

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 1, 2011

A Regular Meeting was held by the Board of Trustees on Tuesday, February 1, 2011 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobel, and Deputy Village Manager Clerk Susan Maggiotto.

ABSENT: Trustee Bruce Jennings, Attorney Marianne Stecich

CITIZENS: Four (4).

Mayor Swiderski: Trustee Jennings is out of town on business.

APPOINTMENTS

Mayor Swiderski: We have two appointments. The first is Mayor Kinnally reentering public life in a tradition that many trustees and mayors in the past have enjoyed, which is to serve on the Board of Assessment Review; and Susan Soriano, who is being appointed to the Village Arts Commission.

APPROVAL OF MINUTES

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing of Jan. 18, 2011; the Regular Meeting of Jan. 18, 2011, and the Executive Session of Jan. 18, 2011 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 44-2010-11 \$715,456.70
Multi-Fund No. 45-2010-11 \$ 49,100.73
Multi-Fund No. 47-2010-11 \$ 6,990.81

PUBLIC COMMENTS

There were no public comments.

10:11 APPROVAL OF AMENDMENT TO AFFORDABLE HOUSING POLICY

Mayor Swiderski: This is the first component of the new affordable housing law and I do not think there is any particular controversy.

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 approve the amendment of the Affordable Housing Policy of the Village of Hastings-on-Hudson to include the definition of workforce affordable housing unit as follows:

A “workforce affordable housing unit”, for sale or rental, is a unit which is affordable to a household with a total income which does not exceed 120% of Westchester County median household income as established yearly by the Department of Housing and Urban Development (HUD).

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

11:11 NEGATIVE DECLARATION AND ADOPTION OF LOCAL LAW NO. 3 OF 2011 TO INCREASE THE AFFORDABLE HOUSING SET-ASIDE REQUIREMENT

Mayor Swiderski: This has gone through the public review process. This, once again, puts us at a leading edge of affordable housing law both in the interesting option to mix-and-match affordable and workforce, and also to acquire a 15 percent set-aside. While there is not much multi-unit housing left before, or at least not in the short-term future, it is an important step and I think we are all proud to pass it.

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

WHEREAS, adoption of Local Law No. 3 of 2011 amending the Zoning Code of the Village of Hastings-on-Hudson to increase the affordable housing set-aside requirement is an unlisted action under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Mayor and Board of Trustees determine the action will have no significant impacts on the environment, now therefore be it

RESOLVED: that the Mayor and Board of Trustees issue a Negative Declaration under SEQRA, and be it further

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 3 of 2011 amending the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York, to increase the Affordable Housing Set-Aside Requirement.

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

Section 1: Section 295-112.1, subsection A (Affordable housing set-aside requirement) of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

A. Set-aside requirement. Before the Planning Board may approve

a site plan for a residential development containing ~~more than~~ 10 *or more* dwelling units, whether in single-family, two-family or multifamily buildings, such site plan shall show affordable housing units as follows:

(1) ~~Ten~~ *Fifteen* percent of all units in such development shall meet *either* the definition of an "affordable housing unit" *or a "workforce affordable housing unit"* as set forth in the "Definition" section of the "Affordable Housing Policy for the Village of Hastings-on-Hudson," adopted June 17, 1997, *as amended*. The required number of units *and the distribution between "affordable housing*

units” and “workforce affordable housing units” shall be calculated as follows:

- (a) If 10 to 14 units are built, ~~one~~ *two* of them must be affordable, *or one must be an affordable housing unit and one must be a workforce affordable housing unit.*
 - (b) If 15 to 24 units are built, ~~two~~ *three* of them must be affordable, *or two must be affordable housing units and one must be a workforce affordable housing unit.*
 - (c) If 25 to 34 units are built, ~~three~~ *four* of them must be affordable, *or three must be affordable housing units and one must be a workforce affordable housing unit.*
 - (d) If 35 to 44 units are built, ~~four~~ *six* of them must be affordable, *or four must be affordable housing units and two must be workforce affordable housing units, etc.*
- (2) *Affordable housing units and workforce affordable housing units shall generally be distributed evenly throughout the development, although the Planning Board may use discretion in reviewing and approving distribution.*
 - (3) *The exterior appearance of affordable housing units and workforce affordable housing units shall not distinguish them as a class from other units.*
 - (4) *Affordable housing units and workforce affordable housing units shall be distributed among one-, two-, three- or four-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better suited to the housing needs of the Village.*

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

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

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

Mayor Swiderski: And before Bruce Dale leaves the building I want to thank his, and Sue Smith's, efforts on the Affordable Housing Committee in pushing forward these changes. Much appreciated. I know that this went back and forth within the committee for many, many meetings until you came up with something that works for us, and thank you.

12:11 RETURN OF ACCOUNT AND AFFIDAVIT

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 certify and approve the Return of Account and Affidavit as attached for the Village 2010-11 tax roll.

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

13:11 APPOINTMENT OF ELECTION INSPECTORS

Mayor Swiderski: It is a formality, where the Board approves the inspectors.

Did we get any clarification out of the county yet on whether we are going to be using machines, or done by hand, or anything?

Village Clerk Maggiotto: We did hear that we could use the electronic machines, but with many conditions and with cost totally unknown. Since that time we have not heard anything. Without a quoting of the cost it is hard to commit to using the machine.

Mayor Swiderski: And in an uncontested election, my suspicion is that a hand count is probably easier than a several thousand dollar bill.

Village Clerk Maggiotto: I would say so.

