

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**MARCH 15, 2011**

A Regular Meeting was held by the Board of Trustees on Tuesday, March 15, 2011 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Jeremiah Quinlan (7:40 p.m.), Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Seven (7)

**APPROVAL OF MINUTES**

On MOTION of Trustee Jennings, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of March 1, 2011 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Executive Session of March 1, 2011 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 51-2010-11 \$278,648.53

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** Congratulations to you, Mr. Mayor, Trustee Walker, and Trustee Jennings. There are no choices, so I know you won. I guess you are all from the same mold. There is never any really argument among the Board. In all the times I have been here, it has only been three times: once on Building 51, with a 3-2 vote; and the other time my favorite Trustee, Jeremiah Quinlan, is not here, but it was something about the architecture review and we got too many laws. I never heard any more. And then one other time about the deer, and he did not think the immunocontraceptive method would work. So I think your meetings should run very short, when you are all of the same mold and agree.

I have one problem. You talk about tourism. I think that is the Chamber of Commerce's job. I think some of your job you neglect. I go down Washington Avenue, there is no sign on Railroad Avenue. I come across to MacEachron Park, across the railroad, and there is a white stop sign with gray letters. Coming out of the park, a big SUV with a woman, does not even see that white sign. It is a day like today, not sun-bright, reflecting. Federal law calls for red stop signs, octagon, with white letters.

You people ought to take a ride with me and look at your potholes. But I am here to give you a deer report. Immunocontraceptive is going to cost you \$2,000 to \$3,000. A bow and arrow would cost you about \$60 to take out a deer, net-and-bolt, \$400 to \$500 per deer. I do not know how you can suggest spending such an amount of money, when an arrow costs about \$10 and you get food out of it. We have not heard any reports in six months on the deer. But one thing I would like to say. That Polish Catholic church is beautiful. The colors of it are great. I hope those people are successful in their operation, and thank God you did not have color codes in your architectural review.

**David Skolnik, 47 Hillside Avenue:** Can I ask whether the Board received my correspondence?

**Mayor Swiderski:** We received a copy of the DOT report on Ravensdale. If you sent something to us commenting on it, I cannot see it.

**Mr. Skolnik:** No. The only thing I had sent was directly to Mr. Frobel. He, in turn, I think passed along a copy of that report. I am requesting clarification. Either I am misunderstanding what I have seen in the report and there is no issue, or there is a problem, in which case I would request that the Board aggressively follow up on this. The DOT had come to us with a plan to redo that bridge. I may be incorrect in my assumption that it was, at least in part, due to safety conditions, that the condition of the bridge warranted renewal of some sort. They made a presentation at a meeting, and there seemed to be a certain imperative at the time. Subsequently, that project was postponed for a number of years because of the finances. I requested an engineering report on the condition of the bridge. Mr. Frobel wrote a letter to the DOT requesting this information. Five months later he got a reply, which he forwarded to me. I appreciate that.

This document is dated from 2002. This is almost a 10-year-old document. Unless you are an engineer or versed in this, it is virtually meaningless. I do not know how many of you can understand it. I could not. Going through the 40 or 50 pages of it, it was difficult to get some sense of what it was saying about the condition of the bridge. I do not know if Mr. Bennett was being ironic in his comment to Mr. Frobel that he hoped that this provided the information the community needed. If there is documentation that I can give or if you can

determine who within the Village needs to aggressively follow up, it is of concern. Given everything we have been seeing, if there is an issue there we ought to know about it.

**Mayor Swiderski:** I did open and tried to make sense of it. Something as basic as understanding the numerical values and what they meant, maybe I missed the code page, but I was not able to figure it out. It was not transparent to me, either. For starters, that would help.

**Mr. Skolnik:** Do you know how you would go about following up on something like this within the Village?

**Village Manager Frobel:** I suppose we could invite the DOT engineers to come out and make a presentation to the Board, if the Board felt that was helpful.

**Mayor Swiderski:** I did not even notice the date on it. I am surprised it was that long ago. I would share your concern if that is the last inspection on a bridge.

**Mr. Skolnik:** June 10, 2002.

**Village Manager Frobel:** That report generated sufficient interest on the part of the DOT to have it included in their capital improvement plan. When they got into funding constraints, they were able to slide that to the future. I think it ends up being 2015.

**Mr. Skolnik:** I thought it was later than that. But in any case, if there is anything you can do to follow up.

**Mayor Swiderski:** It merits following up. Thank you for your attention on that.

**Trustee Walker:** The DOT's Transportation Improvement Program has just been issued. I got a notification by NYMTC, the New York Metropolitan Transportation Council. Maybe we should check. It is from 2012 to 2015. It covers three or four years.

**Tim Downey, 520 Farragut Parkway:** In early January I made a suggestion concerning the deer discussion that we might want to spend this winter gathering data to understand these critters. There was no response. I decided to take it upon myself and do exactly that. From about Christmas until the present, I spent a great deal of time in the woods in Hillside and different wood lots around the Village, using all conditions of quiet muffled snow, crunchy conditions, to assess deer patterns, deer trails, numbers, herd sizes. I have said I was absolutely against net-and-bolt. I think it is barbaric. I also said I would be behind the efforts at what I thought was a cost of \$500 to try contraceptives. Now it seems it is going to

be well in excess of \$1,000 per deer. I discussed this idea with DEC officers at a hunting and fishing outdoor expo at Rockland County Community College. They shook their heads and said it is absolutely not going to work. They cited the example of Fire Island, a contained area, where they attempted this. It was a complete failure, and they have gone back to using hunting as a deer control management tool. Back in the '70s and '80s I used to be a bow hunter. The deer came into Hastings from Irvington, and they came across from the woods that is now Ridge Hill. Since we cannot control the corridors of the train area, the Aqueduct, Ardsley, Mt. Hope Cemetery, Clarewood, and Yonkers it would be an absolute waste of time to attempt this procedure. What really stood out about the work I put in this winter was the futile attempt of getting close enough to deer on a second year to put boosters into them.

I am a former hunter and I know how to stalk, I know how to get around animals. You are going to a couple of wannabes and a veterinarian in a white coat who is going to sit on post for hours on end waiting for these deer to come in. Even if you bait, it will never happen. I have thought about ambush, it would never work. You would never be able to get the same animals to come in and repeat. And again, looking at the cost. I was concerned when I read in the *Enterprise* about how Dobbs Ferry had referred to Hastings that that is how we are going to go ahead with it, and the letter from the mayor about the accomplishments over the past year and a restatement of how we were going to pursue this approach down the road.

I know it will not work, it is far too costly, and when people come up here and want to preserve these deer in perpetuity, what do they think happens to the deer eventually. They get smashed by cars, they die a slow death of starvation and age, or they get taken down by predators. Given the choice of that or killing the animals and using them for food, I am not going to use the bleeding heart thing of saying it is going to go to food banks. That food will never leave Hastings. There are many families in Hastings that enjoy venison. Irvington had a large town party this year, a venison party. There was a suggestion that around the United States you have your wine areas or your peach areas or strawberries; why do we not make the Hudson Valley a venison area. It may sound a little barbaric to some but it is a resource that we could utilize here. It could be done in a respectful manner. It would not be done with yahoo hunters with beer cans flying out of the back of pickup trucks, which is the vision that many people get when they hear "hunters." You would have skilled archers operating in coordination with the police department, and you could have an annual harvest of these animals and you would be able to manage the numbers better, as opposed to living in this illusion that somehow it is going to work through contraception.

