

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 4, 2011**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 4, 2011 at 7:40 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Seven (7).

PRESENTATION Affordable Housing Committee – Modification to the Set-Aside for Affordable Housing

Mayor Swiderski: First up, we have a presentation by the Affordable Housing Committee. Mr. Keaney, are you prepared to address it?

James Keaney, Affordable Housing Committee: I am not. I am waiting for Sue Smith to come. She will be here.

Mayor Swiderski: Then let me bounce this further down until that point when she turns up, and we will pick it up right away.

APPROVAL OF WARRANTS

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

Multi-Fund No. 41-2010-11 \$64,971.55

PUBLIC COMMENTS

John Gonder, 153 James Street: Happy New Year. At the last Board meeting Mr. Mayor went through the Board and told all the accomplishments of each and every one, and I thought he did a very good job. Now I would like to give an assessment what a senior thinks of the Board and the administration. Your Fire Department, Ambulance Corps, Police Department, DPW, sanitation give them an A-plus. That has been for quite a few years. Chief Gagliardi and all his other chiefs, Chief Bloomer, and Gunther all do an outstanding job.

Now we will start with the Village Manager. I give him an A. I am a tough marker. I think he should have got an A-plus, but he has not been here for 10 or 12 years. He gets along with the Board. He has done an excellent job, he gets along with people, and he knows how to run a village. Deputy Village Manager/Clerk, Susan Maggiotto, gets an A-plus. She is one of the best assets the Village has. She can do a lot of different jobs. She does it with a smile. She goes out of her way to help people.

The Village Board, with regard to Mobil/Exxon and Chevron, I give you a B. Village Board in regard to BP/ARCO, I think you failed. It has been so long. It has been 20 years now probably. The Mayor now, the last meeting, wants to put art there. I think that is because it is a failure of the cleanup. I hope you put art in MacEachron Park or Zinsser Park, or here; beautiful pictures by Cooper, very nice. But I do not think you should put them down there until it is cleaned up. It is not only the Board's fault. It is ARCO. They have given you \$2 million for a building you do not own for property you do not own, to stabilize a building. It is a tax writeoff for them probably, and what do we get out of it? I do not think it is a grant at all. I think it is a tax writeoff. And also the DEC should get an F-minus.

Your ethics, the Board should review their policy. The Mayor said the last meeting you people were not even following it for several years, you did not sign certain papers. So you should look into it and revise it. The state is revising theirs, the county is looking into it, White Plains, Greenburgh, and think the federal government is looking into it.

Deer reduction. Again, failure. You made some backroom decisions. It was not decided out here.

Noise. Loud music in bars, I give you a T. You went through a lot of process. You had the Chief here a month ago, I guess, and you never asked him questions. Is that all resolved, and you are not going to have any more hearings and make a law on the decibels and whatever? Is that all over, or is it still part?

Meetings? I think you need discipline to show the youngsters that you start meetings on time and you have better attendance.

Budget? Last year, in 2010, you did an outstanding job. You worked hard. This year, I hope you get a zero percent increase. I know it would be tough. But seniors like myself, no Social Security increase for two years. The enhanced STAR program went down the drain. That is hurting us. We get taxes on our telephone bill or electric bill, and I guess you probably get it on your cable and whatnot. And the state went up. I just hope you can start this year with a decent budget.

Tim Downey, 520 Farragut Parkway: The Village Web site I mentioned in the fall, I was wondering if there is some way we can make that interactive. Speaking with one of the business owners in the Village, he felt the same way. He was thinking of it for different reasons; for the Chamber of Commerce to be able to have a space to have dialogue. I thought that was a good idea, as well. I know it puts an extra piece of work on somebody. Maybe just at some point, reply or some statement yes or no. Can Raf handle something like that? Can the Web site we have handle that? And possibly use that also as a tool, to extract ideas from the community as opposed to having to come down here or e-mail. I do not want to turn it to a bitter site or a spitting site or anything like that. I just want to see if we can create a valuable tool out of it.

An example of our communication where I see a little weakness, the last storm we had you guys did a great job putting out e-mails, putting on the banner, talking about how garbage was going to be suspended. Then on Friday, when you found out the facility was going to be closed, you put another notice out. It was very timely. But I do not think everyone uses the mediums that we have. Can we find a different way? Or somehow we have to constantly reinforce that you need to go to these sites. Evidence of that was, on Monday and Tuesday, the days of the storm, you saw garbage out on the wrong sides of the streets, garbage not being picked up. With the winds, the garbage was tumbling across Farragut. We have to train our systems to get connected, or add to it, ways to communicate, for example, big policy issues. I do not know if letters could go into tax notices. School tax notice, if someone could piggyback that. Or some way to perhaps enhance the communication a little bit more.

A little disappointed in the discussion with regard to the recycling. I do not understand the resistance from the Board members why certain things will not be enacted. It happens across the nation, where there is a uniform manner of collecting things. I have spoken at length with DPW workers. They said they post a lot of suggestions, things do not get taken up or listened to or added to or changed. We are still doing the recycling in training wheels. We are still using these silly little blue and green containers. Often times, homeowners will have two or three cat food cans and a plastic bottle in there, and we are hauling this big truck down the road for this guy to bend over and pick up one pail. It is very inefficient. I asked the men who do our route, how does my system work that I have been doing here for 16 years? They said they love it. If everyone would do this, it would be great. Every home should have at least three barrels: trash, paper, commingle. Period. No flexibility. You talk about greening, and green policy, and many of you head down to the city and do not see what goes on here during daylight. When those blue containers go out to the curb, often people will do a balancing act. They will put the bottle on it just so because there is not enough capacity. If we are going to have green laws, the simplest thing is get people to comply and have the proper containers. The DPW guys would love this. It would save them repetitions because instead of picking up three they would pick up one.

