am beginning to see where I might be wrong on this. It is not that it is a jump from 4 percent to 7 percent; it is more useful to think of it as a jump from 1.04 percent to 1.07 percent. And that is a difference roughly equivalent to the decrease in assessables.

Village Manager Frobel: Let him double-check. If we have to we will do it by hand, which is our fallback all the time.

Trustee Walker: You mentioned that in Connecticut and Rhode Island you do not have this problem. Is that because you do not have the certiorari filings?

Village Manager Frobel: It is more difficult to file. You do not do that locally. You start that immediately with the courts. But what you do have is a revaluation of your property every 10 years.

Trustee Walker: Which is required by law. It re-juggles it so that it is all equitable.

Village Manager Frobel: You measure, and list, all properties every 10 years physically, and you place a market value on that. Every three years, statistically, we would update that. Your values are always at 100 percent, and it was always a snapshot because you knew, over the course of those three years, your property might go up and it might go down. Here, when they adjust it downward, it stays down. We can never recapture what has happened in the real estate market here over the course of, say, the last two years.

Trustee Walker: Why was there a drop between 2004 and 2008 of such magnitude? We can understand what happened to real estate values since 2008, but 2004 to 2008 things were just going up and up and up.

Trustee Armacost: If the graph went all the way down to zero and did not start at 41, it would look a lot flatter. You can get thrown off by the way data is presented. The difference between \$43 million in 2002 and \$41.9 million is actually not a lot of money. Sorry to say that.

Deputy Village Treasurer Zaratzian: Wait. That is a lot of money.

Trustee Walker: It is.

Deputy Village Treasurer Zaratzian: You have to remember, this is a \$12 million budget. This is not a huge budget. And you are talking about percentages. Our problem is that the Village budget overall has not really gone up. What has gone on is that through the legal process of certiorari procedures we keep losing. And it has nothing to do, in a sense, with the value of the property.

Trustee Armacost: But, Raf, let us see whether the budget has gone up or not. Let us not make that presumption until we get to that page.

Deputy Village Treasurer Zaratzian: I have done this for 14 years. This budget was one of the toughest budgets to do.

Trustee Armacost: I am sure it was.

Deputy Village Treasurer Zaratzian: Because there is nothing left. We are down to the bare bones here.

Mayor Swiderski: This is maybe the single most important and profound thing I am ever going to say about assessments. Barring a reassessment of the community, this will always slide downwards over time from certioraris, barring a reassessment Village-wide. And all this is doing ... the Village is dropping in value. The clay is being rearranged as to who is carrying the burden. So those people who have gotten their certioraris lowered squeezed the clay onto the backs of the others who did not get their values lowered. No matter what happens, if the assessments slide to a dollar and my house was worth a half of a penny, it does not tell you a whole lot that the assessments are going down. Because even if we built out every square foot of this Village there would be a popup, not nearly and one might think, and then the slide would begin again. At that point, there would be nothing left to build out. And this is more an artifact of the certiorari process than it is of declining house values or tax base of the Village. It is an important point, a very important point, because you can use this as an argument for development. And I will, mind you. Wait until the summer. But it will only pop you up a bit, and then the slide begins again. You cannot stop that.

Deputy Village Treasurer Zaratzian: You can stop it. It means that you have to revalue the whole thing, and then do it every two or three years like most places do.

Mayor Swiderski: The reval does not stop the drop. It simply reworks the clay. All you are doing is squeezing the Play-Doh in terms of who is paying it. But ultimately the lump sum of money you have got to raise from that community is the same amount.

Village Manager Frobel: That is true. The numbers themselves are meaningless.

Mayor Swiderski: These numbers are useful only to show ... this is fueling of the inequity of those who do not reval versus those who do. It is not doing anything else. Either way, we raise the same amount of money and we have to pay the same amount of revenues.

Trustee Walker: And also, in a time of unprecedented increases in property values the overall assessment went down.

Mayor Swiderski: Because of the certiorari process.

Trustee Walker: But people were still going to certiorari even though their values went down.

Village Manager Frobel: The commercials were. Because your residential was increasing more dramatically than commercial. That is what you are seeing.

Trustee Walker: True. So it was really more residential in that period of time then.

Jeff Bogart, 5 Jordan Road: You are starting to get into the reason for the drop. It would be interesting to see an analysis of what is causing the drop. Certiorari is not enough. Why are properties dropping in value? In terms of the classes of properties example, is this recessionary? Is that the cause? Is it the fact that we have lost properties on the waterfront in the hopes of rebuilding the waterfront, and we had a business in there that is no longer there? What is the cause for it? Then maybe you could figure out what to do about it. You can expect homeowners to increasingly seek certiorari. This is going to be an escalating process in the Village. Everyone had better look at the value of their home and apply for certiorari. Because, as you said, everyone is putting the burden on someone else. The tax rate may go up because total valuation goes down. But how that is allocated among individual members of the community will change, and the smart homeowner is going to grieve.

Trustee Quinlan: Fran and Raf, you could give me a list of properties that show that they have won \$320,000 worth of certioraris in the last year?

Village Manager Frobel: Yes.

Village Clerk Maggiotto: The Board of Assessment Review met tonight and decreased the roll by \$202,750. That was just this year.

Village Manager Frobel: The second reason why we are in the situation we are in in terms of the tax increase required to balance the budget is the loss of financial resources. I have highlighted the top five adverse impacts that we are experiencing next year. As is happening nationwide, we are seeing a decline in sales, and our share of the sales tax will be, we anticipate, \$100,000 less next year. We have reduced our commercial garbage pickup fee by \$10,000. We have reduced our interest income by an additional \$10,000; that has been diminishing dramatically over the last few cycles, so there is nothing new there. Again, reflective of the market, we have reduced our expected mortgage tax receipts. We no longer have a debt service transfer. That is the money earned over a course of time in our investments that is dedicated for paying down debt. It was a one-shot opportunity, and now that is gone.

Trustee Quinlan: I thought we increased the commercial garbage pickup fee to a more fair extent. How did we lose \$10,000 there?

Village Manager Frobel: We have lost the schools as a customer.

Trustee Quinlan: The debt service transfer: that was when we authorized what little savings account we had?

Village Manager Frobel: Yes.

Trustee Quinlan: And now do we have any savings account left?

Village Manager Frobel: No.

Trustee Quinlan: So we have zero savings account.

Village Manager Frobel: Pretty much. In that line, Raf, debt service, I do not believe we have anything. The audits certified it.

Deputy Village Treasurer Zaratzian: With the interest rates as low as they have been, we are not going to see too much in debt service.

Village Manager Frobel: We are getting like 0.25 percent.

Trustee Quinlan: So the debt service was the interest on our savings account. It was not exactly a savings account.

Village Manager Frobel: No, but it was money that was dedicated to pay debt, and that is what it was used for.

Deputy Village Treasurer Zaratzian: By law, any interest made on the capital fund has to go, if it is bonded money, into the debt service fund because it is to offset debt. We had done the Community Center and other projects, and the interest rates at the time were very high. So we kept building up debt service, and we would put that debt service money towards that. That would free up more money.

Trustee Armacost: Did you restructure any of that debt along the way, or not?

Village Manager Frobel: We have, over time.

Trustee Armacost: So what are the interest rates at the moment on that debt?

Village Clerk Maggiotto: All of our debt is under 5 percent. We have some short-term borrowing last year at 2.59 percent. The short-term before that was 3.67 percent. I can get you a list of all the serial bonds and the interest that we are paying.

Village Manager Frobel: We have been speaking with our financial advisor about doing some things there because rates are very favorable. But some of them we have already refinanced, and I am not sure they can be callable or refinanced a third time, in some cases.

