

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 15, 2010

A Regular Meeting was held by the Board of Trustees on Tuesday, June 15, 2010 at 7:36p.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: Twenty-eight (28).

ADMINISTRATION OF OATH OF OFFICE

Mayor Swiderski: One of the privileges and graces of office is to administer the oath of office. This is long-deserved. I think you are going to be fabulous. It is a pleasure to call you "sergeant."

Mayor Swiderski administered the oath of office to Sergeant Anthony Gentile.

Mayor Swiderski administered the oath of office to Police Officer Justin Bottiglieri.

Mayor Swiderski: That is a real pleasure. We have an absolutely outstanding police department and, like wine, seasons and gets better with age. I look forward to working with you. Congratulations again, and welcome aboard. I hope you enjoy, learn and prosper from the experience.

DISCUSSION - Amendment to Chapter 191 Noise - Music in Restaurants

[Trustee Quinlan leaves the dais.]

Mayor Swiderski: Last week I had a discussion with the Chief that I thought was very good, and provided some perspective on the amendments to the chapter on noise. Chief, I have not shared that discussion with the Board. I felt I benefited from it hearing it from your lips, and I asked the Chief to come before us and speak to the topic of the proposed amendment on noise since we will all, hopefully, benefit from the thoughts and wisdom in it.

Trustee Walker: Noise complaints are not unique to this year or to this situation. To date we have had 73 noise complaints. That is the total of every different kind of a noise complaint. In 2009 we had 146. In the last nine years, which is when we were computerized and I could check, we have had 1,525 noise complaints.

The second page is a chart I made at the Manager's request with specific criteria: calls to the desk for the last three years regarding music complaints from establishments after midnight. The next page addresses any other noise complaint regarding an establishment for this year only. The number of 2010 noise complaints for regular noise is much larger than for music noise. I would submit that our issue is not that music in bars and restaurants is a huge problem or that the law needs to be changed. The issue is more people coming and going from these places. If you live above, and it is 3:30 in the morning and somebody goes into the 24-hour deli and slams their door and talks to their friend and goes in and comes out, that is going to wake you up. That is this type of call.

Since the Health Department passed a law banning smoking in a bar or a restaurant, many of these calls are because of people smoking outside. If two people are talking and it is 2 o'clock in the morning it is going to be loud. Most of these complaints are that type. That seems to be a greater problem and one which I do not think can be addressed. Nor am I in favor of decibel meters. Most times I am only going to have two guys on the road. To take the time to train all my officers on a decibel meter, to calibrate it, to make sure that it is in the cars that are going out on that tour, and then to deal with it: it would not be just music in bars. It would be 1,525 times. I do not think we would get it accomplished. If you hire a code enforcement officer and that would be strictly his job, I might be in favor. But for our officers, I think it is unwieldy.

What we have done, which has worked for the 26 years that I am here, if we get a complaint we go to the bar or the restaurant or the store or the group of people and advise them of the complaint. We have never had issues where somebody did not comply. We have mostly cooperative merchants, customers and residents. But there are frustrated residents. The success of attracting people downtown and opening up new restaurants and cafés and having tables outside is probably a new experience for them, and it is one in May, June, July, and August that is going to prompt calls. The last page has the two sections that deal with noise. I would certainly not be in favor of changing the hours in the first section to past midnight because it accomplishes little; that would be superseded by the second section, which would mean at 9 or 10 o'clock if the noise was excessive. If on the other hand, the law said 2 o'clock in the morning, if the law is excessive and somebody is complaining we are going to go respond there and judge it for ourselves. There have been cases where the officers were called on a noise complaint at 5 or 6 in the afternoon. They use their judgment, based on the time, the day of the week, and what the noise was. If it is not disturbing, they tell the caller you are going to have to cooperate with us a little. Most people, when they have private functions and they tell us that these are going on, we make sure that they tell every neighbor and invite every neighbor to it. This way, even if you do not intend to go, you will not complain because you were invited.

With the new experience of all the shops and stores that have tables on Main Street, I would like to see how this summer goes to see how many complaints we get. I would recommend that we continue the policy that we have. We do not issue summonses for this. We advise. Of the 1,525 that I looked at there was only one time when somebody did not cooperate initially; it took a second visit. And that was not a bar or a restaurant.

In the case that prompted all my calls from the last six weeks, we received a complaint in advance that there was a problem in one of the restaurants. It was treated as every quality of life complaint would be treated. If somebody came and told me there were speeding cars on Overlook Road at 10 a.m. I would not make them call when they saw the car go by. We would try to have somebody up there, or try to head it off in advance. If Ray Gomes tells me that Zinsser park is getting a lot of vandalism on a Friday night, I do not make him call me. When people are up there, we try to head it off before it happens. We even make announcements at school that we will be in Zinsser Park or Reynolds Field or the Burke Estate, much as we did here. You try to give people as much notice because the object of a law is to ensure voluntary compliance. It is not to write summonses and collect fines. If you can meet with people first, that is what you try to do. That is what we did here.

Mayor Swiderski: So the long and the short of your sentiment on a change to the law is hold off this summer, see how the downtown residents handle the higher activity that comes from more places open, see what your department feels about it toward the end of the summer, and perhaps we revisit it in the fall if we think it is worth revisiting.

Police Chief Bloomer: Correct. Attorney Stecich and I looked at wording that might morph these two laws into one because there is no need for two of them. The wording that Marianne came up with is satisfactory to me. Having said that, I have no problem with waiting to see. The Manager and I met with a couple of the business owners this week. They promised to be very cooperative. They gave us positive vibes, and told us that they would do whatever they could. If you live above it that is probably not the answer that you are 100 percent looking for. But we will work on it.

Mayor Swiderski: Part of the conflict is that of the resident and a commercial establishment in a village that, in some ways, is coming to life. As the Village changes its character somewhat, people who were used to things a certain way are going to react differently. That is understandable. So how do you address that? If somebody complains repeatedly about casual noise for a restaurant, are your officers making a determination on the grounds that this is reasonable, and moving on?

Police Chief Bloomer: No. It would not matter if somebody called 30 times or no times. Every call is treated the same way, based on my manpower and the other things they are

doing. Saturday night happens to be probably our busiest night. We received a letter complaining that we took a long time to respond to one of these. It was a night that there were two burglaries. Guys were tied up for several hours, and the desk officer in an attempt to appease everybody called the restaurant and said we are getting complaints, can you either close the door or bring people in or lower the music. Having said that, every time somebody calls it is treated as a new call. The officers go and make a determination. This is about noise, but they make judgments all day every day. That is what they are paid the big bucks for. I have perfect confidence. Again, I am here 26 years. That is how it has been done. It has not been an issue until here, and it became more of an issue because it got here.

Trustee Walker: So the majority of calls over the last nine years have been not so much music, but loud persons, disorderly youths, that sort of thing. That would be, by far, the majority of the calls.

Police Chief Bloomer: Clearly.

Trustee Walker: Since the Roadhouse has been playing more music, has there been a big increase in calls in music in the last couple of years? Does this represent, 2008 to 2010, more calls about music than you would have received previously?

Police Chief Bloomer: I did not go back to 2007 so I cannot tell you that, but I think it is pretty consistent.

Trustee Walker: But still, by and large, it is the other complaints.

Mayor Swiderski: Which your decibel meter would never fix.

Police Chief Bloomer: No, which will never help.

Trustee Walker: Right. How can you use a decibel meter to calm unruly youths?

Police Chief Bloomer: Right. And even conversations. If we were all having a conversation in front of a bar, and the police car rolled up, I can guarantee you the conversation would stop and it would be very quiet. Even if we were doing nothing wrong, it would be very quiet.

Trustee Walker: Now that we have made it clear that we do not want to make it illegal to have music after midnight but would like it to be quieter, are we seeing that happening? I see a recent complaint, June 11, River Roadhouse 2 a.m. live music.

Police Chief Bloomer: I listed it as loud music because that is what it is listed in the blotter. However, I listened to the tape, and it is more loud people outside. I do not know that there is an answer to that. The answer is going to be October, November, December, when people start going inside. It is not just there. It is the deli, people coming in and out, 24 hours, seven days a week. Several of these calls are from there. It is employees sometimes leaving and hanging out in Boulanger Plaza at the bench.

Trustee Walker: Right. And that is pretty difficult to control.

Police Chief Bloomer: Correct. There is nothing wrong with that. You can sit on that bench until 4 o'clock in the morning if you are not unruly. Again, most times people are reasonable. You approach them, guys, we got a complaint. Nobody is really looking for the police to spend a lot of time with you on a Saturday night.