One Trustee mentioned in the December meeting about the notion of how to keep papers dry. You put a lid on the can. It is real simple. You do not fill up the can with *National Geographic* magazines that make like bricks. But you fill it up in a manner that it is easy to move. This same Trustee said something to the effect that we have talked about this before, and again. That is exactly the problem. Why are we continuing to talk about this instead of just saying this is how it is going to be done. They do it in California. Everyone has the same cans, it is very quick and efficient. We are making a mountain out of a simple project.

Manager Frobels, in the November meeting, mentioned he was having a meeting with Moody's. I am just curious to know the outcome of that meeting.

Mr. Mayor, in the fall you had mentioned that you were going to speak regarding the DPW facility. Just wanted to re-mention that. If you were not ready for it right now, I understand. But if you could just say something to that effect.

And lastly, the deer. Great little article in a magazine "Edible Hudson Valley." Gave a very nice, balanced discussion on the deer problem, not just here, Westchester, the entire Hudson Valley. I encourage anyone to read it. If anyone needs a copy I would be happy to get it to them. Since we are not going to undertake the contraceptive or other means of population reduction, we are missing out right now a golden opportunity to do some of the work that needs to be done in order to work with that process down the road. Deer count: how are we going to enlist people. Right now we have a window of time when the foliage is off. The deer are doing what is called yarding-up. Their habitat changes, they are in greater numbers. We will have the cycle of the lowest number of deer now through April because the birth will come in in the springtime. So we have a chance to assess. We should be taking advantage of some efforts along those lines to count the deer if we want to move forward with the process.

Village Manager Frobels: The interview with Moody's is what they call a surveillance interview. The Board, the community, is not looking for a bond upgrade. We are looking for a rating increase. This is something that the rating agencies will be doing periodically. Their sensitivity to some of the fiscal constraints that communities are working under has heightened their awareness and sensitivity to offering strong credit ratings. They identified some problems. There are problems with our finances that the Board has been very much aware of and the community has, as well, part of which has been the number of tax certioraris, the number of challenges to our values that we place on property. They are also concerned about our declining lack of growth in our assessed values. We have not had a lot of growth in our taxables. They are also concerned about rising costs of pensions, which is universal throughout the United States that they are concerned about. We are seeing that increase. We are also seeing the cost of medical care go up for our employees.

On a positive note, they were very supportive of the Board's recognition of the need for cost containment and to identify ways that we can keep our expenses low. The bottom line was that we saw our rating, which is still a double-A with Moody's, go from a double-A 2 to a double-A 3. So there was a slight downturn in their rating. As I started to indicate from the beginning, we are not looking for a bond increase right now in our credit rating. We feel that between that interview, which was in early December, and when we do need a rating increase we will be in a stronger position and we will be able to recapture the loss.

Mayor Swiderski: On with the agenda. We are returning to the presentation by the Affordable Housing Committee providing modifications to the set-aside for affordable housing.

PRESENTATION (continued) Affordable Housing Committee – Modification to the Set-Aside for Affordable Housing

Sue Smith, 645 Broadway: My apologies. I forgot that you were meeting at 7:30 these days, which is good. I will remember it next time.

The package I sent you is self-explanatory. The goal is to increase what is now the Village law, the set-aside for anyone who does 10 units or more in the Village in a development to have 10 percent of that be in affordable units, and to increase that to 15 percent. We have that law since 2001. And also the concern that we had about the 1-to-14 size.

As it reads, the Planning Board may approve a site plan for a residential development containing more than 10 dwelling units, whether a single-family, two-family, or multi-family buildings. Such a site plan shall show affordable housing units as follows: 10 percent of all units in such development shall meet a definition of affordable housing unit, as defined in the affordable housing policy, which would be eligible for income at 80 percent of the median income in Westchester County as set by HUD. The required number of units would be calculated as follows: if 10 to 14 units are built, one of them must be affordable; if 15 to 24 units are built, two would be affordable; 25 to 34 units are built, three would be affordable; 35 to 44 are built, four of them would be affordable, et cetera.

The concern that we have as a committee, and also in talking with people who deal across the county with affordable housing, is with the one to 14 units. To have 15 percent we have to round it out; it is 1 ½ houses, so if you round it up, it is two. That seems burdensome because, in effect, the other units, which are market rate, carry much of the cost of creating the affordable units. So perhaps one modification to going to 15 percent instead of 10 percent would be that in the case of 10 to 14 units only one affordable unit would be required. As you get more units it is easier to bear the burden of having additional affordable units. It is also easier to get subsidies as you have more affordable units.

One of the things that also has been changed is that the previous law just referred to affordable units, which would be 80 percent of median income in our definition in this village and in the county. Some funding agents require a lesser, different, income. We have 65 percent or 60 percent sometimes. But we are suggesting that this also include the opportunity to build workforce housing, which is defined in the county as 120 percent of median income. It is not something of which there are any subsidies available. However, it is recognized as a need, and it meets the kind of band that we found that people who are at 80 percent income, for a family like \$48,000, maybe \$50,000, people who have jobs and cars and some means, but they could not possibly buy houses in Hastings which, frankly, a lot of us could not do these days if we had to start at the beginning.

There is a band, then, of people who have a little bit too much money. You find this, I am sure, with some village employees, especially if there are two people working in a family. They cannot afford to buy a house here, but they make too much to be eligible for what is called affordable for that 80 percent number. So the 120 is an attempt to capture, in the county, by creating a definition of workforce housing, some of this middle band even though there are no subsidies available.