The third reason why we are in the situation we are for next year are the extraordinary costs I spoke of. The State of New York is requiring a greater contribution, based on their actuarial study, to our police pension of \$70,338. That will bring our required contribution for the police pension to \$390,121. Those same actuaries are requiring our contribution for all of the classes pension plan to be increased by \$168,933. That will bring that payment to just under \$365,000. Our employer tax is an increase. We anticipate our employee health insurance to go up by \$37,000. The actuaries who prepare the report for our fire service awards, the amount we contribute to our volunteer firemen's future, advice that will go up by \$15,000. raising that contribution to \$125,000. Next year, we will be making an interest payment on our bond anticipation notes of about \$32,000. Our debt payment next year will be just under \$1.4 million. So that is the third problem: assessed values, loss of revenues, and some extraordinary costs that we are expecting for next year.

Trustee Jennings: Could this slide be labeled, without changing the meaning, Increases in Mandated Costs? This is a list of expenditures that we do not have any control over that are either contractual or required by the state or required by our debt, with maybe the exception of the fire service award. I do not know if that is contractual or discretionary. To me, the word "extraordinary" means a one-time shot, and what we have here is part of our expenditures that we do not have any control over, at least on a year-to-year basis.

Village Manager Frobel: You are right, on a year-to-year basis. Those are the costs that we are committed to; contractually we have made obligations to our employees, our community, and our debt and we are committed to those amounts. We did have control, and through collective bargaining we probably have additional control, we can try to impose. But yes, those are ones that we are obligated to at least through the next fiscal year.

Trustee Armacost: Is this calculated vis-à-vis last year's budget or the last set of actuals? These increases are based on what? How did we come up with them?

Village Manager Frobel: The pension calculations, we are obligated to that. The State of New York actuaries do report every year, and they tell us what our contribution will be for the next fiscal year. You have no flexibility there. That is what you will pay into that plan. Our employer tax, the increase reflects the taxes we pay on our employees' behalf. You have heard about the MTA tax, an obligation. The employee health insurance is based on...

Trustee Quinlan: The New York civilian pension, is that mandated by the state, as the police pension is?

Village Manager Frobel: Yes. Our employees belong to those plans. The fire service awards is an annuity the villages took out years ago which provides to the volunteer firemen, after a number of years of service upon retirement from volunteer service, a slight annuity. It is like a pension they receive for their years of service.

Trustee Armacost: How is it calculated?

Village Manager Frobel: You are familiar with actuarial studies. They look at their rate of return, their investment, the composition of your group in terms of age, salary and make a projection as to what will be required to keep their fund properly funded.

Trustee Armacost: Based on current employees.

Village Manager Frobel: Yes, based on current employees.

Trustee Walker: But we are seeing higher increase this year because of the recession in the pension.

Village Manager Frobel: That is what they are attributing to. In the past, the Village has enjoyed a very modest increased payment into the pension plan. It is a function of the stock market and their investments. This reflects the loss in 2008. You may not see an increase that dramatic next year if the state does better with its investments. But that is a function of the financial markets.

Mayor Swiderski: Or even, conceivably, a drop.

Village Manager Frobel: You could. We have in the past.

Mayor Swiderski: There was a time in the mid-'90s when the taxes went down.

Village Manager Frobel: What steps have we taken already to reduce the budget? The budget before you shows the elimination of the full-time secretary in my office. I now have a woman who works about 15 hours a week. We have eliminated the full-time administrative assistant in the Village Clerk's office. The gentleman has moved on. He was a professional who worked in that office, who helped me as well on a host of assignments. But that drop is not as dramatic because we have allowed three-quarter time hours in that office. We eliminated our full-time custodian. We do have a service that is provided to us, but that lost position places additional burden on staff to set up and break down the rooms in advance of public meetings. The biggest savings is in recent long-term police officers retiring. There is a substantial drop in police department payroll next year as you pick up those rookie patrolman at a dramatically lower salary than veteran police officers.

System-wide, we have level-funded all our lines of insurance: general liability, property and casualty. We have pretty much level-funded all of our materials and supplies. As you know, this budget now does not reflect the planner. This year we had some hours set aside for that. So we have lost, essentially, three professional positions and some staff support. Additionally, the budget before you reflects the cuts I have already made to the various departments. They have all come in with what they believe is their needs. I have the responsibility of taking that to a point where it is more palatable to the decision-makers. I have had to make hard decisions already that have been taken out of the budget.

Trustee Armacost: Again, it is reducing the budget vis-à-vis last year's budget?

Village Manager Frobel: Yes.

Trustee Armacost: I am interested in seeing the numbers against the last set of actuals. That is my two minutes. It took half a second. That is what I really want to see, the numbers vis-à-vis the last set of actuals versus the last budget. You do not want to budget against a budget, you want to budget against actuals.

Trustee Quinlan: What is an actual?

Trustee Armacost: Your actual expenditures in the year, rather than what you projected you would spend in the year. Say you projected that you would spend \$12 million in the year, and you only spent \$11 million. You really want to be budgeting against the \$11 million, not the \$12 million. Otherwise, you have already increased it by \$1 million. So I am really interested in seeing that data, at the end of the day.

Village Manager Frobel: We can provide that to you.

Our final slide, to summarize again, the general fund is up 3.2 percent. That reflects those expenses that are mandated. It also includes a contingency that includes some unexpected expenditures, and includes some money set aside for our collective bargaining process. The police are still working without a contract. I will be negotiating with our highway workers this year. And our Village hall non-unionized employees would be looking at their second year of no salary increase. The budget also includes some special projects that Parks and Rec would like to see accomplished over the course of the year, and we can talk about that as we go through the budget.

Trustee Jennings: It looks to me as though that is showing us expenditures over time. Where are the revenues?

Village Manager Frobel: Those are actual, with the exception of the budget. So those are in balance. Those are just the expenditures.

Trustee Armacost: But you cannot have expenditures for 2009-2010 yet. That must be projected.

Deputy Village Treasurer Zaratian: No. All budgets are equal. So revenues and expenditures equal each other. These are budget numbers that were passed.

Trustee Armacost: I think we need a whole different chart.

Village Manager Frobel: Why is that?

Trustee Armacost: I would like to see these columns with actuals. I would like to see, on each of those years, what the actuals were. Quite frankly, I have zero interest in the past budgets. I should not say that but I am interested in seeing the actuals. So what we need is an extra column. I assume the amounts will be under in most of those cases, but perhaps they go above in some cases.

Village Manager Frobel: We need to do better than we budget.

Trustee Armacost: Right. What you presented, Fran, is a brilliant maximum-case scenario budget. I want to see what the minimum-case scenario budget would be, which would be matching this vis-à-vis actuals, particularly given the last two years. We will have the results for 2007-2008 and 2008-2009, which were both times of plenty. So, if anything, the actuals in those years should be higher than what we are anticipating we would be spending this year when we are in a state of fiscal constraint. That would be the way I would think about it if we look at it in terms of actuals. This chart is a fantastic chart. If we could just have actuals embedded on it, we would see much more clearly how things have shifted over time.

Village Manager Frobel: We have traditionally spent less than that which was allocated to us.

Trustee Armacost: Which is, obviously, fantastic.

Village Manager Frobel: We have always come in under. This was the first year, that we just closed out, where we did not meet our revenues. That is the concern that I want to talk about further on going forward as to what that can mean. I am concerned with our expenditures. We have, since I have been here, put together a budget that is so extremely tight that the opportunity for any error does not even exist anymore. Having been hit with the snowstorm, I gave you a report of the damage that cost us. The wind and rain event, you have not seen those numbers yet. And on top of all that, we had another sewer break today which I am certain is going to be very expensive, on Broadway and Warburton in the county road, our sewer. Those are the expenditures that, during the course of the budget, we free spending to take care of needs like that. Already the department heads know we have frozen their spending ability. We have ratcheted down all those opportunities because as we get near the end we know we are not going to make our revenues, and we have to consequently come in under our expenditures. Those are the kinds of radical things we have to do. But I am just saying, as a word of caution, we have gotten very careful as to how tight we make this budget so we do not end up with a deficit-spend budget in the future. There are these unexpected things that happen with aging infrastructure. Forget the two storms. I think those were out of the ordinary, but I am concerned with some of our public works. Just a

word of caution. But we will make those modifications and we will get you some additional slides that better depict some of the things that were pointed out this evening.