Trustee Armacost: What you presented is very helpful, and I think it is a sensible choice to see what happens through the summer. I am in violent agreement about not using the decibel. This law has served us fairly well for the last however many years, 70 years perhaps. You are saying what I have been saying for awhile: if people are civil with one another you can resolve a lot of these issues fairly amicably and it is unnecessary to bring the full force of the law in and create these complications. I am grateful that you have come in and presented this data. It is quite helpful to us.

Police Chief Bloomer: This is not a unique problem here. I had lunch with the chief from Dobbs Ferry last week. They have the same issue. She just brought all of her merchants in for a meeting. What they did a couple years ago was, in response to continued complaints and continued unruliness, they have a lot more bars than we do, they had a police car on overtime every night from 10 p.m. 'til 3 a.m. in the downtown going back and forth on foot with all the establishments. It quieted things down, and then they took it away. They have now offered to put it back if things do not improve. Dobbs Ferry does not use a decibel meter, Irvington does not use a decibel meter. Neither village has an ordinance specific to music in bars. They just have noise ordinances like the second one that we have.

Mayor Swiderski: So to clarify your recommendation, are you saying that the first one, the noise ordinance that specifies time, et cetera, should be struck or left in place?

Police Chief Bloomer: My opinion is to leave it as it is until the end of the summer. At the end of the summer if we did nothing else we could take that out, and then add to the second one. Marianne has some wording that I think is appropriate for the second one to make it a little stronger and eliminate the first one. I do not see the purpose to it because extending it, or even shortening it, does nothing. The second law would supersede it anyway.

Trustee Jennings: I am very happy to avoid going down the road that we have been discussing for the last couple of meetings because it is adding huge complexity. And if it ain't broke don't fix it. That is what I hear you saying. I do not want to put the officers in an untenable situation. You are telling us that they have to make judgments all the time, and I understand that that is part of being a police officer. So point well-taken. When it comes to music coming from within an establishment, are the officers, in these few cases that we have, in fact making a judgment? Do they sometimes tell the complaining party this really is not disturbing, just go home? Or is it always resolved by the business establishment changing its behavior and making the accommodation?

Police Chief Bloomer: In all of these examples it was always accomplished by having the business lower their music or turn it off. As I said, there have been other calls, at 5 o'clock, 6 o'clock, 7 o'clock, 8 o'clock where there were noise complaints where the officers responded, did not find it unreasonable, and told the complainant live with it, this is not unreasonable and they do not have to change it. If somebody gets to the point where they call at 1 or 2 o'clock in the morning on music – the residents are very reasonable, as well, not just businesspeople, so they do not just wait until 12:01, hear one chord of a guitar, and call. Again, it is not that many over three years. So for them to get to that point, I think it is pretty loud. I think they have earned their call.

David Skolnik, 47 Hillside Avenue: It sounds like you are giving yourselves a trial period and not about to make a significant change. Am I right?

Mayor Swiderski: We have not had a formal Board discussion, but I would be surprised if that was not our judgment.

Mr. Skolnik: There were a couple of things I felt uncomfortable about at the last meeting and it was already late into the meeting so I did not say anything. But I was wondering whether it is something that should just be forgotten, or whether it could use a slight bit of addressing. One question was, what are the exact obligation of the Board members in recusing themselves. This was directed mostly to Marianne because there seemed to be some question as to the appropriateness. It was raised at the last meeting with some degree of accusation. You were there at the meeting, right?

Village Attorney Stecich: I was there. I do not know what your question is.

Mr. Skolnik: Whether you can simply clarify what the obligation of a Board member would be, and extending to his family or her family, in dealing in a situation such as this. There

was an accusation that we were here because of undue pressure by a Board member exerted on the Board.

Village Attorney Stecich: I heard the question. I did not think the issue was a fair issue. I did not think there was any problem with a person speaking. If you are talking about because she was a Trustee's wife, she is entitled to speak.

Mr. Skolnik: No, you are misunderstanding my position. I am not bringing that into question at all.

Village Attorney Stecich: That was the only question I remember. There is nothing more to say on it.

Mr. Skolnik: I was uncomfortable because there was no response. That there was something inappropriate about the Trustees behaviors I did not feel, and that there was undue pressure brought upon the Board because it involved a Trustee, which I also did not feel was appropriate. So it is gone, it is past. If it had been earlier in the meeting I would have risen to object to that characterization. But I am y happy, having already said it, to forget it.

At this point I would ask that you use the time if there is going to be an experimental period. You may have dodged a bullet at the moment, but there are fundamental issues that are not going to go away using a law that is 70 years old. Going forward, when we have issues about expanding mixed-use, there are going to be some. And if we are successful and there are more businesses along these lines, you are going to have to come up with not restrictions, but a concept that addresses the needs of both commercial establishments and the people that live downtown who should not be penalized because they choose to live there. I do not think the comparison made in the past about living near an airport is quite parallel in this situation. I do not think it is the same situation. So I am encouraging you to find some way to, on your own time, keep thinking about where this has to go.

Pat Fusco, Main Street: I live over Slices. We had a new coffee shop open up downstairs; coffee shop, quote, unquote. Friday night I had a DJ under my bedroom window. Saturday I had a piano player, who was half dead, on the street. Sunday, the owner was out on the street singing. This is unfair and unnecessary. A coffee shop does not need live music. There are supposedly two owners. I have heard there are three owners, and I do not know who the owner is yet. I do not want to throw names at you because we are not going to get into throwing rocks at each other. But I would like to have something done about it. David is aware of what has been going on because I have gone to him, and I have also spoken to the Village Manager. You also both have a piece of paper, like I have in front of me, of people who have signed about the noise, the kids ripping up the Village. It is a mess, people

dumping things in the Village. I have a picture here of a TV that was just dumped into one of the garbage cans. And the coffee shop now has taken over part of the sidewalk, which they are not supposed to. Originally there was a marking that had a fence like that. Now they were allowed to come this far back. The new owner of the coffee shop is avoiding all of what was done. The neighbors do not usually complain. The other stores close their doors. I do not even hear Bill from the Roadhouse, and I am on Main Street. I do not hear them unless they are going out to smoke. These guys are all underneath me, and I do not feel it is fair. I am paying rent there, and they are not going to come in and take over. If I have to go further with them I will. I am coming to you because it is easier. But if I have to get uppity I will do that because I am not dealing with it.

I am very sick, and I have paperwork if you want to see that. I cannot stand stress. I called Isaac. I asked him to please ask the guy in the coffee shop to please lower his music. He turned it up. So then I call the police. I have called the police Friday, Saturday, and Sunday. The minute they arrive, they turn it down. For the rest of the year I have to call the police to have them come? It is not fair. I have lived there 30 years, I have been in Hastings 65. I have seen a great change. I see it getting worse. I am sorry to have to say this. Bruce Jennings has been in Hastings a long time, so he knows because I went to school with him if he remembers. So Bruce and I went to school, so we see a big change. I never complain, but I have had it up to here. I am sick, and they are not going to kill me. So I would appreciate it if you would consider keeping it 10 o'clock, but making him keep the music off the street and keep it in his coffee shop. If he has no room there, take it next door to Isaac's, who is his partner allegedly.

John Neidheart, 1116 Warburton Avenue: I want to thank the police Chief for a great presentation. It was extremely reasonable, and mirrors the experience I have had as both a patron and a performer at the River Roadhouse, and as a resident of 17 Main Street directly above Rainwater Grill. I agree that sometimes late at night it gets loud because of people smoking, kids in the parking lot at Boulanger. But the problem on the street and in adjoining buildings has not been the music inside the establishments that people are reacting to here. I applaud your decisions to let us see what happens over the summer.

Peter Shafran, Riverspirit Music: I started a new venue this year called Riverspirit Music. I have brought music to Hastings Station Café and, most recently last week, to Rainwater Grill. I have seen Hastings grow in the last couple of years with the institution of Friday Night Live, with the introduction of Toast downtown, with the music being produced at Riverrun, with Common Ground Coffee House bringing music to the downtown series as part of the Friday Night Live and now with the introduction of music both from my efforts and the efforts of the owners of Rainwater Grill. I see a wonderful opportunity happening in Hastings. My vision is to make Hastings a gem of a music venue for Westchester County.