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 appoint the following Village Election Inspectors for General Village Election Day, Tuesday, March 15, 2011 :

Democratic Inspectors: Barbara Lisio, John Russo, Elizabeth Waczek.

Republican Inspectors: Jan Gustafson, James Keaney, Veronica Wemer.

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

14:11 APPROVAL OF GRANT APPLICATION

Village Manager Frobel: This is an opportunity that was brought to our attention for a program that the DEC operates each year. We budget for tree plantings. We see this as a

terrific opportunity to double the amount of money that you have budgeted. The application is due by February 10. It is a very competitive program. There is about \$1 million available state-wide. But we have joined with Dobbs Ferry in our application, and that should score some additional points. We are optimistic that we will get some money for some planting.

Mayor Swiderski: So the grant of \$15,600 is to be split between our two communities?

Village Manager Frobel: No, this is just Hastings' half of it. In fact, our half is \$7,800, or one-half of that. But the resolution needs to show the full amount that would be expended.

Mayor Swiderski: And the \$7,800 is what has been set aside.

Village Manager Frobel: In our operating budget. Dobbs budgets just about the same amount. We drew upon a lot of resources in the community to help us fashion a grant in terms of plantings and locations. Part of it is to help the VFW park plantings, as well.

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 authorize Francis A. Frobel as Village Manager of Hastings-on-Hudson to file an application for a community grant under the Urban and Community Forestry Grant Program for 50% matching funds in an amount not to exceed \$15,600, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Village of Hastings-on-Hudson for a Tree Planting Project.

ROLL CALL VOTE

AYE

NAY

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

15:11 APPROVAL OF INTERMUNICIPAL AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM

Village Manager Frobel: We have been part of this program with the county for a number of years. I think it is a lot of value for the money. A number of our employees, over the course of the last four years, have availed themselves of this. We often make referrals also to employees that have witnessed a critical incident in the line of duty; they have availed themselves of this program, as well. I recommend that we continue this relationship with the county for this important service that we offer our employees.

Trustee Walker: Is the fee a one-time, per-person, per-annum fee?

Village Manager Frobel: Yes.

Trustee Armacost: Is it for every employee, or is it based on usage?

Village Manager Frobel: It is a flat fee for every full-time employee. But the county has allowed us to have our part-time employees avail themselves of the service at no charge.

Mayor Swiderski: It is an assistance program retainer, so no matter what the usage, not a single call is made, or \$1,000 either way, it is the lump sum.

Trustee Armacost: Do we have a record of how many calls were made last year or the year before, just to see how useful it has been?

Village Manager Frobel: I have not called the county on that. I contacted the person at the county level. They were assembling that data in advance of this meeting, but I do not have that. I will get that to you.

Trustee Armacost: Are the employees very aware that it exists?

Village Manager Frobel: They should be very aware. We have made mention of it in my newsletter periodically. The department heads are aware of it, and often I will have a department head ask me about it because he or she has an employee that would like to take advantage of the program. I can tell that it is used. I cannot tell you the numbers. I can tell you with certainty that it has been accessed by our police.

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 authorize the Village Manager to sign the intermunicipal agreement with Westchester County for participation in the Employee Assistance Program for the period January 1, 2010 to December 31, 2014 with the following fee schedule:

2010 and 2011:	\$35 per employee
2012:	\$40 per employee
2013 and 2014:	\$45 per employee

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Nothing to add to my written report, Mayor.

BOARD DISCUSSION AND COMMENTS

1. Update on Waterfront

Trustee Quinlan: Last night Peter and I had a meeting with the executive directors of Scenic Hudson and Riverkeeper to discuss certain strategies about how to move forward the remediation and development of the waterfront on the BP/ARCO site. We also had a short discussion about possibly reviewing the possibility the Riverkeeper might or might not agree to let us use some of the environmental trust fund monies to match any grants we might receive for the quarry. Nothing, of course, was decided last night. But the discussion was candid and fruitful and certainly worth the effort. It was great to meet the new executive director of Riverkeeper. Those are the kinds of relationships we want to establish, and I thought we did a pretty good job last night. Do you not agree, Mr. Mayor?

There was a preconstruction meeting Tuesday regarding the asbestos removal in Building 52 with the Manager and appropriate Village officials. That project was supposed to start this week, but the weather has delayed it. It is anticipated the project will take about six weeks. The building will be internally sealed with negative pressure so that nothing should stray

outside the facility in terms of the asbestos. Air monitoring devices are contained inside the building as part of the filtration system, so they will be monitored. The Department of Health provides oversight to the work, and a permit has been issued for it. The routing of the trucks is such that it will not be near our area schools, and the materials will travel along Broadway and across the Tappan Zee Bridge north. There will be 25 workers on-site. There is quite a bit of asbestos in that building, mostly around the pipes. They will be working 10-hour days Monday through Friday.

The structural engineering report on Building 52 is complete. We are not privy to it yet, but we have been told it is in draft form and being reviewed by BP/ARCO. That is the aboveground structure report. When that is complete, the below-ground analysis will be conducted. Then we will see what the report says.

On the Exxon Mobil site, starting today they were going to begin to continue to excavate the soil and load out the soil for off-site disposal. But as we know, the weather today has prevented that from starting and they do not anticipate it is going to start tomorrow. Hopefully, it will start Thursday. But that is something that is going to happen as soon as the weather clears and they can get there free of ice, and safely.