So we have offered, in this suggested change in the law, to include an affordable unit or a workforce unit. When 10 to 14 units are built, two must be affordable, or one must be affordable and one must be workforce. That is to give the developer some flexibility. If they have a project on which they are counting on subsidies, then they would want to have affordable housing for their requirement. If they do not want to go for subsidies, then it is easier. They get a little better income stream of having 120 percent for one house and only 80 percent income for the other because the rents are also tied to those incomes, or purchase prices are tied to the income.

Village Manager Frobel: Does the workforce housing help the county in the federal lawsuit?

Ms. Smith: No, this does not address anything in the lawsuit other than trying to create more affordable housing.

Village Manager Frobel: The workforce concept is very attractive to the Village. I hear from the Chief often times the police officers live a greater distance from here. When he needs them for an emergency, it takes that much longer to get here, as with the DPW workers. So that is very attractive to us as an employer.

Ms. Smith: That is why the county created it, for its own needs, but seeing it in the communities, trying to get people who work here to live closer and to commute less.

Village Manager Frobel: But it will not help them in that lawsuit.

Ms. Smith: But there are no subsidies for that, and the lawsuit is around the lower 80 percent.

Mayor Swiderski: If you can expound, Sue, overlaying our latest understanding of what the lawsuit requires on top of this so people understand how this addresses the lawsuit, or not.

Ms. Smith: This is one of many means of trying to address the lawsuit. This is just one tool in the toolbox. We have very little experience with set-aside, but some at 422 Warburton and 45 Main Street. If a developer is having a bigger project, and has the expertise of being a developer, that is a way for them to use their expertise and their financial resources as opposed to our going out and trying to find them. And they are much faster getting something going, not always, but generally. So this is one way to do it, in addition to, say, having the Affordable Housing Committee try to identify sites and develop things, or having another developer coming in and trying to do just affordable housing, which is also a possibility, without any market rate units with it. So this would help us, the individual units, if they are subsidized by the county. The county provides part of the funding, the state can provide part of the funding. But if county funding is involved in these affordable units, they would count toward our number, their allocation and what they hope we will create in Hastings.

Mayor Swiderski: As long as there are no preferences.

Ms. Smith: That is correct. That is for the seven years, the duration of the settlement. It is not forever. And we know, in affordable housing, things take a long time. Even I would say seven years is probably going to go pretty fast. There is already a pressure in terms of trying to create more units and to try to meet the requirement of 750 units. The county is very eager to show some success with that because it takes so long to get units, get things, off the ground. Seven years is not really a lot of time to do that.

Trustee Jennings: Since we need to increase the number of affordable units that are built or are available, is the only reason for putting in the workforce unit, since it does not, as you said, add to that particular goal, to make it financially more attractive to the developers?

Ms. Smith: That is certainly one of the reasons, and also the recognition that that is a kind of housing that is not generally being built. There is a genuine need for it, even though it does not count toward the settlement or toward our quota as a community. But there is a tremendous need for it, and it is omitted. We are getting the luxury housing and we are getting the affordable housing, and sometimes not much in the middle. It does make it a bit

more attractive for a developer, who would look at the set-aside as a burden. It depends on all kinds of financial factors how much of a burden, but it does lighten the load a little. They would get a little more out of it, but they do not get the subsidies. For some of them, doing the total requirement in affordable units will be a better result. It really depends on the kind of development it is, and what are the goals of the developer, who we would hope would be talking to us and trying to develop something with us. I think, generally, that is what they regard as a good avenue to try to partner with us, as opposed to going off on their own and doing something.

Trustee Jennings: I understand. What I am trying to do, and I think it is probably impossible to calculate this because there are so many unknowns and so many variables, is if we just went forward with a straight increase to 15 percent requirement, over time how many affordable units would we generate as opposed to what you are proposing? Because if we could compare those two numbers, we would see how many fewer affordable units we would get at the end of the day with this proposal than we would get with a perhaps more draconian, from the developer's point of view, proposal. I take the point that workforce housing is a housing need. I do not dispute that for a moment. But that is adding an additional social goal into the mix. I think there would be a good argument to increase the stringency of our affordable housing law and our affordable housing requirement in this village without, as it were, watering it down.

Ms. Smith: One observation to add to that might be that in a community that is as built out as Hastings, and as very restrictive in terms of the zoning, for instance the downtown zoning, the parking requirements now, limit very much what people can do. We are more likely to see the smaller-size developments in terms of people from the outside coming in. There are a couple in the wings currently who have talked with us, that we are not going to see so many 40-unit developments, even 30-unit developments. But we might see 10s and 15s. Maybe something as big as 45 Main Street. But there are not going to many bigger ones. There just is not the land available unless some parkland suddenly became available, or Graham School or Children's Village sold something. I do not think Children's Village has anything in Hastings anymore, actually.

Mayor Swiderski: It still does.

Trustee Armacost: I was thinking along the lines that Bruce, I think, was talking about. It seems like we are balancing a set of goals that are a little in competition with one another. You have the goal of housing for people who are in a lower/middle income bracket, which is what the workforce units are gearing us towards so we do not have so much of a divide between very rich and people who are in affordable units. Then you have the other goal, the requirement for affordable housing, which is mandated through this lawsuit and also something that we hold dear, and the reason you exist as the affordable housing group. And

we have got the developer's goals. So we are trying to entice these people to be building because we think that, at the end of the day, there will be revenue for the Village. So you have got at least those three sets of goals. Maybe there are others, as well, that I have not identified. But at the end of the day, what should trump? Should it be affordable housing, should it be making the developers really happy, should it be making sure that more of our police officers and people who are in that group get to live in the town? I feel like we are a bit unclear on that, and that maybe that trumping notion should be what guides our decision at the end of the day.

