

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 7, 2010

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

PRESENT: Mayor Peter Swiderski (8:00 p.m.), 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: Ten (10).

Acting Mayor Walker: I cannot replace the mayor, but I am going to sit in, in his stead, for about a half an hour.

PRESENTATION – Improvements to VFW Plaza

Acting Mayor Walker: Our first order of business is a presentation by the Chamber of Commerce on the VFW park. The mayor wrote that he is enthusiastic about the ideas and thinks they are in line with the objectives in the Comprehensive Plan that speak to “developing the VFW front lawn as a better, more communal space that will allow for public events and broader use. Liz Liebeskind and 12 Miles North have consistently brought a flair to everything they do for the Village that speaks to a deep understanding of what makes people comfortable and encourages a sense of community.” So you have the mayor's support. And you are also going to talk about the veterans and their involvement.

Carl Carvalho, President, Hastings Chamber of Commerce: This idea stemmed from a Friday Night Live event in June. Liz was our guest producer, and she produced a town square, which was a very successful event. It brought to mind that Hastings does not have a communal gathering space. We looked at what could we do to improve the downtown, as a Chamber, to increase foot traffic, to increase people staying in town. We found that the VFW park could be improved and used more efficiently and more openly. What was interesting about that Friday Night Live is that chairs were donated and scattered throughout the VFW park, and in the months that followed the park was used more and more. The chairs were used throughout the day and they were used multi-generationally. It was interesting to see how the park was utilized by including simple seating in that park. That got me thinking, as the president of the Chamber, how can we work with this so that we can increase foot traffic, keep people downtown, and continue what we have been doing with Friday Night Live: bring pride to the downtown. I spoke with Liz Liebeskind and she agreed to look at this project and oversee it. She brought in Dana Williams, a local resident and artist, who also had worked on Friday Night Live. You have the sketch that they prepared.

Since the top part is VFW property, we did approach the vets. We have had several meetings, and they are very excited about this. They were very excited about the Friday Night Live event on that particular Friday. We also have spoken with Chief Bloomer and Ray Gomes and we are working very closely with Ray on this project. We are making some improvements on the VFW property, removing old shrubs and replacing them with some type of birch tree. We have been talking with various people such as Becca Mudge, a local landscape artist, and Jennie Lee, who is on the tree commission, and have reached out to Carolyn Summers, so we have professional input into this design. We are looking at adding some seeding up in that upper left-hand corner. We are looking at removing the shrubs that are around the flagpole, and adding a flowerbed and some seating around that; adding some flowers in front of the VFW monument. This whole top area would be a grassed area. It is pretty flat so that could be a nice gathering space to put tables and chairs for another additional seating area. Off to the upper right we have another seating area. There are a lot of natural areas, flatter areas on that hill, where chairs and seats could be placed, with beautiful views looking down Spring Street into the library and to the Palisades beyond.

Ray can help us with removal of the shrubs, and the Chamber will then replace the trees and shrubs. This is going to be set in phases. We did not want to make drastic changes that would rock the boat and rock people's worlds. We think these simple changes on the top would right away enhance the use of the park, especially with permanent seating. The donated seats were not meant for a permanent basis and were dragged around and broken a few times, then fixed, then put back out and got broken again. So the seating that we are looking at, again working closely with Ray, is commercial grade, something that lasts, made for this particular purpose, and is high quality. Some of it is even guaranteed for life.

In the lower portion we are adding a gazebo. That would be the second phase. We would like to put together our own designs, but also put out a call to whomever would like to submit designs, like the architects in town and so forth, on a pro bono basis with some design guidelines as far as functionality, and the public could vote on the designs that are submitted. As the Chamber we would do fund-raising, and this would be a gift to the Village. It is just something you need to consider accepting.

The only other thing that we are looking at is the possibility of moving the bus stop so we could capture more seating in the plaza, which would mean extending permanent flower boxes that would make an offset seating area there similar to several places in the city. Trustee Walker has worked on some of those projects and they have been very successful. We are moving on the coattails of what has already been done and been successful in the area.

Trustee Armacost: This is a lovely idea and a wonderful contribution from the Chamber to offer a gazebo and to think about creating a public space. What you are saying about the different generations using that spot is absolutely true, as I have driven past. It is so much more active this year than in past years. Particularly the younger people are finding that area an exciting, fun, safe spot to be. The top area belongs to the VFW, is that correct?

Mr. Carvalho: Yes, I think the line is about 16 feet in front of their monument.

Trustee Armacost: So everything that happens above that area is a negotiation with the VFW.

Mr. Carvalho: Exactly, and we have been talking with the vets. They have seen the drawing and voted on this, and they are very excited about it.

Trustee Armacost: Phase one is that area up there which is a private transaction. Phase two is adding the gazebo. All you need from us is our willingness to accept it, which I can say for me you have. I suppose phase three is the moving of the bus stop.

Mr. Carvalho: Yes, and that is down the line. That is something that needs to be researched. We are talking with various people to see what is involved.

Trustee Armacost: So tonight, all you need from us is just an acceptance of the gazebo?

Mr. Carvalho: Yes, acceptance from the Chamber of Commerce to the Village for the gazebo.

Trustee Armacost: I think it is a wonderful idea and I am delighted that Ray is going to help with some of the extraction. It is a marvelous contribution to the Village.

Trustee Quinlan: I think it is a good idea.

Trustee Jennings: I do, too. This is a terrific area. We can enhance it, use it more effectively. What a great thing, absolutely. The grade is awfully steep. In order to have seating, do you have to do any leveling?

Mr. Carvalho: Not that much because the seating areas that we have designated are naturally flat areas. On the hill there are steep grades. It almost acts like a natural amphitheater. Dare I say that? I do not want to make it an amphitheater. So people could sit on that hill without seating, just on blankets. The only grading would be where the gazebo would sit just to make a level base.

Acting Mayor Walker: I think it is fabulous. I want to thank Carl, and the Chamber and Liz for making this wonderful offer and working on this great scheme. The idea of it evolving over time is a good one because not only will it make it easier for us to afford if we space it out, but we can test and see how it works. So we start with a piece of it. Eventually, the idea may be to have the whole thing become a bigger amphitheater and maybe even have a larger stage space. But that is really down the road. We can try it out on a smaller scale and then expand if it is successful.

Mr. Carvalho: It is a beautiful piece of property. We felt it was not being utilized to its full potential.

Acting Mayor Walker: Right. And having worked on these outdoor performances myself, I realize the drawback of that park is that you can only perform on the lower level. It makes a good stage, but when you use that you have to close the streets. We would like to have performances and community gatherings without closing the streets. So this is a great advantage. You also have the benefit of facing either direction from the gazebo. You can perform up to the hill, or you could perform down. People could even sit on the lower level. Have you taken it to the Parks Commission yet?

Ray Gomes, Parks & Recreation Superintendent: It is on the agenda.

Acting Mayor Walker: It will be interesting to see the ideas they have. We had always talked about having a kiosk with information and a Village directory, even before we started talking about the gazebo. Is there a possibility, if we could figure out a way to fund it, that we could work that back into this scheme?

Mr. Carvalho: Absolutely. That could be a future phase. Where the bus stop bench is, we have a perfect nook to put a kiosk. I would love to see a digital kiosk, in keeping with the Village architecture, that could be remotely updated for everything happening in the Village. It is much easier, and it is a great central location for people to find information.

Acting Mayor Walker: Patty Speranza, the director of planning for Westchester County Department of Transportation, told me the county has money to pay for bus stops, bus shelters, and amenities. We can work with them in the future, perhaps, in moving the bus stop in a way that enhances the park.

Trustee Armacost: Thank you so much for making this so incredibly affordable that it is free. That is my favorite kind of project, and it is wonderful that you have been so creative about making it happen that way.

Mr. Carvalho: Yes, we have our job cut out for us. But it is very doable and achievable. We wanted to structure it this way because we want to see it get done. We want this to move forward and get utilized for next year. There are a lot of great ideas in the Chamber and the various commissions around town, but it tends to get bogged down. We would like to see this done, and the park utilized.

Acting Mayor Walker: Nyack recently did one, and it was paid for by a nonprofit, Friends of the Nyacks. They raised money and they built a gazebo in their waterfront park. It would be interesting to see what they did. It looks unanimous here, in asking you to proceed.

2. Children's Village Bond Resolution Request

Acting Mayor Walker: The next order of business is another presentation that is not on our agenda. I would like to introduce Rick Goerg, the CFO of Children's Village. He is going to speak about a request to Hastings and an opportunity for Children's Village. The mayor also sent me an e-mail saying that he feels strongly in support of helping Children's Village however we can because it is a tremendous asset to not only our community, but to the region. We are thankful that you are there, and we hope we can help you.

Richard Goerg, Vice President Finance, Children's Village: In 1999 and 2002 we took out about \$13 million in bonds with the Industrial Development Association of Westchester County to do a lot of cottage renovations on our campus. We have about 130 acres, of which about 30 acres are in Hastings. The rest is in Dobbs Ferry. We have about 45 buildings on that campus, three of which reside in Hastings. The renovations were, obviously, 95 percent in Dobbs Ferry. We have an opportunity now to refinance through Dobbs Ferry on something that is called an LDC, a local development corporation. It is a qualified, tax-exempt bond. It is something that President Obama has put out there for the last couple of years that banks can enter into and get a lower rate to loan money to different corporations, nonprofits. We are trying to take advantage of that by December 31. Unfortunately, we had about two months to get this all together so it has been a little crazy. Dobbs Ferry creates an LDC strictly for this purpose. Dobbs Ferry adopts the LDC, the money comes from the bank. It is all bank money, private money. It has nothing to do with taxpayers or town municipalities. It is all our debt with the banks. On December 21 they have to vote to adopt this LDC. We did not realize until a couple of days ago, and thank you very much for squeezing me on the agenda I appreciate that, that we also need to have your approval for this LDC, since part of the property is in Hastings and part of the work that we did with this money was in Hastings.

So that is where we are. On December 21 we are going to have an LDC vote in Dobbs Ferry. I understand you have a meeting here the same night. So either myself or someone else will be driving down here as soon as they adopt it because we have to have certain chronological events. Once Dobbs Ferry says yes, the LDC is formed, we can come down here and let you know that. And then you, hopefully, will vote to support that. It will save us a million dollars over 10 years in interest and principal.

Acting Mayor Walker: Are there any risks to the citizens of Dobbs Ferry associated with this?

Mr. Goerg: Not at all. It is completely self-contained in Children's Village.

Village Manager Frobel: You will be asked at your next meeting to pass a resolution. As indicated, it essentially approves the issuance of these tax-exempt bonds by that LDC, which is the only action. As noted, it is only because a fraction of the expenditure occurred in Hastings that we are involved at all. It was only as recent as last week that it brought to my attention that we needed to take this action on their behalf.

Trustee Quinlan: You stated that we would be approving the LDC, and Fran just stated we would be approving the bond.

Mr. Goerg: You are right, it is approving the bond. The LDC is Dobbs Ferry. Issuance of the bond, through the LDC in Dobbs Ferry.

Trustee Quinlan: Trustee Walker asked if there was any risk to the Dobbs Ferry residents, but I have a more important question. Is there any risk to the Hastings residents?

Mr. Goerg: Absolutely not. No, it is just refinancing a loan.

Trustee Quinlan: Marianne, is that true?