Trustee Quinlan: Here is what I am concerned about. If you look at the general fund of a normal household in Hastings they are having the same problems we are. So what are we going to do for those people, and how are we going to justify a 7.9 percent increase when they are having the same expenditure and revenue problems as the Village is having? Are we just going to keep saying more taxes, more taxes, more taxes? Find a way to solve your problems while we solve ours. That is what I do not think we are really balancing when we talk about these numbers.

Village Manager Frobel: But in my comments I talked about believing this is just a transitional budget. If we can get through this next year without reducing our service level we can round the corner. I think things are going to get better in the next 12 months. The biggest problem has been the loss of revenues. Our only sources are the mortgage tax and the sales tax. After that, it drops right down to building inspections and interest earnings. We do not have the capacity to raise the revenues without raising the taxes. That is our problem right now. That is why I try to highlight what is happening in the assessments. We need some taxables. We need some things we can turn to to shoulder the burden elsewhere, and not our single-family homeowners.

Trustee Quinlan: Yes, but we are a built-out community. The waterfront is not going to come on line for a number of years. I am glad you are optimistic, but I am not so sure that your optimism is realism.

Village Manager Frobel: We have had opportunity. We had the 9-A site we can still look at; the 55 Main Street one is about to do something there. There are still some opportunities that we should not embrace, but we have got to come up with some alternatives. Or you are right, we are going to have a problem. We are going to have to make decisions whether we should reduce some of our services. It may include things like hours of the library, street sweeping, frequency of trash pickup. We are talking now about people. That is what is left.

Trustee Quinlan: How about increasing the hours for the DPW from half-days to whole days? You think about 9-A. I am going to say forget about that because those are going to be condos taxed at 60 percent. I do not know if you drove by during the recent storm. The whole property was flooded. We have been waiting for the triple-nickel for at least two years to have something going on there.

Village Manager Frobel: Poor example. But I am just saying I do believe we need to broaden that base so we have some opportunity to reduce the pressure on the homeowner. We are very sensitive to it.

Trustee Quinlan: But the developers are not here to do it. And they want to develop in condominiums and co-ops, which does not do anything for our taxes because they are taxed at 60 percent of a fee simple. Which is the state's problem, but we have to live with it. So I do not know what the solution is.

Trustee Armacost: I think when we go through the budget some things will reveal themselves. It is fantastic that you have presented it to us in this way, and I am really looking forward to the next stage.

Village Manager Frobel: Sure. I am confident we can defend what we have spent in the past, and we can offer evidence as to what our needs are in the future. But that will be a decision the Board will have to make. That concludes our presentation.

Deputy Village Treasurer Zaratzian: I would like to point out that in government accounting, at the end of the year, if you have any extra money that you have not spent, which is what we strive to do and what we have strived to do for the last 14 years that I have been here at least, is to make some kind of surplus that would go in to the undesignated for next year. For many years, as the assessments were going down, we would take that surplus and appropriate it in next year's budget as appropriated surplus. That would help reduce your tax rate. We no longer have the ability, because of the budget's being so tight, to make enough to do that. That was one of the reasons why Fran, when he first got here, wanted to get a surplus building so we could compensate for the loss of assessments and keep the tax rates lower. We no longer have that ability. This is why every little percentage is showing up so much. If I give you 50 cents and then I give you another 50 cents that is 100 percent increase. This budget is a very small budget, if you look around at other municipalities. As a result, small changes of \$100,000 make up a percent increase in your tax rate.

Trustee Quinlan: If the average tax rate is \$18,000 per household approximately, the average taxpayer who owns a home in Hastings pays approximately \$18,000 in real property tax. Right? With this 7.9 percent increase that you are suggesting we pass, what will it mean for the average taxpayer per year per household?

Village Manager Frobel: Looking at just the Village, and I only have the Village information, it would represent a tax increase of \$300 per year on average. For our average assessment, we used a figure of \$17,500. So about a \$300 a year increase per taxpayer.

Trustee Armacost: Raf, a corollary to the point you were making is that every \$100,000 that you take off the budget equals a 1 percent decrease in tax rates.

Village Manager Frobel: About \$91,000.

Trustee Armacost: So the story goes either way. I know you are saying the budget is very tight, and I am sure we will hear exactly the ways in which it is very tight in the weeks to come. The story goes either way on that.

Trustee Jennings: I have a question that has to do with the reserves which, I gather, we do not have much of anymore. We must pass a balanced budget. But when we do a budget, we do projections about revenues and expenditures. During the course of the year, we may sometimes have overestimated our revenues and underestimated our expenditures. So the actual budget may deviate from being balanced. Now, we are under an obligation to balance the budget at the end of the fiscal year also, I assume. You try to foresee that happening and perhaps make some adjustments in expenditures to cover the anticipated shortfall. But if we get really right down to the wire, and you have some uncontrollable expenditures like a big snowstorm or what have you, what do we do then? Do we then have to borrow money in order to balance the budget at the end of the fiscal year? Have we ever had to do that?

Village Manager Frobel: We have not had to since I have been here, to my knowledge.

Trustee Jennings: But that is what a government would have to do, right?

Village Manager Frobel: Yes.

Trustee Armacost: We also have a \$250,000 contingency fund that we have not touched for a couple of years. So I imagine that would also be used for that. That is money that just sits there. That is 2.5 percent of the budget, by the way, that just sits there.

Trustee Quinlan: Was not the answer to my question is there is nothing left?

Trustee Armacost: Well, it has been there in the budget, and has not been touched.

Deputy Village Treasurer Zaratzian: That money is used for any kind of increases if we have major snowstorms and so forth. At the end of the year, if we are lucky enough not to use that to fill, and this is not an accounting term, I call it filling the holes. I see it three-dimensionally and if there is a deficit we take that money and we fill in the holes to balance the budget. What we hope to do at the end is to have a little bit of a surplus to build on so that next year and the year after, if there are emergencies, we do not have to go out and bond.

If our surplus was very big and we had \$2 million of surplus let us say, we would not have to go out and bond to buy a fire truck. But we do not. And when we budget, we budget as conservatively as we can without being so conservative that we leave no room for any emergencies that might happen. That is proper government accounting.

Trustee Quinlan: Do we have a savings account anywhere in the Village that if we had to pay for something extraordinary we have it

Village Manager Frobel: Yes.

Trustee Quinlan: How much is in that?

Village Manager Frobel: Do you have a copy of the audit?

Deputy Village Treasurer Zaratzian: I do not, but I believe it is \$129,000.

Trustee Quinlan: So we have \$129,000 somewhere for emergencies.

Village Manager Frobel: The auditor, when she went over her presentation, talked about that and the danger that it is very, very low in comparison.

Trustee Quinlan: I know. I agree with you.

Deputy Village Treasurer Zaratzian: But we have \$129,000 as of May 31. If we have two more snowstorms or a sewer break, and this budget cannot handle it and it is \$200,000 over, then we are not going to have anything in the next year's budget, and we are going to have to go out and bond it and it is going to cost the taxpayers more money.

Trustee Quinlan: But the interest rates are low.

Village Manager Frobel: Very low. Let us go back and redesign some of these exhibits to better depict some of the issues we heard this evening and get those to you as soon as possible, and prepare for our work sessions on the budget coming up in the next several weeks. That concludes our comments for this evening.