I do not like to come up here and antagonize the Board on this issue, but I have never been contacted. I have offered many times to be a part of the discussion of the group that brings a certain area of expertise and logic; I do not think there is another person in this community that brings to it what I can. Yet there is a woman, an outsider, Barbara Stagno, who comes in

here almost floating in like an angel who is allowed extraordinary time to present her case and have dialogue back and forth with the Board. Yet I have not been given the opportunity, as a resident, to be part of a board or internal discussions on this matter. I would like to bring forth those thoughts this evening about the work and research I have done on my own and the conversations I have had with the conservation officers. I want to save you the failure of cost and allow those funds to be used in a better way for the Village. The Village cannot afford to waste money along those lines.

**Mayor Swiderski:** A lot of good points. I have not reached out to the DEC in months. I am not aware of their findings on Fire Island. It is counter to what we have heard about immuno in other communities, but it is clearly worth following up on. I know that Dobbs is wrestling with it. It is complicated in this geography. If there were an easy answer, communities of our size and in our density and in our geography would all have the same answer and none of us are. We are all struggling with it. I understand what you are saying, but it clearly needs more follow-up. The expense itself would not be borne largely by the Village. If we engage in the immuno, it would more largely be not-for-profits who would fund it, and it would not come close to \$1,000 a deer. It would be a fifth of that. But it requires more study.

#### **18:11 APPROVAL OF AGREEMENT – NEW YORK GIS GROUP FOR SCANNING AND PROPERTY INFORMATION PORTAL**

**Village Manager Frobel:** Two meetings ago the Board heard about an innovative and creative way to streamline the building office and cut down on paper, and meet some of the objectives in our sustainability plan. We heard from Trustees that maybe there is even a better way to do it, a way we can share in the revenue. We talked to the vendor and introduced the concept to the attendees of the village officials group. Out of that came a high level of interest from our neighbors, so much so that the company has redesigned their proposal so that not only are we receiving the program for five years at no cost, but in years four and five of the agreement we would share a portion of the revenue. The agreement has been reviewed by the Village Attorney. We are ready to recommend that you consider allowing us to enter into this relationship with the company so that we can begin this work scanning our building official records.

**Mayor Swiderski:** The idea of the cost-share goes to Niki – thanks. The agreement addresses some of the concerns we had raised in the previous meeting. It is hard to argue with the price, especially given the cost of digitally capturing all these documents would be tens of thousands of dollars. This is a good example of "the network effect," where if a bunch of communities all do the same thing it becomes more useful for architects to use; they will get their membership because they know that a bunch of the communities are doing it. It works for everybody, and we will yield something positive.

**Trustee Armacost:** Congratulations on developing a great deal for us. I love the sound of "free."

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign an agreement with New York GIS Group to scan Village property records and provide a property information portal at no cost to the Village.

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

**21:11 APPROVAL OF AGREEMENT – GREEN TEAM SPIRIT FOR CONSULTING SERVICES**

**Village Manager Frobel:** In January you authorized the staff to submit an application under the Clean Air-Cool Planet Community Catalyst Fund program. We were able to secure funding to enter into a contract with the consultant who will provide guidance as we develop our Green Team. We have joined with Dobbs, so we have some economies there. We have already had one orientation meeting. Tomorrow we have a kickoff meeting. This action tonight allows me to enter into that contractual agreement with the consultant.

**Trustee Jennings:** It was terrific that we were awarded the grant. It is very helpful to have an outside consultant who has expertise in the way other villages have done this. This is not about any kind of deficit on the part of our staff members. This is about facilitating communication and good working relationships across departments. It is nothing but a professional development opportunity for our staff, and it is a very important opportunity to save money and to lessen our environmental impacts here in the Village as a community. So it's win-win-win all the way across, assuming that the consultant does what we are hoping will happen. I am very hopeful about it, and enthusiastic and excited to get started.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign an agreement with Green Team Spirit for consulting services for a Community Catalyst Project to be paid from grant proceeds.

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

### **22:11 CHANGE OF MEETING DATE**

**Village Manager Frobel:** A suggestion that came out of your last meeting, Mayor. That is the vacation week.

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

**RESOLVED:** that the Mayor and Board of Trustees change the date of the Regular Meeting from April 19, 2011 to April 26, 2011.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
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:** Today, Susan and I met with Suzette Lopane from the county in a scoping session as we begin to develop our Community Development Block Grant

application. Over the next several weeks we will be collecting ideas and fashioning a program to present to you in late April or early May.

**Trustee Walker:** Eligibility is based on census-tracked demographic information. Are we supposed to use the most recent census, or do we have to go back and use the 2000 census?

**Village Clerk Maggiotto:** It is the 2000 census.

**Village Manager Frobel:** Suzette spent a lot of time explaining the lawsuit and what that could mean in terms of target areas that we can do. Very informative. I intend to prepare a memorandum summarizing the detail that she shared with us today. But, of course, any ideas from the Board as we begin to fashion the program let us know. We are looking at some infrastructure improvements, probably focusing our efforts on sidewalks and stair towers and some other activities that we hope are eligible. The application is due June 1.

We had our tax lien sale. I have asked Susan to offer a few comments.

**Village Clerk Maggiotto:** We sold the remaining unpaid taxes, about 30 items, to private investors who made a down payment today on these tax liens. The only unsold tax liens are five parcels that are problematic and nobody wanted them. For all practical purposes, we have collected almost 100 percent of our taxes.

**Mayor Swiderski:** What was the interest rate, in the end?

**Village Clerk Maggiotto:** Twelve percent.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Bus Routes - Downtown Hastings**

**Village Manager Frobel:** The Chief and I, and the chief of Dobbs Ferry and the manager of Dobbs, met with Westchester County bus transportation planners to talk about the routing of the buses through the two communities. The purpose of the meeting was to discuss the feasibility of moving the bus stop from in front of the VFW perhaps further down Warburton. The planners indicated they would not support that. They like bus stops either near a traffic light, where it is a safe pedestrian crossing, or near a well-established, long-term pedestrian crossing area. They do not want to see people going in traffic that perhaps the motorists would not expect. The planners said that they could consider reducing one of the bus routes that travels from Farragut down Main Street, along Warburton, then back onto Broadway. That was met with support. The bus would continue down Broadway, bypassing



the downtown. They have offered that as a suggestion because they felt that ridership is down, and it would address some of the concerns that the Chief of Police offered in terms of congestion. Often the buses are the double buses and they are often empty. They felt that would be a logical way to reduce some of those trips. We embraced it. We thought that made sense. That is where we left it.

**Mayor Swiderski:** And where would the stop be?

**Village Manager Frobel:** The thought was to create a new stop perhaps around Villard by that park.

**Trustee Armacost:** Fran, did you consult our senior advisory committee and our committee for the disabled?

**Village Manager Frobel:** No.

**Trustee Armacost:** If the ridership is really very far down and hardly anyone is using it, irrespective of whether they are elderly or disabled, then maybe it is irrelevant. But I think it would be useful to get their input.

**Village Manager Frobel:** Sure, if they have a sense for the need.

**Trustee Walker:** I had some questions about the routes, ridership, transfers and so on. So I contacted Rich Stiller at the county, and he got back to me today. I also asked Susan Cooper to come tonight because she takes that number six bus every day to White Plains during rush hour periods. Just to give you a little background, the number six bus starts in downtown Yonkers, goes up Broadway, makes a little loop around High Street and Farragut, then goes down through the downtown, continues up Broadway, and eventually ends up in White Plains. From there it goes on to Pleasantville. It is a very popular bus and pretty well-used. There are three other buses that go through the downtown, all number ones: the 1-W, 1-C, and 1-T. They come up Warburton Avenue, most of them coming all the way from the subway station at 242<sup>nd</sup> Street, through Yonkers, and then through Hastings and up Broadway. Then they diverge after Dobbs Ferry, and one goes to White Plains. That is the 1-W. The 1-C goes to Westchester Community College and the medical center. The 1-T goes to Tarrytown. So there are a lot of bus lines converging in downtown Hastings, and in Dobbs Ferry, as well. Then they go in different directions. But there are two buses, the 1-W and the six, both go to White Plains. It happens that the number six is a lot faster than the 1-W so a lot more people tend to take it to White Plains.