Village Attorney Stecich: Yes. I did look at this because it was the first time I had seen it. So I looked at the requirement. The requirement comes from the federal internal revenue code. All it says is that any municipality, where any part of the property that is to be funded by the bond, is located, has to approve it. But there is absolutely no risk. The draft resolution clearly says that. It does not appear, from the statute that requires it, that it puts us on the hook at all, other than to say we say it is OK.

Trustee Armacost: My question had has a slightly different angle to it: are we insured?

Village Attorney Stecich: There would not be insurance involved in this. I do not see it because I do not know what the risk would be.

Trustee Armacost: The risk is that they do not pay their bond, at the end of the day.

Acting Mayor Walker: We are not responsible. We are not on the hook. The LDC and Dobbs Ferry are.

Mr. Goerg: Right, it is all Dobbs Ferry's. It is first a bank risk, then it is the LDC's risk.

Acting Mayor Walker: The LDC exists to issue bonds. Does it have any other function?

Mr. Goerg: This LDC was formed strictly for this bond. I know Dobbs Ferry has not done anything else. I do not know what other capacity they would work under, whether it is things other than bonds. I do not have an answer for that.

Trustee Jennings: I am not familiar with how these corporations function. But other than approving the issuance of this bond, will the Hastings Board of Trustees have any ongoing or future role in the governance of this LDC?

Richard Goerg: No, it is strictly Dobbs Ferry. This is one-time. You vote this issuance, and that is it. It does not come back.

Acting Mayor Walker: It is purely a financing mechanism.

Trustee Jennings: If you issue another bond in five years, you will not have to come to us?

Mr. Goerg: If we issue another bond in five years that has anything to do with your piece of our property we absolutely have to come to you, yes.

Village Attorney Stecich: Probably, with the LDC, it is not totally irrelevant. But it is irrelevant, really, to Hastings. Hastings is just approving the bond, not the LDC. The LDC just came in because for whatever reason these bonds cannot be issued by Children's Village. You are not going to be involved with the LDC. Your resolution is going to say we have no issue with this bond.

Mr. Goerg: But as we always do, if we do construction on any buildings in Hastings we work with you and get that approval through whatever we need to do. Any work in Hastings, we always work with you.

Acting Mayor Walker: The reason you are going through this mechanism is because you could, as you said, save a lot of money. It is not because you could not get a bond on your own.

Mr. Goerg: Right. And we're not incurring any additional debt on our books. It is just replacing it.

Village Manager Frobel: It is a refinancing of money they already got in 1999 and 2002. So they are rolling it into one issuance. The Trustees have indicated a little apprehension. Marianne and I have talked about it. Although we do not see the need, I do want to point out that Children's Village has agreed to pay for outside legal counsel to give you a letter indicating there is no risk, if you felt the need. The school has agreed that they would go to that expense if that would help you in your level of comfort in this whole issuance.

Mr. Goerg: Absolutely.

Acting Mayor Walker: Is there any interest in that?

Trustee Quinlan: I certainly have an interest in it.

Trustee Armacost: It is being offered.

Trustee Quinlan: If it is not too expensive, it would give us a level of comfort in our fiduciary duty to our citizens and our residents.

Mr. Goerg: I will certainly follow up on that for you.

Village Manager Frobel: OK. I have not contacted our bond counsel, but I can do that tomorrow morning, or Marianne can.

APPROVAL OF MINUTES

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

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

APPROVAL OF WARRANTS

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

Multi-Fund No. 36-2010-11 \$70,614.75

Multi-Fund No. 37-2010-11 \$45,895.30

Acting Mayor Walker: So the minutes and the warrants are passed, and our mayor has arrived.

PUBLIC COMMENTS

John Gonder, 153 James Street: Last meeting you talked about a budget. You had an artist from the commission, and it took 54 minutes to make a decision for \$500, which I thought was a long time for that amount. It is a shame that it was not for a Hastings artist rather than someone from Chatham. I think you should take that for the future. I am a taxpayer. I want to support artists from Hastings, not Chatham.

The other thing is, you need revenue. You are talking about budgets already, which is nice. Every time I go across that Warburton Avenue bridge I count 34 or 36 cars. Why do you not put some meters there, get some revenue? This is the second or third time I have said that. The other thing is, last year you gave up some of your pay. Maybe you should consider giving up more for next year because sometimes I do not think you are worth all the money. Maybe when you are absent you should be cut 1/24th. There are 24 meetings, you are not here, you should not be paid. When you are late, Mr. Mayor, maybe you should be docked 1/48th of your pay. That is a fair thing because you represent me and other people, you should be here and work for your money.

The other thing is the deer. I gave you a solution to try a pilot plan. All the Board members except Mr. Quinlan think your contraceptive method will not work. I said try a pilot plan, either in Pulvers Woods or my backyard. Three bucks were around the last four or five weeks, ruined two of my young trees. Ripped the bark right off. There are six does running around also. You had that permit. It took you almost a year to get the permit. I took my hat off to you. And then all of a sudden, backdoor politics. You never said it in the open: you are dropping it, and going to contraceptive. Deer live, without being hunted, 16 to 20 years. If they are hunted, they live two to four years. With the net-and-bolt you can take quite a few out. I still will give you that offer, \$100 per deer in Pulvers Woods or my land. But you do not have the decency to say, Mr. Gonder, no thank you, or get back to me at all. Sometimes I think I am wasting my time with you people. I do not know if you are serious,

because you go in this direction, and then all of a sudden a right-hand turn and here we are two more years are going to go by. Do you have a permit yet for this new contraceptive method? I am sure you do not, otherwise we would hear it. There is nothing about deer on your comments anymore.

The other thing is, Anaconda property. Mr. Quinlan said it is complicated. It may be complicated, but nothing like the telescope up in the sky for 20 years. That is complicated. You ought to have the DEC, Malcolm Pirnie, your consultants, because maybe you can save money with them. I do not think you people are ever going to get that property cleaned up until you stop accepting money from Atlantic Richfield and presents of vehicles and what have you. Maybe you can get them here early in the next year and let the community tell them what they think of it. The DEC is useless. They are cut in half with Patterson. They lost their main man.

One more thing: t you look at your ethics policy for next year because you sure need some changes in it.

Mayor Swiderski: I will address one of your requests, and state, Mr. Gonder, no thank you for the offer on net-and-bolting on your property. I would like to remind you that we have a four-minute limit for public comment. Please keep that in mind when you plan for your biweekly statement.

Tim Downey, 520 Farragut Parkway: I want to address both the Mayor and the Village Manager, and we also have with us tonight Mike Gunther, for the great job you did post election this year. It was a pleasure seeing within a day or two the signs were gone. Well done, great job.

Regarding the deer, it would be nice if the Village would restate the position. I think net-and-bolt is barbaric and should not be done. Anyone who would want to do that, pick up a hammer, go get a net, and do it yourself if you think it is that simple. It is an inhumane way to address the animals. At some point, if this is just too volatile a topic just publicly say enough is enough, we gave it a good honest try. The feedback from the public did not support it en masse, so we move on, so this thing does not constantly get certain people inflamed and enraged and you have to listen to backlash here all the time. Hunting in a certain fashion would take care of it in a hard-handed manner, but the community is not behind that. Pass on it, and just learn to live with it.

Mayor Swiderski: Very briefly on that issue, as a quick update and it is not going to change a lot over the next few months. The professor out of Tufts that we were working on this project has submitted the latest formulation of PZP, the substance he is going to use for the

immunocontraception, for FDA approval, and that process could be months. Until that passes approval, there will not be a submission for a license because we would be wasting our time. I can repeat that every few months, but that is the current update. As for your thanks on the political signs, that is very kind, though some significant percent of those signs were picked up by a school group looking to reuse them as anti-bullying posters.

86:10 APPROVAL OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION SNOW AND ICE AGREEMENT EXTENSION

Village Manager Frobel: This is the annual request to enter into an intermunicipal agreement with the state DOT for us to take care of about 6.4 lane miles in the Village. The estimated reimbursement will be just under \$10,000.

Trustee Walker: It includes all of Broadway, Route 9. Our map was in black and white so it was hard to tell, but it includes the entrance to Farragut Parkway, the state piece?

Village Manager Frobel: I believe so, yes.

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 the New York State Department of Transportation Snow and Ice Agreement Extension for the 2011 - 2012 Snow Season.

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	

87:10 SNOW & ICE AGREEMENT COUNTY ROADS – 2010-2015

Village Manager Frobel: A slight variation with this one, Mayor, only that the county is looking for a five-year relationship. Also a change, they are looking to have a two-tier process: if we are in compliance with the Section 208 Water Quality Program regarding salt storage and the application rates we receive a higher reimbursement; if not, it is \$2,061 per

mile for a two-lane road. Mike and I will work together to see if we can bring ourselves into compliance if, in fact, we are not. But we will find out if we are, and will work towards getting a higher reimbursement as part of this program.

Trustee Walker: Are we signing on for this fee for five years, then, if there's no possibility of increasing it within that period of time?

Village Manager Frobel: There will be, as I recall reading it over, a factor of increase. So it will be adjusted accordingly, reflective of the cost.

Mayor Swiderski: And if there are significant fuel cost changes?

Village Manager Frobel: Often times we will come back to you during the course of the year, when those rates are adjusted accordingly. That is why it seems this comes up more frequently than annually. There will be a modification to the agreements when they finally shake out what the cost was to provide that service over the course of the winter months.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Snow and Ice Agreement with Westchester County commencing October 1, 2010 and terminating September 30, 2015.

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: Mayor, I am going to yield my time to the topics we have next under Board discussion because we have got several that we want to talk about.

BOARD DISCUSSION AND COMMENTS

1. Scoreboard at Uniontown Field

Village Manager Frobel: This is an exciting opportunity to make what I think is a terrific amenity at the facility, one that I am sure the spectators are going to enjoy when they can see the score and the inning and take that advantage. As you know, last year there was some discussion about the vinyl signs that we had put up. I felt it would be in all our best interests to have Gene come here tonight to explain to the Board what his vision is for this improvement, and to get your approval to allow them to go forward with that installation. Ray Gomes is also here for any follow-up questions on the park.

Gene Calamari, 6 Cedar Street: I am president of the Little League board. I have several of my board members here, Karen Reynolds and Eric Blicher. We are seeking approval for a scoreboard beyond the center field fence at Uniontown. This is part of a project that has been ongoing for some time. I had met, over a year ago, discussing what I called the Uniontown project, which was the beautification of Uniontown in a collaborative effort with the Village and sponsors. Some of that has been accomplished so far: the batting cages, the dugouts. We are just now completing the concession stand, which was a collaborative effort with the Village, and it is turning out beautiful. It is going to have Ray's storage and also concession opportunities for us.

As part of the meeting that I had with Fran and Ray some time ago, some suggestions were given about how money could be raised. One of those suggestions was a grant-writing effort, which we attempted and, unfortunately, were turned down. Other suggestions were a local sponsorship in the form of these sponsorship banners, which were temporary banners. That worked out beautifully. That is part of the reason why we were able to complete the storage shed. Another possibility was to contact our corporate neighbors, Atlantic Richfield and Exxon Mobil, about becoming partners in some efforts in the Village. Trustee Armacost provided me a contact at BP and I pursued it, and it bore some fruit. I initially had suggested that they become big partners in expanding the parking lot and relocating an antiquated playground. They felt that was too much of a commitment to make to us at the present time. So their generous alternative was to give us sufficient money for a scoreboard. We took them up on it as part of the standard equipment at most of the parks that we visit. I am here tonight to seek approval for that scoreboard. It is going to be eight foot wide by four feet high. It will be beyond the center field fence. It will rest on whatever standard posting equipment is necessary; something on the order of, say, 10 to 15 feet off the ground. It will be remote-operated. It will require whatever code permission is for electricity to be brought to the scoreboard from the storage facility that we just renovated.