The Chamber of Commerce and the Village Trustees and the people of Hastings are looking towards a future to bring people downtown to shop and experience the wonderful things in Hastings, all the artsy people contributing to Friday Night Live, to the people who contribute to this area's rich culture of music in jazz, classical, rock, folk, and blues. I see the changes that have occurred in the last couple of years as nothing short of marvelous and miraculous. This is the path we need to go to improve life in town. While I understand that some few residents have voiced concerns, those concerns are outweighed by the huge benefit this community gets from its music and from its offerings.

In most towns that have music or noise ordinances, they usually run until closing time at the bars which is usually around 2 o'clock in the morning. For a restaurant like Rainwater Grill, which serves dinners until about 10 o'clock, to have a band starting at 10 or 10:30 and ending at 12 o'clock is not conducive to bringing good national and regional acts to Hastings. We have done it through Common Ground Coffee House, with which I am associated. This is where we want to go. This is where the people of Hastings are putting their voices to promoting these establishments, to patronizing these establishments, and to encouraging their growth and continuity. I hope the Board takes that into consideration, and frames the ordinance so as to allow live music in Hastings past midnight to at least 1 or 2 o'clock in the morning, to allow us to have musical acts of nationally-known and regionally-known performers play here. On Friday night the music that was heard on Main Street was part of Friday Night Live. I was there until the end of Friday Night Live, and the music ended a short bit after that. I think the real question is, what happens after midnight going forward? I appreciate the Board taking into consideration that when we do the riverfront project that that is part of the consideration for future music venues. Thank you.

Mayor Swiderski: I see you brought a sound meter for us in case we move forward.

Village Manager Frobel: I did, I brought a decibel meter. It is one of our employee's. The Village, in fact, does not even own one.

Trustee Walker: Can we produce enough noise to register on it tonight?

Village Manager Frobel: You can. A normal conversation spikes right at 60. It is the sustained noise that is the annoying noise. But as mentioned, a conversation at 2 in the morning between two people will read high, but it will keep jumping because it is not a constant 60. You obviously pause in a conversation.

Mayor Swiderski: Well, the law does not specify no music after midnight, right?

Trustee Armacost: It does not specify. It is triggered by a complaint. We need to remember that.

Village Attorney Stecich: The problem is, the way that one section is written is pretty confusing, the one that is under noise.

Trustee Armacost: It can be tightened up, but the intention appears to be that it is triggered by a complaint.

Village Attorney Stecich: So the time should be irrelevant. That is what the Chief was saying: under the code, anything that disturbs the repose of anybody, under the other section, is a violation of the other noise ordinance, irrespective of the time.

Trustee Jennings: But with the understanding that the party complaining does not get to define what disturbs the repose.

Village Attorney Stecich: No, the police officer does.

Trustee Jennings: But that is not clear from this wording and it is not entirely clear from a lot of our conversation. That is why we want to avoid the arbitrariness of that. I do not feel that that is fair somehow.

[Trustee Quinlan returns to dais]

APPROVAL OF MINUTES

Trustee Armacost: My name is spelled wrong in the Public Hearing minutes.

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Public Hearing of June 10, 2010 were approved as amended.

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of June 10, 2010 were approved as presented.

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Executive Session of June 1, 2010 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 1-2010-11 \$ 5,714.42
Multi-Fund No. 2-2010-11 \$54,525.04

PUBLIC COMMENTS

John Gonder, 153 James Street: James Street, next to Pulvers Woods, where the storm drain running through the woods is still leaking and nothing is being done about it and I hope something will be done shortly. But I am not here to talk about that.

I want to thank the Mayor and Deputy Manager for sending me a copy of the ethics code. I ask for a little extra time tonight because the last meeting was long with Verizon and I had nothing to say. I read the code a dozen times or more, studying every word. You are right, Mr. Mayor, the Board and you have not done anything wrong as the ethics code is written. I agree with you. However, it is not written too good. It is 16 years old and needs revisions. I know you revised it in regard to the judge and a few minor things. It starts off with one sentence: "To establish high standards of ethical conduct for officers and employees of the Village." High standards. Villard hill on the top is almost as high as Bear Mountain, and then you go up to different mountains in Vermont, and then you go to Mount Everest, the highest meeting. What you have there is something high, and I think your ethics should be the highest. I want a highest standard. Ethics is right from wrong. There may be 100,000 different definitions, but it is right from wrong. You just have to add a couple of sentences: Any citizen, voter, taxpayer 18 years old may request the ethics board to review and ethics question brought to their attention; the ethics board has 60 days to meet and make a final determination on the ethics question; their decision will be final, and the Village Board and Managers will obey their decision. A lot of Trustees do not like that. They always want to have the last say. But you have a judge and four other members. It would be a good policy.

Then you could have one other sentence: Any commercial entity or corporation, company, either domestic or international, that has an environmental cleanup going on must not give the Village any money, vehicles, gifts of any value to the Village until the environmental cleanup is completed, as determined by either the EPA, DEC, DEP, or whatever government agency is involved in the cleanup; once the government agency involved determines the environmental cleanup is complete to their agency standards and meets their cleanup

requirements, the commercial entity or company or corporation then can give gifts to the Village.

When you accept gifts from someone that you are trying to get cleaned up, 28 acres, and it has taken so long, it is a disgrace, and I do not think you should accept any money from them. In the meantime, until you revise the code maybe any money given to the Village by Sontchi of Atlantic Richfield you will send to the people who have lost their livelihoods in Texas, Louisiana, Mississippi, Alabama, and Florida due to BP/Atlantic Richfield, which is part of the bad decisions that they made.

53:10 NYS SNOW AND ICE AGREEMENT AMENDMENT

Village Manager Frobel: We go into the winter with an estimate as to what we expect the New York DOT will reimburse us for snow and ice removal along that portion of Broadway. After the actual winter experience that has now been adjusted by \$4,304 additional that we will receive.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign Amendment B to change the estimated expenditure for the New York State Snow and Ice Agreement 2009-10 snow season from \$8,608.00 to \$12,912.00.

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

54:10 SUMMER MEETING SCHEDULE

[Discussion of dates]

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 hereby schedule the following Regular Meeting dates:

July 6
July 20 Work Session
August 12 and 24

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: We intend to join with neighboring communities in the seeking of competitive bids for road resurfacing. We did last year, and did very well. We were able because of our size to attract upwards of four bidders. If everything moves according to plan, this will be at the August 12 meeting for award. Ardsley is taking the lead in preparing the specs. The roads are the entire length of Pinecrest Drive from the entrance off Broadway all the way to Warburton; Hamilton Avenue which was on our list last year but we had to drop it as we got tighter on our budget; Merrill Street; and Fairmont from Lincoln Avenue to Stanley. In our specs this year is I want to get linear footage prices for curb repair. The Board has, over time, been hit with many homeowners that are disappointed with the way the asphalt curb has held up or the way the concrete has been damaged over time. So we are going to see if we can get a bidder to give us a price and do some of those spots. I cannot tell you with certainty where those are. But they will be diverse locations throughout the community.

Trustee Armacost: So what are going to do about the other roads?

Village Manager Frobel: We will be out all day tomorrow filling potholes. Weather has worked against us a little. Our summer help has started. We have got two college-age people working for us now, so we are getting some relief there. But we will continue to fill potholes routinely.

Trustee Armacost: Is the idea that the potholes are supposed to be filled so the road is flat, or is it supposed to be bumpy? I drive up Mt. Hope and there are these bumps, and I cannot tell if I am being picky because I think they should be flat, or is that how you fill potholes?

Village Manager Frobel: Well, you like to get as level as you can, but it will never be smooth comparable to what it was when it was first built. It will never reach that point.

Trustee Armacost: No, but there should not be mounds. You should be going over a little bump each time.

Village Manager Frobel: No, it should be better than that. We tap it down. The proper way to do it would be to have a small roller and physically roll the thing after they fill it. We do not do that because we do not have a roller..

Mayor Swiderski: Does one of the surrounding villages have anything like that?

Village Manager Frobel: I am sure they do. It is a very common piece of equipment.

Trustee Armacost: Can we borrow it?

Village Manager Frobel: I can look into that. But it should be smoother than it sounds like you are describing it. Let me spot check.

Trustee Armacost: You have seen it, Peter. You drive up that street all the time. It just is a bit annoying because it is the street I drive up all the time. So I think to myself, this does not make me feel fabulously proud the way it was done.

Village Manager Frobel: No. And what happened is, some of the holes that we filled with cold patch over the winter or early spring are now popping out. We have got problems on Cliff Street. I was out there today again. So we are going to be continuing to work filling potholes, but this is a separate program. Mike would like, some day, to see our entire road resurfacing program to be under contract just to fill potholes. They would saw-cut some of the bad sections and do a proper patch. You think with road resurfacing you get more work done and from a public perception we have accomplished more. But I would like to see us just do some extensive patching, and that may be what we are recommending next year.