Ms. Smith: Of course, the Affordable Housing Committee is totally prejudiced about affordable housing so you know that coming into it. But I would never say that our goal is to make developers happy. It is to make them want to do a project which serves those other purposes, and not to have people stay away from Hastings because it is too burdensome. So it is a fine line, but making developers happy is not anything anybody is too interested in. But having them cooperate with us, and provide some of the other things we want that they can bring to us along with their benefiting, the mutual assistance kind of approach, is more what it is about. So it is not too be so burdensome that it scares them away. On the other hand, a stretch may be worth it. And that is a tactical, strategic decision.

Trustee Armacost: So maybe my question to you is, in your analysis of these last set of years is it so burdensome that it scared them away and that is why we are making this change? I am not clear whether this is driven by a set of data.

Mayor Swiderski: This increases the cost to the developer. It does not help the developer.

Trustee Armacost: Creating more workforce units? I thought that was attractive to them.

Mayor Swiderski: But the workforce units are above and beyond the current requirement. The baseline requirement here is 10 percent affordable housing minimally, which matches what exists now. We now have 10 percent affordable housing, so this is saying we are going to raise it to 15, period. No matter how you slice it, it is less attractive to developers. It does not make them happy. But what the Affordable Housing Committee is saying is, that additional 5 percent effectively can either come in the form of additional affordable housing or workforce. So it is that marginal extra 5 percent that could be workforce housing, which still is an expense to the developer.

Trustee Armacost: Right. But if what we really cared about at the end of the day was affordable housing, then we would just say it is 15 percent and it has to be affordable housing. So that is my question to you. Is that so unpalatable that people will not play with us, or not?

Ms. Smith: I do not really know. Marianne, I do not know all the projects that have come, say, in the last seven or eight years before the Planning Board.

Village Attorney Stecich: There are not that many multi-family lots. There was 45 Main. There was 10 West Main, and that went away. And Ginsburg.

Ms. Smith: And Ginsburg did not happen. So we have not had much experience with it because of the property scarcity. But there have been a number of other places in the county that do have 15 percent. Some even have 20 percent. Generally, they are in towns; White Plains has it and the city, but they are talking large property, big buildings, where the numbers really add up to something. And, of course, they also have a higher quota of numbers to meet. But that is where the experience has been, and usually, it is in defined categories: an elderly district or a multi-family district, as opposed to Hastings, which is wide open. But obviously, to have a multi-family development or even many single residences we need a big piece of property to do it.

Mayor Swiderski: I would like to provide a little bit of background color because I think it helps to understand how this came to be. I have worked with the Affordable Housing Committee to try to come up with something that works, and while this is a product of their efforts I can speak to some of the thinking that went into it.

Part of it is informed by the fact that the workforce component of affordable housing is part of what makes it interesting to the Village because it does provide workforce housing for people who work in the Village. What we saw in Division Street was a number of Village employees and town employees land up in that housing. While it was pure affordable housing, at that point we were allowed to use preferences. That is no longer available for the next seven years. You are asking what trumps what. This is an attempt to square that circle because we cannot use preferences anymore on that affordable housing. There would no longer be an option to provide affordable housing to police or teachers. There is this concept, this legal term, of workforce housing that happens to be 120 percent. But that is almost incidental. The fact was that this allows us to offer a chance that we can land up with additional workforce housing and that can be preferenced for the workers in the Village.

The subsidies that Sue speaks of are generally so attractive that they more than make up for the 20 percent differential in income. Developers tend to go for it because they are quite substantial, in my understanding. They resulted in Division Street being built, effectively. In the end, given a choice, developers are likely to go for pure affordable housing because that is where the subsidies are. However, if they did go for the mix we would be minimally getting that 10 percent affordable housing we were getting anyway. And we would additionally be getting a few extra units, which could be going for workforce housing. There were many discussions in the Affordable Housing Committee about without those

preferences for the next seven years, what does this do. They wisely decided not to mandate that here, but rather provide some flexibility for the developer. It is an attempt to square that circle, not necessarily fully. Is that a fair representation?

Ms. Smith: Yes, I think it is. We have not examined it, and workforce housing is pretty new as a concept. Probably you could put some kind of restriction on it in terms of that would be available for the first-use preference idea for the workforce housing. I do not see why you could not decide that within the Village. And that would give you an opportunity for some of the people who wanted into 422 and could not because they had too much income, for instance. That might give them the chance to be in the preferences. That is something we have not talked about, but we also were terribly disappointed that we cannot use the preferences. That is what is handed to us. But that might be a way to offer something.

Mayor Swiderski: If the developer could choose that.

Ms. Smith: Right. If it was chosen.

Trustee Armacost: That seems to be an important piece of information to establish categorically: whether if it is out of the category of affordable and into the category of workforce, preferences of our choosing can be ...

Village Attorney Stecich: It could be, just like the affordable housing could be prior to it. There is no reason you could not give preference. The county is not touching that at all.

Mayor Swiderski: Right. The county settlement only affects affordable housing. The settlement would like to see model laws in all villages. We already have the 10 percent the county is seeking. But what is different is the county saying no preferences. Until that point we had them. So the change applies only to affordable housing. We would still have the 10 percent set-aside so we would still be fulfilling the settlement's dictum. We do away with the preferences; however if the workforce was built there is no reason why we cannot institute a preference selection process there.

Ms. Smith: Let me add another piece to it. If a project was affordable housing and it did not have subsidies from the county, they were from the state or some other source that did not involve the county, they could have preferences. It is only what the county funds that has to be free of preferences.

Village Attorney Stecich: But the Village would not get the credit under the settlement.

Ms. Smith: Yes, that is true, that is a qualification. But we want the units more than we want the credit.

Trustee Walker: Sue, would you remind us again what the target quota number is?