On the Chevron site, they are just about finished with what they had to do in terms of excavating the soil. As soon as, again, the weather clears we expect them to assemble the water treatment system. They have about 100 yards of soil associated with the soil treatment process that has to be taken out by truck, and then they are going to demobilize the equipment and the trailer is going to be removed from the site. Then the DEC will come in, and if they have done everything correctly they will certify that portion of the cleanup.

Fran, thank you for sharing most of the information that was in this report with me. Fran did most of the work in terms of gathering information, and I appreciate that, Mr. Manager.

Mayor Swiderski: I have got to add an anecdote I shared last night with the Riverkeeper, which is if you all have seen the persistent, pro-Cuomo commercials on TV, the example of the decay of New York State used in the monologue is a picture of our waterfront, Building 52, and the water tower quite clearly centered in the frame of the commercial. Then it moves to whatever it is: happy dancing children, or whatever the representation of the happy future is. But I think it sets up a nice discussion with the new head of the DEC to say let us become your poster child for turning around what you consider a decaying waterfront into something a little more positive.

2. Village Arts Commission Request for Fee Enactment

Nancy DiNatale, 328 Warburton Avenue: I am coming as chair of the Hastings Village Arts Commission to request clearance to charge modest fees related to the shows that we have rotating through our outdoor sculpture program, Municipal Building, and the Community Center.

Mayor Swiderski: And mechanically, how would that work?

Ms. DiNatale: That is something that I need to work with Fran and Sue on specifically. It is a question for me because the funding would come directly to the Village. I would like to know how to set up the account, and how to have people make out their checks as they do come in, how to deposit it here, how to generate reports, and how to access it.

Trustee Armacost: How much were you planning to charge, or was it going to depend on the event?

Ms. DiNatale: It will depend on the show. There are three different versions of it that we foresee. One would be an application fee for hanging work in a show or doing a full one-man show, et cetera. It would be \$25, which is on the low end of most application fees for art shows. They usually run anywhere between \$25 and \$50.

Trustee Armacost: So that is a charge to the artist.

Ms. DiNatale: Yes. Another way, we may have funds coming in as a commission from art sales in the two shows that are up right now, the one outside, Memory Lane, and the one that is in this building, Known and Unknown. Both artists have offered commissions on any art sales. It would go directly to the Village. So we would have that kind of funding coming through. And with some of the shows, there may be a nominal hanging fee.

Mayor Swiderski: What is a hanging fee?

Ms. DiNatale: To hang. It is usually connected to something that is perhaps not a juried show. A juried show you would have the application fee; a non-juried show would have a hanging fee.

Mayor Swiderski: And that is paid by the artist.

Trustee Walker: That is more to cover expenses. It is quite a bit of work to hang a show, and you and volunteers would be hanging it. But the idea would be that it is not so much covering expenses. I guess it is just a payment to the Village.

Ms. DiNatale: We are hoping to improve the exhibit space. There a couple of different things that we would do with the collected funds. One would be to cover the cost of receptions that were not covered by in-kind donations. Another one would be the installation costs. Sometimes there is transportation involved. We do not have any hanging hardware anywhere that belongs to the Village. So we would need to augment what we begged, borrowed, and stole.

Trustee Quinlan: These are borrowed?

Ms. DiNatale: Yes. They are anywhere between \$40 and \$60 apiece for those. We would build towards that, and we would build towards improving the lighting.

Trustee Walker: So there are expenses associated with a show.

Ms. DiNatale: Yes, there is a lot of volunteer work involved, and it is not covering that by any means. And it is not covering the cost of the very generous donation of DPW time and Parks and Rec time. So in effect, an equivalent I am looking at is equivalent to some of the fees that are charged by Parks and Rec.

Trustee Armacost: But you are not thinking about charging people to attend shows at this point?.

Ms. DiNatale: Not at this point, but I will put that in as a fourth option, as well. But any of those kinds of funds that come through, we need to be able to set something up with a routine with the Village so we can accept them appropriately and that there is appropriate record-keeping. I am pretty meticulous about my record-keeping, and I keep track of not only the funds coming in and out, but I also try and keep track of people's volunteer time and efforts and also the in-kind donations that are all figured into the cost of doing the work that we are doing. So we just need to figure out how to deal with cash.

Trustee Armacost: It is great that you do that because that is also very useful for grant applications. It is really helpful when community groups are doing that. And I think it is fantastic that you are looking at a model that is financially sustainable and you are thinking about different ways in which these kinds of small costs can be covered. Kudos to the team for developing that. Fran, probably you are the one who should answer how an account gets

set up to make sure that the money remains separate, and it is clear where it came from and where it is going.

Village Manager Frobel: Yes, we will work out the details. That is the easy part, the accountability.

Mayor Swiderski: Well, the account setup is, I agree, the easy part. The detail should also include some basic operating procedures about expectations on receipts and who is maintaining the many accounts on the particular account. Is that a Village responsibility, or is it your responsibility? Is there an experience with this, other than the arts committee the last time around, and we shall not speak of that experience. Is there another experience that we can draw on as something that is comparable?

Village Clerk Maggiotto: The Beautification Committee, for example. That is donations, not fees. But it is just one of many accounts that are carried in the Village Betterment Fund, and it is a paper accounting of various categories.

Mayor Swiderski: Who maintains that?

Village Clerk Maggiotto: Ellen McQuaid , our bookkeeper.

Mayor Swiderski: So we would get is a submission of a receipt, and she would maintain a shadow account for something you are maintaining.