Trustee Walker: You are talking curb replacement as opposed to curb repair, meaning where we have asphalt curbs you would replace them with concrete curbs. What happens with curb repair if you have a curb that is eroding?

Village Manager Frobel: We do asphalt repairs.

Trustee Walker: But if it is a concrete curb that is falling apart, would you go in and then cut it out and replace it with asphalt as a stopgap measure?

Village Manager Frobel: Our suggestion would be to have the contractor do it. We do not do that ourselves. It is beyond our skills. The preferred way is to concrete. The asphalt does not hold up.

Trustee Armacost: Several people have told me that they would like a sidewalk on certain streets for children to walk along. One of them is Rosedale. What should I tell them to do? Should they be writing all of us a letter? Some of them have said they have already written letters, but I do not know what the process is.

Village Manager Frobel: Any sidewalk repair or construction we have done has been through our community development block grant. We have not paid directly out of pocket for any sidewalk repair or construction. We would need to look at that to make sure it fits certain income requirements under the census guidelines, but we could take a look at it. A letter like that would be helpful, if you sent it to me, and we can begin that process.

Trustee Walker: Sidewalks are an important part of the Comprehensive Plan. I would think that if we can be specific in the Comprehensive Plan about where we want to address them, that we can get that. People could write to us about putting specific sidewalks into the Comprehensive Plan.

Trustee Quinlan: The problem with sidewalks is they are very expensive.

Mayor Swiderski: And you have to get everybody to sign on.

Trustee Quinlan: I do not know if that is so true. I think we have the right-of-way, but we would have to build them. For example, my property is 50 feet wide. For me to replace my sidewalk for 50 feet would probably be \$4,000 or \$5,000. So if you are thinking about putting a sidewalk down Rosedale, you are talking \$50,000 to \$80,000.

Trustee Armacost: Since we are on Rosedale, apparently there are three houses where the people who own the property removed the sidewalks that were there. So there is a gap. It is a throughway for a lot of people, and there are cars that zip through there because they are trying to avoid the traffic, so residents whose children walk on that street are concerned. They want their children walking on proper sidewalks.

Trustee Quinlan: You have to repair your sidewalk. But once it is built, you cannot remove it. But who knows why, or when.

Village Manager Frobel: Let me find out about it because that is a throughway. I knew there were sidewalks on Rosedale, but let me look into that.

Trustee Walker: But I do want to emphasize that there are other granting programs besides CDBG funding that will pay for sidewalks. We just have to make a really good argument.

Village Manager Frobel: There is the Safe Routes to School, which we have submitted in the past. And we intend to next time it becomes available.

Trustee Walker: We have to go after them aggressively. It is a hard thing to fund, but it is becoming more and more important in Hastings. It is becoming a priority. It is on Bruce's list, it is in our sustainability plan, it is in our Comprehensive Plan. Once these things become important we can figure out a way to fund them. I do not think we should roll over and say we cannot do it, or it is the property owner's responsibility. People find a way.

Village Manager Frobel: If we were in a different financial position I would be submitting a capital improvement program. I share with you the concern and the importance of sidewalks and stairways. There are a number of them where I send Mike and a man out there to try to form them up the best he can. But we could probably spend several hundred thousand dollars on stairways and people would wonder where the money went. Very expensive. We do the best we can with repairs. Sometimes they look like a repair, sometimes we have gotten compliments. But if we were stronger I would be recommending that to you.

Trustee Walker: You are not going to do all the stairs in one or two years. It is going to go over a 10-year period of time. But to emphasize that these things are important is the beginning. Then we will figure out ways to implement it. But there are ways out there.

Village Manager Frobel: I hope the Comprehensive Plan makes reference to it, because that is a very important tool in the submittal of grants, saying there was a conscious effort on the part of the decision-makers to recognize this as a need.

Trustee Quinlan: Not to belabor it, but, Fran, you and I both know we made a very aggressive bid for a sidewalk on Lefurgy to get into Hillside years ago. What street in the world needs more of a sidewalk than Lefurgy. Did we get it? No. And we had the school and the Village co-sponsor it. The answer was no.

Trustee Walker: Right. But you may have to go back.

Trustee Quinlan: We are going to go back. There is nobody in the world that is going to say we do not need as many sidewalks as we can possibly have. Sidewalks are great. The problem is, it is hard to get the grants and they are very expensive. But I do not think there is anybody in the world that is going to say I do not think the sidewalk is a good idea.

Trustee Walker: But we have been talking about it in Hastings as long as I have lived here, and the only ones we have built are with CDBG money. So we have to find some strategies.

BOARD DISCUSSION AND COMMENTS

1. Request to Appeal Riverkeeper Denial of Hudson River Trust Fund Access

Mayor Swiderski: The Riverkeeper is one of three signatories to the agreement with BP/ARCO to set aside \$1.5 million, into a trust fund for development of parks and other river amenities. That money has been touched to a small degree for Kinnally Cove, and beyond that there has been nothing. The idea was that when we have the waterfront, we could put in a boardwalk with that money, in part, or other riverfront development projects. The gimmick on the money is that three parties have to agree, including the Riverkeeper, us, and BP. We put in a request to allocate some of that money for the quarry renovation, and it would be matched against grants we would be getting from other entities. So it is leveraging that money. The Riverkeeper came back and said no. So the request has come to us from the Quarry Park committee that we appeal that denial. I wanted to put that to Board discussion because it is a policy decision: do we push for this money with Riverkeeper, or not. I did not want to assume we would all agree with that.

Trustee Quinlan: It is not an appeal because there is an appeal process in the consent decree. This is not what this is. This is a request for reconsideration, which is much different. We decided in an earlier meeting that we think an appeal would be not prudent, not effective. So what we are asking for is a reconsideration, which is a voluntary act on the part of the Village to request Riverkeeper to reconsider; which they may or they may not do. But it is just like in court. You lose a motion, you ask for a reconsideration. The judge may say no. He may say yes, and then he may say no. Or he may say yes, and then he may say yes. But it is not an appeal.

Mayor Swiderski: That is a very important distinction. Would either one of you like to comment, add any flavor or color, to what was just said?

Chris Lomolino, 24 Aqueduct Lane: I am chairperson of the Quarry Park committee. The committee was rather surprised by Riverkeeper's letter. There is legal language in the

consent order about the kinds of projects that would be eligible for funding from the trust fund set aside in the ARCO settlement. It says: Any such project must improve public access, use, or enjoyment of the Hudson River or improve the ecology of the Hudson River. Such projects might include, but are not limited to, acquisition and/or improvement of open space, creation of walking or hiking trails along the Hudson, construction of boat launches or ramps, creation of habitat for Hudson River Valley wildlife, the improvement or creation of wetlands, and/or the restoration of indigenous fauna long the Hudson River. And it says that projects that are eligible can be on the site itself, or can be projects within the Village of Hastings-on-Hudson. This is a project within the Village of Hastings-on-Hudson, and it certainly can be argued that it is an improvement of open space; that there is a creation of walking or hiking trails; and it does, in terms of the general public, increase people's enjoyment of the river, people's respect for the river, and people's understanding of the river.

We feel that Riverkeeper took a very excessively narrow approach to construing the language in the consent order. So the committee is asking the Board to request a meeting with Riverkeeper to present our point of view face-to-face in a meeting, to hear Riverkeeper out, and to explore whether there is some amicable resolution. At the very least, we will understand their point of view better. There may be future projects that the Village will have to send to Riverkeeper, and we will see what they think about the use of this fund. It is rare that a project comes along that fits the criteria for the use of the trust fund as well as the Quarry Park project does. We are talking about people being able to walk along the Old Croton Aqueduct into the quarry, down the quarry trail and, ultimately, over the bridge to the river. The whole concept of Quarry Park is about the early 19th century history of the Hudson River as a route of commercial transport in the early industrial days of the use of the river. The marble was loaded onto sloops at the Hastings dock and taken to various construction sites up and down the East Coast. That is all going to be part of the interpretive signage at the park. We think that it fits very well within the language of the consent order, and all that the letter does is simply ask for a meeting with Riverkeeper to explore this to see if there is an amicable resolution.

Trustee Armacost: It sounds like a fantastic idea. I am interested in knowing who does the reconsidering. If it is the same person who has already turned us down, or can we go up a level. We have to just go to the same person?

Mayor Swiderski: Yes. It is not a big organization.