Commensurate with the scoreboard would be a sponsor panel that comes with the scoreboard that would be eight feet long by 21 inches wide. That would be attached to the bottom of the scoreboard, recognizing the sponsor's donation. That is also part of the approval process this evening. We are hoping that this is the beginning of some sort of extended collaborative effort to accomplish the larger goal of making the parking sufficient for the people who visit the park, and for replacing the playground equipment. It is a baby step, it is a first step.

Trustee Armacost: I am glad that you were able to get support for such an important group of people, who are quite short but really active. It is fantastic that you got that support. It will make a big difference in terms of having out of town teams come in. The boys and girls will feel proud to be in a more professional environment. I commend all of you on the efforts to incrementally build the money, and the systems and support, necessary to make that area look good. I fully support you.

Mayor Swiderski: I have a legal question, which is to the Village Attorney. Is there an issue around this? I hate to ask, but I have to.

Village Attorney Stecich: I am assuming that it is going to say, along the bottom, BP/ARCO.

Mr. Calamari: I asked them for what precise language they would like on the sponsor panel, since the scoreboard people are going to make that up for us. Their response was that they would have to consult their legal department. I imagine it would be "Atlantic Richfield, A Division of BP," something like that.

Village Attorney Stecich: If you asked me this question 10 years ago or even a couple years ago, I would say that is advertising and you are not supposed to use municipal property for advertising. That is my gut sense because I am old and that was the rule I learned when I started. But people are getting a little bit more modern. I did call the New York Conference of Mayors.. They provide assistance on different municipal issues, legal issues, financial issues. They are definitely worth talking to about issues like this. They do not make decisions, but they are knowledgeable. Wade Beltramo, the main guy there, indicated to me he had the gut sense that I did, too. But he said everybody is doing it now, we have to be realistic, municipalities cannot pay for these things themselves; if they want to get sponsors, the sponsors want to be recognized. And, sort of, it is acceptable. I will say that it was never that there was like some clear law that you cannot accept this advertising. Not always, but there have been, traditionally, exceptions, like in the New York City subways. Some sort of exception was carved out on almost a fiction, carving out why that was OK. So it has been accepted. The short answer is it is OK if the Board is comfortable with having corporate names on their public spaces. Legally, it is not impermissible.

Trustee Walker: It is too bad you cannot get a new sponsor every year and change the name on the panel and raise more money that way.

Mr. Calamari: The sponsor panel is removable. It is not a permanent fixture. Quite honestly, in good faith, when I discussed the donation with them I did not tell them that we would be renewing it. I imagine that can be subject to negotiation with them. At the present time they were under the assumption that it would be a fixture on the board, but it is something that could be revisited.

Trustee Walker: Well, they may be paying for it. But a lot of these signs and backboards and things are used. You did put some advertising from local sponsors on the backboard last year.

Mr. Calamari: On the fence. And they took those banners out, knowing that they were annual and subject to renewal, and would, in fact, not be up for the entire year either. They would come down for wintertime. This was not presented to them this way, so I feel a little awkward about going back no and saying we would like to change the terms of your donation.

Trustee Walker: Yes, I can understand that.

Mr. Calamari: Dobbs Ferry has a scoreboard donated by Coca-Cola. Coca-Cola is right up there, Eastchester Pepsi, and they have not taken theirs down. So it never occurred to me, quite honestly, or else I would have thought of it when the conversation began.

Trustee Walker: But I think you are right. The assumption is that they are the permanent sponsors, right?

[Male Voice]: But it does not hurt to ask.

Mayor Swiderski: Well, it is your relationship.

Mr. Calamari: Yes, and this is a new relationship for me. So maybe it is something I would revisit, but at the present time I am being honest. I feel uncomfortable about it.

Trustee Armacost: And no one else is offering to pay for your scoreboard. The Village is not offering to pay, no one else is offering to pay. So we are in a scenario where you need funding from corporate sponsors. But you can be quite clever about the way in which you negotiate those deals. Normally, when corporate sponsors get to put their name on things

like that they pay a substantial amount of money for it. So you want to price it. One of the things you might want to do is work out what other villages ended up getting in return and have that information so that you can talk about it.

Mayor Swiderski: I think Coke approached the school.

Village Manager Frobel: Pepsi.

Mayor Swiderski: Pepsi was it? With a substantial deal, and there was some controversy around it.

Village Manager Frobel: They were going to rehab ball fields and make a big investment in the community, and it was declined.

Mr. Calamari: At the Dobbs municipal field they have a Coca-Cola scoreboard, down across from their rec center. I do not know what the terms were. This has been a learning experience for me, having never done something like this before. The next time around, as you said, I will be more clever about it.

Trustee Armacost: There is still data to gather from some of our neighbors. I am sure they would be quite happy to share with you what the terms were, and just having that information in your back pocket when you have the conversation is a position of power to be negotiating from.

Trustee Jennings: What was the amount of the scoreboard?

Mr. Calamari: It was \$6,000 that they donated, and the scoreboard cost slightly over \$3,000. The balance of that money will be used for installation and bringing the electricity to the scoreboard. It cost the Village nothing, and the Little League, hopefully, nothing. But if there are any costs, they will be borne by the Little League.

Trustee Jennings: Ongoing maintenance.

Mr. Calamari: Ongoing maintenance, and should the cost be beyond \$6,000. Then, of course, we would assume that.

Mayor Swiderski: It does not sound like the Board has any problem. I do not think we need a motion, do we?

Trustee Quinlan: I am in favor of it. I was going to let my vote speak, but since we are not going to have a motion I'll say this.

Mayor Swiderski: We are not accepting, or passing on, anything. Is there a sense that there is a need for a motion?

Village Manager Frobel: We just wanted to make sure we had a sense of the Board that it was approved.

Mayor Swiderski: It is unanimous, and it is approved, and I do not think there is a need for a formal motion.

2. Hillside Woods Land Donation

Village Manager Frobel: We have put this on the agenda because the mayor and I have been, over the past several days, having discussions with the property owner in Dobbs Ferry looking to a donation of about 2.8 acres of land currently owned by a private individual. They are looking to donate it to the Village, and our thought was to have that be part of the Hillside Woods parcel. We think there are a lot of advantages to acquiring it. From our point of view, it would take 2.8 acres out of any potential development from the private property owner because he would be retaining his lands in Dobbs Ferry. So, in theory, he would have access to it. It would also be a nice addition to our existing property. The property owner first approached the county. I had conversations with the county, and they have yielded to us. They would be happy to see the Village take the lead in acquiring the land. The property owner is looking to have this donation help him in his taxes for the current calendar year, which is why the urgency to have some action before the end of this year. Presently, the property owner is having it appraised. He will be getting back to us, and at your next meeting we will have a resolution looking to accept the land for public purpose.

Mayor Swiderski: I would like to add a little color to that. The Tartaglione brothers owned a chunk of land probably on the order of a dozen acres. Six of those were taken by Dobbs Ferry by eminent domain to build a DPW facility. The remaining land surrounds that DPW facility to the west, the south, and into Hastings and, in theory, is developable because you can, in theory, extend a road from Lawrence Street, through that property, down to the relatively level piece that is just south of the DPW facility into Hastings. That is relatively level land. That triangle of land that juts into Hastings has been one of concern for the Hillside Woods lovers because it was known to be private, and it is zoned R-20. So in theory, should the developer pursue a plan he has had on the books for years to build luxury housing there, he could have conceivably put a half a dozen to a dozen homes in the piece of land in Hastings if you were willing to pay the expense of running a road to that area.

As a result, the comprehensive planning process listed that parcel of land specifically as an item of concern and one that the Village should seek, and the plan lists a variety of ways to take control of that property and add it to Hillside Woods. None of those seemed likely because it involved spending Village money, either borrowing or otherwise taking on debt. So when the brothers approached us with this it was exceptionally fortuitous.

In October they finally won a lawsuit with Dobbs over the actual cost of that land that was seized for the DPW failure. That suit involved the payment of \$1.4 million to them. As the Village Manager pointed out, this is an attempt to offset some of that income with a donation that will help save them on the tax expense. That income occurred in this year, so this expense has to occur by December 31.

I did hear from him today. I did reach out to see if there was an update. The assessment is expected later this week. The intention is for this to happen in the next week and a half. These things can still fall apart for a number of reasons, and no chickens can be counted until the ink hits the paper and we sign the agreement. But it would fulfill an objective in the Comprehensive Plan, it would finish off an unfortunate corner of Hillside Woods that was at risk of development. The tax cost to the Village is relatively small. It does have an impact of \$1,800 a year. It is undeveloped land. So there is a tax cost, but we would probably end up spending that in the first few months on legal services were they to seek to develop it. I think it is a win-win for everybody, and I hope it comes to term. I am hoping that whatever we have to do, as a board, is ready by December 21.

Trustee Walker: So they are having the property privately appraised?

Village Manager Frobel: Yes.

Mayor Swiderski: They are clearly going to hope for as high an appraisal as possible.

Trustee Walker: Based on the R-20 zone.

Mayor Swiderski: And that is not our business. It is their business to pursue that assessment.

Trustee Walker: But they have to do that before they can donate it to us.

Village Manager Frobel: We have an appraised value on it. In my comments I mentioned where that translates into market value. But they are having a private appraisal done as well.

Village Attorney Stecich: Could there be any possible contamination there?

Village Manager Frobel: That was my only concern, too, to do some kind of environmental survey of it. I think there are different classes of that survey.

Village Attorney Stecich: What I could picture is, if they donate it to you, you have to indemnify them if there is anything found there. I do not know what the history of that parcel is. I cannot even picture where it is. But you might want to double-check that. I think we did that with Quarry Trail. I would just be careful.

Mayor Swiderski: I have told the brothers that we are not going to sign something without legal review, and that they need to leave enough time in their planning to allow for a review by counsel.

Village Attorney Stecich: Right. But maybe the legal review cannot be accomplished without that question being answered. It might be helpful to call Mark Chertok on this. While I can handle SEQRA, I do not handle any kind of contamination. Mark may say it does not matter because they are going to be liable. I think, under the law, whoever owns it previously would be liable. But you would not want to sign any documents in the closing that would forgive them of that. I would check with Mark whether you run any risk, and if Mark thinks you could run a risk then I think you should just look at maybe doing it historically, the use of the site, rather than having to do soil analyses.

Village Manager Frobel: I know there are different phases. You could do a phase one environmental survey, which is a cursory review looking at history, et cetera. Let me talk to Mark tomorrow and get his advice.

Trustee Walker: Yes, because it takes time to do even the phase one. I think that is what we did when we acquired the Graham School property 14 acres. I do not think it has been surveyed in years, so we had to survey it as well. But I assume there is a recent survey of this property.

Village Manager Frobel: But as Marianne points out, we could even perhaps make it contingent upon coming back with a clean bill of health.

Village Attorney Stecich: It is also conceivable that something was done in the eminent domain proceeding. It is possible that, in valuing it, they have to do something. It is possible. So there might be some stuff out there. But it may all be obviated if you call Mark and he says if you accept it you are not, in any event, accepting responsibility for the

contamination. If he says it is not an issue, then you do not have to worry about it. Take it, and whoever is responsible is responsible. You just would want to make sure.