The Chief told me that there are a tremendous number of buses during the peak hours, and it is true. For example, between 7 a.m. and 9 a.m. there are 19 number one buses. That is about nine or 10 per hour. And then between 7 a.m. and 9 a.m. there are seven number six buses. That is about three or four per hour. I see why the Chief was concerned. That is quite a few buses: 26 within a two-hour time period. However, many people would look at that as a positive thing, the fact that we have the opportunity to take the bus to a variety of places from downtown Hastings. It is close to shopping, it is close to the train station, it is a greater concentration of population. From a transportation point of view, it is a real plus to have that many buses going through your downtown.

I asked Rich how many people transfer from one bus to the other. For example, are people taking the number six, and then they want to go to Tarrytown so they transfer to the 1-T, something like that. I would think that that would be inconvenient for somebody to get off on Broadway and then have to walk down Villard or Main Street to get on the other bus. They do not have that data. He is presently installing equipment to do that, but they do not expect to have that data until about a year from now. He can say, though, that on a typical weekday at the Warburton and Spring Street stop southbound there is an average of 82 passengers who board buses and 33 that alight. Across the street, from VFW an average 61 board and 79 alight; a total of 140. So 115 southbound, 140 northbound. This is just total of those four: the ones, and the six. He estimated 10 percent of the passenger activity at Warburton and Spring is transferring, which he says it is not very much. It would be like 20 people, maybe, in a day, although if it is 20 people who are disabled or 20 people who were elderly, that kind of transfer could be extremely inconvenient.

One more piece of information. You could have a transfer point where Warburton hits Broadway, and if you keep the number six on Broadway and it does not go through the downtown people could transfer. We do have stops now. I am not sure if all the buses stop there, where Warburton hits Broadway. Those could be an attractive bus shelters. We could have them on both sides of Broadway, attractive bus shelters, comfortable places to sit, and an easy place to transfer. However, if you were hoping to grab a cup of coffee or grab a sandwich or do a little grocery shopping, it is not as convenient as being in the middle of town. It is hard to know whether people really do shop while they are transferring, or they take the bus to Hastings to shop. If they do, then it is much better to be right in the heart of the downtown. But we do not have data on that.

The other piece of information he gave me is that they are signing off on summer schedule changes by the end of this week. So time is of the essence. If the Village does not want to reroute the number six, then he needs to know immediately. That puts a little pressure on us. I was hoping we could gather a little more data. It would be nice to know a little more about the number six, it would be nice to talk to our committees of seniors and disabled. But we

are up against the deadline here. I wanted to ask Susan, who takes the number six frequently on weekdays during those peak times, what her experience is. She walks from Warburton into town to get the number six.

**Susan Cooper, 378 Warburton Avenue:** I had a few thoughts on this. If there is a desire to reduce traffic congestion, then it would make sense to have more public transportation rather than less. More public transportation would reduce car traffic, and I have always thought that that is a primary goal. I think that there is also a socioeconomic factor here. The demographics on the bus that I take are probably lower income than is typical for Westchester. So it is adding to a certain disparity. Also, if I were to walk to Broadway and Villard to get the six, that would be one thing. But there are frequently times, if I miss the six or the buses are not running as usual, I might get the 1-W. And that would mean that I would need to come back down the hill to get the 1-W. People do get off the train in Hastings and walk up the hill to get the bus to White Plains. That is another factor, the additional walk up the hill. In bad weather, it would be problematic. This past winter we had so much snow that there were a lot of people that normally drive that took the bus. I noticed people I had never seen before. Finally, the six is not a double bus. I heard somebody say that the six was a double bus, and it is not.

**Village Manager Frobel:** I would have to check that. I was relying on my memory.

**Ms. Cooper:** I have been taking the bus for six years, and the six is not a double. Some of the 1s are doubles, but not the six. And it is almost always full in the morning. I take the 7:37 usually, sometimes the 8:20, sometimes the 7:11 or 7:07. The 7:37 is full every morning, at least during the week. I think that is pretty significant. I am not sure what all those people would do. Also, the A&P is on the six line, so people can get off the bus, go to the A&P, and walk back across right at the A&P with their groceries and get back on the bus and go to Yonkers or wherever they are going, or vice versa. So that would be a hardship, going further back up and around.

**Trustee Armacost:** What percentage of riders would you say are elderly or disabled?

**Ms. Cooper:** A good number. There are a number of home health care workers on the bus that I travel with. There is a woman that I do not see all the time because she goes at a different time, but she is blind and she has a seeing eye dog; she lives in Hastings and she gets the bus at that stop right in town. I have difficulty seeing her going up and down that hill.

**Village Manager Frobel:** The Chief would like to enter into the conversation. He is available, he is on his way. These changes, if they are approved by the Westchester County

bus transportation, would go into effect on June 20. The time lead he spoke of is because of printing the schedule. Another factor that we were able to convince the company of was the "Not In Service" buses. We convinced them not to allow those buses to route through the downtown area, but to stay up on Broadway.

**Trustee Walker:** But I asked Rich about that. He said that that is the only way, because they are usually coming up from Yonkers and then going back into Yonkers, that this is the quickest route. Any other route would take considerably longer. That is what he wrote to me today.

**Village Manager Frobel:** All right. My notes on our meeting on February 24 say that they would work to eliminate that, working with the drivers to have them stay up on the main way.

**Trustee Walker:** Most of these buses are deadheading to or from Warburton Avenue at the Hastings line to begin or end service. "All are coming from, or headed to, the Yonkers garage on Saw Mill River Road. Please know that I did have alternate routes checked, and none are as quick as the present routing. At a system cost of over \$2 a minute for an individual bus operation, we will always choose the quickest way to deadhead a bus." So unfortunately, those are the buses that are coming up Warburton. Then they go up Main Street, and they say "Out of Service," and then they usually go back on Broadway. So they are making this loop through Hastings with nobody in the bus. There are quite a few of them. I agree that it would be great if we could get them out of our downtown.

**Trustee Quinlan:** I cannot believe that going through downtown is the quickest way to deadhead a bus. Broadway would be the quickest.

**Trustee Walker:** But the problem is, where are they going to go? There is Pinecrest, there is Odell. There are very few east-west roads.

**Trustee Quinlan:** No, I know. But if you are going through the Village, deadheading an empty bus out of service, going through the Village is not quicker than just going straight down Broadway. It is just common sense.

**Trustee Walker:** But they are coming up Warburton, in service at the Yonkers-Hastings line, let's say. But they cannot get back to the garage.

**Trustee Quinlan:** They do not come up Broadway?

**Trustee Walker:** This is a Warburton bus.

**Trustee Quinlan:** But then which one goes up to the A&P?

**Trustee Walker:** They are going back to the garage via Main Street and Broadway. Instead of turning around and going back through Yonkers, it is quicker to come through Hastings. I do not know the details, really, because I did not research it. It does seem crazy.

**Trustee Quinlan:** It seems a little circuitous, with lights and narrow streets, to go through Hastings. But anyway, if I can make some brief comments. Ms. Cooper made some interesting points that I was thinking about. First of all, you have public transportation as opposed to cars, and we are supposed to have less cars and more public transportation. And we have the socioeconomic factor. Who rides the buses? People that either do not want to own cars, do not have driver's licenses, or cannot afford cars. So are we going to punish them by making them walk up to Broadway and Villard? I understand the traffic problems. But I have lived in Hastings since 1979 and I have never gone home and said, those darn buses are making me crazy downtown. I have never even thought about it. I know the Police Chief has his concerns, but if we are trying to reduce the carbon footprint and be green with our construction codes, why in the world are we going to have more cars and less buses?