Trustee Quinlan: Bruce and I met with him when we sent the original request. And present at the meeting was the then-Riverkeeper, Alex Matthiessen, and his head of the Hudson River projects, and Carl Copeland, the attorney, and one of his assistants. They decided not to do it. My understanding is we cannot go any higher. But I understand that Alex is no

longer the Riverkeeper and that he has been replaced. I do not know whether that is going to be a benefit or not to us, but my guess is that there will be one new person at the table.

Trustee Armacost: We know that BP/ARCO has no problem with this particular usage. They have already said yes to us. Did you not tell me that we technically only need two of the three entities to agree?

Trustee Quinlan: That is true. But in my discussions with BP/ARCO, they were not wild about thwarting the Riverkeeper's decision. And we did not even decide that, either. So before we got into a big discussion about it, whether how the Board, as a collective, thought that it would be worthwhile I was asked to see whether BP thought it was worthwhile, before we had that discussion. And the answer was basically no.

Trustee Armacost: In other words, they would prefer for it to be a unanimous decision.

Trustee Quinlan: Correct. This is a very collaborative effort. That is why I think asking, and this is all I have to say about it, for a reconsideration, it is totally up to them whether they are going to give it to us. I do not see the downside. I do not think they are going to get mad at us or get defensive about it. I think they are either going to say we have already thought about it and we are not going to reconsider it, or sure, we will have a meeting and listen to both sides and then we will let you know how we think. But I just do not see a downside in asking for more discussion, more communication, and another meeting.

Trustee Walker: I certainly do not see anything wrong with asking for another meeting. Shedding some light on why they made the determination would be very useful. One thing would be to look at the amount. If we reduce the amount would that make it more palatable? If they definitively say not the Quarry Park, could they maybe say yes to the Quarry Park trail? If we get a grant from, for example, the state Parks Department to complete the Quarry trail, maybe they could provide the match for that. Completing the Quarry trail helps us. I see it as kind of a package with the Quarry Park. But if we cannot get the money for Quarry Park, completing the Quarry trail will make the Quarry Park more desirable or fundable, because it would be more connected. And all of a sudden the connectivity piece steps in. The trail maybe has to come first. So that is another thing to look at. I understand their reasoning. They probably think, as we do, too, that there is going to be a lot to spend money on the waterfront when the time comes. But the problem is, it is years down the line. And it would be nice to start to spend some of this money in the shorter term, and not have to wait 10 years or whatever it ends up being.

Trustee Jennings: We should certainly request another meeting. I do not see any downside to that, either. In view of the change in leadership at Riverkeeper, that makes it even more

logical to ask for another conversation. I guess I do not want to split hairs with the terminology, but it seems to me we should meet with them and talk it over, and a different step would be to formally ask the reconsider their decision. Indeed, after another conversation with them, it might be us who changes our request. It may not be just to reconsider their decision about our first request, but we might make a second different request, which they would then consider. So there are lots of possibilities here.

Mayor Swiderski: I will send it out this week.

2. Update on Waterfront

Trustee Quinlan: On June 29 at 7 o'clock at the Community Center there will be a presentation by the DEC to provide information to the public about cleanup of the Tappan Terminal site, which is the ExxonMobil part and the Uhlich part on the southern end of the property. The DEC is the lead agency on that particular project. We do not have a lot of input, there is no lawsuit. They have been working with ExxonMobil, although they have been keeping us somewhat apprised, because I have been asking them to, periodically. But there is a good chance that the cleanup of that portion of the waterfront, in compliance with the ROD that was issued in 2006, is going to start if not this summer, then certainly this fall. I think that is a very important meeting. I have asked that it be held and they have agreed. We are waiting for the fact sheet to come, at which point it will be sent out on our Web site and the announcement will be formally made.

Village Manager Frobel: This is a little different in that there is no demolition. It is our opinion, and we are open to comment, that no permitting has to come from the Board of Trustees. It will be handled administratively. I will have the same group of people involved, Fire Chief, the Police Chief has already been involved with traffic and meeting with the hauler.

Trustee Quinlan: I agree with Fran. As I participated in the meetings about the demolition I hope that I can participate in the meetings with the fire chiefs and the engineers, whatever meetings need to take place in terms of the truck traffic, the hours of operation, the inspection of the vehicles.

Trustee Armacost: Is it only going to be traffic, or are we also dealing with barges?

Village Manager Frobel: No, none of this will be by barge. The soil will be pre-treated on-site, put in boxes and then hauled off. It could be done very quickly, over a three-day period. They will respect the hours of operation, whatever we set out. Hopefully it would be done, before the start of school.

Trustee Quinlan: The problem with barging out the soil is that there would be no port that would accept it.

Trustee Armacost: Even though it is clean?

Trustee Quinlan: No, it will not be clean.

Trustee Armacost: It is going to be treated.

Trustee Quinlan: I do not want to get into details. We will have the experts explain exactly what is going to happen at the June 29 meeting. But they have trouble finding a port to accept the soil. What I am going to try to push for, and I really do not have no leverage except for my powers of persuasion, is at least have them barge in the clean soil.

3. Update on Comprehensive Plan

Trustee Quinlan: The Comprehensive Plan we discussed tonight. There is nothing to add.

Trustee Walker: Should we put the SEQRA discussion on the next meeting's agenda?

Village Attorney Stecich: It is possible I will not be here for that meeting.

Mayor Swiderski: If you are, no. Otherwise, yes.

Trustee Walker: And maybe we can talk to the consultants about their idea on the combination SEQRA review.

4. Proposed Amendments to Zoning Code re Portable Storage Units

Trustee Quinlan: I am in favor of the law that has been drafted by Marianne. This is something that has been discussed over the years. Former Mayor Kinnally was concerned with these PODs. There are times and circumstances when they are necessary and helpful, and the law that Attorney Stecich drafted defines that. We do not want them to be there permanently because it does not fit in a suburban residential neighborhood to have PODs in someone's front yard or driveway indefinitely. I reviewed the law carefully and I think it is a good law, and it gives people that need PODs the time to have them for specific reasons for a specific time period and then be gone.

Before I leave, can I say that I think that the proposed parking fees are reasonable. The only thing I am against is increasing the parking tickets from \$10 to \$25. We are trying to

stimulate our economy in the downtown, and if we start giving out \$25 tickets we are going to put a chilling effect on people who come to the downtown and get a ticket for being a few minutes late. They should get a ticket. I have paid plenty of \$10 tickets and I learned my lesson to a certain extent paying a \$10 ticket. I do not think a \$25 ticket is going to do anything but get me more angry that I got a ticket. But the other proposed parking fees are in line with our neighboring villages, and I am in favor of them.

5. Proposed Design Guidelines

Mayor Swiderski: When I get a copy from the head of the ARB I will distribute it and have a discussion at the start of the next meeting.

6. Lipchitz Sculpture Plaque

Mayor Swiderski: We have a sculpture in front of our building, given to the Village by a nationally-renowned sculptor who lived in Hastings. At the very least, it deserves a plaque. Sue Feir has pointed out that it probably deserves a cleaning. And in her typical style of offering a pointed comment and then a suggestion for how to address it, she points out that, with our improved relationship with Cropsey, they have got a student program which we might be able to convince into helping us clean that professionally. I would like to scope out a plaque cost and a cleaning cost, and perhaps work that into an event of some sort. It is recognized as a major work by a major sculptor.

Village Manager Frobel: Last week I met with our cultural arts commission committee. They are very much alive and well. And on their agenda was that sculpture. They are already seeking out someone for cleaning it and also for repairs to the base. The concrete is starting to spall and needs some repair work. I will mention to them that we should look into a plaque. That is the kind of task that is good for them.

(continue) 4. Proposed Amendments to Zoning Code re Portable Storage Units

Village Attorney Stecich: The question comes up every few months. Somebody asks about PODs, and Deven calls me about it. We do not regulate it at all. We do have a section in the Code that deals with tents, trailers, boats, RVs, and mobile homes on lots, which does not make sense because we do not allow mobile homes in the Village anyway. So this would also clarify that portable home storage units, like these other things, are not permitted to be parked outside. But you could get a temporary permit for the use of a portable home storage unit or a trailer.