Ms. Smith: It is currently 100 for Hastings.

Mayor Swiderski: Well, not under the settlement.

Ms. Smith: No, I'm sorry. Not under the settlement, no, but before that.

Trustee Walker: And we do not know what it is yet under the settlement. Is that right?

Ms. Smith: No. The settlement is spread across the county for 750 units for those municipalities that have been identified. There is no number for each one. I gather from talking with people, though, that the fact that we have got a couple of things in the hopper makes Hastings appreciated because we are making a good effort using county resources.

Trustee Walker: Has the county set any targets for workforce, or even said anything about workforce housing? That is purely the municipalities' decision?

Ms. Smith: They created the concept, and they have been talking about it for a couple of years. But they are eager for other people to look at affordable housing as housing for the workforce. The county is eager to promote that, but they have done nothing in terms of an incentive to do it.

Trustee Walker: The question about the 10 to 14 units, and the number that should be built, do you think there are subsidies available for developers who build 10 to 14 units? Could they find subsidies to build two units?

Ms. Smith: The issue is if the rest is market rate. There certainly are subsidies for something that is all affordable. But with two or three, there is a lot of paperwork, there is a lot of delay, there is a lot of frustration for a developer, and they might decide just to do it on their own. They will calculate it, and the pro forma will show that it is just too much hanging out there when you are waiting forever for the decisions and for the application process to be fulfilled.

Trustee Walker: It might be worth it for a larger project.

Ms. Smith: Sure, if you are doing five, six, 10 units it is probably worth it. One or two, that is difficult.

Trustee Walker: So the option of being able to build one affordable and one workforce for the 10- to 14-unit development is certainly a lot easier than perhaps building two affordable units because they might be able to afford to do it themselves. I am just trying to answer for myself that question that you posed: is it unfair to make them have a higher ratio for the 10- to 14-unit development?

Ms. Smith: They might decide to do it themselves. On the other hand, you look at what happened with 45 Main Street and 422, and the sort of synergy between the two of those. Sometimes these things take an unexpected direction which is very fruitful.

Trustee Walker: Although our goal, really, is to get the affordable units and the workforce within the development as opposed to separate.

Ms. Smith: That is true. There were compromises, I agree.

Trustee Walker: That was a compromise, but it is up to the Planning Board. They can still decide to do that. Then in terms of distribution, it is the same as the affordable housing. I guess it is supposed to be distributed among one-, two-, three-, four-bedroom units to make the ratio the same as the overall project. But would the workforce housing then be required to be distributed in the same way, or would there be a tradeoff? If you are only building a few units, how would that work? I guess that ultimately has to be determined by the Planning Board, the negotiations with the developer.

Ms. Smith: Yes, and if it has one-bedrooms and two-bedrooms, one of them will be a one-bedroom and one will be a two-bedroom. It is interesting. It does not matter for the county funding whether it has got three bedrooms in a house, or a one-bedroom, they fund them all the same. It is almost like a bedroom subsidy. The units count the same. I said that wrong. It is not how many bedrooms are in the unit, it is how many units there are. So there are already some compromises made in that. You could get more out of just building a lot of one-bedroom units.

Trustee Walker: Right, and they would still be counted toward the county goal. Have you seen this combination of affordable and workforce set-aside in other communities?

Ms. Smith: No, I think we are on the cutting edge here, which we have been on all the other laws that we have in Hastings. Have you seen it elsewhere, Marianne?

Village Attorney Stecich: No. We have always been ahead of other villages.

Ms. Smith: Yes, we are considered one of the model communities. When they give these workshops for everybody involved with planning and affordable housing around the county we are used as the example. All of our laws are the ones that they put in the workbook because we are one of the communities that has the nonprofit corporate entity and has done all of these things: we have accessory apartments, we have the set-aside, we have a law, we have had a committee for a long time that has been active.

Trustee Walker: In other parts of the country a 10- to 15 percent set-aside is becoming the norm. It is not yet the norm, I am afraid, in New York State. As a state we are not at the cutting edge. We may be as a village.

Ms. Smith: Maybe the developers are not quite with it either. They are learning as they go along. But, of course, with the waterfront as a future possibility or anything in that vicinity, that is the biggie which we want to be prepared for. That would be, presumably, large enough numbers that you would really see some benefit.

Trustee Walker: I think this is good and the right direction to go in. It gives the developer a little bit of flexibility, but still has to toe the line. It gives us more of what we need.

Ms. Smith: We wrote the law initially with a 10- to 14 having to do two. But I wanted to qualify that because some people have felt that is a little burdensome. It is not a minority opinion on the committee, but it has been expressed by people in the field. So I did not want to blow over that as if it was a non-event or not worth some consideration.

Trustee Walker: My concern would be, with the 10 to 14 units, that they might not be a big developer with a lot of experience, with a lot of capital or a lot of money behind him, and there may be smaller infill sites more like one and two units. But we might be more likely to see the 10-unit as opposed to the 40-unit, and are we going to be discouraging anything from being built if it is a small development. I do not know the answer.

Ms. Smith: I do not know. Yes, unfortunately you cannot know that ahead of time reading a crystal ball. You find out afterwards whether you made the right decision or not.

Village Attorney Stecich: Were you envisioning on the workforce that it would have the same kind of deed restrictions on the units that you do on the affordable housing?

Ms. Smith: I think so, yes.

Village Attorney Stecich: And the same supervision?

Ms. Smith: That is right. And then they could not be sold for market value. They always have to be sold to somebody who would qualify similarly.

Village Attorney Stecich: So in addition to this change in the law, you would have to change your affordable housing protocols.

Ms. Smith: Or maybe there is some separate division.

Village Attorney Stecich: It would have to be in the law because it is not in the law now.