Village Manager Frobel: Possibly, when the Village and the county acquired the surrounding property there was some survey done of this type. Maybe it included that 2.8 acres, as well. So let us find out a little more about it.

Trustee Walker: Yes, because it looks like almost pristine woods but it was not always woods, there were not always trees. I do not know about that particular piece, but a good portion of Hillside Woods was not even woods.

Mayor Swiderski: The Historical Society has an exhibit on maps that I went to this Saturday, and I was surprised to find that there has been a Jewish hospital for "mental cases" where the pool is now, in the 1880s. So there is certainly no indication of a foundation or anything you would even guess, but you are right. Things did exist in those woods.

Village Attorney Stecich: That is fine, but what if it were a battery plant.

3. Revision of the Village Code on Solid Waste Management

Village Manager Frobel: Over the past several months, two members of the Conservation Commission and our legal staff have been reviewing chapter 244 of our code addressing solid waste and how we go about collecting, processing, and requiring our homeowners to comply with the law. It was long overdue. Our law was last looked at comprehensively back in probably 1985, although we did some amendments to it recently involving the licensing of landscapers and use of our facility. But it was time and, fortunately, we had two women who were very dedicated to going through it section by section. They looked at not only the code as written, but looked at best management practices in the industry, looked at neighboring codes and ordinances regulating solid waste management. They have come up with a document that is worthy of strong consideration by the Board for adoption. What I would like to see come out of tonight, Mayor, is moving it to a public hearing, or perhaps a work session where we would sit down in greater detail and go over it another evening.

Mayor Swiderski: Some of the specificity surprises me. The weight of a canister that should not exceed a certain weight, et cetera, is that the practice in other communities?

Village Attorney Stecich: It is already in our code.

Elisa Zazzara, 68 Southside: We carried it forward, but we lightened the load a bit.

Mayor Swiderski: But that sort of explicit number is standard practice?

Ms. Zazzara: I do not know if it is standard, but I would say yes. I have seen it in other codes, it has been in our code.

Village Manager Frobel: If they are manually picked up. If you have a community that has a hydraulic arm that picks up the can, obviously it could go heavier. I should also point out that not only were the sources I mentioned used for input, but our own employees were involved.

Mayor Swiderski: That was my next question, which was input from Superintendent Gunther and others.

Ms. Zazzara: We did not directly speak on the code, but in our general conversations those thoughts and comments were inputted. If I might back up to the weight, we calculated that each man every week hauls three tons of trash, so to the men in the front lines, they do a lot of lifting. To put the weight in there I think is very appropriate.

Trustee Jennings: Thanks very much for your work on this. I did not happen to see a track changes version, and I did not sit down with the code book to make the comparison. Could you summarize what you consider to be the most significant changes?

Ms. Zazzara: Track-changes would have been tough because...

Village Attorney Stecich: No, you could not do track changes.

Ms. Zazzara: Yes, because we essentially started from scratch, but took the elements that were still relevant today from our original code and kept them in, and did a big rearrange and kept what was still relevant and threw out what was not. Definitions have been widely expanded, so now we know what we are talking about, which is helpful for everybody to understand what the various types of garbage are. And we just clarified specifically about that can of garbage at your curb, what should or should not, can or cannot be in there, so the specificity of it and definitions.

Village Attorney Stecich: I wanted to bring a couple of things to the Board's attention that have been issues that have come up in the past that this would change. For instance, this says the garbage has to be brought out to the curb. Right now, under the code, it does not have to be brought to the curb.

Ms. Zazzara: Within 100 feet.

Village Attorney Stecich: So the garbage collectors could go to your backyard and pick it up and, in fact, some places do. So that is a change. That jumped out because you had raised that a couple years ago, why do they have to go to the back of some houses. One of the other substantive changes is the time limits. I do not think our code says that it cannot be out before a certain time. This one says you cannot put your garbage can out Monday for a Wednesday pickup. So that is a substantive change.

Trustee Armacost: Can we ask what the rationale behind that one was?

Ms. Zazzara: My recollection of that was that there were time constraints but not for everybody. They were in commercial aspects. The rationale for that is garbage getting out on the streets. If you put your garbage out excessively before pickup, you have that many more hours for the wind to pick it up, animals to get into it. Depending on what neighborhood you are in, there is the eyesore nature of it.

Village Manager Frobel: Right now it does state a reasonable time, and it is difficult to enforce. We can point with some certainty to some problems where trash begins to form at the curb Saturday afternoon and then not being picked up until Monday. It becomes a real problem for us.

Trustee Armacost: But what about on the recycling? If everything is clean, if everyone does everything you say in here, what is the rationale for the timing on the recycling?

Ms. Zazzara: Mike said that on a very windy day it can wind up going down the street.

Village Attorney Stecich: The paper can get rained on. That is another change. I asked you, are you sure you want to require it because I am not sure how practical it is. I made the changes and tried to organize it, but substantively these thoughts are theirs. One thing that I thought, maybe it is not so practical, is that paper items have to be kept dry until pickup. If you put it out Thursday night and it starts raining Friday morning, what are you supposed to do?

Ms. Zazzara: Perhaps the word "reasonable." Some sense of a reasonable attempt, if you are putting it out on a Thursday night and it is pouring rain.

Village Attorney Stecich: Does it make a difference to the DPW whether the paper is dry or not?

Village Manager Frobel: It has no value when it is soaked, for recycling purposes.

Ms. Zazzara: Not only that, it is exceedingly heavy. I talked to one guy who is throwing his back out trying to lift up wet paper.

Village Manager Frobel: So they should cover it. I would also point out that although we have looked to modify the backyard pickup, there is language e that we want to put in there that if they are aged or infirm there be some flexibility. That really is the goal, in my opinion, as to why we offer that service, and I would like to preserve that. But that is a modification that should be stressed.

Village Attorney Stecich: All of the stuff about the textile recycling is new.

Ms. Zazzara: Because we have textile bins at the DPW yard, there should be no reason why anyone within Hastings should put clothing in the garbage that is either usable or possibly usable as rags. The stuff that goes into those blue bins is either donated for reuse as clothing or is repurposed as rags. Throwing clothing into the garbage is a cost to the Village and a stress to the environment.

Trustee Armacost: The containers have to be maintained in a sound and sanitary condition. Does the Village have an obligation to provide the containers?

Village Manager Frobel: No.

Trustee Armacost: So the containers that have the Village insignia on them, what is the process for getting those?

Village Manager Frobel: They are no longer available. That was an arrangement the Village worked out 10 years ago.

Michael Gunther, Superintendent of Public Works: We had a private carter in the Village who donated the bins.

Village Manage Frobel: We distributed one to every family, and since then we do not. We do not have any. We have not been buying them since.

Village Attorney Stecich: Right now, there is a provision in the code that says garbage has to be drained free of water and stored in covered, watertight cans or light containers which completely confine the material. It shall be rodent and insect proof. It shall be kept in an inoffensive and sanitary condition at all times, and containers shall not weigh more than 75 pounds, when full. They have to be free of handling hazards, and made of such quality as to

prevent collapsing during handling. All cartons, boxes, barrels, and crates shall be collapsed and tied in bundles weighing not more than 50 pounds. That is already in your code.

Trustee Armacost: And was it the same penalty? Was it \$50 to \$250 per event?

Village Attorney Stecich: No, the fine is just \$50. That is a change.

Trustee Armacost: That is an addition. How often did we enforce the old code, or did we?

Village Attorney Stecich: I have no idea about that, but the \$50 was adopted in 1950. My guess is that \$50 in 1950 is probably about \$250 now.

Ms. Zazzara: The \$250 figure was based on other villages that we looked at. That was the range that we saw.

Trustee Armacost: But to my question, have we ever enforced any of these provisions?

Village Manager Frobel: Yes, letters have gone out. We have talked to homeowners.

Trustee Armacost: Have we fined people is what I am more interested in.

Village Manager Frobel: Not to my knowledge.

Trustee Armacost: It sounds like a revenue-generating opportunity to me.

Trustee Jennings: I had several concerns as I was reading through it, and a couple of them have been mentioned already. I am trying to think of how this works from the homeowner's point of view, and this problem of keeping paper dry is an issue. I noted the change in terms of having to put the garbage out at curbside, like we now presently do with the recycling. I noted something that bothered me in terms of if you have been convicted of a violation, then you have to use clear plastic bags. This kind of public shaming approach troubles me. Finally, I am not sure if it belongs in this particular section but there are not provisions about enforcement, about appeal, about what kind of evidence and who collects it. If somebody goes to village court and fights this, and says they did not do it or something, how that whole process would work. So the interdigitation with the village court system is an issue that we should think about. That is a summary of my own initial thoughts reading this draft.

Haven Colgate, 16 Crossbar: That is really important, what you called the interdigitation between the two agencies. Possibly, why enforcement has been so difficult is that we do not have those things specifically outlined already. No one is doing anything about that. This

code was revised, in part, because we want to see practices improved in Hastings and you have to start somewhere. If we have the rules on the books, then we can say you are either following these rules or you are not. The more specific you make the rules, the more you can negotiate with people. But that whole piece of who is going to enforce it is one that we, or anyone, has not quite figured out.

Trustee Jennings: Clearly, solid waste management is an extremely important thing to do properly and effectively and efficiently in the Village. There are so many benefits to be had from it, from environmental ones to financial ones. We have talked about this many times before. One of the most important things, and it is nice to have good definitions, is the very first section. We need to tell people they should not put recyclable material in the solid waste stream. We have to do what we reasonably can to keep that from happening and to increase the amount of recycling that we do in the Village. So to me, that is one of the most important things of all. Insofar as we can do that through education and, perhaps, through some enforcement of the law to change people's behavior, that is a very important thing. Many of these other things are micromanaging of behaviors which are, of course, important to the staff that collects them and has to lift them. And the timing, and the nature of the containers, that is important enough. But the most fundamental goal is to make sure that we are not putting inappropriate things in our landfills and are recycling where we can, as much as we can, for the benefits that recycling brings to the society.

Trustee Armacost: I had one thought, about the penalty section. Maybe people should be given notice. I, by the way, do not have any problem with public shaming. It works very well in developing countries and works probably quite well here. I do not have a problem with the clear plastic bag issue. It helps the enforcers to be fair in their enforcement. To your point of what is the evidence and is there an appeal process, is the punishment graduated up. As you are trying to educate people, and you are doing behavioral change stuff, it has to be softer. Maybe you need one or two notices, and then you get into the fine scenario so that people are not immediately whacked with a fine, but they realize that this is not something that the Village does not take seriously. We warned you once, we warned you twice, and the third time you are going to get a fine. Maybe that is a way. I do not know how much of a burden this is going to end up being on the DPW or whoever is the enforcer of this. But there are mechanisms. You can take a photo with your cell phone of the problem, and then SMS it back to Mr. Gunther, who can then start mapping all the naughty people in different places of the Village.

Village Attorney Stecich: They do have that. The first failure, there is an order from the Manager. And then if they do not comply, maybe the language could be softer if you wanted, and call it a warning.

Trustee Armacost: I misunderstood that. I thought that was an order to impose the fine.

Village Attorney Stecich: No, the order is to start separating your recyclables, and then the next time it would be a punishment. But you could soften the language a little. Call it a warning rather than an order, or something like that.