2. Storm-Related Power Outage

Village Manager Frobel: I did want to mention a small comfort to probably upwards, by Con Ed's estimate, 300 homes that are still without power. Crews worked dramatically over the last several days to make great inroads in cleaning up. If anyone had an opportunity to

drive around and see the devastation – that is probably the right word for it – it was astounding. It was just awful what we saw throughout the community in terms of trees and damage to wires and the cleanup. We still have a large area, the Overlook, Fairmont, Garland, Southgate, Glenwood and Lincoln areas, still without power. All roads are open. The tree crews worked Monday. We had a number of crews getting the big logs off the street. Now we wait for the crews to come out and restore power. Although Con Ed is not committing to a certain date, a late conversation tonight revealed that it could be as early as tomorrow. Con Ed's company line is that by Friday Hastings should be all back together. I have had conversation with some of the men, and Monday we had upwards of 15 crews here working. They are fellows from all over the country. Their comments are how lucky we were not to see more devastation, given the fact that the trees are so much part of the wires and a wires are so much a part of the trees.

A windstorm of something longer than the duration that we experienced this weekend could be even more devastation than we experienced, if you can imagine that. The governor's office is looking to secure federal disaster relief. What that could mean is some relief to the Village for our out-of-pocket expenses and, perhaps, help for those homeowners who do not have either homeowners insurance or some help with the deductible. The state is not very optimistic about that. As I mentioned during the snowstorm, the standards to secure those kinds of classifications have become so high, so burdensome, that they are not being given out as readily as they might have been back in the '90s or early 2000s. So the standards are very high, but there may be some help.

We had upwards of 20 homes in the Village structurally damaged. Deven, along with the police department, has visited each of those 20 homes. They are doing a preliminary damage assessment report, photographs, making some guesses as to what the cost to repair might be. In some cases, homeowners have already secured some estimates. But that is all going into the mix in a report that I will be sending off the state early next week. Tomorrow our volunteer firemen and police will be visiting the neighborhoods I just mentioned, checking on the well-being of the residents and trying to assure them that relief is coming. It is a big task. I think it is bigger than Con Ed even imagined. There are several poles that have to be replaced. It is just extensive. We have two people staying at Andrus. Andrus generously opened up their facility to Hastings residents who need a warm place to stay. Most people have found comfort with friends or family, or some people are staying in hotels.

So it has been tough for the whole community. I have been pressuring Con Ed, the Mayor has, as well. The Chief calls some of these people virtually every hour to impress upon them the urgency. But it is widespread. Most of the county got hit, other parts of the state. We are not alone, a small comfort, but we will do everything we can to press Con Ed to bring power back to everybody in the shortest period of time.

Mayor Swiderski: It is probably worth mentioning that Andrus has a couple of spaces still available. If you are aware of somebody who has had it with cold showers and no light, please approach us and we will talk to Andrus. There is room for a couple more families.

Trustee Armacost: Can I just thank you to you and your team, Fran, for an unbelievable job of taking care of people. Three of us were with the fire department on Saturday night, and the entire time we were with them there were chaps coming and going on calls and we were getting up to the minute reports on things that had happened, areas of danger, changes that had been made to safeguard people. So if you can pass on our thanks to the fire department, to the police, and to all of the busy DPW guys and the rest of your team that have been manning this crisis.

Village Manager Frobel: Thank you. They really have worked above and beyond. I do not know where we would be without the firemen out there supplementing the policemen and the DPW workers, as you mentioned. Coming on the heels of the weekend storm with the snow, people are getting fatigued and they have done very well. I am proud of them.

Trustee Armacost: It has created impromptu parties. We took some refugees from Southgate into my house, and it has been quite fun to have friends from the neighborhood and a good excuse to drink wine together and talk about how cold their house is, far away.

Trustee Walker: I was wondering if we could schedule a Village cleanup day a little earlier this year to deal with some of the debris. People in my neighborhood have been asking if they could go to Draper Park and help clean up, short of chainsaws. But getting folks to drag things into piles, the smaller stuff at least.

Village Manager Frobel: I am glad you brought that up. As you know, trash was delayed by one day. The men worked all day Monday picking up debris. A lot of the debris they picked up Monday was from the snowstorm. They are chipping everything. People are bringing things to the yard. Yonkers has suspended dropping off any material at their yard, so we are going to get jammed up because they are jammed up. There is just nowhere to go. The overburden is remarkable.

Trustee Walker: And we do not have a chipper.

Village Manager Frobel: Well, we do. It is not the strongest, and it is only one. I told Mike that if he needs to rent another one he has to because there is a tremendous amount of material out there that is going to need to be picked up and taken care of.

BOARD DISCUSSION AND COMMENTS

1. Signage

Mayor Swiderski: I intended to have something more concrete to say about signage today, but dealing with the crisis this weekend trashed that. In the interest of having the time for a better prepared discussion around the sustainability action plan, I would like to raise it, get initial feedback from the Board, and move on to the sustainability action plan. We raised this in January in response to two large signs on Village property that a number of citizens had complained about. While we had a very preliminary initial discussion about it, because the Board perceived that the signs would be coming down at the end of January we essentially tabled the discussion.

The signs did not come down, and neither did the complaints about them. I asked to have it put back on the agenda because it is something we need to address. The two signs, and it may be one sign, in question now are a precedent that if we do not deal with while it exists on our property becomes something very difficult to deal with when they reappear with something that may have far less popular appeal. We are in the dilemma of dealing with something that has broad popular support perhaps in the sentiment it expresses, and perhaps best positioned to deal with it then, because, in fact, it is not about content. It is about size and duration.

At our last meeting two Trustees made comments about the First Amendment that were quite cogent. Last Thursday I was at a Westchester County municipal officials committee meeting where I polled every mayor I came across regarding the signage rules and regulations in each community. I had a hard time finding one that did not have something, at least speaking to duration or size. Dobbs Ferry, Ardsley, Tarrytown, Elmsford, Rye Brook, essentially a number of the people at my table and around indicated they had something. We have copies of a number of these resolutions and laws and rules. They come in many different flavors. I asked Marianne to dig up what research there is available on this topic. This is not new First Amendment territory here. It is extremely well-trod. As long as we do not infringe upon content and do not discriminate among content, we have latitude to talk about size, location, duration, and numbers of signs. We can prohibit illuminated signs flashing No Abortion, or whatever you want. Come up with your worst cause that you do not believe in, and imagine that on a sign. We have the flexibility to do this without any drama in terms of worrying about stepping on a live mine here. And, in fact, most of our neighboring communities have done this. You do not run into bulletin boards in Central Park. Most communities have zero problems putting up regulations against signs in parks, for example.

I was hoping to have something a little bit more coherent than this statement that we have the latitude to discuss size, duration, place, and numbers. I am inclined to something that speaks to size and duration. I know we have a custom here of political signs appearing in the medians prior to an election, both national and local, in great numbers. I would argue that is a traditional use and probably represents some sort of threshold in sign size that everybody has gotten used to over the years. Some of these seem to be out for awhile, but would probably be minimally a sign size that people shrug at. I have not had a sense for the duration. I have seen them for a month, 45 days in some of these rules and regulations, maybe two months. I do not know what is reasonable ahead of an election. You do not want to be draconian here in what we impose, but I think it is reasonable, and most communities agree it is reasonable, to set limits if we cannot limit ourselves as a public.

I am throwing the ball up, or maybe it is a hand grenade, for discussion. I do not want to get into sign police running around counting numbers of signs. So I do not know if I want to say 13 is acceptable, 18 is not. I do not know if I necessarily want to get into design and style of sign: wooden is not acceptable, metal frame is. I have zero problem in saying that six foot by four foot billboards are less acceptable than the total square footage of four feet, which is approximately what you get in the typical political sign.