Village Clerk Maggiotto: We receipt in the Village Clerk's office. All the monies that come in get receipted there, and then they get into the bookkeeping upstairs.

Ms. DiNatale: I am assuming there would be one person that we would work with.

Village Manager Frobel: Yes.

Trustee Quinlan: The checks would be made out to the Village of Hastings-on-Hudson.

Ms. DiNatale: I need clarification on that, as well. It would be just the Village of Hastings-on-Hudson, and they would just make notation of what it is for?

Trustee Armacost: Yes. It is very important that it is separate, that it can be recorded separately, that the numbers can be pulled out. It important for you to be able to show your sustainability at the end of the day and that it has not all merged in with everything else.

Ms. DiNatale: Right. And we would like to keep track of how much it costs us to do what we are doing so we can then go out and find more funding.

Mayor Swiderski: Once an account is set up you can place that on every check you submit, maybe in the memo line.

Trustee Armacost: You could even have a stamp that makes it clear that it is from you.

Mayor Swiderski: We will get you an account number at some point, or whatever the term is. I do not know if it is an account number, or budget line item, or whatever.

Ms. DiNatale: Thank you. I would rather it be clear and be totally unambiguous, and have all the backups for anybody who has any questions.

Village Manager Frobel: Susan, do we believe they need a public hearing to set those fees?

Village Clerk Maggiotto: That was the advice of Marianne Stecich. Because it is a fee instituted by the Village it should go through the same process that all our other fees go through, which is to have a public hearing and then enact the fee.

Mayor Swiderski: Let us put that on for the next meeting. We will publish it out as a public hearing which nobody is likely to contest at the next meeting, and then in that same meeting we will approve it because it is not really controversial.

Trustee Quinlan: What was the third fee?

Ms. DiNatale: Commission on sales.

Trustee Quinlan: The question is whether it is one percent, two percent, whatever you decide as long as it is reasonable. Like \$25 is certainly reasonable for application. Hanging fee, I do not know what that number would be. You would have a better idea what that is.

Ms. DiNatale: It is pretty much the same.

Trustee Quinlan: And then the commission. You say that they have offered to give you commissions for this project here.

Ms. DiNatale: We have agreements with both of the artists so far, and they are both different.

Trustee Quinlan: Could you give us a range?

Ms. DiNatale: Yes, we could give a range. If it is a range it would help us because there are times when it is justified that it is higher than something else, and we do not want to charge something that is not reasonable for certain things. There are big shows, small shows.

Trustee Quinlan: Is that OK, Fran?

Village Manager Frobel: Yes. My only thought was that covering expenses will difficult.

Ms. DiNatale: What do you mean?

Village Manager Frobel: Well, you want to encourage the placement of the artwork. Say the memory program that is out there now, we could not think to charge for the entire expense that we incurred. That was two days of work.

Ms. DiNatale: No. I understood that DPW and Parks and Recreation staff people's time was contributed to that, and that that would be the case moving forward. We are trying to work with Parks and Rec to create a standard schedule of rotation for those outdoor sculpture placements. What we would also like to do is create a platform or something that is just standard that none of the staff have to spend much time. It is on the artist to prepare the piece so that it just goes on there and is secured. But that will cost money, and that is what we are looking at. For inside we are looking at lighting and at the hardware to hang.

Trustee Quinlan: So, Nancy, you are talking about, let's say, for the application fee, you're talking about between \$25 and \$50, or \$25 and \$100, or something like that?

Ms. DiNatale: Well, \$25 and \$50 is what we would be thinking of.

Trustee Quinlan: And the commission would be one percent to five percent, or one percent to 10 percent or something like that?

Ms. DiNatale: No. Commission is traditionally between like 20 percent and 50 percent.

Trustee Quinlan: Really? Well, you know. I do not know, and I have no knowledge of what is normal in the course of business. So I will leave it to you to figure out what that is. And the hanging fee, what do you think?

Ms. DiNatale: The hanging fee I have to do a little more on, but it's like \$20 to \$40 per artist. The reason I am asking for a range is that if we have a group show and we have one

piece from each artist, that is a fair number of people contributing to it. If you have a one-person show it could be entirely different. That could be the commission. Or we could charge the higher fee for hanging the show, and that would be it.

Trustee Armacost: Maybe when you are outlining this range, if you indicate the low end and the high end and the criteria that you would be using to evaluate whether it was higher or lower: if it is number of artists, size of painting, size of show. Otherwise it gets difficult to set a fee that is going to be consistent because art is so different. It is a very different thing to show sculpture than it is to show paintings, for example.

Ms. DiNatale: That is why it is pretty hard to define. For the juried shows we are thinking there would be a jury of four or five people, and they would set the fee. So it is not just one person deciding that it is going to be this fee or that fee. I think I would really appreciate it if you left it up to our discretion to be fair and honest about it. I can give a list of criteria that we would look at in terms of considering the fee, but I do not want to get pinned down to a particular fee.

Mayor Swiderski: We will give you latitude.

Trustee Armacost: Could we say "not more than" in the way that we frame it for the public hearing? That gives you freedom, but also makes it clear that it is not going to be exorbitant.

Trustee Quinlan: I do not understand the jury concept. How would you charge for that, or would you charge for that, or do you pay the jury? To me, jury means that you have judges saying this painting is better than that one, or awarding first prize, second prize, third prize.

Ms. DiNatale: I see the jury as having requests for proposals coming in. People would request that their artwork be included in the show. So there you would have an application fee for everybody that was applying. If you have a non-juried show, anybody who wants to hang something would have their work hung. So you would call it a hanging fee. We want it to be really fair, and we want to keep it low. We are figuring out our niche in the whole scheme of things in Westchester County and the greater metropolitan area, and we are trying to fit in that way.