Village Manager Frobel: But to Trustee Armacost's point, there are other things we can do. For example, I think clear bags are going to happen someday soon. It is going to make it a lot easier for the men. In our meeting with the men, they pointed that out. They know the houses that never have recycling. I have seen ordinances written where with no recycling, no trash pickup. We know a home has recyclables, and there are some people that generate none week after week after week, which is, of course, implausible. So they could be one that we could cite as an example.

Trustee Armacost: It could be not put in the penalty section, but just say you have to use clear plastic bags.

Trustee Jennings: That is a fundamental difference to me. If you make everybody use plastic bags because that is the only way you are going to be able to equitably enforce this, then fine, there is no stigma.

Ms. Zazzara: Except I think clear plastic bags are more expensive. So there is some question of whether we could require that people use them.

Trustee Jennings: Well, I am going to have to shell out quite a bit of money for new garbage cans if I have to put my stuff down on the street, because my current ones I defy you to find one that is, in fact, raccoon-proof, rodent-proof, et cetera.

Mayor Swiderski: Metal ones.

Trustee Jennings: They are pretty expensive, if they even exist. So yes, there are a lot of cost equity things concealed in here for sure. But I do think Trustee Armacost and I can have the argument over a beer. I do not think it is Hastings to do the shaming thing, as a matter of law enforcement and behavior control. I do not think it is our values. And I think that the kiss of death for environmental improvement nationwide is to make environmentally good things seem to be unfair and unjust. If we cannot get environmental protection and social justice together on exactly the same page, I am afraid for the public acceptance of environmental measures. I want to be a Johnny One Note on that. Everything we do to enhance our environmental activities we have to be very mindful of the way in which it is a level playing field, same expectations for everybody. I do not think we should pay for

people's garbage cans, but I do think we need to be ready to deal with some of the fiscal burdens just the same way we are willing to deal with some of the disability burdens that might be imposed. There are lot of issues here. Again, I am not saying that I am opposed to this, but they are things we should reflect on.

Trustee Walker: I agree that there is nothing wrong with requiring a solid, watertight container with a tight-fitting lid. I do think it is very difficult to make them rodent and insect-proof, no matter how hard we try. Bear-proof maybe. In some communities they require bear-proof containers and they get really expensive. I had a question about residential yard waste, and it was something that has been perplexing me. When I put anything out I try to break it up into pieces and stick it into those paper bags, but is there a limit to the length, size, weight of things we could put out? I would think that there probably should be. If we do not limit it, then people are going to putting trees out on the curb and we do not want that.

Ms. Zazzara: Somewhere in here is that language, maybe in yard waste.

Village Attorney Stecich: I saw another inconsistency, and that was one of the ones. There is a provision that says that any garbage refuse that cannot be placed in containers or bags shall be securely bundled and tied, and left at the curb for collection. The weight in each bundle shall not exceed 50 pounds, and shall be limited to 4 feet in length and 18 inches in height. I think you have to kind of fix that.

Trustee Walker: That is not in the yard waste section.

Village Attorney Stecich: Yes, but it should be. I think that whole thing has to be fixed up. Because right now, the law requires that it be in biodegradable bags or bundles. So I think that should be fixed, but I agree.

Ms. Zazzara: So in F-1 we should add the dimensions and weight of bundles.

Village Attorney Stecich: Unless you want to allow people, like in Greenburgh, to just pile the leaves out there and they come and pick up the leaves, with nothing in bags. If we do not want to be that, we have to put back in here that they have to be in biodegradable bags.

Trustee Armacost: But are you saying that E-3 is actually referring to yard waste?

Trustee Walker: I think as well as regular trash.

Ms. Zazzara: No, that is collection of garbage refuse.

Trustee Armacost: That is quite large.

Trustee Walker: Four feet, that has been on the books for awhile.

Ms. Zazzara: We took those numbers from the existing language.

Trustee Armacost: There really is garbage that is that big?

Trustee Walker: Oh, yes. I have to break mine up into four foot lengths, and I am not just talking about branches and trees.

Trustee Armacost: But that is yard waste.

Trustee Walker: No, but there are other things that we put out all the time.

Village Attorney Stecich: You are breaking apart shelves or whatever.

Trustee Walker: But this is pieces of molding.

Trustee Armacost: There is a separate section relating to oversized items. Bulk refuse is G.

Mayor Swiderski: Oversized items that you cannot conveniently break down, like a refrigerator or a sofa. That is too much to expect to be broken down to four feet.

Trustee Walker: Paragraph J, about no animal substances and no dirt gathered from docks or waste mills. Is that from the old law?

Ms. Zazzara: Yes, we left that in because we thought it was historical.

Trustee Walker: The important piece of that is that we are not supposed to be creating landfills or adding to landfills or filling ditches with that matter. But is there anything here or somewhere else in the code that there is no dumping allowed on property?

Ms. Zazzara: Yes, in I think the littering section.

Trustee Quinlan: I agree with Trustee Armacost. It has to be clear about the warnings. That is why we live here in Hastings. We are not just going to get fined \$50 or \$250. There has to be a way to talk to people first. We have to say this is a mess, you have got to do better than this. Especially south of the bridge. We have had complaints from people who

live south of the bridge on Warburton Avenue in that neighborhood that a lot of the landlords are not controlling their garbage from the residents in a secure place and it is ending up on the streets I believe those complaints. There should be a warning, and then there should be enforcement of the penalties. But we need some strict warnings, whether you call it an order, or a letter from the Village Manager or from the Department of Public Works, k that has to be clear. As to the clear plastic bags, I am fine for that as a bit of enforcement. I do not know if it is called public shaming, but as to having them all in clear plastic bags I think that is too expensive. It is too much regulation. We have too many regulations in Hastings as far as I am concerned now, and we are getting more and more regulations in the five years that I have been sitting here. We can be overly regulated, and indicating that all the garbage has to be in a clear plastic bag is, again, just over the top as far as I am concerned, even though it might protect the environment more. But it is too expensive, and it should only be used for people that are not complying with the rules or common sense. We do not put our papers out if it is raining the night before, not because there is a rule or regulation, but because it is not right. You do not put wet papers out for people to pick up. And if it is still raining in the morning, guess what? They can wait until next week when it is not raining.

But it is good that the rules are in there because I know people are doing it. If there are people that have no recycling, we know that is impossible. Those people should be warned right off the bat. It is impossible not to have any recycling, and we are not going to pick up your garbage unless you start recycling. Simple as that. The rest of it is fine. So far, I think it is good and I think it is a good law. We just have to change the wording a little. We could do better, and this does do better. So thank you.

Trustee Walker: The Chamber of Commerce has often complained about the refuse in the downtown area. Some people putting their garbage in the Village containers.

Trustee Quinlan: That is taken care of in here.

Trustee Walker: It is in there, but it needs to be enforced because it is going to continue to happen unless we enforce it. It is a quality of life issue, and it affects store owners and shoppers in the downtown. It is critical that it be enforced, especially in the downtown.

Village Attorney Stecich: One thing nobody has raised on the clear plastic bags is that it is a privacy issue, as well. There are people who maybe had surgery or whatever that do not want to let the whole world know how they are dealing with it. Then the other thing is, this section on disposal of recyclables other than paper and commingled. The problem with leaving this in the law, which can be punished for fines, is certainly the part about you can recycle film. Why is it in there? Maybe there should be guidelines that are separate from this that are not part of the law. And the same thing with the textiles.

Ms. Zazzara: I would have to disagree.

Village Attorney Stecich: Then the Board has to talk about that. That is a little more difficult. How do you enforce that? You go before the judge, trying to argue whether this is a reusable pair of pants or not?

Ms. Zazzara: I live in a neighborhood where I often find bags of clothes left out for garbage pickup. I will schlep them down to the blue bins and put them in there. I do not think we fine people over a pair of pants in a garbage pail, but if they are putting out entire bags of clothing that is something that should be illegal.

Village Manager Frobel: There are additional standards coming also. Mike attended a seminar with the county. There are new regulations coming out that we are going to have to...

Village Attorney Stecich: The county is requiring that?

Village Manager Frobel: I am not going as far as textiles. I do not think they have gone to textiles yet. I am just saying that is something we need to keep an eye out for.

Village Attorney Stecich: So that is something new, and I should have raised it before, Bruce, from what the current regulation is now. Even though our statute does not talk about paper and commingled, we know we are bound by the county. I think the textile thing would be something.

Ms. Zazzara: The textiles is just something that we thought Hastings could put in our code because we do have facilities to receive textiles.

Village Attorney Stecich: The Board should decide.

Mayor Swiderski: Several locations.

Ms. Zazzara: Yes, at least

Trustee Armacost: You just raised one point which I think is important, this section on small household electronics. One thing that lots of people throw away are batteries. Does that fit under hazardous waste?

Ms. Zazzara: Did we define it as defined by the Department of Environmental Facilities?

Trustee Armacost: Yes, you did. But that means someone has to go there.

Ms. Zazzara: Well, hopefully that is clearly listed on the Westchester County Web site so we can get a list of what Westchester County considers hazardous waster, and make that available through Web, through e-mail, through newspaper.

Village Attorney Stecich: I think it would be a good idea to put whatever the Westchester County ...

Trustee Armacost: I agree.

Village Attorney Stecich: Because I went to the Web site today. I found it very difficult to use.

Trustee Armacost: I agree.

Ms. Zazzara: Because the county regulations are going to change, the idea of saying we are going to hook onto whatever the county is doing, and then that is what we have to refer to, then perhaps the job is for the Conservation Commission to garner that information and put it clearly somewhere within Village information. So that is why we went to the DEF. And batteries, by the way, if they are not rechargeable, go into the garbage.

Trustee Armacost: It depends on what kind of battery.

Ms. Zazzara: Just like your standard Duracell.

Trustee Armacost: But that is a tricky thing for people. There are things that do not feel hazardous, but they are hazardous. Light bulbs are another one.

Ms. Colgate: But I do not think people in general are going to refer to this code in terms of figuring out what they are supposed to do with their household waste. This is mostly a document that can help us enforce and provide the regulations. But if you thinking is this recyclable or not you are not going to look it up in the Village code. You are going to call Elisa. That's what I do.

Trustee Armacost: Right. But if someone has to enforce it, then it has to be transparent. Otherwise we get to Bruce's fairness issues.

Ms. Zazzara: I think if we can get beyond how difficult it is to define, if we can get the information, which we can, clearly, from the county, and have it posted in whatever manner it can be transparent. We can get that information to folks, and keep it green as it changes through the county.

Village Attorney Stecich: And we could say that, and post it on the Village Web site. Because I found it difficult to read.

Ms. Zazzara: I know. I read that in some villages in Japan they have to sort their garbage into 40 different categories. We have three or four. Not to say that it is not difficult. It is difficult. I think also, culturally in America, if I may, we are never taught to pay attention to our garbage. It is always throw it away. And you spend no time considering what you are doing with your garbage. It is now time to spend time considering what you do with your garbage. We can no longer afford on all the levels, economic and environmental, to just say that is OK that I get this disposable camera because I am just going to throw it away. That impact is seven-fold to this little camera that you are throwing out. So while this may seem too detailed or too specific or too punitive, we need to be firm and strong about this because for too long we have not been. I do not mean we just in this room, I mean we as in America, as in human beings and most of the planet. It is time to roll up our sleeves and make the right choices.