There is an issue we have to factor into this, and it is not entirely trivial, that is, above and beyond political signage and religious signage, there is informational signage. The firemen circus sign, for example. My understanding is you cannot put a rule in that allows for one and not for the other. So we cannot say firemen's signs are allowed, but abhorrent signs that offend the sensibility are not. You can only come up with a signage law.

Marianne, I think I am reading all this correctly, right?

Village Attorney Stecich: Yes. The only thing I want to clarify is probably the simplest thing to do. Forget about content. Just think about temporary signs. You cannot even think about content in terms of campaign signs that have to come down after the election. Just think generically. If you want to put a time limit, the time limit could be in number of days or a certain amount of time before or after the event that is being advertised or something like that. Whatever you do, do focus on content.

Mayor Swiderski: Precisely my point. We cannot discriminate on content. We cannot make a law that allows for one type of signage, even though I did see rules that did discriminate between the two.

Village Attorney Stecich: There are a lot of problems with the sample laws that were sent to me. Most of them I could not recommend because they would violate constitutional law.

Mayor Swiderski: As unpalatable as dealing with this issue is now when it involves a topic that appeals to most people, I would argue it is probably the best time. If we do not deal with it now, when it appeals to the most people, the next time around when we have a billboard that deals with a topic 99 percent of us do not agree with, it will be hard at that point to come up a rule to regulate it. It will look like we are regulating content. My feeling is, let us take this on and deal with it, as unpopular as it may be among those who might agree with the sentiment, and inoculate ourselves down the road so we do not have a plague of signs. I do not want to live in a community that relies on intrusive signs as the primary means of public discourse in this way.

Trustee Walker: We are talking about temporary signs on public property and public right-of-way.

Village Attorney Stecich: Yes, that is an important distinction.

Trustee Walker: And we need to make that distinction because private property is different.

Mayor Swiderski: I will add a further codicil. Categorically rule it out of parks. I do not think there is any problem with that.

Trustee Walker: I am in agreement about regulating signs. I certainly do not want to create a sign police or a sign review board or a sign permitting process. Whatever we do should be simple and straightforward. I heartily agree with limiting duration. However, I am not sure exactly what I would recommend because I would like to say you have to take it down immediately following your event. But what if there is no event? There still needs to be a sunset term. So we have to come up with that. But leaving something up beyond a month, or certainly beyond two months, it starts to become grating on you. The other thing is to look at locations. Small signs, like political signs or that size of sign, seem o.k. in a median or along most of our street rights-of-way. However, occasionally you want a big one. You want one for the carnival, you want one for Friday Night Live. Maybe we pick certain places where you can have larger signs, but maybe it is two corners where they have a lot of exposure. You allow two signs where they do not block visibility for drivers.

I do not know if it is a problem but it could be: a sign in a median blocking your visibility so if you want to make a turn you cannot see the oncoming car. I know we had language that we could take a sign down that is blocking visibility; however, big signs just do not belong in the medians. I am o.k. with them at Five Corners or at the intersection of Warburton and Broadway, for example, where they frequently have those carnival signs. I do not want to

regulate materials or design or flashing lights, at this point at least. But I do want to regulate duration and size and location.

Trustee Quinlan: I think my position is clear on this issue. I will pass for tonight, and hold my fire until we have a more interesting discussion. I just want to add one thing. I do not see how you are going to do this without creating sign police, a sign board. Maybe, Nicola, you will have a new commission, the sign commission. Or maybe it will have to be the Mayor. Someone is going to have to decide. So good luck on that.

Trustee Jennings: What Trustee Quinlan said several weeks ago made a lot of sense; the gist of which was if it ain't broke don't fix it. In the last few weeks, though, we have seen some things that disturb me a little. We have seen competing and contending signs, we have seen a little vandalism, and we need to get a handle on this before it gets out of hand. So some kind of orderly process would be beneficial to all of us. Not that anything that has been done so far is all that bad, not that we have this huge chronic problem, but I do worry about things getting out of hand and becoming a faddish thing to do. So, reluctantly, I am willing to take this problem up. I agree with what has been said. I want to keep it simple. Duration, size, and location are the three dimensions of this. I think we can come up with something that is not overly bureaucratic or overly burdensome, and certainly would not undermine the very important legitimate function of signs. I think they are an important component of public information and public speech and civic life. I do not want to dampen their legitimate functions in any way. Neither do I want to see too many more articles in the *New York Times* presenting Hastings as a place represented by a sign or two, when the whole community is not necessarily represented by anybody's sign or two. It is something we need to be thoughtful about.

Trustee Armacost: I am not comfortable going down this path of regulating, partly because of the obvious speech issues. It is tricky to say let us not care about the content, because I think that is part of the reason. The 12 Miles North sign for the festival was bigger than some of these signs, and no one complained about those signs. I know, I am on the board of that organization. We put big fancy signs up, they stayed up for quite a while. No one complained. So I think it is a bit disingenuous to say this is not tied to the content. On this topic I think that it is difficult to legislate in a way where we will not regret our actions later. Having seen some of the legislation out here, good luck, Marianne, coming up with an impeccable law on this. I am not seeing it in the data that you have given to me. I do really love this town, and I love the people in it and I love their feistiness, and I love their opinions that they share with one another perhaps sometimes more freely than people would like. I want to give people a chance to self-regulate. I would love us not to make the decision right now, and have the various parties, who will remain unnamed but they know who they are, regulate themselves on this. That would be my preference.

Mayor Swiderski: I do not think we are proposing to do anything tonight.

Trustee Armacost: No, but we are proposing to do something at some other time.

Mayor Swiderski: Yes. And I hear you about the eagerness with which many of us rise to political discussion. That has happened for years without large signs. People have gotten up in meetings fearlessly and raised their thoughts and opinions, and emails serve a function, as well, and Web sites in getting the word out. We are not shutting down signs as a communication medium. It is not limiting discourse in terms of a mechanism. It is limiting its intrusion on the community as a whole with the understanding that it limits all signs. You may be right on the content being at least part of the issue, and it is for some people. But that is the difference between informational signs and political signs. Political signs will always get some people riled up.

Trustee Armacost: The point that I am making is, we had equally large signs for the entire period that I was here that riled no one. Maybe I am pointing at the elephant in the middle of the room, but I think the content is tied to this. I think people have been effective through these signs. They have tried many different things: petitions, email, in terms of the mechanisms available for people to share ideas, they have used a variety of them. If we as a group can avoid curtailing one we should try and avoid it. That is all I am saying. It is not whether I am endorsing that viewpoint or not endorsing that viewpoint. I think we will be the sign police, I am sorry to say. That is what will end up happening. Then there will have to be exceptions made: the sizes, whatever, four feet by five foot; this one is actually 3.4 feet by 2.9 feet. We are going to get into some very funny scenarios because people will continue to be clever and agile about the way in which they get their messages across.

I do not want us to go down that slope. I do not think it is necessarily so slippery. It might actually be a very pleasant little path to walk down. I just think we will regret going down it. I would love to be able to say to people, including reporters who happen to call us, we have citizens who can self-regulate. That is the message I would love to be able to give out.

Mayor Swiderski: So would I. It is not a public discussion, but please.

Mr. Bogart: I am here on behalf of the Hastings Alliance for Affordable Taxes. We are the group that has put the signs up that is causing this discussion. We are interested in self-regulating and are willing to take down the sign near the train station across from Maud's. The sign is already down for one reason or another across from the service station at Amjo's on Farragut. Our expectation would be that at some point we would put it back up again. We might take them down again, and they might be in different locations.

The messages have changed and will change. We are willing to be accommodating in that regard. From our standpoint there is not need at this point for the discussion. The sign will be down tomorrow if the person is able to take it down tomorrow morning. He was not able to take it down this evening. But he is the person who put it up and knows best how to take it down. If it does not come down, it will be because he has a problem doing it, but the intent would be to remove it.