Ellen Hendrickx, 136 Circle Drive: If you could apply the fees collected to advertising it can be a sweetener for people paying the fees to give them more exposure, and maybe broaden our horizons outside of Hastings, too.

Village Manager Frobel: I do not see why not. It is part of the application fee. Nancy would be the judge for the extent of the advertising.

Mayor Swiderski: You raise a category of issues we did not talk about, which is legitimate expenses. Clearly, there was some sensitivity on the first show regarding honoraria. Probably it makes sense to categorize legitimate expenses that the Village is comfortable covering, or having the Arts Committee cover, versus a subset that we might balk at.

Trustee Armacost: One of the things that happened during that set of discussions was that we gave directives to the Village Arts Commission to think about what costs they would incur during the entire year and what they thought they would need support from the Village for. They also, I thought very commendably, indicated that they were going to do some substantial fund-raising. So as they work out how much they think they are capable of raising, and how much they need the Village to match, at that point it becomes clearer what the budgets are. But it seems premature to ask them for their budget and who is going to cover what at this point.

Mayor Swiderski: I was not asking for a budget. I was asking for expense items.

Trustee Armacost: But that is part of a budget. Your budget is your income and your expenses. You have to delineate what the expenses are going to be. My view is they are not quite there yet. They need to ruminate a little more before they know what the expenses are. And then what expenses would the Village cover as its contribution, and what would be the expenses that are raised through these kinds of fund-raising efforts and others.

Mayor Swiderski: Would we expect other fund-raising efforts, should they yield monies, for those monies to flow into the Village account?

Trustee Armacost: This is a bigger question. There are lots of different groups that raise money. For example, the Youth Council raises money, and that money is used exclusively for the Youth Council.

Mayor Swiderski: I have no trouble with the exclusivity. It is just the account. If somebody gives \$1,000 to the Arts Council, is that check written to the Village and does it land up in the Village account, or designated for their use.

Trustee Armacost: The Arts Council does not exist independently of the Village. It is not a 501(c)(3).

Mayor Swiderski: You are answering my question the way I was hoping you would answer it.

Trustee Armacost: So that is my understanding. It is not a separate entity, it is not a 501(c)(3). So Nancy's question of who should the checks be written to, and the answer was the Village, applies in a similar way. But I do think that if a check of \$1,000 is given for the use of the Village Arts Commission it should be clear that that is how it is going to be used, and that it cannot be used to pay for broken parking meters or something.

Mayor Swiderski: That goes without saying, but you answered my leading question, which was, I was hoping you were going to say, at least for the time being you believe it should land up in the Village account.

Trustee Armacost: That is what I have always believed. I do not know whether others believe that.

Mayor Swiderski: It may be that down the road people do not want to give because it is not deductible. And a 501(c)(3) seems to make sense. Then we can talk about it at that point.

Trustee Armacost: Yes, that raises all sorts of other issues including hiring people full-time to run it, which are other expenses.

Trustee Walker: And expenses in filing the 990s every year.

Trustee Armacost: And separate audits that have to happen.

Trustee Walker: Right now the simplest thing to do is to keep it within the Village, and we will see how it goes. Friday Night Live is separate from the Village because we see it as a partnership between the Chamber and the Village, and we keep our account with the Chamber. That was a decision we made at the outset. Some day we may move it into some other separate account, but it seems to be working well for now because it makes all the business owners feel like they are involved in it if they are members of the Chamber. In other words, it is a real partnership between the Village and the Chamber. I only mention that to show a distinction between the Arts Commission and Friday Night Live.

Ms. DiNatale: We were hoping to put out an RFP for particularly the outdoor sculpture. Will there be an issue if we put an application fee on the RFP?

Village Manager Frobel: Can you indicate that a fee is proposed, or under consideration, or potentially a fee will be assessed, because there is no assurance that it would be adopted in time. Is that your worry?

Ms. DiNatale: Yes, that is my concern.

Mayor Swiderski: When were you going to request the RFP?

Ms. DiNatale: We were going to put it out within the week.

Village Manager Frobel: Yes, let the artists know that there is a consideration, and it might be \$25 or something. We could even go that far.

Ms. DiNatale: It does get a little cumbersome, but for the first time around as we are putting this together we can ask them to call us to discuss the application fee.

Trustee Armacost: But if we are going to, on the 15th, have a proposal that it is not more than \$50, say, for a hanging fee or an application fee and you end up putting \$25, I do not think there is going to be a conflict. I think this is overanalyzing the situation

Mayor Swiderski: There is nothing controversial about this, and it is going to pass.

Trustee Armacost: Exactly. I think there is no conflict with issuing the RFP with \$25 on it. If we word it the way that we have suggested here I do not think we will run into any problems. That is my hope.

Ms. DiNatale: Niki, can you just tell me again how you want it worded?

Trustee Armacost: The way I had suggested it, so that we do not have to have too many scales and footnotes, is that application fees will typically not exceed \$50; hanging fees will typically not exceed \$50. Commissions will typically range between one percent and three percent, or however you want to do it. Something that is simple and clear, but that puts a max on it as opposed to it is going to be from this to this.

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Board scheduled a Public Hearing for Tuesday, Feb. 15, 2011 at 7:30 p.m. to consider new fees to be applied in conjunction with the activities of the Village Arts Commission.