Mayor Swiderski: It is a nice segue to my final comments. Other than my question on specificity, the only issue I had was with the clear plastic bags. And exactly because of that. It is not hard to imagine a divorcing couple, or somebody being harassed, having their garbage looked at and, Oh, your reading matter or the pornography or whatever it is.

Ms. Zazzara: Well, that is recyclable.

Mayor Swiderski: But you know what I am saying. Ultimately, this document in many ways is aspirational. While we are going to be talking about enforcement in a moment, you do not go ahead and enforce all the laws. You start with tiers. This provides us with a framework to eventually graduate us maybe not up to Japan, but to England, somewhere that recycles consistently. Having visited there I was impressed, recently, how everywhere there are bins with four different containers and poles that guide you to what goes where: a newspaper-size hole for the paper and a circular one for the glasses. That is where we can aspire to, and this provides a framework. So while we may not be punitive across the board initially, it allows us 10 years from now to be able to go all the way if we have to. Other than clear plastic bags, I do not have any issues. This sets the potential bar. But we do have points to go over here.

I quail at a work session just on this because we are going to have one in the next month on reviewing the Comprehensive Plan, and there are always lots of work sessions. But I do want to give us a chance, because Trustee Jennings feels there are issues here that deserve further examination, for us to do so. Maybe I will turn it to you, Bruce, and ask what do you think the format should be that does not swallow an afternoon, and yet allows us to properly address the concerns you have and the issues you think need to be daylighted here.

Trustee Jennings: Regardless of the format of our further conversation, the best thing to do is to boil it down to the three or four or five things to wrestle with. When it comes to the question of disconnecting the practice of backyard pickup, my gut feeling is that it is going to elicit public reaction and public comment. That is a sensitive issue. We need to have a forum where people have an opportunity to give their opinions on that.

Mayor Swiderski: Bruce, having suffered through many a weekend shot on the Comprehensive Plan, I am not going to be stupid enough to volunteer. I am going to volunteer you. Could you send out an e-mail to the Board saying please respond with substantive concerns. We can respond to you with the three or four issues we have, if any. You can collate them, and we can plan for a Board meeting in early January to go over them.

Trustee Jennings: I will be happy to collate Board suggestions and comments, certainly.

Village Attorney Stecich: Peter, could I suggest something? We did get some comments tonight. Why do we not incorporate them first so you are not restating what you already stated tonight. I will work with you, and we will get a new draft and then circulate it.

Trustee Armacost: Are you asking for additional comments before public comment?

Mayor Swiderski: No, additional comments before public comment because those will be incorporated, and then we take a look at that and pass it to Bruce so that the next conversation is more focused on salient, hot-button issues like the curbside recycling, curbside garbage, or anything else.

Trustee Jennings: I will try to produce a piece of paper that has the topics to be discussed.

Trustee Armacost: But we do not have to have another conversation before public comment then. Why do we need to do that?

Mayor Swiderski: Let me ask the Board, do you think we have highlighted enough issues for a subsequent draft to be ready for public comment, or do you think it is going to require further conversation?

Village Manager Frobel: No, I would rather have another conversation.

Village Attorney Stecich: Yes, because there are some big issues like backyard pickup. And Niki seemed to have an issue with the time that it could be out there. I see the next draft just cleaning up some of the things everybody agreed on but I saw still outstanding issues.

Mayor Swiderski: I agree. It is a pretty substantive change to our law.

Village Manager Frobel: Over the next couple of days, any Trustee that has comments send them to us immediately so we can begin. I have got two pages of notes from tonight's meeting, but anything further send them along so our working group can incorporate them into a draft.

Mayor Swiderski: All right. It is the guiding legislation for a third of our municipal workforce, and it is not dumped trivially. I do want to make a sidebar comment to Elisa. Six years ago I considered myself enlightened, and just threw stuff out. The awareness that comes when you begin to think before you open a garbage can is no fun. But when it comes, you end up throwing out less. I still make one too many compromises, but it is a process. And putting it down on paper in law, and then slowly working people through that process, is one that will take time. We started it in bits and pieces; this is a big bit. So thank you.

4. Quality of Life Enforcement Issues

Mayor Swiderski: About a month ago the Village Manager issued a memo to elicit feedback on what level of enforcement on various quality of life issues we should look for, and how that would work. It reflects an ongoing theme from residents: why are they not sweeping their leaves, shoveling their snow, trimming in front of signs, not necessarily aimed at us, but at neighbors and friends and store owners. Why are we not fining people for not cleaning the butts in front of restaurants, et cetera, et cetera. I would say a quarter of the email traffic I get is around this topic. It speaks to Jerry's point about not wanting to be a punitive state, but also about the value of law that Niki refers to when she asks if this is ever enforced, and there is that silence. Somewhere between the loaded silence and a desire for us not to be a nanny state, we need to get to where we begin to steer the most recalcitrant who will not do what they should be doing to where we want people to be, and to generally make people more aware of their responsibilities under the law and to each other. It is in that spirit that I asked Fran to put this on the agenda.

Village Manager Frobel: We took heed of the e-mails that you mentioned. Trustee Jennings talked about a board discussion on enforcement policies: cleanliness, snow

removal, sidewalk maintenance, storefront appearance. So we met. The gentlemen that are in the audience tonight sat down with me and we went over our local laws. We talked from a practical point of view about how we go about trying to bring about compliance. It is true that we try more through persuasion than heavy-handedness. In our evaluation we found that a lot of the ordinances are enforced, although at times it has been difficult. One example is sidewalk repairs. I have had talks with Marianne a few times about the code and how it reads and the obligation of the property owner to keep the sidewalk in good repair. But most recently, a little frustration when you have someone who trips on the sidewalk, and repeatedly trying to get the property owner to fix it only to be told he is not going to do it. We go out and make the repair ourselves because we are not going to run the risk of personal injury. We talk about dogs running off the leash and how effective can we be in enforcing that. Ray has that frustration, where he tries to maintain the parks, and yet that is a recurring theme in his conversations with me about trying to persuade people to obey the law and not have to come out with summonses and tickets. So there is a lot of frustration. I know at meetings you have heard about the dogs, and the mess on the street and difficulty we have in catching the owner that does not pick up after that pet.

We need some direction as to how tougher you want us to be on these issues. I am pleased that, with snow removal, the Chief mentions that the department enforces it and we see good compliance with that. Snow is removed from sidewalks in a pretty timely manner after a storm. The shop owner is obligated to sweep in front of his store a couple of times a day, while he is open. Well, we do not enforce that. We heard just this evening about store owners, or tenants who live above stores, who take advantage of the street receptacles we have with the refuse. I personally have spoken to a number of property owners, and sent out letters to tenants and owners, trying to bring about compliance. You get compliance for awhile, but I have first-hand knowledge where I have seen a store owner bring his trash from the store to the green barrel expecting Mike and his men to pick it up that day. If they have just gone by, then it will sit there for another day. Then the wind grabs it and scatters it throughout the Village. What we need is some feedback from the Board as to how are we doing and how could we do better.

Mayor Swiderski: I have wrestled with how you tackle this. There is a hierarchy of laws, I imagine, where you probably worry about the ones with public safety considerations first, specifically sidewalks, sidewalk maintenance, where there is trip and fall, not because it is a legal liability, but because it is a safety issue, and snow removal and obstruction of street signs and stop signs. Those fall under safety.

Village Manager Frobel: Then probably health issues would certainly be second.

Mayor Swiderski: Health issues would be second, right in line, and that is sanitary, largely DPW-related, how people dispose of waste or pick up after animals and their waste.

Village Manager Frobel: Chief, why do you not offer some comments about snow removal. We have got to start somewhere, and I will have you break the ice.

Chief of Police Bloomer: When we talked about enforcement my initial thought is what Trustee Quinlan has said and what has been echoed here. There is an *Andy Griffith* episode where Andy leaves town and Barney is put in charge and he is going to clean up the town. When Andy gets back, everything is quiet until he walks into the courthouse and everybody has been arrested: the mayor, the banker. We are very cognizant of the fact that we do not want to become an overly-enforced village. One of the things Barney says at the end is, Andy's been trying to teach me for years, in a small town you're more of a family. And that is true. Having said that, on the issues that you just addressed with the snow removal, we do not wait for a call for that. If an officer observes it, or if one of our parking enforcement people observe it, or if we get a complaint, naturally, that is enforced. And they do not get a break or a warning; that is a summons, because that is dangerous and people could fall.

In fairness to business owners, we run into two problems. Number one, we are 24 hours, but the Building Department is not and we do not have, necessarily at the time, the property owner's name and address. For example, Hastings House, 555 Warburton. We have had a problem with that the last couple of years, it has been empty. To try to track down who owns it, we do not have that information at police headquarters. So the summons would not be issued right away, we would wait until the next business day and meet with Marie for the information. But that is enforced.

The business owners are pretty good about having that done. The lieutenant sends out an email at the beginning of each winter season to remind those business owners on the email list to do that. But in fairness to them, a lot of times what happens, particularly on a hill, they have shoveled or salted. We get an excessive amount of sun that day, a lot of it melts. That night, of course, the sun goes down and it freezes. And the next day you have the same problem. Technically, they are supposed to keep their sidewalk free of snow and ice, so they are in violation. In those cases, if it is not the first event we will give them a warning and ask them to go out and salt. But in fairness to them, it happens in the same places every year, every storm.

Most of the issues in the downtown are not things that the police department enforces. We do not have the personnel for it. Cigarette butts on the sidewalk, I know we have met with the Chamber on it and I know they are concerned about it. It is just not something we have ever enforced, nor do I have the manpower to enforce that.

We have enforced the tenants putting garbage in the garbage can in front of their house. I remember being a lieutenant, and I remember this large investigation into the garbage, and taking it out of the garbage can and seeing the address and summoning the person that lived above the store. You talk about evidence that we needed for court, we had to secure all that when the summons was issued. So that has been enforced. That would certainly only be something that would be enforced if there was a complaint. I do not have people going around looking in the garbage cans.

The dog relieving himself on the sidewalk, if one of our people saw it they would certainly write that as a summons. Unfortunately, when you see somebody in a uniform or a police car, that is usually the time you do not let your dog do that, or you do clean up after them. They are not going to do that in front of an officer.

The laws that we discussed that are unenforced laws are generally enforced only if there is a complaint. Ball playing in the street: there is an ordinance that says you cannot play ball in the street. We do not enforce that. I could imagine one of my guys pulling up on a father and son having a catch on Lefurgy Avenue and telling them you are not supposed to be doing that. We do not enforce that, but it is on the books. And it is on the books for a good reason. Suppose five kids decided to play stickball in the middle of Five Corners. You would want to have some relief to that. So it is a good law to have, but it is not something we go around and actively enforce. Basketball courts, same thing. You are not supposed to have that. That is playing ball in the street. We do not actively enforce that.

So for the most part, the other things that are not actively enforced: garage sales, I guess it is on there for a good reason. If somebody had a garage sale 50 weeks out of the year, if you were the neighbor you might get tired of all the increased traffic on a Saturday and not finding a place to park. But we do not enforce that and, frankly, we would have no way of knowing how many garage sales each individual person has had. So most of the laws that are unenforced are only enforced if there is a complaint. Then we will generally go to that person who is violating the law, advise him of the complaint, and ask them to comply. And remember, the reason for any summons or ticket is you are looking to ensure voluntary compliance. So if you can do that by asking them first, that is always the first way to go. If it does not work and you have to issue a summons, you do it. These new garbage rules, I have not seen the code and I do not know who would be expected to enforce. But your first discussion should probably be who is going to enforce. You can put them all there, but if there is nobody to write them, and your question before, Trustee Armacost, has this ever been enforced, certainly not by the police department. I do not know any of those rules to be honest. I do not know the DPW would have a person to do that.