I want to comment on the discussion that has gone on here from the standpoint of a former journalist who has written for some major publications and as an attorney, although I am not currently practicing, and as a public relations consultant who has worked for some major companies and community groups in the area of free speech. I hear you say that you are not interested in regulating content, but at the same time I hear you saying that something in the way of a firemen's sign is OK and something that is political discussion, well, I heard one person say it, Peter. That is what I heard.

Mayor Swiderski: No. What I said was we...

Mr. Bogart: I am not referring to you. I am saying another person. I heard that. All of a sudden we are starting to say that something that has one content is o.k. and something else is not. You have to be very careful. When you talk about intrusiveness, I use a different phrase. I use effectiveness, not intrusiveness. A sign that is the size that we have is effective because it can be seen by passing cars, whereas the small signs that you see are not effective and, as a result, are not intrusive because people do not see them and pass by them. I came across a good quote about the type of speech that is protected by the First Amendment: that is the type of speech that you do not like, because no one wants to ban any other type of speech. My opinion is that is what we are facing here.

But to come back to where I started, we are interested in self-regulating. We are willing to take the sign down, and at some point we will put it back up. There is an election coming up. It is about six weeks away. Assuming we do not have a contingency budget or have to put it back up for another vote, then the likelihood that those signs will still be up in this Village is probably pretty small, at least until another year from now. You have got other things to do that are more important. You have got a budget to pass. You have got to figure out better ways to improve the tax base in this community. You have to deal with a lot of other things. This should be a minor item on your agenda.

Trustee Walker: I certainly did not mean to discriminate among signs, and I understand the First Amendment situation here. I am not opposed to the content on those signs at all. I think you would find that there are a lot of people in this Village who are favorably disposed

to the sentiment on the sign, but they do not like the signs. At least this is what I have heard from folks. I have heard a lot of comments about the signs. We could pick a few vital locations where signs could be seen by quite a few people, and allow the sign to be fairly large at those locations, because they are not going to present a safety hazard and because they have been traditionally used for large signs, like the firemen's carnival signs. Having one that has to do with a political comment or any kind exercise of free speech, I would not have a problem with. The problem to me is having them popping up all over the place. Let us find a place. I think Bruce brought it up at the meeting when we were talking about it, too. Let us have a Hyde Park corner, where we can exercise our free speech and where we do not mind having signs, and then let us control them in other places where they may become just clutter. I am speaking, too, as an architect and an urban designer. Visual clutter starts to bother me. It is an aesthetic.

Mr. Bogart: Do you think that the two signs that we have up now are obstructing drivers? I do not think they are. I do not think they are in locations where that occurs. We have looked at that. So I do not think that is an issue, at least with these particular signs.

Trustee Walker: And yours may not, but others may and they may start popping up on the medians all over the place.

Mr. Bogart: They may, but so far they have not. It reminds me of when the Planning Board wanted to reduce the size of fencing in front yards in Hastings. I asked: I guess you have gotten a lot of complaints from people. And they said no. I said then why do you want to regulate it?

Mayor Swiderski: We have gotten a lot of complaints.

Mr. Bogart: You have gotten some complaints, but not about the issue of blocking drivers' visibility.

Mayor Swiderski: And the police did sign off on the visibility issue.

Mr. Bogart: As a public relations consultant I would not want a Hyde Park. Hyde Park is where people do not go. I want to be visible. I want to be in a place that is a new place because everyone drives past the old place and looks the other way. There needs to be a freshness to it. It needs to call the attention of the public to itself. That is what free speech is partly about: the ability to communicate with an audience, and not to be set aside somewhere.

Vanessa Merton, 111 Pinecrest Drive: I do not want to repeat anything that Jeff said, and I also want to make clear I am speaking just as myself, a citizen. I am really concerned. As a citizen of Hastings, the notion of the public square is a really important one. One thing that you have not considered is this. Lots of people do not have the money and the wherewithal for email, for Web sites, for takeout ads in the newspaper, to do all of those things. A sign is a very simple, cheap, inexpensive way that a person without a lot of resources can communicate that person's concerns.

In terms of the particular signs and your concern, Peter, about the community reaction to them, I am sure I could come up with 200 people who would say they love the signs, they think the signs are great. That, surely, is not going to be the basis for deciding what you are going to spend your time on, as Jeff pointed out. I do not think Hastings suffers from an excess of public discourse and political analysis and discussion, sadly. There should be much more knowledgeable participation on the issues of the day. I do not think you should be in the business of trying to discourage that at all. Maybe I would have more of a problem with the big festival signs. But when people are trying to communicate about issues that really matter in our day-to-day lives you should be supporting that and facilitating that, and not trying to inhibit it or regulate it unless it blocks traffic or puts people at risk or something that is problematic. We are obviously not talking about obscenity or pornography or matters that are way outside the purview of the First Amendment.

The vandalism I think is reprehensible and I would love to see a condemnation of that from this Board, the tearing down of a sign for no other reason than objecting to its content. That is very sad, and there should be a rule or a law or something about that which, apparently, we do not have. I think it is problematic for you, Bruce, to suggest that the vandalism then becomes the pretext and the reason requiring regulation of the signs. One of the bedrock premises, which I am sure you know, of First Amendment law is that you do not say if the person says something that some other bozo finds offensive, and then decides to deck him, we do not go after the person who made the statement. We go after the bozo. So let us be careful not to think about that as a rationale for venturing into this very problematic area. I am sure there are many, many communities that have signage rules and laws. We did. That was taken out of the code?

Mayor Swiderski: We just took it out of the code.

Ms. Merton: Well, we had. It was brilliant in its simplicity. It said the Mayor decides which signs are acceptable. I thought that had a certain merit to it. Simplicity, ease of clarity, whatever, and responsibility, accountability. But if you are not going to go that route, we are talking about getting into a very high-maintenance area. I wish we had millions of people from Hastings out here putting up signs on every corner and every median, just

communicating like mad. But it is not happening. I do not think it is something for you to get into trying to deal with, with all the other pressing issues that are on your plates.

When I was listening to this discussion a thought came through that I have not heard in years but came back to me. Oh, God, I said, they are going to say this is un-Hastingslike. I do not want to hear that. Just for historical background, Peter, when I was a kid growing up here there were plenty of signs that were much bigger and uglier and cruder all over the place. So that is part of Hastings history, as well.

Mayor Swiderski: But we did not say that. I did chew up more time than I had hoped with my hand grenade. Bruce, I apologize. I am going to ask you whether you want to speak. I would like you to, but if you feel we blew the moment by talking until 10:15 you can say so and we can reschedule this for the next meeting.

Trustee Jennings: No, I would like to go forward, if I may.

Village Clerk Maggiotto: Do you think you would like to announce the election results before the hour gets too late?

30:10 CERTIFICATION OF ELECTION RESULTS

Mayor Swiderski: The official election results for March 16, 2010 Trustee election. We have two winners: Jeremiah Quinlan with a machine vote of 248 and absentee vote of nine and a grand total of 257; and Trustee Armacost with a machine vote of 256, absentee vote of nine, and a grand total of 265. We have one write-in vote for Brian Healy, and one write-in vote for John Gonder. We had 270 people, in total, vote on machine and nine in absentee out of a total registered base of 5,305, for a less than spectacular, but probably understandable, percentage vote rate of 5.26 percent.

Trustee Quinlan: Since we were talking about signs, I would like to say that it appears that Hastings has very good taste in the fact that Trustee Armacost got more votes than I did, which she certainly deserves. So I would not worry about the content of our signs or things like that. It just shows what good taste Hastings has with those numbers.

Trustee Armacost: Congratulations, Jerry. An excellent choice in choosing you.

Trustee Quinlan: Cheers.

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 hereby accept the Election Results and that Nicola Armacost and Jeremiah Quinlan are declared Trustees for a term of two (2) official years each.