Ms. Smith: It is not in the set-aside law. It is in the affordable housing law. But that is true.

Trustee Quinlan: Sue, the workforce units, are there any guidelines about how much rent they can charge for those units?

Ms. Smith: Their income is 120 percent of the median income.

Trustee Quinlan: Is that a county law, or a county requirement?

Ms. Smith: Yes. It is a county definition, and the definition we are recommending for this law to fit the county.

Trustee Quinlan: So it could be about 120 percent more.

Ms. Smith: As opposed to 80 percent. But they always calculate that the housing is not supposed to cost you more than 33 percent, counting utilities, of your income. So there is a formula to calculate that. There would be a limit on the rent, or on the purchase price if it was an ownership, that would be in perpetuity.

Trustee Walker: Is that then monitored annually, or how is that done?

Ms. Smith: In the case of ownership, it is monitored when there is turnover.

Trustee Walker: What if somebody has a windfall, gets a great job? They do not have to move.

Village Attorney Stecich: When it changes hands.

Trustee Walker: And the rental is only when it changes hands, as well?

Ms. Smith: We asked this question of someone who has worked in this field for a long time. Historically, people do not stay. They win the lottery, they get a big inheritance, this is not what they want. There is a certain burden, particularly with ownership, of having this qualification on your property. When you have other choices you would not stay with it because you never can realize the benefit of all that you put into it. We give them a little cost of living adjustment for any capital improvements, and it adds up over time, but it is nothing like what traditionally the market has done. That is not true now, but what traditionally over time the market has done. People want to be free of those restrictions if they hit the lottery.

Trustee Walker: The point is it is not supposed to be an investment. It is supposed to be housing.

Mayor Swiderski: Any sentiments from the Board on the 10 to 14 range there, where it is two units? I will confess to have been one of the dissidents who raised the question about it, only because in a range like that, what it turns out to be is that obviously 10 units is 20 percent effectively, and at 15 units it is 12 ½ percent. So there is a burden on the smaller project. I did not know if it was reasonable or unreasonable. I do not know if we create a loophole by just setting that range at one as perverse incentives, or what.

Trustee Armacost: Are we much more likely to get smaller projects? Obviously, when the waterfront comes it is a different story, but until then let us pretend that does not exist.

Mayor Swiderski: I do not know where we are going to see development outside of 9-A, Southside, and the waterfront.

Village Attorney Stecich: Ten West Main maybe. Was it not 10 West Main that was going to have one? I think they made it 14 units so they would only have to do one.

Ms. Smith: Yes, there has been some of that.

Mayor Swiderski: They cranked it back to nine at one point. The final proposal was nine so they would not have any.

Village Attorney Stecich: Yes, but it was in that range.

Ms. Smith: If you are close to the cutoff they drop it a unit to get away from that additional required unit. But if you are beyond that, I think then they go ahead with their project. They have too much to gain.

Mayor Swiderski: So nobody has a reservation?

Trustee Walker: I do. I am afraid that it would turn a project like 10 West Main into nine big, luxury apartments as opposed to 12 or 13 medium-sized apartments. We do not have many sites like that. But famous last words. We always say that, and then somebody comes up with something.

Village Attorney Stecich: It would affect 10 West Main.

Trustee Walker: Right, exactly. So it might, in fact, discourage smaller market-rate apartments if 10 West Main is any sort of model. I do not know what the answer is.

Trustee Armacost: I do not know. I am more in favor of I do not see where we are going to get these affordable units unless we are just banking on the waterfront, in which case we will all be ancient. I do not know how developers think enough. You have seen more evidence of that.

Trustee Walker: Developers try to avoid this.

Trustee Armacost: Obviously. But if there is a way.

Ms. Smith: But right now, the real estate market being down, more developers are interested in affordable housing than were before. They are looking at that as something that has got some subsidies. It is something they can keep doing and still make some money.

Mayor Swiderski: There is always a market for it. There is never a question that you will sell it out.

Trustee Walker: And some developers know how to make it profitable. They do not get the big profits that the market-rate housing developers get, but they get a profit.

Ms. Smith: There are some people, believe it or not, who are fairly an old word that came to mind, eleemosynary. Architects are this way, too, that I have come across. They say, I have got some big projects, I make plenty of money, but I also want to balance it with doing the other kind. They do have some kind of public benefit in mind, and see a way, in their own practice, to balance those things out. It is not just all grab, grab, grab for me. So I can be optimistic that those would come to Hastings.

Trustee Armacost: But we are not proposing two units. We are proposing one affordable.

Mayor Swiderski: No, we are proposing either one affordable or two affordable. It is the developer's choice. It is two units, either way.

Trustee Armacost: Right, two units. Exactly. But they do not have to both be affordable the way we are proposing it.

Mayor Swiderski: That is right. So in terms of the pleasure of the Board, is there interest in moving forward to the next step, which would be the public hearing on this? I do not hear a desire to rework the logic or the math here. If the Board is comfortable with it, can we talk about scheduling the public hearing?

Trustee Walker: Yes.

Mayor Swiderski: All right. My feeling on this is the sooner the better because there is no discomfort.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Jan. 18, 2011 at 7:30 p.m. to consider the advisability of adopting Proposed Local Law No.1 of 2011 amending the Zoning Code of the Village of Hastings-on-Hudson, to increase the affordable housing set-aside requirement.

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	

Mayor Swiderski: I am going to add here, without getting maudlin, that the last conversation I had with Neil Hess was on this topic. It was at a big party for him. He was in his wheelchair, he was not well. He buttonholed me, and even in his state this was the topic he raised, and said, you Trustees have to eventually raise this to 15 percent.