Regulating PODs could also clean up this law. Now it allows you to use a boat or a mobile home as a temporary field office, which does not make any sense because we do not allow mobile homes, and it makes no sense to have a boat as a temporary field office. So you would just say that a temporary permit for the use of a trailer or a portable home storage unit as a temporary field office, or for storage in connection with it. It would be allowed during the construction process, and they would have to get a permit from the Building Inspector. It says the permit is good for six months unless the Building Inspector extends it, but it will automatically expire after 14 days when the work is done. The third change is to say that any such temporary field office or portable home storage unit may be placed only on a driveway in the rear yard or in an enclosed garage or similar structure. So you cannot have one on your front lawn. There is a provision in the Code now that the Village Manager can give a permit to somebody to sleep in one of these things. We struck that. I did check with Deven that nobody has ever applied for them as long as he has been here. So it cleans up the law as it is now. But mainly, it says that you can have these PODs, but only for storage in connection with work you are doing on the house and while you are working on the house. Then it defines what it is, and that is pretty much it.

Trustee Walker: Why are you striking recreational vehicles? Is that because it gets confused with an SUV or something? What about big RVs?

Village Attorney Stecich: Trailer is defined in the Code which is why I put it on there. It is any vehicle mounted on wheels, movable either by its own power or being drawn by another vehicle, and includes vehicles that are equipped to be used for living or sleeping quarters.

Trustee Walker: So an RV would be included as a trailer. And a camper would, too. Even if the camper was not on a truck. If the camper was off a truck it could still be called a trailer, do you think?

Village Attorney Stecich: It could. But with a camper, yes, I think it fits that definition.

Trustee Walker: Qualified as a trailer.

Village Attorney Stecich: Yes.

Trustee Walker: If a POD is being used simply for moving purposes or storage purposes because they have run out of space, not for construction or renovation to a home, then the sixth-month limit kicks in, not the construction.

Village Attorney Stecich: No, it is not allowed.

Trustee Walker: It is not allowed at all.

Village Attorney Stecich: Right. You can have it while constructing, the way it is written.

Trustee Walker: Because a lot of people use pods.

Village Attorney Stecich: Yes, I know, for storage. And that is the problem.

Trustee Walker: I will give you an example. I have to move all the stuff out of my mother's house. I was looking at using a POD. You bring all the stuff in the POD, and then it sits outside for a few weeks as you move it into the house, for example. That is how a lot of people use it. Not because the house is under construction, but because you are moving stuff into your house or out of your house.

Village Attorney Stecich: I guess you could say in connection with, and only during. You could add something like a move there, in connection with a move.

Village Manager Frobel: What I have seen, it is always of short duration because you are paying for the rental. So you have a real incentive to fill it or empty it as quickly as you can.

Village Attorney Stecich: But apparently not. This is why it is an issue. I know somebody who uses one because they do not have any more room in their house. Not insignificantly, a lot of municipalities have enacted laws for those reasons. Bu you could add a provision that says you can have a temporary permit for six months for any reason if that is what the Board wants.

Trustee Walker: Maybe it would have to be really limited in duration because nobody wants them sitting out there for six months. If you are building a house that is one thing. But if you are moving stuff out of your house or moving stuff into your house, you do not want it there for six months. The neighbors do not want it there for six months. I can see having it there for a few days. I was thinking of getting one and parking it outside my mother's house, and then loading it up in a few days and then shipping it off to New York, and then putting it somewhere in storage, but not putting it in front of my house.

Village Attorney Stecich: To try to fit it into the B paragraph does not make sense. You might want to have a separate paragraph that says that you can get temporary permits for using PODs for a period of 30 days or something, if the Board wants. I could write something like that in.

Village Manager Frobels: I have seen them even less, like a seven-day. They come in quick and they go quickly. You are saying that they have been known to keep them longer. Seven days is enough. You can load and unload pretty quickly.

Trustee Walker: Yes, for that purpose I think you are right.

Village Manager Frobels: Because they are not huge, the ones I have seen.

Trustee Walker: They can be bigger than the ones that are parked around the Village now.

Trustee Armacost: Is the point of section C to not have them placed on the road?

Village Attorney Stecich: Not to have them on the front lawn. Also not to have them on the road. You could not put it on the road anyway. I guess it clarifies it.

Trustee Armacost: Why could you not park it outside your house?

Village Manager Frobels: You get a permit for a dumpster, but not these. I do not think I have seen any like this.

Trustee Armacost: But if we want it not to be parked on the road do we have to say that, or is there some other provision that would stop them from being parked on the road? When I was reading number C, I thought that what they do not want is for it to be parked on the road. But there was nothing in it that prevented people from parking it on the road. So if we care about it not being on the road, then we should say that. All this says is that it should be in a driveway or rear yard or in closed garage or similar structure. But it does not say it should not be on the road.

Village Attorney Stecich: What it does say in the earlier section is that you can only have one POD according to these rules. Nothing is provided in this section. Portable home storage units shall not be permitted. So you can only have them according to these rules. And one of the rules is it has to be in the driveway, rear yard, or an enclosed garage.

Trustee Armacost: But then they cannot park it in front of their house and unload.

Village Attorney Stecich: Well, on the driveway.

Trustee Armacost: Lots of people do not have driveways.

Village Manager Frobels: Like an apartment dweller.

Trustee Walker: Well, it does make it exclusively for those who have driveways and garages.

Village Attorney Stecich: You can put it in the rear yard.

Trustee Walker: But getting it to the rear yard is tough sometimes.

Trustee Jennings: Some people do not have rear yards.

Trustee Armacost: The people on Main Street, anyone who is in the center of town, probably don't have a driveway.

Trustee Walker: But I do not think we would want a POD on Main Street, whereas you could park a moving van, for example, while you are moving in or out.

Village Attorney Stecich: If you are moving it in and out in one day, and it is the equivalent of a moving van. The point is having it sit there for a week or a month.

Trustee Jennings: Suppose you have a van, a close-sided white van. On the street where I live there are no parking restrictions. You can park any vehicle on the street for as long as you want unless they put up a temporary sign about street sweeping or some such. Right?

Village Manager Frobel: No. We have a law that prohibits parking. What is the duration? We passed that local law that prohibits long-term parking on a public street. Is it 14 days?

Trustee Jennings: Nevertheless, if you have a van you can stick stuff in it and park it on the street for a long time.

Trustee Walker: For a storage unit.

Trustee Jennings: Then you can move it a couple of times.

Trustee Jennings: Since I do not know what these PODs look like physically, I am having trouble.

Village Attorney Stecich: They look like big boxcars.

Trustee Walker: The ones I have seen are the size of little white panel trucks.

Village Attorney Stecich: But it does not have wheels. It does not look like a vehicle.

Trustee Jennings: They pick it up when they take it away. So it is like a dumpster.

Village Attorney Stecich: Like a dumpster. Yes, it is covered.

Trustee Armacost: So anyway, I do not know whether we need to deal with that issue of the road, or not. But my other question is the crossing out of tent. I understand why you crossed out recreational vehicle and mobile home because they are redundant with trailer.

Village Attorney Stecich: No, a boat is not.

Trustee Armacost: I said recreational vehicle and mobile home are redundant with trailer. Boat just does not make sense unless you are on the waterfront. I guess you could be sitting in your boat and using that as your field office. But I have seen a lot of people use tents that way, and I wondered whether you really want to cross tent out.

Trustee Walker: As a construction site office?

Trustee Armacost: Yes. Or you are running an event that goes on over a series of days. If you were doing a festival for five or six days you would use tents as your field office as opposed to using a trailer.

Village Attorney Stecich: But right now the Code does not allow tents on your property. So that is what A is: Except as provided in this section, tents, trailers, etc. shall not be permitted as a principal or accessory use or part of any principal or accessory use in any district. So they are not allowed. The rest of these things are exceptions to that. The exception is, you can have a trailer during construction. The reason we took tent out is maybe people do, but I have never seen a tent used as a construction office.

Trustee Walker: To make it more complicated, what about a tent that is being used for a wedding or a party?

Village Attorney Stecich: This does not change anything. Right now it is not allowed.

Trustee Armacost: I think tents should be allowed.

Village Attorney Stecich: If you want to get into that, that is a different change.

Trustee Armacost: Certainly they put tents up for festivals and it is done by the Cub Scouts. When they are in Draper Park they put up half-tents. There are plenty of people putting out tents, and they would be shocked to know they were breaking the law.

Village Attorney Stecich: I am not sure how the Building Department has been dealing with it. We did not discuss tents. In the 23 years I have been representing the Village the tent issue never came up.

Trustee Walker: I think it is a don't ask/don't tell.

Village Attorney Stecich: Exactly. Because they are up and down fast. The reason the PODs come up is a time issue.

Trustee Armacost: But if it turns out that tents are prohibited, maybe we should look at that because there is quite a lot of tent usage going on.