**Trustee Walker:** The price of gas has gone up, and it is going to go up even more. No, you are right. It has gone up, and it probably is discouraging people from driving. It seems like we want to make taking the bus more convenient for people and not less convenient.

**Trustee Jennings:** It does seem that way. Are we talking about any change in the net number of buses? Or it will be same number, it is just they are going to be running different routes? Are we reducing the number of buses that people could take?

**Trustee Walker:** No.

**Trustee Jennings:** So the only question is where and how convenient.

**Trustee Armacost:** But to add to Bruce's point, if there are periods in the day when there are hardly any passengers, not during rush hour but at other times, maybe what they should do is do what the airlines do: reduce the number of flights for the people who are traveling at off-times. I know that can be quite inconvenient if you have a regular meeting at 11:30 a.m., but that might be a better solution for them as opposed to disrupting it.

**Trustee Walker:** They do after rush hour. It goes down to about one an hour.

**Mayor Swiderski:** I would like to suggest, in the interest of awaiting the Chief's arrival, we table this for now.

## **2. Waterfront Building 52 - Structural Review**

**Trustee Quinlan:** The review of the slabs, the columns, and the roof is done. The next part of the review is going to be the pilings that hold up the slabs. The asbestos removal is about 60 percent done and hopefully will be completed by the end of April. The most interesting piece of it is that Eric Larson had just received the structural engineering report about what shape the building is in, and how much it would cost them to maintain it for the 10 years that we expect the cleanup to take. He had not started reading it yet. He said the report is not too long, but the appendices are very long, so he is going to need a couple weeks. He is going to share it with his boss and the team at BP/ARCO, and then he is going to share it with us. So we can expect their engineering report on the structural integrity of Building 52 within the next month.

## **Bus Routes Downtown Hastings (continued)**

**Mayor Swiderski:** Well, the Chief has arrived. We have heard from the Board and the Village Manager on the topic. Since this was an initiative you, in part, began, we wanted to hear your perspective.

**Police Chief Bloomer:** The genesis of this is when we started the removal of the soil and the demolition of the buildings last year and we had all the truck traffic going through the Village. From Spring Street north, we were having problems daily on truck traffic and bus traffic not able to pass each other. It seemed to me at the time, whether it was anecdotal or not I did not know, that there was an inordinate amount of buses, two and three at a time, that we would have to go up and clear with trucks. Then when the truck demolition stopped, once you start noticing something you notice it. The buses were, daily, having to be cleared, whether it was truck traffic or something else.

**Mayor Swiderski:** What do you mean by "cleared?"

**Police Chief Bloomer:** We would get to a point where no one could move. So the police had to either back up a row of cars and then a bus, or back up a row of cars and a truck. So we did two things. Number one, measured the street. The street on Warburton Avenue as opposed to Main Street is 7 feet narrower. So it is a narrow street, especially the strip from Spring Street north. Main Street only has parking on one side, so it is wider. So that perception was, in fact, correct. We also wanted to have numbers so that we are not going on just perception, if I could hand everyone a copy of this. We paid one of our PEOs during the

Christmas vacation to count buses. As you can see, in the morning, I will just go with northbound, we have a bus at 7:07, at 7:10, another at 7:10, at 7:11, at 7:23, at 7:38, at 7:41, at 7:49, at 8:01 and 8:04. An incredible number of buses going northbound. If you look at the right column, you see how many people get on and off. For the most part, at no time is there more than one person getting on or off the bus.

Dobbs Ferry was going through similar experiences in its downtown. Theirs started with replacing sidewalks. They needed to reroute buses. So we wanted to come up with an alternative to having the buses go on Warburton Avenue between Spring and Broadway. My idea was to divert the buses up Main Street, as many as we could, and then move the bus stop from the VFW to Main Street. There is only one stop between Main Street and Broadway, both north and south: the VFW north, and the bank going south. We wanted to put the bus going up Main Street, move the stop simply someplace either in front of the Community Center, in front of Boulanger, wherever the county thought was a good idea.

Dobbs Ferry had similar ideas. They wanted to move their buses, as well. The Manager and I and Dobbs Ferry's village manager and police chief, and the county bus company sat down to go over all of our options. They steadfastly refused to consider taking buses off of Warburton Avenue between Main Street and Broadway. It was not even a discussable issue.

**Trustee Walker:** They did not say why?

**Police Chief Bloomer:** No. Because the sentence ended, That is not something we will discuss.

**Trustee Quinlan:** Who is "they?"

**Police Chief Bloomer:** Westchester County. There are two bus lines that come through the Village, the one and the six. Their proposal was to take the six and keep in on Broadway. So when it comes down Broadway from Yonkers, instead of making the left on Main Street it would continue north. When it comes south from Dobbs Ferry, instead of going on Warburton Avenue it would continue north. It does not reduce the number of buses through the Village as a whole. It reduces the number of buses on Warburton Avenue by 40 percent by moving the six. We asked if this inconveniences the public. We were assured by the county that it does not because there are three alternatives to people who want to use the bus. Number one, they can take the one. The one and the six have very similar destinations. Number two, if they have to take the six, they can take the one and transfer to the six. Or number two, they could walk up to Broadway and take the six. They made it very clear to us that we, meaning the Manager, the police department, the Dobbs Ferry police department, have absolutely no say in their decision.

This was something that they proposed. It serves them in some ways, and I think it serves us by getting some of the bus traffic off of Warburton. I do not think, going by what they told us but even by just looking at these numbers, it inconveniences the public. We were at no time looking to decrease the number of buses through Hastings. We wanted to move them on Main. This was their counter to that.

**Trustee Quinlan:** It has been told by us that the 1-W is slower than the six. Why wouldn't they move the 1-W up there?

**Police Chief Bloomer:** I do not know the answer to that.

**Trustee Quinlan:** Did they even care what we think?

**Police Chief Bloomer:** Frankly? No.

**Trustee Quinlan:** They do not, so we are wasting our time having this discussion.

**Police Chief Bloomer:** I do not want to say you are wasting your time.

**Trustee Quinlan:** I mean, we are not wasting our time because it is interesting, but we are wasting our time because it is not going to have any effect on their decision.

**Village Manager Frobel:** Let me ask that question because that was a question I asked during our meeting in February. My notes reflect, it says here, do we need Board of Trustees support from this change, quote, not necessary.

**Trustee Quinlan:** All right. So what are we talking about?

**Village Manager Frobel:** And I said here, Just inform the Board. Which is what I did two weeks ago in my regular report.

**Trustee Walker:** I did not realize that. That does not seem right.

**Village Manager Frobel:** That was the direct question asked. Because I wanted to know the process.

**Trustee Walker:** I cannot believe that.

**Trustee Quinlan:** So there you go.



**Mayor Swiderski:** But if we provoked the move, and then we decide not to do it, why would that not be incorporated into their decision-making?

**Village Manager Frobel:** I think there is probably is room to go back to them and tell them we are not keen on this suggestion. Is that what you are asking, Mayor?

**Mayor Swiderski:** Yes.

**Trustee Quinlan:** So what was Dobbs Ferry's proposal? To move the buses out of their downtown? What was their proposal?

**Police Chief Bloomer:** They wanted to do the same thing.

**Trustee Quinlan:** And what did the county say?

**Police Chief Bloomer:** They are going to do the same thing with the six that they are doing to Hastings in Dobbs Ferry.

**Trustee Armacost:** But the recommendation you are making is to make the change.

**Police Chief Bloomer:** Yes.

**Trustee Armacost:** I thought you said that they were planning to make the change. That was a little confusing. It sounded as if they are going to make the change, and we would now have to say we do not want the change to be made.

**Police Chief Bloomer:** I should not say they are making the change. The change has been made. They have put it in to take effect in September.

**Mayor Swiderski:** In June.

**Trustee Walker:** I think we have a little bit of a reprieve, because I wrote to Rich today just to ask him some questions about it. Actually, I wrote to Patty and asked her if she could get the information. She referred me to Rich Stiller of the county. He is the operations manager.