In addition to enforcement, you are then talking the added expense of bringing that person who wrote the summons in to court. If the person pled not guilty, you have to prove your case, and that person, the officer or the DPW employee or code enforcement officer if you ever chose to hire one, would have to come in to court and they would be paid for that. So there is that added expense, as well.

I think the ideas are terrific. I wrote a note to my lieutenant two seconds before you asked the question, asking who will enforce this? And then you asked the question. So the only thing with any of these rules is who will enforce it. We could all walk from here to the school and we could write summonses for something probably every five feet. It is more a matter of, as you said, public safety and then health. And complaints would be right in there. If somebody made a complaint, we would try to correct the situation. But most of our discussion centered on stuff that while it may not appear that it is enforced, it is enforced. I think almost everything on there is enforced in some way.

Trustee Walker: Is there a way, though, to have a one step down from a fine or a penalty or writing a summons, and have a system like we were talking about with a notification of warning? Could we have first and second warnings, and only if it is not remedied after the second then somebody gets a summons?

Police Chief Bloomer: But for what though?

Trustee Walker: For any number of quality of life things that we are talking about, whether it is ball playing or not cutting your vegetation back from the sidewalk or not removing your snow. Some of these things I can see people sometimes need to be educated first. And if they are reminded a couple of times, then they might start. But as you are pointing out, it is difficult and expensive to issue summonses. But at the same time, we want to educate people about changing their behavior. So how can we do that in a diplomatic way?

Police Chief Bloomer: The snow and ice on sidewalks, I do not think somebody should get a warning. If you own the business, you know that you are supposed to, if only for your own customers that are coming in. You do not want them traipsing the snow in your store, or falling in front of your store, because you might be responsible. People should get a summons for that. Ball playing the street, if it is a dangerous situation we may tell somebody you have got to be careful, if a car comes move to the side. There is no point in issuing warnings for that because nobody is ever going to be charged with that. And if they were in the middle of Five Corners they would not get a warning. They would probably get brought down here and have their parents come in.

As far as the vegetation on signs and sidewalks, we have had that issue on Ravensdale and some of those side streets. I have gone up there with Deven, we have met with homeowners, we have sat with them and worked out how they are going to cut it back. I think we do a real good job of trying to warn people first. There are a couple of homeowners that we meet with every year that you think would maybe get the message. But we still go out of the way to meet with them every year, when their stuff grows back. There is a real complex formula for houses on corners, and Deven has this protractor and I sit next to him and listen to him. He shows me the angle where people have to cut their stuff back. He knows all this stuff very well. Then we go up and meet with the homeowner and advise them where it has to be cut. We take caution tape and run it from one corner to the other so he knows exactly where it has to go, which can stay, and which can be removed. I think we are pretty good about that stuff.

Village Manager Frobel: And Mike will respond when I get a call like that. In fact, the letter went out a couple weeks ago for just that kind of situation. When we do not have compliance, then we will take it to the next level. But again, it is more trying to bring about compliance rather than issuance of a summons. But Mike will have that burden of going out and meeting with the homeowner.

Trustee Armacost: Have you actually issued summonses for the snow removal issue?

Police Chief Bloomer: Every year.

Trustee Armacost: How many does it end up being?

Police Chief Bloomer: Anticipating that question, I looked. And I think we issued three last year. But I think we issue anywhere between three and five, six a year. That is one that is pretty generally issued, as is dumping. Somebody brought up the dumping question. We have the camera down at the DPW, although it would not just be limited to there. If you dump something on Warburton Avenue it would be the same thing. But the camera aids us in that, and people get summonses. They do not get warnings because there are 35 signs down there that tell you no dumping.

Trustee Walker: Do you issue summonses to residents who do not shovel their sidewalks? Or it is mostly commercial properties, businesses in the downtown?

Police Chief Bloomer: No, it is businesses. We have had complaints, particularly along Lefurgy. When kids are walking to school, they are forced to walk into the street. I cannot say we have ever issued summonses for that. We may have, I do not know. But I remember meeting with people on Lefurgy and asking them to take care to shovel the sidewalk. Normally, when they hear kids have to walk out in the street, it is done pretty quickly.

Trustee Walker: So what about commercial property owners in the downtown not cleaning their sidewalks?

Village Manager Frobels: Well, we have been really doing that. We have not been issuing summonses, but I have done letters, I have done visits. I also have, typically, at least one community service person a week that I will take responsibility for and assign him an area of the downtown to pick up. So we have been doing a lot of that ourselves. I have seen shop owners sweeping sidewalks of late. So there is some movement there.

Trustee Walker: Right. And the Chamber has offered to help, but just to help property owners become more aware of their responsibility.

Village Manager Frobels: Yes, that would be a big help. But I could have this young person out there for eight hours, and I will drive home and I will still see litter blowing around. The problem is, as mentioned, the trash might have been put out early, the wind grabs it, tosses it everywhere. Or people are inconsiderate. And it is frustrating for all of us because we, too, take pride in the Village and would like to have it litter free, but it is very difficult with some people.

Trustee Walker: There are these studies that show that behavior is modified by good behavior. A garbage can that has litter on the ground around it is going to attract more litter on the ground around it. A garbage can that does not have litter around it, people are going to make an effort to put their litter in the garbage can. So the cleaner the downtown is, the cleaner it will remain. Small things matter because somebody sees litter around a garbage can, or somebody sees that somebody else has put their household refuse in a Village container, then they are going to do it. So it does take a lot of vigilance but, over time, behavior will change.

Village Manager Frobels: Mike, talk about the frequency that you dispatch the crews to go back out during the day to pick up litter. It is not like they come through one time. They have orders to stop and pick up anything they see out there as they travel through the Village.

Superintendent Gunther: Yes, the downtown pickup is probably done four or five days a week as far as garbage. The receptacles in the downtown are picked up at least five days a week, including Saturday. The crews are instructed to do any stuff that is inside, to pull the pails out. They see garbage around the pails and everything else, periodically I will send them back out after their routes to get any loose garbage that misses the pail, goes in between the pail and the basket.

Trustee Walker: The Chamber often complains that we need more containers in the downtown. I do not understand that. Maybe it is just location.

Superintendent Gunther: In the past we have moved some around. We recently put one on Main Street across the street from the firehouse. There was a request for that.

Village Manager Frobel: We added three to the alleyway, and we moved one up near the ambulance.

Superintendent Gunther: We have close to 25 or 30 out there now. Adding more is just going to give more people the option to toss their household trash in the top of the container.

Trustee Walker: Maybe having more recycling containers would be useful. But more garbage containers I do not see the need for.

Trustee Jennings: I wondered about whether we have a sufficient number of containers. I certainly think that it would be better if we had more visible containers for recycling that you can separate. But that is a separate issue. Meg, is there some research that you know about? What you said was fascinating to me. If you see a bunch of stuff on the ground already it seems less harmful to throw your piece of paper on the ground because it is just one of a hundred pieces of paper on the ground. But if you are the only one, that would give me pause. Has anybody ever done any study in terms of littering? How far can you expect somebody to walk rather than throw it on the ground or leave it on the bench? And is there some guidance in terms of how we should position cans in a village downtown like ours? I wonder if there is a possibility of encouraging the private property owners to put out a receptacle so that we would have more receptacles around the downtown area, but they would not all have to be Village receptacles.

Trustee Walker: In answer to your question about just the distance, there may be research about that, but I am not aware of it. I do know that the receptacles work best where they are most needed, which just is common sense, but sometimes people do not think of it that way. I am sure that the DPW has seen where they are most needed and moved them to those locations, for example, outside of a deli. Madaba Deli, for example, they probably could use one there. Near where you have bus stops you need them. Where you have people sitting on benches you need them. Where people are eating and buying products where they are going to throw something away, you need them. Where people are smoking, you need places to put their cigarette butts if they are smoking outside. We could work with some of the retailers and restaurant owners to get some of that in the right places. We could not put a cigarette receptacle outside the River Roadhouse, but maybe he could do that.

Trustee Jennings: A public/private partnership. Could it help address this perhaps?

Trustee Armacost: I have a question for Chief Bloomer or Lieutenant Dosin. What are the top five things that you get complaints about? And how many are you getting in a year, more or less, for those top five?

Chief Bloomer: I do not want to say what the top five are because I have not looked so I am not prepared.

Trustee Armacost: But just a feel. I am not going to hold you to it, but just what feels like the ones that people are complaining the most about.

Chief Bloomer: I think dog stuff: unleashed dogs, or people that do not clean up after dogs, barking dogs. Noise complaints, whether that is the downtown or someplace else. There are noise issues all over town. So that is four.

Trustee Armacost: But three of them are dogs.

Chief Bloomer: We get complaints of kids doing damage up in the parks, but that is not something that is unenforced. If we caught somebody doing something they would be charged with it. If kids are in parks at night making noise, again that goes back to noise. But dogs are a big issue. We have issued this month summonses for dogs at large. That is not something that is unenforced or we would have to wait for a complaint. But for the most part, we are going to find out about it by somebody's complaint, and then it is followed up and summonses are issued.

Going back to keeping track of these so that you issue warnings, the only problem with that is that you then have to keep a database of warnings and then you have to search through the database. So the guy that goes out on the call then has to radio in. We would have to look it up, see how many warnings were given . So that is the only problem with a certain formula. But every call that comes in, all 5,500 of them, are answered and responded to. Summonses may not be issued, but every one is answered. Whether it is the kids playing ball in the street, the officer goes and assesses the situation. Whatever the call is, somebody goes on it. It may be a delayed response because we are on an ambulance call or on some other call. But every one is responded to so nothing is overlooked or nothing is deemed too trivial. It is all followed up.

Trustee Armacost: I was asking the question partly to understand more or less if we could narrow down where the problems were, from your perspective as the enforcer. That is, I think, helpful for us. And also just to understand, from your perspective, what you think the best solutions are. Obviously you are enforcing; your experience is that you are enforcing.

There is a perception that some things are not being enforced, which may just be the people t are unaware or people are grumpy. But if there is a problem, what you think any of us can do collectively as a village to alleviate that I would be really interested to hear your perspective.

Chief Bloomer: Most of the issues that we have talked about I do not consider police department issues. So having said that, at one time during my career, and I cannot tell you what year it was, the Village hired a code enforcement officer. It was a college kid who was interested in police work. He made, at that time, probably \$5 an hour, or less. He is now an investigator for the district attorney's office. He was somebody who went around in plainclothes, and he was more likely to observe dogs off leashes or dogs going to the bathroom or people littering because, again, you do not get a lot of it right in front of a uniformed police officer. In addition, he also had the time to go park to park, that was one of the rounds that he did, and would also have the time to go through the downtown to observe whether people were abusing the garbage, or putting their garbage out too early and it was blowing around the street. He had the time, whereas one of the two officers that is on patrol probably would not have the time. Is it an expense? It is an expense. The Manager and I are forever looking for somebody to do some of these. Who could we get to do some of these details, I will call them.

Mayor Swiderski: Does it pay for itself through the summonses raised?

Chief Bloom: I think, again, depending on the hours. And if they are not getting benefits, I would assume so. At the time, I think it did.