3. Proposed Comprehensive Plan – Discussion of Next Steps

Mayor Swiderski: I spoke to Marianne at some length tonight. I am going to lay out the shortest-term steps because it is going to take us the next four weeks to six weeks. I await a paragraph from you, Niki. Toward the end of the session, there was a point where you had proposed something and I was somewhat delirious at that point and said to send me something. I will dig up what that was.

Trustee Armacost: I think it was 5.4.

Mayor Swiderski: So a paragraph. We will submit the document to our consultant to integrate the diagrams and pictures so that the document makes sense to the public. At that point, we publish the document and schedule a public hearing. That is probably three weeks away. It is not a big process. Either concurrent with the public hearing, or in a subsequent meeting depending upon our assessment of what sort of feedback we are going to get and how many people are going to show up at the public hearing, we could also schedule a scoping session, which is the public portion of completing an EAF. The EAF, environmental assessment form, is the slightly more laborious, but right, way to do something that is important, which is what you fill in when you are trying to determine whether you are going to require a general Environmental Impact Statement or are going to neg dec it.

Half of the EAF is filled out. The second half is our determination of whether there is an environmental impact from the proposals within the Comprehensive Plan. In the scoping session we sit around and think are there things: there are specific questions in the EAF that ask will this impact the flowers and animals. You go through and, to your best assessment, determine whether it will or will not. That helps to drive the next step: whether we neg dec or require a GEIS.

That is as far as I want to take this process, since that is one meeting and possibly two more meetings, which then cues up the environmental impact portion. We have in hand a proposal from the consultant for a range of services, through this and into the GIS. It is a chunk of money. Unless we have matching funds, I am somewhat loathe at this meeting to talk about whether we should approve that or not. But the \$1,300 required to finish the document for public presentation seems reasonable. I certainly cannot do it. It would crush what is left of my spirit in regard to the document. Marianne has indicated that she has models for the EAF. It may be something we do not require their assistance on, and it may yield a result that does not require a GEIS. So rather than signing on to a big bill of work that will hit the cash register, we take this a piece at a time. Marianne can weigh in on whether the EAF is something she and I can jointly do. And then out of that, we will determine if we need additional money to proceed. It looks like the next step is Board approval for the \$1,300 proposed to complete this document, and we are off to the next step.

Trustee Armacost: Is Marianne paid to do that? It could end up being more expensive to have Marianne do it than to hire a consultant, quite honestly, if she is a lawyer.

Mayor Swiderski: A good question. She is not paid to do that. It is not within her retainer fee, and she has been clear about that.

Trustee Armacost: So maybe we should have that priced.

Mayor Swiderski: Absolutely, and we would not head forward without an estimate from her on what would be involved. But every indication is that it would be less than the consultant's estimate.

Trustee Armacost: So maybe you can give us those two prices so it is very clear.

Mayor Swiderski: When I have it. She has not had a chance to dig up the EAFs that she has, and I also will want to take a look at it. It is not a complicated document. It is quite straightforward. We are already stretched a little, given what has happened with the winter season depleting funds that we allocated for the whole winter. I am not eager to commit any more than a penny at a time to even as important a process as this. If we can internalize, or otherwise do as much of it as we can by ourselves, I would rather do it that way.

Trustee Walker: The expensive part is not filling out the form, but if we do identify impacts we have to describe them. If there is a narrative that could go along with the EAF. Even if it is not an environmental impact statement, even if it is within an EAF, sometimes there is description required. That is where it gets sticky.

Mayor Swiderski: That is why I want to see the document, I want to understand what is ahead of us.

Trustee Walker: We will identify what we think are impacts, and the public will weigh in, as well. I do think it is important that people be made aware of the public hearing.

Mayor Swiderski: Without a doubt. We have not scheduled it yet and I am not confident to ask for a schedule now. I want to get the document in hand, and I do not know if that is two weeks or four weeks. Given the size of the document, in fairness to the public they need some time to walk through it.

Trustee Quinlan: So the \$1,300 would be to finish the document, put it up on the Web site. And could we also get a hard copy for the library for the people who do not have the Internet.

Trustee Quinlan: So then we give everybody some time to read it, if they are so inclined, and then we would set a public hearing?

Mayor Swiderski: Yes. But we would set the public hearing with sufficient time to allow for that.

Trustee Quinlan: But we are not going to do that now. We are just going to authorize the \$1,300. I am on board with that. It is very cautious and has a lot of common sense.

Mayor Swiderski: Fran, any thoughts?

Village Manager Frobel: The proposal from the consultant came today which is why we have really not had a chance to look it over. Even though we contacted her the very next day, it took her about a week to put it together. Also, we are awaiting some funding. We had made application, I believe, with the Scenic Hudson Foundation. They had given us \$15,000 initially to help write the comp plan. We asked for an additional \$28,000. That application was put on hold because of some problems with finances in the statehouse. We are re-contacting them now to see if there is a chance we may get some of that money. That money was for this part of the work, and for the form-based zoning. We had asked for a grant of \$56,000, half of which would be state money and half would be ours. I am sure we are not going to get that amount. In fact, early indication last summer was we might get upwards to \$15,000 from them. But that would be a help, as well.

Trustee Walker: This is from Scenic Hudson, or is from the Greenway?

Village Manager Frobel: Hudson River Greenway. Yes, that is the full name. You are right.

Mayor Swiderski: And that is fine. I do not think it is at odds with our plan here.

Village Manager Frobel: No, it is not at all.