**Police Chief Bloomer:** That is who we met with.

**Trustee Walker:** Or director of surface transportation. That is with whom you met.

**Police Chief Bloomer:** Yes.

**Village Manager Frobel:** And one other gentleman.

**Trustee Walker:** He said please know that I plan on signing off on summer schedule changes by the end of the week. Time is of the essence. If the Village does not want to reroute the number six, I need to know immediately. That is what he said today in an e-mail.

**Trustee Armacost:** But your recommendation is to reroute. u are concerned with too much congestion, and you think it will reduce congestion by 40 percent, if I am understanding you correctly.

**Police Chief Bloomer:** Yes. Those are his numbers, 40 percent.

**Trustee Armacost:** Well, but that would be a positive for you.

**Police Chief Bloomer:** Yes.

**Trustee Quinlan:** David, some of the concerns that have come up tonight are the elderly, the disabled, the people that do not own cars. We have a constituent here, a resident, that says she takes the bus every morning and it is packed. She is right here.

**Police Chief Bloomer:** It may be packed. But does that mean people are getting on in Hastings?

**Trustee Quinlan:** I understand that. Does it service Hastings? Probably not as much as it serves Yonkers and White Plains. But I am just telling you what came up that you missed.

**Police Chief Bloomer:** I will play devil's advocate. If the bus route was moved to Broadway, less people could take it? Do more people downtown take the bus than people that live in the rest of the Village?

**Trustee Quinlan:** You are not going to get me to discourage walking, as you know. I walk all around. But most people do not want to walk five steps, as you know, from the parking problems we have here.

**Police Chief Bloomer:** Right. But my point is, if people are going to take the six that live on Villard or Chauncey or Darwin or Euclid or any of those places, moving it onto Broadway is actually closer.

**Trustee Quinlan:** No, but they are not going to take the bus.

**Police Chief Bloomer:** I do not know who the riders are. All we did is numbers, and the numbers that we have do not justify, in my opinion, the number of buses that go through the Village: one on, one off, one on, one off, and 10 buses through the hour, that is a lot of buses. Now, that is not all day. That is rush hour. No, rush *hours*.

**Trustee Walker:** Well, Rich Stiller gave me a total of 255 passengers who either board or alight.

**Trustee Armacost:** In a two-hour period.

**Trustee Walker:** No, the numbers he gave me were for the day.

**Trustee Walker:** So 255 for the day. It is significant. But if you are a transportation person, you would say that is a good thing because that means it is very convenient to take the bus from Hastings. If you want to take the train to Hastings and take a bus to White Plains, you have the option to get on the bus close to the train station. It is a much quicker ride, the number six than the 1-W, to get the White Plains. So there are advantages to keeping it there. If you are disabled it is a lot easier, probably, to negotiate the downtown because we do not even have sidewalks on the east side of Broadway, and it is difficult to cross Broadway at Five Corners and a number of places if you are handicapped. Five Corners is difficult even if you are not handicapped. Also there are a number of people who transfer. He said probably 10 percent of the passengers transfer. He could not tell me how many are going from the ones to the six and vice versa. But that means you have got to walk the hill and that makes it more difficult. If you are using the number six to shop in Hastings or to go to the A&P you are no longer stopping right in front of the A&P, you are stopping up at Villard and you have to walk over to the A&P.

**Police Chief Bloomer:** That is not true because the stops that are going to be added on Broadway have not been decided.

**Trustee Walker:** We were talking earlier about the potential of putting it up at Villard, which seems like it is not a convenient place for anybody, really. It is a steep hill, but it could be a good location for a bus stop because we have a little park there. I was playing devil's advocate, too, in saying you could have a transfer point and bus stops for all the bus lines at Warburton and Broadway, at the little Wagner Park and across the street at the entrance to Zinsser Park. You could have very nice shelters there, and that might be sufficient in terms of transferring and so on. But it is slightly more inconvenient for people who want to get the number six at the south end of Hastings. And it is a walk into town, if

you want to do any shopping or get to the A&P. Anyway, those are the things we discussed before.

**Police Chief Bloomer:** I think a perfect solution would have been what we discussed in this room several weeks ago.

**Trustee Walker:** Yes, and I agreed with the Chief that running them up Main Street would make perfect sense. Taking them off of Warburton and putting them on Main would be ideal.

**Police Chief Bloomer:** That was nonnegotiable.

**Mayor Swiderski:** Why is that?

**Police Chief Bloomer:** Like I said, the statement was, that is not something we will consider, let us move on.

**Trustee Armacost:** But can we raise it again? Even though it was not considered then, it might be considered now?

**Police Chief Bloomer:** But that is only a week ago.

**Trustee Armacost:** Depends what side of the bed he woke up on.

**Police Chief Bloomer:** Mr. Stiller had said that he would come to a Board meeting if requested.

**Mayor Swiderski:** I am not sure what that gains us. I think what we need within the Village, I do not know if we get much from Mr. Stiller.

**Trustee Quinlan:** I agree. He is just going to define his point of view. But we have not heard much from you, Peter.

**Mayor Swiderski:** You made the point that it was not until the trucks began to run afoul of the buses that you noticed the number of buses, and this ties into a comment Jerry made earlier. Prior to that point, were there ever complaints about bus congestion?

**Police Chief Bloomer:** No, I cannot recall that anybody mentioned that. But since this topic has come up a lot of people have said it would be great if you could get it out of there. Even bus drivers do not like that strip between Spring Street.

**Ms. Cooper:** In terms of the congestion, I have never been on the bus in the morning when this has happened. So I am unclear. Also, the six, as I said, is not a double bus. So maybe if it does happen, it is with the double buses. But the six is not a double.

**Trustee Quinlan:** I would suggest you tell them to take the 1-W, it is a double bus, to White Plains and move it up to Broadway.

**Police Chief Bloomer:** I am not going to go back. I am not going to do that.

**Trustee Quinlan:** No, not you. It is going to be a fait accompli. Did we ask for the meeting, or did they?

**Police Chief Bloomer:** No, I did. We wanted to go through the Main Street proposal.

**Trustee Walker:** Which would have been a great compromise.

**Mayor Swiderski:** I do not do well on a decision like this, with a deadline such that we do not have input from the senior or disabled committee. So when time is tight, and I am forced to make a decision on something which has, until that point, never had a demonstrable need, I tend to get conservative and say why change it if we do not have all the information. If it turns out, after a year of thinking about it and we are all suddenly noticing that there are a lot of buses, then we can re-address it. But my initial reaction is, if it has not been a problem to date, and they would not go for our solution but countered with one that is meeting some resistance on the Board and we are not yet prepared because we have not gotten all the information and it is the first time we had a decision and we have got to make up our mind by Friday: well, to hell with it. Let us push it back, and say, on second thought, no thanks.

**Trustee Quinlan:** I can agree with that.

**Trustee Walker:** And say we would like to take more time to consider this.

**Trustee Armacost:** If I really would like something changed, even if the person said no to me, I will go and try again and use a different voice, and smile in a different way, and see how it happens.

**Mayor Swiderski:** Right. You do well at that.

**Trustee Armacost:** I am just wondering whether perhaps if you wrote a letter, or someone writes a letter, on the Mayor's letterhead making the suggestion that the one, which is the one

we seem to think is a problem, goes up Main instead. Reiterate that proposal even though it was turned down; there is no harm in at least doing that.

**Mayor Swiderski:** Where would the stop in Hastings' downtown be if we did that?

**Police Chief Bloomer:** I thought the Community Center since there is room in front and there are benches there.

**Mayor Swiderski:** That would be perfect.

**Trustee Walker:** Yes, that would be great. Do you think the reason, Chief, that they did not want it is because those are the double buses? They do not want to make that tight turn onto Main?