Ms. Smith: I will have to say on behalf of him he was always very supportive of us, of affordable housing, and always tried to find ways to help make it happen. So a good ally.

Mayor Swiderski: He is smiling down, I am sure.

1:11 APPROVAL OF GRANT APPLICATION FOR SUSTAINABILITY TRAINING

Village Manager Frobel: Last meeting, we heard from Trustee Jennings about this opportunity under this nonprofit organization offering grants to small communities. We see this as a terrific opportunity to give our Green Team the beginning they need to be effective. Tonight, Jean Hamerman is here. Jean was very helpful in getting this together, and Trustee Jennings has asked her to be here tonight to talk about the grant application.

Jean Hamerman, 32 Frasier Place: Just to commend the Board, what you have been doing to promote the efforts. We have worked very collaboratively with Bruce Jennings and he has reviewed the grant, as has the Village Manager. We would urge you to pass it. We are doing this in conjunction with Dobbs Ferry. They are also applying for a similar grant. We see this as a model of trying to create some working relationship among the river towns to see where we may be able to identify both opportunities for savings as well as energy savings.

Trustee Jennings: I am thinking of a comment that Mr. Downey made earlier this evening, in which he pointed out sometimes the difficulty of getting good ideas bubbling up from the workforce and getting them heard and implemented. Part of the idea here is to try to create both a mechanism and an attitude, a consciousness, a sensibility that is receptive to these issues. All the creative ideas that we are going to need to deal with our sustainability issues are not going to come from this dias, for sure. So this is a recognition of that, and an attempt to put into practice a way of tapping into all the talent; not just in the Village staff, but, hopefully, the entire community. So thank you.

Trustee Armacost: I think it is a fantastic idea, and thanks so much, Jean, for putting all your hard work into it. I hope it is successful.

Trustee Walker: I am very pleased, and this is a good beginning. I had a question about implementation. How will we engage? The Green Team is made up of heads of departments, but how will they then engage, or extend the training to, their staff members? Is the training intended to help them do that, or does the training do that, as well? Does the training involve all staff, potentially?

Mr. Hamerman: We will be able to work with the town to identify the municipal staff and the heads of the departments to come up with the best scope of work under the plan. It would be very helpful, given the size of the town, for everybody to be involved at least in one meeting, then the rest of the other meetings could be different. Also, just to recognize that the towns have already taken numerous steps. The work has been quite extensive but it has not been well-documented about everything that has been done. Part of this will also just be able to set in place communication both with the residents and among the river towns of what has already been done, in addition to what could be done.

Trustee Walker: Documentation, as you say, and communication, as Mr. Downey pointed out, are sometimes the most important things of all. There may be all these ideas bubbling up from the staff or from the community, but they have got to get to the right places and then they have to have an implementation plan. So the Green Team, if they just stay on the surface and they are the only ones who get trained and they only communicate among themselves, it is not going to nearly as far as if they were communicating with their staff and with the community.

Mr. Hamerman: All the staff can take pride in the work that is being done.

Trustee Walker: Right. So it has got to reach out like an octopus in all directions.

Village Manager Frobel: I think it will. If nothing more, the Green Team itself is probably 12 percent of our workforce. So we will be reaching out to all our employees. Tim is gone, but I would take exception to his comment about not getting the input from our employees. I have talked to this board about the input from our DPW workers. They had a very strong part in helping us design our solid waste management coordinates. I do think there is a lot of input from our employees. We, too, recognize that we do not have all the answers and we need it from the rank and file that are out there doing the job day in and day out. I will take it up with Tim at a later time, but I felt that comment was very unfair, or inaccurate.

Trustee Walker: Although the idea of having a larger recycling bin is a good one.

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

WHEREAS, the Village of Hastings-on-Hudson adopted a Sustainability Action Plan in April, 2010 with an overarching goal to reduce the harmful impact of human activities and the built environment on the natural environment, and

WHEREAS, one action item in the Sustainability Plan was to create a “Green Team” made up of Village department heads who would be responsible for reducing emissions in their respective departments, and

WHEREAS, a Green Team has been formed and had its first meeting with the Village Conservation Commission on Dec. 14, 2010, now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve the submittal of an application to the Clean Air-Cool Planet Foundation for a grant in the amount of \$2,500.00 to provide the Green Team with training and assistance in the areas of leadership development, goal setting, identification of resource-conservation opportunities, and communication, such grant requiring no match by the Village.

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

2:11 DESIGNATION OF VILLAGE ELECTION DAY AND ELECTION DISTRICT

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 15, 2011, as General Village Election Day, for the purpose of electing one (1) mayor and two (2) Trustees for a term of two (2) official years each, and be it further

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

RESOLVED: that one Election District is designated, located at the James V. Harmon Community Center, 44 Main Street.

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

3:11 DESIGNATION OF GRIEVANCE DAY

Mayor Swiderski: The Board of Assessment Review, this has already been selected? Or is this an agenda item down the road?

Village Clerk Maggiotto: I am not sure if anyone is expiring, but I will look into it.

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, February 15, 2011 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

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

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

4:11 DESIGNATION OF TAX LIEN SALE

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 designate Tuesday, March 15, 2011, as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

ROLL CALL VOTE

AYE

NAY

Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I agree with a number of comments we received that the men did a wonderful job this last snowstorm, although we have got aging equipment and three vacancies in our full-time staff. The men did a terrific job. I would make an appeal to the homeowners that in the next storm if they could find a way to get the cars off the street. That has been the biggest complaint: that with cars allowed to park on neighborhood roads, even those that have driveways accessible, it makes it difficult. We can do a better and faster job removing that snow with a little cooperation in that regard. So an appeal to those that do have driveways, or allow their neighbor to use their driveway, it would make it a lot quicker and easier for us all.