Village Attorney Stecich: But the thinking is it is generally very temporary, as opposed to somebody putting a tent to have extra room to live in.

Trustee Walker: And, Nicky, it says the tent shall not be permitted as a principal or accessory use, or part of any principal or accessory use. If we were to look at the definition of an accessory use I think it would be an ongoing thing. It is not something that is up and down in a few days.

Trustee Armacost: Right. But are we allowed to have a temporary tent?

Village Manager Frobel: I am not aware of any enforcement. I have never heard of a complaint or an enforcement problem. I think Harvest puts one up periodically down there for weddings. We have never tried to enforce anything.

Trustee Armacost: No, I just want to know if they are prohibited. It is not clear.

Trustee Walker: Only as an accessory use.

Village Attorney Stecich: Talk about if it's not broke, don't fix it. There has really been no issue. If you want to start writing a tent law it is very difficult. I had to do one in Mount Kisco, where there was a real issue with tents because there are some bigger businesses there. They were having these permanent tents for rug sales and other things.

Trustee Armacost: I am trying to ask the opposite, which is are tents prohibited. If they are, then I think we should think about it. The way the first thing reads it is that they are allowed as long as they are not a principal or accessory use. That is the way I read that, or am I reading that wrong?

Village Attorney Stecich: Yes, but anything on a property is part of a use or accessory use.

Trustee Walker: Anything, but what is the time period? We do not have that in the law.

Village Attorney Stecich: I would say that a wedding tent or a tent for a Sweet Sixteen party is coming up and down.

Trustee Armacost: I think it is silly to have laws prohibiting things that are happening.

Trustee Walker: But the problem is then you get into parsing it about when is it allowed and when is it not allowed, and how long and for what purpose.

Trustee Jennings: If you start with tents who knows?

Mayor Swiderski: I have no issue with the changes in the law.

Trustee Walker: As a matter of fact, the storage POD that is there for a couple of days for people to unload is sort of the same thing as a tent that is there for a couple of days for a party. But it is not an issue. It is only an issue if it is there for a long period of time.

Village Attorney Stecich: So then the question is, if you are going to allow it for seven days do you want to require a permit. That is one of the thing we do not have in the Code. We have no provision for a temporary anything. Some codes do have provisions for temporary stuff, which we do not. That does come up.

Trustee Walker: And maybe we should not open that up now until it becomes an issue. The issue now is that these things are there for a long duration, and that is what we want to control. I am OK with that, and forget about the short, temporary uses.

Village Attorney Stecich: Yes. I am going to talk to Deven about that, since he is the one who enforces it.

Trustee Walker: You know what I mean, Nicky? The temporary POD is similar to the temporary tent.

Trustee Armacost: No. I am worried because we are all going to be sleeping in Draper Park and I do not want to be violating laws.

Trustee Walker: But that is on public property so you will not be violating any laws.

Mayor Swiderski: True. The laws do not apply. We are exempt.

Mayor Swiderski: So where did we leave this?

Village Attorney Stecich: I can draft is a local law, and then if you want at the next meeting you could set a hearing for it.

Mayor Swiderski: Why do you not do that.

Trustee Walker: And you will check with Deven on how he would deal with just a few day, because it is onerous to require them to get a permit.

Village Attorney Stecich: Yes, onerous on them and onerous on the Village.

7. Proposed Parking Fees

Village Manager Frobel: I asked the Mayor if we could put this on the agenda to get feedback. What I presented to the Board a few weeks ago was looking at the reissuance of the resident sticker, perhaps issuing it on a multi-year basis with an increase in the fee; looking at the cost for the daily rate for the commuter who pays the meter; and looking at increasing the cost for the annual permit. We did some comparison with neighboring communities. We know that Hastings is on the low side for these services. That in itself is not a reason to increase it, but if we could begin to come closer to covering our expenses that would be a positive. All of these, as I proposed them, are the strongest position. I recognize that as we go through the work session process and the give-and-take and the input they are all subject to negotiations. For example, I talked about reissuance of a residential parking sticker. That may not be practical. It has been \$10 for a long time. Maybe if we were just to reissue them at a higher fee and allow it to continue for a longer period of time rather than a two-year, which is an administrative burden as well.

What is critical, from an enforcement, convenience and collection point of view, are pay stations. When this came up two years ago there were a number of objectors. The fear is that there will be a rush at these stations if there is any kind of an error or the machine is down. Obviously, we will have a contingency for that. But what would not do us good is to increase those daily rates to such a point where the commuter is obligated to put more

quarters into the meters because that becomes an inconvenience to him or her, and it becomes a collection problem for us. We would have to collect more frequently. I saw these centralized pay stations as a real convenience. In my memo I talked about smart cards, where we can get them charged and they could put money on it. Or we could get a credit card-type feature. There is some real capital investment we have to make if you are prepared to do this. But I realize it needs a thorough examination. I would like to bring the annual permits closer to what we charge residents for the Metro-North lot. That is very low now, from my perspective. When I went through this I had developed a mailing list of probably 30-plus persons who were willing to continue this dialogue at that time. The fact was that because there were so many objectors to it, it kind of went by the wayside. We have chipped away at adding parking and addressing some of the other suggestions I had made as part of that memo. But I am back again suggesting that we look at these fees.

The fourth part was the tickets. The Chief and I have looked at looking at raising a host of these fines that we charge motorists for violations. I tossed out \$25; we are \$10 right now. Twenty-five dollars is probably on the high side of the neighboring communities, maybe closer to \$20. But there are other ways, too. There are ways to offer a discount to a motorist who pays that \$15 or \$20 fine or \$25 fine within, say, two or three days, discount that down. Yonkers does that.

Mayor Swiderski: Where do have \$25 on the list?

Village Manager Frobel: Oh, he did not. His was at \$15. In my narrative I talked about \$25. I am sorry. Good catch.

Mayor Swiderski: I do not see a problem with any of these numbers. What is the difference between overtime parking and meter violation?

Village Manager Frobel: I am really not certain.

Trustee Walker: Overtime parking is when you are there for more than two hours, even though you are feeding the meter.

Village Manager Frobel: That could well be. I think you are right.

Trustee Walker: If you are, in fact, enforcing that.

Village Manager Frobel: They chalk the tires periodically. But you are right. If they do, that would be it.

The first step would be to have another meeting among ourselves. I could activate that list of commuters that objected, or showed interest. We did a survey of people last time and collected a lot of that data. I think we ought to move in some fashion. It could be done over a multi-year period. We do not have to jump to these large numbers that I am suggesting. But we need to begin to cover some of our expenses. Again, the pay stations. I suggested two. Maybe we need three. But then we need to talk about the fact that if we have any problems with it, then we need to have a contingency that, in fact, we will not be charging for that day. If a machine is down we are going to tell our enforcement people that not everyone can get to a machine that does not work. We would have to have some kind of a way to address that. I could see people, if they are nervous now about running so tight that they go to the one machine and it is down, then I am going to have to realize that they cannot all run to the next one and then the third one.

Mayor Swiderski: I commute on that platform with those people. I would not want to face them.

Trustee Armacost: How much do the pay station machines cost?

Village Manager Frobel: The one we looked at was the low end of about \$8,000. They have come down. I am looking at a more sophisticated one that would accept a credit card, but the ones on Boulanger were about \$8,000.

Mayor Swiderski: How much do smart meters cost?

Village Manager Frobel: I do not have that number here tonight,.

Mayor Swiderski: I am a walker to the station so I avoid this entirely. But when I used to drive, I am the sort who is within 20 seconds of the train arrival. And I am not the only one. Introducing a pay station into that tabulation, especially since there is a cluster of people who show up for a train, and have people waiting in line for a station, I might as well stick my head into the blender for the grief it is going to catch me.

Village Manager Frobel: I want to avoid that because I am sensitive to that. You and I have talked about it. I could think about phasing in just the meters that take the card. What I do not want to raise it to \$4 and have quarters.

Mayor Swiderski: You cannot have 16 quarters going in. That is crazy. On the other hand, \$1.50 is crazy. I always used to snicker at what a bargain that was for the day.

Trustee Walker: I have to tell you about an NPR piece I heard yesterday that I thought was brilliant about paying your parking meter on your cell phone. This is a system that is used all over Europe, and it is common in London and all over Great Britain.

Village Attorney Stecich: They are doing it in White Plains.

Trustee Walker: And they are trying it all over this country. If it is a meter, or if it is a space, it has a number. You dial up, there is the number to call on the meter, and you punch in your credit card number or whatever. People could do that on the platform.