**Police Chief Bloomer:** I do not want to misquote Mr. Stiller: It is a main north-south route and we are not willing. I do not remember exactly, but something to that effect. One of the three most heavily-used north-south routes in the county. There was something to that effect, which is why it got cut off.

**Mayor Swiderski:** We are not disrupting the north-south route. You might be creating a little jig on the map that they object to. But we are not disrupting the route other than a jig on the map. I would suggest a counter like that.

**Trustee Armacost:** If we lose, we lose. But at least we have made an effort to do something that is sensible.

**Trustee Quinlan:** OK, that is good.

**Mayor Swiderski:** All right. Let us move on. Thank you.

**Trustee Jennings:** So who is going to communicate with them before the end of the week?

**Mayor Swiderski:** I will generate a paragraph or two letter with the Village Manager, and put it out onto letterhead.

### **3. Solid Waste Local Law Revision**

**Trustee Jennings:** A number of people, the Conservation Commission and the Village staff, were involved. Elisa Zazzara is here tonight. She was very actively involved. We needed to revise our policy in the Village about how house garbage and recyclables are handled. Solid

waste is not something that is the most jazzy subject in the world, perhaps. But there are not that many things that affect virtually every resident of the Village, twice a week, in a very direct way. So it is an important thing, and it is also important environmentally and financially because tipping fees are expensive. Three months ago or so we got a proposed revision of these rules, bringing them more into line with standard of practice and the way in which other communities handle their solid waste. We have talked about this. It has been presented, we have read it. Boardmembers gave me some comments. What I had done is to prepare a memorandum summarizing four points that require further discussion before we move toward adoption of the revision of our solid waste management policies.

The first point is on page four of the draft, section 244-5(e)5. The point has to do with whether or not all residents will be required to place their garbage cans at the street for collection, or whether we will continue the practice of picking garbage cans up closer to people's residences under certain conditions. The arguments in favor of this change have to do with more efficiency in terms of the use of our DPW staff time, and the fact that Hastings is unusual in the way we do it now. It is much more common to require people to put it out on the street. Some of the cons that the Board has suggested have to do with the loss of what people consider to be a valuable amenity. Some of the practical problems that might arise if people put their garbage cans on the street, they are overturned or animals get into them overnight. And there is the issue that if we do save manpower time with this change, can we assure that that time will be well spent on other important DPW work so that the Village will actually benefit? To some of us, it is not clear that the time saved changing this policy would, in fact, be captured in filling potholes or doing other important things.

**Mayor Swiderski:** I think the suggested language leaves some flexibility and we can sort through this issue over time.

**Trustee Jennings:** I should have said that on this one, the Mayor gave me alternative wording. We do not have alternative wording on the others, but we do have on this one. The alternative wording says it is going to be in one place or another, but it is flexible in terms of the resident could say I want it picked up here, or there.

**Mayor Swiderski:** Status quo, but if we choose to move in the direction of mandatory curb we have got the flexibility to do so. The Village Manager, upon Board direction, can determine that.

**Village Manager Frobel:** I had written down, Mayor, if chosen by the resident it probably will go unchanged. But with the leaf blower law, if a homeowner had a certain disability, we had the flexibility to allow them to use the leaf blower beyond that period of time. With this, they would contact me and say I would like to continue with that rear yard pickup, and grant

me that waiver. When we started this a couple years ago we surveyed the men and we did some collection of data, and it is a very popular service. There is a surprising number of residents that do rely, or have become accustomed to, the rear yard pickup.

**Trustee Armacost:** What would the criteria would be for allowing the service. If is it convenient, or whether it is because the person is ...

**Trustee Jennings:** The existing wording allows for criteria having to do with physical disability. The proposed revised wording has no criteria. People just say, I want to continue to have you pick it up and you do not have to prove anything. You do not have to certify it.

**Trustee Armacost:** It seems to me, then, that this does not improve efficiency.

**Mayor Swiderski:** No, it does not. But because of all the changes in this document, that is the one that I thought would engender a strong public pushback for something that I was afraid would stall the document. I figured fudge it for now, and begin to educate the public on why curbside pickup is better rather than force it suddenly. It is simply a realistic assessment of how much education is going to be required here before people go for it. I am elected to represent people and this is one of those things I am surprised I heard as often about as I did. The people who know about it and have it have gotten used to it, like it a lot.

**Trustee Armacost:** If somebody decides, as a result of listening to our conversation here, they now want to have this option, are we going to say yes, or no?

**Mayor Swiderski:** Well, right now they have a right to ask for it.

**Trustee Armacost:** But if we are educating people, I think there needs to be at least an argument.

**Mayor Swiderski:** I am one vote. I am happy to be overridden if the consensus is otherwise on the Board. This will be yet one of those Gonder moments where we did not all agree, and I am fine with that.

**Trustee Quinlan:** I have never even known that I had an option. I only brought it out to the curb. If people want DPW to go around to the back of their house to take out their garbage, and they are going to complain about it, I know it is going to cause problems. But we have to improve efficiency. And if they call the Village Manager and say, I am sick, I am disabled, I cannot get out, my driveway is too long, there are reasons. You do not even have to be sick or disabled: I am 80 years old, I am in great health, but I have a 400-foot driveway, please come and get my garbage. That is one thing. But if you are 32 years old and you have a



200-foot driveway and you are in perfect health, that is another. So I think there should be exceptions. But to me, it is a no-brainer. I have been putting my garbage out on the sidewalk and it is not that hard a thing to do.

**Trustee Walker:** In snow, in sleet.

**Mayor Swiderski:** I am one of these who arrived in town unaware of the perk, and I think anyone who came after about 1985 was unaware of it.

**Trustee Quinlan:** When I first moved here in '79 they did it. And then all of a sudden they did not and I did not care. But everybody on my street brings their garbage to the street. Now, my front yard is 10 feet long so it is not a big deal for me. I say bring it out.

**Trustee Walker:** I am aware of the sensitivity because I worked in the DPW secretary's office for five years. I know the people are very sensitive about this issue, and that they like to have picked up wherever they please. But I am going to take the hard line on this. I think that unless you have a really good reason you should bring it out to the curb.

**Trustee Jennings:** I have concerns other than the public pushback and the amenities thing. I am unclear about the meaning of the wording. The provision that we are looking at talks about garbage refuse containers, and in some other sections of the document, that seems to mean either cans or bags. If we do not specify cans, and we allow people to bring garbage bags out to the curb, I question whether we are going to gain any efficiencies, because the garbage guys are going to spend their time cleaning the stuff up from the street which has been spread by the raccoons overnight. I have lived in a community that did not pick the garbage up the way we do, and I have seen that happen and I know it happens. I also have seen raccoons open the most sophisticated kind of garbage cans. It used to be they picked it up in my backyard. But I just had cans, and it was all over my backyard and I had to pick it up. So I bought one of these wooden boxes and I have not had that happen in 25 years. If you tell me that they are not going to come up to my house where the wooden box is and pick it up anymore, then I will move my wooden box to the street because I do not want that stuff all over in front of my house. Do we really want those wooden boxes at curbside? It is going to look ugly. I am using my personal example which is, perhaps, atypical, but we are blithely making an assumption about an efficiency that may in fact not turn out to be an efficiency at all.

**Trustee Armacost:** Are you saying that inside your box you do not have garbage cans? That the garbage is just sitting on the floor in plastic bags?

**Trustee Jennings:** No. It is a wooden container with a lid. I put my garbage cans inside it, I put my plastic bags inside the garbage cans. The guys lift the lid, they take the garbage bags and they go.

**Trustee Armacost:** But I have not seen people leaving garbage bags anywhere in all my walks or anything else. If our language is allowing that, that needs to be covered.

**Trustee Jennings:** We need to clarify that. But that is a minor point. The point is that the box I bought, the raccoons cannot open. Every garbage can that I have ever seen, they can.