Mayor Swiderski: I do not want to wait for possible funding to materialize to take the next step. For \$1,300 we can move to the next step.

Trustee Armacost: How much did the consultant ask for, for everything?

Mayor Swiderski: It was \$30,000 and change.

Trustee Armacost: Why would it be so very expensive?

Mayor Swiderski: There is an assumption of quite a bit of work around the GEIS.

Trustee Armacost: I see. Which we would have to pay anyway to this same person? But we do not have to pay the other part of it, so it would be a reduced amount?

Mayor Swiderski: The approval that I am asking for is contingent upon acceptance by them that they are willing to piecemeal their proposal a piece at a time, though there is no reason to believe they would not. Environment money is money. However, they assume a full, robust process where they are doing everything for us, from preparing the environmental assessment form to populating it with the responses, to then doing a full GEIS. And it is a chunk more.

Trustee Armacost: And it is not broken down into parts?

Mayor Swiderski: It is broken down into parts in the document, but I am not prepared to ask the Board to approve all of it, when I think the first step is let us get the document out there and meanwhile we can take a look at what is involved in the EAF. I may be back here in two weeks saying the EAF is a monster, in fact.

Trustee Armacost: They should be doing it, exactly.

Mayor Swiderski: And there is no way I am up to it, or Marianne without blowing the budget. But right now, piece by piece, I just want to move this. We have had such great momentum to date, I do not want six weeks to slip by.

Trustee Armacost: So can we say that there is going to be a public hearing in four weeks then if this is going to be three weeks?

Mayor Swiderski: Not yet. Because they have got to accept the proposal, you have got to get me your paragraph, I have got to document to them. I do not know if that is 10 days, or they might be busy. Who knows? Until I get the document back for them, ready for the public, at that point it is going to be within a week of our next meeting whenever that comes back to us. At that meeting we can say it is posted on the Web site. We are giving the public two weeks, four weeks, to read it. We would like the schedule a public hearing the next adjacent meeting to the receipt of that document.

David Skolnik, 47 Hillside Avenue: Can you address what your expectations or assumptions are about the public hearing, what the possible outcomes of a hearing where opinions were expressed, how that affects the next stages?

Mayor Swiderski: Public hearing is exactly what it sounds like. We are looking for input and concerns people might have about the substance of the document. It may have an effect on the document or it may not, we do not know. If people bring up salient points that are compelling and move the Board, of course it will result in a change. But it is a public

hearing and comment period, and there will be a chance to submit by e-mail, or physical form as well. The Board will review all comments, and we will have a Board discussion afterwards to determine whether it is modified as a result any modifications are due to the comprehensive plan, and we will make them.

Mr. Skolnik: So there is the capacity within this schedule to make modifications.

Mayor Swiderski: Yes, absolutely. It is an inherent part of the process.

Trustee Walker: I sent out that parks section to everybody. Did you receive that?

Mayor Swiderski: Yes, I did.

Trustee Walker: I was wondering if anybody had any comments.

Trustee Armacost: I think the context in which you had sent it to me earlier on was not so much in the context of the Comprehensive Plan, but in the context of grants that we were writing. That was my memory of it.

Trustee Walker: That is not the context in which I wrote it, but at any rate.

Trustee Armacost: But I think I do not know. You should look at it, Peter. I think it is quite wordy, so I do not know whether we need it to be that wordy. It was supposed to be just a small little intro to the section.

Mayor Swiderski: Let me take a look at it.

Trustee Armacost: So you should look and see what you think it needs.

Trustee Walker: I did not consider it an intro. I considered it something really substantive. Certainly we can edit it, but the ideas I think are important and substantive.

Mayor Swiderski: I am waiting for everything to come in, and at that point I tackle it all.

Trustee Walker: I just wanted to make sure you received it. Niki, if you would like to change it I am not saying that.

Trustee Armacost: It is just that I think this is partly in deference to the Comprehensive Plan team who had done a lot of work. There had been lots of efforts. They had done a very good job, and I think what we were trying to do at this point was adding small parts in. So

this felt like quite a large chunk coming in. I do not know. If all of that stuff is really missing and really essential, then you should absolutely include it.

Mayor Swiderski: Then we will highlight that in a public meeting.

Trustee Walker: Yes, and we did not really have a chance to discuss it.

Trustee Armacost: Exactly. There's nothing wrong in it. I do not mean to suggest that, Meg. I just think that it was just a lot more.

Mayor Swiderski: It is our document.

Trustee Armacost: Yes, that is true. It is our document at this point.

Mayor Swiderski: And it is the Board's responsibility that if you are uncomfortable with it say so, and we get a separate discussion. But if you are fine with it, it is our document.

Trustee Armacost: There are now three different versions of that paragraph floating between us of that set of documents. There is the version you wrote, there is the version I wrote, and there is Meg's version which has some input from me from a different sort of era, so to speak. At a certain point you have to ultimately decide as mayor what you want to take and what you do not want to take.

Mayor Swiderski: Well, that represents the sense of the Board. All right, fair enough.

Trustee Walker: One other comment about the Comp Plan. We do need to send it to the county for their review.

Mayor Swiderski: Is that done before?

Trustee Walker: I do not know. But we cannot do it until the whole thing is put together with its formatted maps. But maybe it is done at the same time.

Trustee Quinlan: We cannot do it then until after the public hearing because it may change. That is what the public hearing is about. If somebody makes a significant suggestion that the majority of the Board agrees that it should be changed, then it will be changed.