Mayor Swiderski: I do not think you even have to punch in your credit card number. I think it goes on your phone bill.

Village Manager Frobel: That is exciting. That is the kind of thing we need to explore.

Trustee Walker: Yes, and it is low in infrastructure and installation costs. I am in favor of all of your recommendations except maybe the \$25 parking ticket.

Mayor Swiderski: I do not see the \$25 parking ticket.

Trustee Walker: It is the narrative. You have to read carefully between the lines.

Village Manager Frobel: That was the Chief's recommendation, and I talked him out of it. A \$5 increase is not worth the heartache.

Trustee Walker: I think I would be OK with \$15, but I am definitely in favor of raising the fees for the commuter limits.

Trustee Armacost: I do not think you are going to get huge support for that, but there is a point at which you just have to do it. I would not expect people rushing up and saying that was such a brilliant idea that you had.

Mayor Swiderski: It is yet another tax increase.

Trustee Walker: One of the things that some communities do when they are increasing parking meters or parking fees is that they tell folks that that money is going to be dedicated, at least in part, to improving that parking lot or improving the streetscape or planting trees in a parking lot. That is one way to look at it. We cannot improve our parking lots if we do not have income.

Village Manager Frobel: Let me pursue the technology aspect, and meet with the vendors and find out what is out there at what cost to have a centralized pay station that may have some of those features you talked about.

Trustee Armacost: And a cost-benefits analysis. After how long do we pay off the \$8,000. Is it after two months, is it after six months, is it after a year?

Village Manager Frobel: It is a quick payback.

Mayor Swiderski: I agree on the price increase. I do not think these numbers are outrageous. People are going to yell. I like the idea of dedicating it. How about it increases our contingency fund? In three years the bump in income will give us the contingency we need.

Trustee Armacost: I think there is a point at which you have to make unpopular decisions.

Mayor Swiderski: And if it discourages some people out of driving to the train station, that is not tragedy. There are ancillary costs to driving.

Trustee Walker: We could have some very low-cost smart car spaces.

Mayor Swiderski: We do not have electric vehicle cars yet.

Trustee Walker: Someday.

Mayor Swiderski: Someday, and I would not mind dedicating them. There might be a sustainability issue. Dedicate the first row to electric cars, and have plug-ins there. But that is in the future.

Trustee Jennings: At some point in the future, I think all little towns like ourselves will need to think about working with the corporate sector and installing an infrastructure of electric recharging.

Mayor Swiderski: But meanwhile, how do you want to handle this?

Village Manager Frobel: This is helpful to me. Let me meet with the vendors and get some hard numbers on some of the improved technology for these pay stations.

Mayor Swiderski: Do not use the word "pay station" because it strikes fear and terror in my heart. What you really mean to say is "parking meters."

Trustee Armacost: It is just a payment system.

Mayor Swiderski: Right. And if you are talking pay station, then like what they have in New York City where they are much smaller, up on a pole, and it covers seven or eight, where we have a dozen. In which case, if we have people queued up to feed those things I will walk to the city before I go through the train station.

Village Manager Frobel: That is a good idea, several small ones.

Trustee Walker: Because everyone will be coming at the exact same time.

Trustee Armacost: Unless you can buy them for a month or something.

Trustee Jennings: A much better system, in New Haven they have this. Give people a grace period if the enforcement happens to come by. You hop out of your car, you remember your number, you go to the platform, you get on the train. A few minutes later you dial in your cell phone, you pay your parking. Nobody has to be jamming up. And for the people who are in a rush it is even better than putting in quarters. Have you ever dropped your quarters on the ground?

Trustee Walker: I am sure there must be a fee for the service.

Mayor Swiderski: Of course there is, but you are going to be charging \$4 instead of \$1.50 so it should cover the fee. Again, the idea of marrying it to contingency fund or a bond paid out, or whatever. The 80 percent that do not commute via the train station will be all aboard. The money generated is not insignificant and would give us what we have been talking about. Another \$100,000 a year. That would be set aside for that, and in three or four years' time we are heading toward what we wanted.

Trustee Armacost: Mine is not an announcement but a congratulations to all the people involved in Friday Night Live, to Meg and to Margaret Moulton and especially to Liz and to Lisa because it was just an extraordinary event. It was so much fun, just going past and even seeing the residue of it, all those magnificent chairs that were donated by Dana Williams and the wonderful faux glass windows outside Hastings House that makes it so much more attractive. So many positive things happened that night and since then; all of you should be congratulated for it.

Trustee Walker: It was fabulous. I cannot take very much credit for it because it was Liz and Lisa who spearheaded the whole thing. I do have a list of people I could thank. I asked

Lisa for it because I really wanted to let everybody know how grateful we were. The number of people who were involved last Friday is just incredible.

To The Editor,

The organizers of this past Fridays FNL event in Hastings-on-Hudson would like to thank the numerous individuals who helped make the evening a tremendous success. We'd like to extend our heartfelt thanks to all of the participating artists who made the event come to life: The Raya Brass Band, Jane Collins & Ms Kavanaugh's 5th grade class, Andrew & Gabby Bordwin and all the kids & adults that worked on the Cranky Theater drawings, Matt Turk, Julia Joseph, Anna Marie Epstein & the Take Me to The River Children's Chorus, Community Drumming & Dance Group, Rachel McQueen, Rachel Wineburg & the 6th grade "Fiddler"dancers, Milton, Matt Turk, Julia Joseph & friends for your great music & especially for making the tiny stage under the birch trees work, Hubris Fire Dancers., all of the Miniature Toy Theater participants, George Orvis Circus Arts Camp – all of your performances rocked! We also want to extend our heartfelt thanks to the artists who worked all week to transform the VFW into a "Town Square" – Dana Williams for the Hastings House, Katie Reidy for the mural, Matt & Nina Hogan for the Kiosk, Dana Williams, Terry Sipes, Deidre Carey, Sue Smith and the Beautification Committee for support with planters, planting and pruning. We deeply appreciate the effort and help of Kenny Aluisio from True Value Hardware Store for supporting our mural effort, the fountain and the plantings. Special Thanks to Tim Braig, Rich Strobel & Joseph Mason for moving the planters & going above and beyond to help get the fountain in place. Binny Tercek for help with signage, Cagle & The Clocktower Players for their Alice in Wonderland performance, Filmmakers: Victoria Bugbee, Matt Roshkov, Jessica Hester, Stephanie Schleicher, Dan Carey, Samantha Liebeskind, Sara Kipsel & Lara Bene – your films were enjoyed by many people. Ann from On Hudson & the VFW Veterans for letting us transform their space for a night, John Halko for loaning us his movie screen. Additional Thanks to Matt Cleary, Sean O'Reilly, Paul Blum & his high school students. Special thanks to Ray Gomes for his support, thanks to the Police Department & the Fire Department. The event would not have been as successful without the commitment and generosity from all of you. Thanks to our Mayor Peter Swiderski & Meg Walker for their support. Thanks to the individuals who spoke out about the Best of Hastings. Thanks to all the vendors. And many thanks to everyone who came out to have fun and support all of the talent in our little village! And especially Liz Liebeskind, 12 Miles North, and Lisa O'Reilly, without whom this could never have happened. .

Trustee Armacost: And also Margaret Moulton because she is kind of behind all of these. She ends up being the unsung hero in getting these things together.

Trustee Walker: She is the right-hand person in doing all the programming.

Trustee Jennings: I have been working with a group called the Environmental Consortium of Hudson Valley Colleges and Universities. They put on a program which involves college and high school teachers who do a lot of things up and down the river to help them integrate things about the river and about ecology and history into their courses for their students. They have asked if one morning they can come to Hastings. So I am making arrangements with them, and Meg is working with me on this, to do this on the afternoon of Friday, July 9. We will be using the Hastings waterfront as a case study of history, politics, remediation, science, and planning and development in the future. We hope the weather is nice so we can sit around MacEachron Park, maybe do a tour, maybe use one of the meeting rooms in the library and show a video that has to do with the history of the waterfront. A nice afternoon, two or three hours, 15 or 20 teachers. It is not exactly a public event. You can come by and listen if you want to. But I just wanted the Board and Village staff to know this little group is going to our guest for a couple of hours on July 9. They are planning to arrive by boat if we can figure out how to do that.

Trustee Walker: They are coming off of a bigger boat, but they would come ashore via this little inflatable thing. I think we could pull it up onto the beach in Kinnally Cove.

Trustee Jennings: We were hoping Kinnally Cove might be possible. They would like the people to see Hastings from the river because it looks different when you arrive from the river.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:15 p.m.