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	

BOARD DISCUSSION AND COMMENTS (continued)

2. Sustainability Action Plan

Trustee Jennings:

For the past year I have been working on the sustainability policy issues here in the Village, first in setting general objectives right after I was elected, and then in developing a more detailed sustainability agenda. Beginning last fall, it occurred to me that this agenda was too vague and that something more specific and directed was needed to coordinate many of the separate ideas and initiatives that we are developing.

There are many such ideas and initiatives. One focal point of ideas has been the section of the Comprehensive Plan having to do with sustainability issues and with work of the Comprehensive Plan Committee thereon. Another focal point of activity has been the Conservation Commission which, with a new chair and some new members, has ongoing work such as participation in the ICLEI process, and is going to undertake new work such as a waste management initiative. In addition, the renewed attention to the LWRP and the process to submit it to the state has a bearing on the sustainability area.

Finally, since the Board of Trustees charged them with the task, the Planning Board has been looking into approaches to make the building code adhere to more sustainable standards. So there is a lot of activity in Hastings. I am very encouraged by this. I believe that in the past year we have gone from being a village where there was not that much active discussion or momentum on some of these issues to a state today where we are joining many other villages and towns in Westchester County in being quite cognizant, quite attentive, and quite

intentional and active on these issues in our village. I am glad that Hastings is joining other villages in this, and moving in this direction. Consequently, and I apologize to the public because this document has been given for the Boardmembers for discussion tonight but not generally given yet to the public, what I am presenting tonight moves beyond a sustainability agenda that was developed earlier to a sustainability action plan. It takes specific action items under each major sustainability goal that we have already talked about in Board meetings, and specifies a time frame for implementation of the action and what individuals or groups are responsible, or key players, in moving this action item forward.

When I use the word "plan," that is what I mean. We are getting down to the level of being specific about when we are going to do something and who is going to be doing it. Until you get to that level of specificity you often have some nice goals on a piece of paper, but you do not necessarily have a concerted way of moving from the piece of paper to actual activities in the Village.

The sustainability action plan covers five basic areas: energy and climate change adaptation and mitigation; transportation; waste management; stormwater management; and biodiversity conservation. We are talking about things the Village and our citizens can do in those areas in terms of our practices and our behaviors in Hastings.

An action plan of this kind I see as having certain functions. First of all, it is not a static document. This is not a law or an ordinance that we are talking about here. Right now, in its current form, it is not complete, it is not meant to be complete. It is meant to be a dynamic document, a kind of management tool or work plan that will be added to and modified.

Secondly, it is primarily a tool to help coordinate the activities and energies of many individuals and groups. It is an overview that allows everybody working on some facet of sustainability in the Village to connect the dots and to see the relationship between what they are doing and what others are doing. Finally, it is a clear statement that we are serious about sustainability in Hastings, we have clear objectives, and we embrace as a matter of public policy those objectives. We have specific changes and activities that we propose to initiate within the next 12 months. We are going to monitor and evaluate our progress, and be open and accountable to the public about this.

In preparing this, I have consulted widely with stakeholder groups and individuals, with members of the Conservation Commission, the Planning Board, citizens groups, the Comprehensive Plan Committee, and Village staff. I thank all of them for their comments and for their assistance in putting these ideas together. This thing is not my document. This is a document that reflects a lot of combined thinking and conversation over the past year.

I have also attended a number of conferences on sustainability issues in an effort to educate myself and to network with those who are working on this in other towns and villages. I have received suggestions and input from many people, and have tried to incorporate their ideas and acknowledge everybody who has reviewed and commented on the draft so far.

It is my hope that I will get input now from my colleagues on the Board of Trustees, perhaps revise the document in light of their comments and improve it, and then eventually the Board will approve and support a sustainability action plan as a framework and a management tool for our various sustainability efforts over the next year and beyond. The storm messed up all the best laid plans of mice and men, so getting this a few days before the weekend you may not have had time to digest it. I certainly understand that. We can talk about it insofar as people are so inclined this evening. We can talk about it at a subsequent meeting, as far as I am concerned. I would be happy to make marginal comments and markups and do another draft, whatever is the pleasure of the Board.

Mayor Swiderski: Could I ask Kerry-Jane King, the head of the Conservation Commission, to speak to what you described and give us some feedback on where the committee stands?

Kerry-Jane King, Chairwoman, Conservation Commission: I speak for all members of the Conservation Commission when I say that we applaud the focus of the Board on the sustainability action plan and the elements of the plan that Bruce has developed. It is very comprehensive and gives us a framework to make our best contribution to the Village. Different members of the commission are focusing on different areas of the plan and working to coordinate with other boards and commissions to move the effort along. We are very excited about it. We see a lot of challenges and opportunities in this. I want to say thank you and we look forward to working with all of you on this effort. We have had individual discussions with different members of the Board, especially Bruce, on the plan and what sustainability is and where can go as a village, both in the short term and the long term. I am excited to be Chair. We have some new members and a very lively and enthusiastic board, and also volunteers now. So we are very excited.

Mayor Swiderski: It is easy to put other things in front of sustainability, whether it is the budget or the next fire truck or whatever it is that comes on our agenda. To a great degree it is the enthusiasm and insistence of our volunteers that will keep the agenda moving forward. And we rely on Bruce to push that agenda up here, as well.

Ms. King: There are great economic opportunities for residents within the sustainability initiative, so we will be exploring those. We will be working with you on the Web site to provide tips on opportunities for living more sustainably and more economically. It ties hand-in-hand with other priorities.

Mayor Swiderski: We have a new Web site and are relying on this committee to keep its content fresh and updated, and to create a terrific resource for the community to easily find the tools, the guides, the pointers to other Web sites where you can do everything from composting to figuring out if solar cells roofs make sense for you.

Patty, would you like to speak to the efforts underway on the Planning Board?

Planning Board Chairperson Speranza: Particularly as it relates to the sustainability plan and the comments that were just made by Kerry-Jane, one of the things I find is really going to be very helpful about the plan is that it is something concrete. It is a way for us to interact with other boards, and we have already started doing that, to move forward with greening the code and doing the analyses. One of the things that will be a focus of the Planning Board is this idea of developing a checklist for when someone comes in and wants to do something with a piece of property. What are the things that should be contained in the checklist with respect to stormwater runoff, with respect to the actual construction materials, and whether or not we decide LEED certification of Energy Star? Those are decisions that I feel much better about being able to make as part of the Planning Board with the assistance and the support of the Board of Trustees and the Conservation Commission and anybody else who is going to be involved. So this effort in trying to document those things we will be doing is really great.

Mayor Swiderski: I agree. What I like about the plan, having had the pleasure of working with Bruce on it, is that it puts a skin around it all instead of episodic efforts that try to dress it up. We are not leading edge on many things, sadly. But we can still be a model if we think coherently about the whole and still become that. Ideas come from all sorts of places. Tim has ideas around waste management. Elisa is relentless in her ideas on the topic, as well. That energy and the ability to begin to incorporate these ideas is part of what will make the next year exciting.

In terms of next steps, why do we not set a timetable by which people get comments to you from the Board and raise this at the next Board meeting. So if we could get comments, and go over it at that point and formally accept it, I do not think we should dawdle. Much in there has been discussed. What you are doing is setting dates around things and prioritizing and concretely stating what should happen when. I would rather get to it. So April 6. That would give two weeks for reading the document through and providing comments.

Trustee Walker: I am thrilled about this action plan. I think it is terrific. How have you interacted and coordinated with the Comprehensive Plan Committee on this?