Trustee Walker: I think you are right. The only thing we have to remember is that they may want to make changes, too, and then it is more time.

Mayor Swiderski: Jerry, I am thinking logically through this. Not only are you right, but that possibility eliminates the chance of having the EAF discussion with the public review, because a public review might yield a change that has a material effect on the EAF discussion.

Trustee Quinlan: I agree with you, but I also think we should look at the form and see. I kind of have an idea because I did this many years ago once when I was on the Zoning Board. I would like to take another look at that document to see how it looks, how much work it would take, how much detail before we could decide whether we are going to have the consultant do it, have Marianne do it, whether anything needs to be done. That is a second issue. But I think you are right. We cannot start filling that form out until after the public hearing and after we say this is the final draft.

Mayor Swiderski: And our Board discussion.

Trustee Quinlan: The public hearing is an opportunity for change. It may not be changed, but we have to keep an open mind that it can be changed.

Mayor Swiderski: yes, I agree.

4. Other

Trustee Walker: We had a meeting of the Tourism Board last night, and I wanted to bring you all up to speed. It is only the second meeting we have had officially. This board represents the three villages: Irvington, Dobbs Ferry, and Hastings. We are working with a consultant, Bruce Bolger. He is promoting this concept of short, one-day excursions outside of New York City for either New York residents or visitors from anywhere. He has a Web site called www.shortescapes.net, and he has put together a Web site for the Tourism Board, which is www.rivertownsnny.org. They are linked, and the idea is that the rivertownsnny.org will have a list of resources, the places to go, the things to do, the maps and so on. The excursions are about walking: where you go, how you get there, what you do when you get there. The whole focus right now I think is really smart; the focus is on attracting walkers and bikers from the city to come up and use the Aqueduct that links the three villages and take advantage of the restaurants, the shops, and the access by train. Bruce has found sponsors and raised \$5,200. He is looking to raise another \$2,000 or \$3,000 more by March. That money is going to go for a variety of things. He is also reaching out to promote these excursions through Metro-North, and they have agreed to put it on their Web site and in their Milepost. And they have another newsletter that they hand out. He is looking to publicize it through WFUV, the radio station. Metro-North does not cost money, but WFUV and other advertising or promotional outlets would cost. He contacting tour operators, walking tour

operators, the Gray Lines, and trying to get them to bring tours up here, literally, on the train, and lead people to the Aqueduct. But it is also a self-guided thing. On the Web site there are also very clear maps and very clear descriptions of where to go.

A couple of other things we want to do is put up information kiosks which would have maps, which would also show our sponsors or places to go in our three villages. Those could cost money. We wanted to do these both at the train station and, potentially, at the South County Trailway parking lot. This is what I propose that we talk about at the next meeting.

He thought he would be able to get the hotels in Tarrytown as sponsors. He has four different levels of sponsorship. He thought they could get on board for \$1,000 apiece. But they all said if you do not include Tarrytown we are not going to get on board. So he brought us the question: should we, in fact, within our rivertownsny.org Web site and within our short escape in Tarrytown that includes Pocantico Hills and some other destinations, include them within the river towns. Not necessarily our tourism board, but he is asking to put them on our Web site. We can have a tourism board that is just for the three villages, and we can do other things with that tourism board. But in terms of promoting these short escapes and these excursions can we include Tarrytown. I will get the details for you, and we can talk about it next time.

The other question I would like to talk about is creating an intermunicipal agreement among the three villages – maybe it will become four later but now I am just thinking three – which we can use to jointly go after grants to do these information kiosks or signs and potentially traffic calming improvements. This requires a lot more conversation, obviously. But I was thinking we could go after state or federal money to put in signage where the Aqueduct crosses streets, and to all do similar signage, maybe similar crosswalks. So we would not be just doing it ourselves. We talked about this in the Comp Plan, alerting motorists to these crossings, which, if they are heavily used, is critical. The other villages are interested in that, too. That is something we could think about together.

Trustee Armacost: It would be useful to know, if this is raised in the other villages, what the reaction is, if everyone is more or less on board, or not.

Trustee Walker: Right, and one of the next steps we talked about is each Trustee going back to his or her board and bringing this up, and see what the reaction is to the Tarrytown piece and the intermunicipal agreement idea. So I will write this out, and Bruce will probably come back with some more information even before the next meeting that I can include in notes to you.

The other thing I am not going to talk about tonight is that the Quarry Park Committee and I and probably Fran are meeting with Matthews Nielson tomorrow to talk about a reduced design fee for Quarry Park. There are other details that I would like to fill you in on at the next meeting and I can bring you all up to speed on what is happening with Quarry Park.

Trustee Armacost: I do not know if everyone had a chance to go and see "Nothing." It was such a fun, amazing event. I was there on Sunday night, and I ran into people who had come from Brooklyn. They had heard that it was this incredible happening and they had shown up from Brooklyn. I think that is showing that Hastings is a destination town. If we can bring people from Brooklyn on a Sunday night, that has to be a good thing. So kudos to Liz Liebeskind who pulled that off, and to Milton who was an unbelievable Lou Reed, and to Peter Sprague, who was Andy Warhol.

Mayor Swiderski: On another subject, we need a formal approval of the final version of the Architectural Guidelines for downtown. We will have it on the agenda for the next meeting.

Trustee Walker: One additional announcement: The first Friday Night Live of the year is going to be March 4. It will be a literature celebration. The next one is the Art Walk, on April 1. We are going to be seeking both art and literary entries.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:00 p.m.