Trustee Armacost: Was it effective? Did people change their behavior, or however you measured effectiveness?

Chief Bloomer: He issued several summonses. I know for a fact that the dogs at large in parks was one of his main charges, and I know that that had to have cut down because he issued summonses for that, especially up in Draper Park, which is where we get the bulk of our complaints on that. Again, we respond to those even when they come in now. By the time the officer gets there, for the most part the dogs are back on leashes or the people are gone. An enforcement officer that went regularly from park to park is more likely, by happenstance, to come upon that. He would probably, without consulting the database, remember that he told you this last week, and the second time, then, issue the summons.

Superintendent Gomes: Let us take for instance the dogs. I try to take a common sense approach to it. If we are finding that there are holes in the ball fields or fecal matter is being left, then I will meet with Dave and say this is becoming a real problem. About five percent

of the population just does not get it or respect the facilities the way they should. That is when we take active enforcement. Otherwise, we try to work with the people, create a positive experience, and move on from there. Chronic offenders, obviously we try to educate them. But in the long run, they may need ticketing or some sort of enforcement. As discussed, dogs off the leash was probably the biggest problem that we have in the parks, littering to some extent, and graffiti.

Village Manager Frobel: A quality of life issue is vandalism. How prevalent is that?

Superintendent Gomes: It comes in stages. Dave is great to work with. There are some groups that one year you could have a lot of vandalism and a lot of parks can get beat up. Dave does behind the scenes stuff and gets it accomplished. We sit down and discuss the enforcement, what we should do. We try not to go over the top. We recognize people make mistakes and we try to work with them, educate them, rather than put the hammer down. It is like when there is illegal parking at the pool. You could call the police to ticket all these people. But we try to make a couple of announcements so people will move their cars. From where I sit, if it is a very chronic offender, or a health or safety issue, then we will go for the enforcement on it. But we try to help people out and educate them, and work with Dave and the other departments.

Trustee Quinlan: I think the quality of life in Hastings is absolutely fantastic. I would not want to live any other place in the world. So I do not have a problem with the way things are handled. I am not just saying that to impress people. I am still living in my first and only house that I ever bought in 1979, and probably will never leave Hastings. I think everything is being handled in the way that it should be handled. Having said that, there are chronic offenders on all these issues. The only way that you are going to solve that problem is to dedicate a substantial line in the budget. You are not going to pay somebody minimum wage. You are going to have to give them benefits. You are going to have to make sure that their work week coincides with the courts at night because people are going to plead not guilty. You are going to have to get a responsible human being to do it, who is going to do what he has to do: sometimes give warnings, sometimes give tickets, sometimes take the stuff that is going to happen to him out of uniform when he does that. It is not going to be easy. If you are in uniform, nobody is going to give you too much of a hard time because you have other enforcement issues of resisting arrest or assaulting an officer or things like that. It is a very difficult job, so you are going to have to pay the person very good money, with benefits, and have him do his 35 hour week, part of it coming to courts. Other than that, we are just talking about words and we can talk about it until the cows come home. We can talk about public partnerships and all that, and talking to people, and we are doing that already. So if we want to enforce it, we are going to have to get an enforcement officer.

Trustee Armacost: Why does it have to be so expensive? Your solution from when you were younger, the kid who had an interest in law enforcement, seemed like a relatively cheap and effective solution. I do not know whether there were very many such people, but that did not seem so expensive.

Trustee Quinlan: My theory in life is you get what you pay for. If you want somebody cheap, you are going to get lucky, maybe you might get lucky, and find the right person. But chances are you are not going to.

Village Manager Frobel: I do not think we heard tonight that we are at a point where we would need a full time, salaried, fringe benefit person. I am hearing we have got some areas that we have got to strengthen, work on. But we are getting a lot of productivity out of our existing staff. We have heard the effectiveness of the department. Ray has mentioned some concerns. We have Deven out there helping us, as well. I think it is working, but the feedback we are getting tonight will be very helpful to us to go back and understand that we have got more to do and to work, perhaps, even more effectively with the business community.

Trustee Quinlan: I agree with you, Fran. I qualified my statement by saying that this is the greatest place on the world to live. I think it is workable. Are there too many dogs that go to the bathroom on the sidewalks? Yes, et cetera, et cetera, et cetera. But on the whole, I could not think of a better place to live.

Village Manager Frobel: OK, thank you. This has been helpful, Mayor. I am going to take the message back.

Trustee Armacost: How are we going to enforce this new code, though, that we are discussing? That one seems tricky to me.

Village Manager Frobel: It is specified in that it rests with the Superintendent of Public Works, and that is where it rests today. There is no modification there. But we are going to have to look at how we can be more effective without being heavy-handed. What you did not hear tonight was how Mike will work with homeowners when the men bring to his attention that someone is not complying. We do not like to not pick up the trash. The bottom line is we do want to accommodate homeowners, even though they may not be in full compliance with our ordinance. That is what we are going to need to have to work on, and we are probably going to have to see how far we need to go to bring about full compliance. Mike, am I wrong in how we try to accommodate homeowners?

Superintendent Gunther: Fran is right. Since I have been a superintendent, since 2001, I have met with several homeowners, either a phone call, a conversation, we could figure it out over the phone. Or I have gone to their households and showed them what was not recyclable in there or what they were doing wrong. It is a matter of public education.

Trustee Armacost: When you read that draft legislation, did it look completely enforceable to you? Or were there issues in there that you thought that one is going to be tricky to get people to shift their behavior on?

Superintendent Gunther: No, it is manageable. I went through the Westchester County recycling training program in early November. Come June 1 of 2011 they are going to start accepting plastics 1 through 7, which will increase the amounts and skyrocket our recycling numbers through Westchester. They are also in the process of reopening some of these household chemical facilities in Valhalla, where residents can bring things if they do not wait for pickup like their TV monitor, or have those batteries that they do not want to throw in the garbage. The closest one right now they are talking about is Valhalla, but eventually it is going to be over in Yonkers. Now they have the household chemical cleanup days four times a year. But most of the time they are in Rye Playland, Yorktown, some is over at the MRF. For the older people it is not manageable. They are working on areas throughout the county to accommodate the residents.

Trustee Walker: I thought it was great, by the way, to have that industrial shredder in the parking lot on Saturday. That was great.

Police Chief Bloomer: I just want to make one thing clear. I want to touch on what Trustee Quinlan just said. I do not currently think the system is broken, as it stands. I think it works very well right now. The issue was raised, I believe, by a very small amount of people, less than one hand. I do not think there are major complaints and I do not think there are major issues. But I also do not want to promise that we can enforce things that we are not going to be capable of doing.

Trustee Walker: One question about the downtown because it comes up to me all the time. You say the property owners and retailers are doing a good job and, at the same time, I just get complaints all the time.

Village Manager Frobel: There are two in particular that Mike and I have talked about that are very troublesome to me. I have watched them bring trash from their shop to the green bucket, leaving it there all day long. They are on Warburton, and Mike and I are going to have to take a different approach. We are going to have to take some steps with those two because we are not getting compliance.

Trustee Walker: And what about letters to the property owners?

Village Manager Frobel: I have done that. I would be happy to do it again. We went to the trouble of developing two lists, one of the property owners and one of the tenants. Some of them do not have facilities for the tenants to handle their trash. There is no recycling basket for them. It is part of this for the landlord to be educated to what his obligations are, and we are going to have to work on that as well.

Trustee Walker: More landlord outreach, for a variety of reasons, is important.

Village Manager Frobel: I have got some volunteers that are going to help me.

Trustee Armacost: In Manhattan landlords get really seriously fined.

Village Manager Frobel: I know they do.

Trustee Armacost: And it really works.

Village Manager Frobel: Mike and I have talked about that. The property at the corner of Southside and Washington: I watched them begin to assemble the trash Saturday afternoon. When do you get there, Mike, Monday? It is a mountain of trash. They keep nothing inside that building. They bring everything out. For two nights it sits there, and it becomes an unholy mess. We are going to have to take a much stronger approach in dealing with that owner and the other one. Because I agree, in the city they get penalized very heavily.

Trustee Armacost: It has an effect, and they make some money, and people change their behavior. We all have been trained on the parking car thing. You do not park your car where you should not. You really check, can I park it here or can I not. We have all adapted to that, every single one of us. And this is just another area where we have to adapt. We have to behave as if we take it seriously.

5. Update on Waterfront

Trustee Quinlan: Work continues on the Chevron site; they even brought in a few truckloads of clean fill over the last couple days. On the Exxon Mobil site they have completely removed the steel structure between the docking facilities out in the Hudson River. And they have not yet closed out their permit, right, Fran?

Village Manager Frobel: That is correct.

Trustee Quinlan: That is just a formality, but the work is done. On the Exxon Mobil site cleanup site they continue working on the dewatering system. Things are going well, except there is always a fly in the ointment. Within the last few days, the access road that goes through the BP/ARCO site developed a big sinkhole. They are not allowing any more truck or heavy equipment traffic because of this sinkhole. It was described to me as looking down into the sinkhole it appears to be a vault or basement, reinforced with steel.

Village Manager Frobel: It is large. It looks to be a basement or a vault area, reinforced with steel. I was afraid it was all the way to the river, but it appears to have a bottom. It was some kind of a vault. They have shut down the site. There is no more activity, no trucks are going to travel over that road until BP/ARCO's engineers do an analysis as to what they are up against. As late as 4 o'clock this afternoon, that conversation was nothing more than conversation. They have engineers out there yet testing it to see how extensive this vault area, or this void, underneath the road is.

Trustee Quinlan: How big is it? Five by five?

Village Manager Frobel: Oh, no. It is closer to the 15 by 15. It looks pretty big.

Trustee Armacost: But is it like an air raid shelter? What do you mean by a vault?

Village Manager Frobel: It is a steel-reinforced hole in the ground, below grade. When they took out all the buildings, this was left underground unbeknownst to anyone. The hole, as you look through it, is thick concrete with rebar.

Trustee Quinlan: The last piece of good news we have is that next Tuesday I am meeting with Joe Sontchi and Eric Larson, and the DEC representatives are coming to Hastings instead of us going to Albany. We are meeting in the trailer to go over where we are now. We wanted to get together to keep things moving and bubbling and percolating. When people get together, sometimes that happens. I plan to ask about what is going on with this sinkhole and vault.

6. Other

Trustee Walker: Friday Night Live was mostly a family event, families with kids, and we did not get as many grownups. But the tree lighting and the music were lovely, and the Community Center event was well attended. The veterans were so wonderful. They served hot cider and cookies to the kids, and it was very nice. The Arts Commission event, which Carl Carvalho hosted, was also well attended with a constant stream of people for several

hours. All those things were very good, but next year I would love to come up with more reasons for people without kids to come downtown. It would be fun to think of some other things we could do.

Mayor Swiderski: Since everybody passes it and some may be wondering, the church on Main Street that has moved into private hands, and is now purple, yellow, and orange, will be opening early next quarter. The facility's name is the Purple Crayon Center, and it is aimed largely at teenagers, seeking to provide guidance and assistance in thinking about careers and next steps in life, structuring their goals, and thinking about college and other issues. One floor of the building will also be dedicated to not-for-profits that will co-share an office space. Personally, I love the color scheme. It is a really interesting gateway moment. It says something about us, and it is nice to see the space reused.

Trustee Walker: I think it is great.

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:25 p.m.