Trustee Jennings: I have been talking with the members of the committee who are working on the sustainability section. The last time I saw the organization of the Comprehensive Plan, they had a particular section on this range of issues. So I have been in contact with them, sent them these documents to look at, and attended a public meeting they held several weeks ago which essentially was about that section of the plan. I did some writing and tried to help them insofar as I could draft some language for that section. Regardless of how they wordsmith it, I believe there will be no problem. Perhaps unlike the LWRP, there will be no problems in terms of the compatibility between the language and the positions they take and what is contained here.

They gave me a number of suggestions, which I incorporated into this document. So this document bears their imprint very strongly. I felt, in consultation with the Mayor, in terms of the Board of Trustees' discussion and work, my work on this should not wait for the Comprehensive Plan document to come out. We have plowed ahead, in part because some of the people in this room are not waiting and are acting already. And I have been running as fast as I could to keep ahead of them to get this framework out so that it could reflect and inform the work that is already going on and is being talked about at Planning Board meetings and Conservation Commission meetings. I think there will be an absolute seamless synergy with the Comprehensive Plan, and that will just reinforce what is emerging here, which is that from a lot of different quarters and with a lot of different voices the Village of Hastings is saying sustainability matters and we would like to be concrete and get something done.

Mayor Swiderski: We got numbers out of Westchester on how the various communities recycle. Speaking of competitive juices, we are not number one, we are not number two. I think we are now third in the county on recycling rates. That inspires me to increasing the recycling quantity in this Village because that riles me.

Ms. Zazzara: I am going to be the broken record that Fran hears all the time. The numbers from the county include lawn waste. It includes our grass and leaves that they pick up. So those numbers are skewed in terms of sustainability, i.e. if we have a fantastic backyard composting campaign...

Mayor Swiderski: That would hurt us.

Ms. Zazzara: Exactly. So not last year because I have not seen those numbers, but the previous year I think it was Somers had little asterisks. They were awful in recycling because they had a huge backyard composting campaign. I bring this up to caution with those numbers. They give us lots of them. We should look at them not just as they present them, but our curbside versus our other solid waste, et cetera.

3. Update on Deer

Mayor Swiderski: A meeting that was scheduled for today was canceled until tomorrow. But the permit is being cut. I am being informed of the expectations and parameters tomorrow morning in phone call with Kevin Clarke. I will have more for you at that point, but it is in line with what we have been looking for, which is bait, trap, and cull. A major component is the metrics we collect, both heading into the cull and coming out of it. It is being treated as an academic effort to verify, given our demographics, whether this particular option works. We are going to run a series of metrics around deer counts by people, species counts in the woods both plant life and birds, and a richer collection of data around the deer strikes that happen 15, 16 times a year between cars and deer, and then see in a year's time whether those numbers drop and in a year's time beyond that how much they stay dropped.

I have also met a newly-constituted committee in Dobbs Ferry that also includes members from Irvington that is addressing the deer issue. Arrangements I had had with the former mayor in Dobbs Ferry no longer stand. He had supported the effort. The new mayor is relying upon this committee to indicate how they want to go. I do not know if they will join our effort explicitly. The committee has a strong component of an idea called immunocontraception, which involves shooting the deer every couple of years to keep them birth controlled. It has never been done in an environment like ours, where the deer free-range. It has been on isolated on islands where the population is confined. It is not clear that the state would grant a permit, and I do not know if that opinion will prevail in that committee. The Humane Society is strongly behind that option, and is trying to raise money to help pay for it. It is no cheaper than a cull. It is possibly more because there is ongoing birth control maintenance. You have to hit the deer twice, once with a marker dye that indicates you just shot them with a contraceptive. It is experimental. The rest of the committee is less committed to that idea.

Mr. Gonder: The matrix, who is going to do it?

Mayor Swiderski: Ellen Gold is working out a final version and she will be in touch.

Mr. Downey: If they are going to be doing contraceptives next door in Dobbs Ferry, the way they migrate through Hillside along the Jackson Avenue corridor by CV, if we are going to be then killing deer, our requisite is going to be that they are used for consumption. Deer shed their coats twice a year.

Mayor Swiderski: I sent a letter to the DEC expressing concern about exactly that. What is the biological nature of this immunocontraception, and are we putting reuse of the meat at

risk by taking deer that have been shot? The proponents of this method claim it is a protein and cannot hurt you. I would want to hear that from the DEC that it would be safe. It is the first thing that concerned me. If there is any potential for mixing and matching two concepts right next door to each other, I think that is terrible. It diminishes the worthiness of each experiment. If they want to run that experiment, do it some distance away from something else, and I have expressed that.

Mr. Downey: The gentleman at Cornell said there is no way they can be consumed. I think it was 90 days. A clarification: you said they were going to accept baiting; originally they withdrew that.

Mayor Swiderski: Apparently, baiting is an intrinsic part of it. I will find out tomorrow if that is so.

4. Update on Waterfront

Trustee Quinlan: I do not believe I announced to the public about the consent decree. On March 4 Bill Ports and George Heitzman from the Department of Environmental Conservation informed me that on that day both ExxonMobil and Chevron, which is the responsible party for the Uhlich site, and a representative of the commissioner of the DEC, had signed the consent decree which legitimizes the ROD, the Record of Decision, that was issued in September of 2006. They were very excited about it and so was I because for the first time we have a chance, hopefully by the end of this year, to get a remediation of the southern 17 acres of the waterfront started. They have to do some of the design work but, luckily, they have done a lot of the predesign work with, at least, ExxonMobil. So there is a good chance before 2010 ends that we will get the beginning of a cleanup. We are going to follow that and push them. After they get some of the design work done they are going to have a public meeting in Hastings in the early fall to explain again what the record of decision was in September of 2006, and we will go from there. That is progress.

Trustee Walker: This includes all of the Tappan Terminal, not just a portion of it then.

Trustee Quinlan: Both Chevron and ExxonMobil are going to use the same company to do the cleanup; the nine acres that ExxonMobil owns, as opposed to seven or eight acres that Uhlich owns, will start first. ExxonMobil did a lot of the predesign work with the DEC; Chevron came on board later because they finally admitted they were the responsible party for the Uhlich site. So it will be in stages.

Mayor Swiderski: It is great news. Spade will hit the dirt possibly this year.

Trustee Quinlan: Yes. We could see some of the contaminated soil removed before the end of the year.

Mayor Swiderski: And much of this by barge, right?

Trustee Quinlan: I am hoping. It has been very hard to communicate with ExxonMobil. But I plan to push them in the same direction that we were successful in pushing BP/ARCO that most of it will be taken out by barge. They are still experimenting with the bacteria and the oxygen to try to eat away at the chlorobenzenes instead of air sparging them into carbons and taking them out.

Mr. Gonder: Why does it take Atlantic Richfield so long, then?

Mayor Swiderski: Way more complicated.

Trustee Quinlan: That is the answer. There are different pollutants, and there is the bulkhead, and the PCBs are very different than the chlorobenzenes. Not so much more dangerous, but much more mobile.

Mayor Swiderski: And the solution involves work offshore for the ARCO site, and that pulls in at least one other entity, specifically Fish & Wildlife.

Mr. Gonder: Phelps Dodge is doing it after spawning, and they had the PCBs. They made the same cables as Anaconda. Something is wrong that it is taking that long.

5. Update on Comprehensive Plan

Trustee Quinlan: We pretty much discussed the Comprehensive Plan earlier so I am going to leave that as my report.

6. Other

Mayor Swiderski: I want to mention the highly successful Friday Night Live. The street life was limited because it was miserable, but every event was packed. Everybody at these events absolutely loved it. It was joyful to see everybody clustered around an author reading their work or discussing it. It was just terrific and just a pleasure so see. Thank you to you and all the volunteers. You knocked yourselves out. It is really wonderful.

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Trustee Walker: The next one is not going to be on April 2 because that is Good Friday; it will be April 9. We are lining up artists and plugging them into restaurants and shops and, hopefully, empty storefront windows as well.

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:50 p.m.