The calendar is out. If you have not received one at your home yet, you should today or tomorrow or this week. For those residents who have not received it, please call and we will be happy to mail one out. I think it is a valuable tool. This year the staff did one of the nicest jobs in putting it together. I find it a helpful resource throughout the year. It tries to be very timely, but there are changes if meetings are canceled or moved around, so always check the Web site, but it is a pretty good document to rely upon during the year for some community information.

Trustee Armacost: It is lovely to have these tips in the corner from the Conservation Commission. There are some new aspects to the calendar this year that are particularly lovely, and that one is useful and charming all at the same time. And Meg, your Friday Night Live logo is right there on the page, which is also just really fantastic. So congratulations on that.

Village Manager Frobel: Thank you, and I agree. This year we really tried to highlight a lot of the efforts of the Conservation Commission and efforts to be more sustainable in recycling, and a lot of those types of activities are highlighted throughout this document.

BOARD DISCUSSION AND COMMENTS

1. Update on Waterfront

Trustee Quinlan: As anyone can guess, between the holiday and the winter storm not a lot has been happening since the last report. But we are hoping to get an upswing in the coming weeks. The Chevron site will be active this week, and my understanding is that there is going to be a transfer of upward of 15 truckloads of waste this week out of the site. They are going to continue to evaluate the soil as excavated in the proper handling, and next week they are going to see how they are doing. They might start some limited tree removal and brush removal. That particular project, in this stage, is coming to a close. Hopefully it will be done by the end of the month.

The Exxon Mobil,, which was supposed to be started first, has been delayed for quite a while on the redesign and modifications and implementation of the dewatering design. When they are excavating the contaminated soil they are worried about the water that runs into the hole from rain, snow, groundwater and what they can do about that. It is quite complicated. They have pumps, they have berms, they have disposal sites that they have to control. That design has been approved by the DEC, and we are hoping that next week they are going to start working on the Exxon Mobil site. It is winter. The project has been delayed. We were hoping it would be completed by this time, but it is not. We are hoping before the winter is done that both sides will be done. So there is progress being made, slowly but surely.

Mr. Gonder: Trustee Quinlan or the Manager one day said a road collapsed and there was a vault found. We never heard any more about the vault. I am wondering if it was loaded with gold, silver, or mercury, or PCBs.

Trustee Quinlan: The first thing that BP/ARCO did that was immediate and responsive is they created an alternate route around the sinkhole. It was a gigantic pothole, vault, sinkhole, whatever you want to call it. I do not know if it has been completed yet, that they were going to fill it in and get the road back to its normal path, which is a more direct path to the Chevron/Mobil site.

Village Manager Frobel: I do not believe they have.

Trustee Quinlan: I do not think they have. So they are still using the alternate road, the road used to go directly into the site, and now it goes to where the sinkhole is, makes a right, goes around the sinkhole.

Trustee Armacost: The implication was there was a room, there was a basement. It was like an air raid shelter or something. It was that kind of a feeling.

Mayor Swiderski: It was a basement to the building.

Trustee Walker: A basement of the building that used to stand in that spot.

Mayor Swiderski: No longer there, right, or adjacent to that spot. But it is steel-beamed.

An addendum, Jerry, on what you said. I am going to work with Meg and somebody from the LWRP and the former Comprehensive Plan Committee to come up with a short memo of anticipated uses for the waterfront to provide to the DEC when they evaluate BP's proposal, so that if there is a desire to have a boat access they accommodate that into their planning. That will occur over the next two months, prior to the submission of that plan to the DEC.

2. Other

Mayor Swiderski: I am three quarters through on finishing the changes to the comprehensive plan, and I would like to get it on a review work session agenda if we can come up with a date late January, early February.

[Discussion of dates]

Mayor Swiderski: Tuesday, January 25, 7:00 p.m., Community Center. By the 21st I will have to the Board and posted on the Web site a version incorporating everything I have gotten to date.

Village Manager Frobel: Is your preference for holding it at the Community Center, Mayor? This room is probably available.

Mayor Swiderski: I am perfectly happy to do it here.

Village Clerk Maggiotto: And you want to invite the Comp Plan Committee and Planning Board?

Mayor Swiderski: That is right. I will get it to the heads of those boards, as well, on that Friday so they can distribute.

The next step on the DPW law modification was going to be a markup version?

Village Manager Frobel: Yes. We have not given it to you yet. Marianne marked one up, did you not?

Village Attorney Stecich: I already sent it around. I did it right away.

Village Manager Frobel: It has gone around to the Board.

Trustee Armacost: Really? I must have missed that e-mail.

Village Attorney Stecich: Either I sent it to the Board, or I sent it here. There were only a couple of changes in it because there were not many things that were agreed on.

Trustee Jennings: Yes, I got the document, and that is the one that I made my own comments on, so far. I am happy still to collate comments from others.

Mayor Swiderski: I am embarrassed to say I do not recall.

Village Manager Frobel: I will resend it.

Trustee Quinlan: I think I got it. But you can resend it.

Mayor Swiderski: If everybody could remember to send comments to Bruce, who has volunteered to collate them into a coherent version.

Trustee Armacost: When are we scheduling our sets of meetings on the budget?

Village Manager Frobel: I am setting up the schedule now. That would probably be at the earliest mid-March. I plan to have the budget to the Board by March 18.

Trustee Armacost: Fran, if you can make sure that there is a budget versus actual analysis and that we receive it in spread sheet form, not just in hard copy, it would be very helpful.

Trustee Jennings: Did anyone see or read about Governor Cuomo's inaugural address? One of the things he talked about prominently was a law to set a cap on property taxes, which, if Albany does such a thing, will undoubtedly have amazing implications for us.

ADJOURNMENT

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