**Trustee Quinlan:** But could you, Bruce, take your cans out of your box in the morning and bring them out before the garbagemen came?

**Trustee Jennings:** Frankly, yes. But I am not always home at 7:30 when they come to collect. I find it much more convenient to put the garbage out the night before. So theoretically, Jerry, yes. Practically speaking, it would be just one more hassle.

**Trustee Quinlan:** I put mine out the night before and I have never had a raccoon getting in my garbage. But whatever. I think you need to say cans.

**Mayor Swiderski:** If it was clear that it was receptacles, would that change your mind?

**Trustee Jennings:** It certainly would reduce the probability of the thing that I am worried about, which is the spreading of the stuff all over the place. I still believe that even if we require cans, garbage cans, it will still happen. There is language in here about cans with special kinds of lids. We are getting into a kind of micromanagement of the sort of container that people are going to have to purchase. And then we have issues about, I cannot afford that, I have got this old nice can with a lid but the lid is loose. I am not yet persuaded that going down this pathway of complexity and behavior modification in the Village is worth the so-called efficiency that is claimed as the rationale for doing this.

**Ted Mason, 26 Circle Drive:** I agree with every word he is saying. I have a wooden enclosure, four cans in it. Sometimes the raccoons can even get their claw underneath and get the lid off the cans. But what I want to point out is that when the DPW comes by they have these big plastic containers. They pick the bags out, they throw the bags into the big plastic containers, drag it to the truck. It is extremely efficient to do it that way. They are going to do the same thing if I put it at the curb. I am only 15 feet from the curb. It is not the distance. But I am 75, I can lift garbage cans. I do not think my wife can. To pick those cans up out of that enclosure, four of them, it is not going to happen.

**Mr. Skolnik:** I find the inconsistency disturbing. On the one hand, there has been a de facto inconsistency that has been, I think, mostly based on route. When I first moved to Hastings I lived e where they did come and get it. Moved somewhere else, they do not. In terms of codifying the inconsistency, that bothers me. On whatever basis, some people can, some people cannot. The topography seems an important issue. There are plenty of places where there is no sidewalk. You put the cans out, they are in the street. I am not coming with a solution. I am coming with problems. Liability - I do not know how our DPW is covered. If they walk down my driveway and trip on something, I do have insurance. But that is a question at least. When they start coming on the property, how is that affected? Especially around the school, when you start having cans t on the sidewalk at the same time that the kids are walking, and the sidewalks are already crowded, it creates another kind of problem.

**Mayor Swiderski:** In the interest of moving on, I would argue that my change may allow the flexibility so that if we find a way to curbside pickup we will get there.

**Trustee Walker:** All right.

**Village Attorney Stecich:** Peter, not on the substance, but I am confused by the language. What is "as designated by the Village?" It would make sense to me if it said "shall be placed in a single location, either at the curb or at a location chosen by the resident."

**Mayor Swiderski:** What I mean is the Village Manager will have the ability to throw the switch or not on this effort.

**Trustee Armacost:** That is too subjective, is it not?

**Mayor Swiderski:** Not on a case-by-case basis. If we have this discussion again in six months and agree we should launch a public education campaign, and that we authorize the Village Manager for disabled people to have behind-the-house pickup and everybody else bring it to the curb, he could then have the flexibility to do so. I just want to allow the flexibility, not shut it down.

**Village Attorney Stecich:** But that is in the next sentence: "If a person has difficulty, provisions will be made on a case-by-case basis by the Village Manager or superintendent." So I think that the first sentence should read, "For single-family and two-family residents, garbage refuse containers shall be placed in a single location, either at the curb or at a location chosen by the resident. If a person has difficulty in adhering to the designated location, either by human physical difficulty or property difficulty, provisions will be made on a case-by-case basis."

**Mayor Swiderski:** But the point of my change, once again, is not to leave it as either, but to have the flexibility for the Village Manager, upon our instruction, to make it one or the other.

**Trustee Walker:** But it makes it sound like he is going to decide every single case, rather than saying flipping the switch.

**Mayor Swiderski:** Then we can clarify the language.

**Village Attorney Stecich:** Do you think, as a practical matter, given this discussion tonight, there is ever a chance the Manager is going to make that decision on his own?

**Trustee Quinlan:** Not without talking to us. So let us just take it out. Even in future Boards, he is not going to make a move without getting some sort of a nod.

**Village Attorney Stecich:** Again, I am not getting into policy, but just in terms of clear language.

**Mayor Swiderski:** I am not suggesting we wordsmith this now because I see the evening extending into the next day.

**Village Attorney Stecich:** I am going to wordsmith this.

**Mayor Swiderski:** Now, is that a compromise that pushes this off into the next month?

**Trustee Walker:** No, we can deal with that.

**Trustee Quinlan:** Yes, I do not care. I mean, it works. We try to change it, and it does not change just because we cannot agree. So whatever.

**Mayor Swiderski:** And if it turns out that the Conservation Commission decides they can launch a campaign and make this saleable and do so, we can begin a campaign. I would like to first start alerting those houses that do it of all the advantages of pushing it out.

**Mr. Gonder:** Mr. Mayor, it is a simple thing and you discuss it for 10, 15 minutes. Charge the people that are not handicapped, period.

**Trustee Jennings:** The second point of discussion is page seven, section 244-8(a), and it says: "The Village Manager shall, upon the request of the Superintendent of Public Works, issue warnings requiring compliance with the foregoing provisions: failure to comply or to perform an act required by the warning duly issued shall constitute a violation punishable by

a fine..." So we have a two-tier structure. We have a warning, and then if behavior does not change into compliance there will be a summons and a fine. A question that was raised about this two-tier structure is that it does not specify how long people are given to change their behavior after the warning is issued, and how quickly the violation stage would be triggered.

There is a similar set of questions about the third point, and maybe we should just take point two and three together because they are similar issues. The third point, also on page seven, section 8, number (c) reads, "The Village or any other person collecting refuse generated within this village may refuse to collect refuse from any person who has failed to adhere to the provisions of this chapter." So in addition to the warning, the violation/fine, we now have the punishment of we will not pick your stuff up, you have to drive it down, presumably to the DPW. So that is the three structures here. And the questions arise, again, about the nature of the timing and the enforcement. Failure to adhere to the provisions means a person is in violation, has not just been warned, but how many violations will it take to trigger this additional punishment of no collection?

What is the intent here? That in addition to being fined, you will lose your privilege of having refuse collected after only one violation, or are we talking about repeat offenders? There is some unclarity here. These are not trivial points. These affect people's lives. It raises a question of the decision-making process. Nobody is specified here. "The Village" is referred to. In another provision, Superintendent is named as the agent for the Village. It was not clear what "any other person collecting refuse" meant. Who is being referred to? And then fines: is this appealable. Is this the kind of thing that goes into the Village court? Does the police department have to get involved, in terms of investigation and prosecution? Who are the authorized agents? What is the evidence, photographs, whatever? These procedural elements are not specified here. Maybe Marianne will tell us that they are covered elsewhere in the code, generally speaking. And that may be, but they are not specified here.

**Mayor Swiderski:** Is not E also just another flavor of the same? While we are talking punishments, we might as well have a punishment discussion.

**Trustee Jennings:** The fourth point also addresses the issue of punishment for behavior in violation of these rules. It says that "if a person has been found to violate the provisions, it may be required by the Superintendent to use clear plastic bags for collection and disposal of refuse for a period of time not to exceed one year." So if you have put recycling into your garbage stream now you are going to have a transparent bag and we are going to be able to see if you are doing it again. There is a lot of precedent for that. New York City requires the use of clear plastic bags. We talked about this last time we had a discussion and questions about violation of privacy were raised by this type of administrative sanction.

**Trustee Quinlan:** I will skip to the second two punishments. "May refuse to collect refuse for any person who has failed to adhere to the provisions of this chapter." I would take the whole thing out. It is vague and has no meaning. What does "any other person collecting refuse" mean?

**Mayor Swiderski:** Carters.

**Village Attorney Stecich:** From business.

**Mayor Swiderski:** I do not even know if carters have to be allowed. They will not do it, I am sure, if you were putting it out front.

**Trustee Quinlan:** I would take that completely out. I think it is ridiculous.

**Mayor Swiderski:** All right.

**Trustee Quinlan:** Clear plastic bags for collection? I think we have violation of privacy considerations. It seems more punitive and shaming. We talked about that already. So I would take those two completely out, and I would say that failure to comply, or perform the act required, you have a warning. One warning, and you can say how long the warning would be, two weeks or one month, and then a violation. A fine between \$50 and \$250 would be punitive enough. If I got fined \$250 I would certainly change my practices. Somehow, Marianne, there is going to have to be some appeal. The Village court, or somebody is going to have to get involved because it just cannot be a unilateral decision by the Village Manager or the Superintendent every time you start fining somebody.

**Village Attorney Stecich:** Yes, it would go to court in any event. The Superintendent is not going to fine. He would issue a violation the same way the Building Inspector would issue a violation for the building code, and then you go to court.

**Trustee Quinlan:** I would just keep the warning. You can make it one warning, two warnings, you can make it two weeks or one month. Then fine them, and let it go to court.

**Mayor Swiderski:** Marianne does our code specify the amount of time between a warning and a violation?

**Village Attorney Stecich:** Sometimes, if you have a building code violation and they cannot instantly change it, then there might be a cure period. But this is a little different. Why do you need a cure period? It should be the next time. I would not say a length of time. You may want to do number of warnings, or you may just want to leave it at one.

**Trustee Quinlan:** That is the period of time to fix your problem. You get a warning. The warning means nothing except you have problem, do something about it.

**Village Attorney Stecich:** Next time, do it.

**Trustee Armacost:** Last time we discussed this, I thought we made the suggestion of having three warnings and then the fine would kick in.

**Trustee Quinlan:** I have made my point. I think you have warnings, a fine, it goes to court. And forget the other two.

**Mayor Swiderski:** And Niki, since you jumped the gun go ahead. Do you have other comments on the idea?

**Trustee Armacost:** I think that complex punishment tier is overkill. If you have got three warnings, and then you fine someone, the issue for me is whether we are going to have this law and not enforce it. That is a separate point. I think as soon as you start fining people \$250 the behavior will change fairly quickly. The issue I have is, who is identifying the problem and issuing the warning? What is the qualification of the person?

**Mayor Swiderski:** What is the enforcement mechanism?

**Trustee Armacost:** Yes. Because with police, we have people who are ticket-writers. So here, is it going to be the chaps? Who is going to do that?

**Village Manager Frobel:** I imagine the collector is going to bring it to Mike Gunther's attention. Then Mike is going to go to the scene and make a determination whether or not there are recyclables mixed in with the garbage and that a warning should be issued. That is what we are talking about: those people who do not comply with recycling.

**Village Attorney Stecich:** Or use crummy, broken cans.

**Trustee Jennings:** Or leave the cans out too long.

**Trustee Armacost:** But I think the process needs to be clear.

**Village Attorney Stecich:** But, Niki, it is not. You have got a code with all kinds of violations of all kinds of things, and it does not have the exact process. It tells who the enforcement person is, but not how enforcement is done.

**Trustee Armacost:** That is what I am interested in. That is what I mean by that part, the enforcement.

**Village Manager Frobel:** Currently it is the Superintendent of Public Works. I think he is the best to do it.

**Village Attorney Stecich:** Yes. It says the Superintendent of Public Works in there. Under the code the police department has the right to enforce anything in the code. But I do not expect this is something that is going to go to police department.

**Mayor Swiderski:** So the upshot of your comments is yes to number one: ideally, three warnings and then violation. You are not necessarily specifying a time between violation and warnings. And the other two, penalties mentioned here you are not interested in.

**Trustee Armacost:** To the time between the warning, I think it has to happen soon. I do not think you can have a warning three months after the thing happens. That is not what you mean, right?

**Village Manager Frobel:** Oh, no, it would be immediately.

**Trustee Armacost:** The warning has to be immediate. And then if you are doing this on a continuous basis if you are putting your garbage out once a week and you are making the same mistake each week, after three weeks you are going to be getting your fine, right?

**Mayor Swiderski:** Fines, correct. However, the other two ideas here, we take your garbage collection away and the clear bags, you do not endorse.

**Trustee Armacost:** If it is good enough for New York I think it is good enough for us. But no one else seems to care about that.

**Mayor Swiderski:** Well, we have not gotten to everybody else. You are number two.

**Trustee Armacost:** I think if it moves us in a direction that is positive, then I do not mind.

**Mayor Swiderski:** And what about the take garbage away?

**Trustee Armacost:** The garbage away, I do not think we need to go in that direction. If we are talking about shifting behavior, and we know that it is more efficient, when I see the chaps go back to pick up the garbage and it is taking them considerably longer than when



they are picking it up on the side of the road, to me it is pretty clear that that is more efficient. The argument about the raccoons getting in, and the raccoons being clever enough to open garbage cans, they do not seem to be able to do it on my street. But maybe we have less clever raccoons on our street.

**Trustee Walker:** I am with Jerry on everything he said. I think you just get one warning, and then maybe it is a two-week period. It has to be whatever is easiest for the DPW and the Superintendent to enforce. My picking a time is kind of arbitrary. So whatever works for them in terms of enforcement I would go with. But I think just one warning, and then slap them with the fine. That sounds mean, does it not? In terms of the two punishments, I would just take them out as well, as Jerry said. Not picking up garbage can lead to a sanitation issue, and I think the clear garbage bags could be a violation of privacy. It is an issue that I do not think we need to get into.

**Trustee Jennings:** I agree that we should eliminate the provision about refusing to pick up people's garbage. I also do not think we should stipulate the transparent bags for people who have violated, to make a special small class of people.

**Trustee Armacost:** Yes, I agree.

**Trustee Jennings:** On the other hand, I have had my office in Manhattan for the last several years, and I have put out a tremendous amount of recycling in plastic bags. There are two considerations. If it applied to everyone, I am not sure the privacy thing would be a major problem. I put my recycling in an open container and anybody can see how many wine bottles are in there already.

**Mayor Swiderski:** I think it is the garbage that people are more worried about.

**Trustee Jennings:** Yes, maybe it is. So I would not object to the way they do it in New York City, asking people if you are not going to put in an open container put it in a plastic thing so it is pretty clear when you pick it up. Then you have got the problem of people who put recyclables in their garbage, and that is going to be in an opaque bag. I do not know how we are going to enforce that one, short of having DPW people open opaque bags that are in the cans. Talk about efficiency, that is going to slow them down considerably. So I do not know how to deal with that half of it. But if we could ask people to either have open containers or plastic bags for the recycling, at least we could see that their chicken bones are not in the recycling, and that would be good. I do not know if the guys pick up recycling now that is in a black, opaque bag.

**Mayor Swiderski:** No, the recycling, by definition is not supposed to be in bags; the bottles are not supposed to be in bags already. People who do that are already in minor abeyance of the requirements. Newspaper is supposed to be bundled, but certainly not be in plastic bags. I think you can put them in a paper bag. They gave us containers. Many households have long ago parted with one or both containers, but at the very least the paper should be either in a paper bag or tied with twine or in a container. So that is not the issue. If you have somebody who is not recycling at all and is in violation repeatedly, the clear plastic bags make it clear to the guys picking it up that they are still not recycling. That is the intent.

**Village Manager Frobel:** And if you have a home that only has garbage out, and no recyclables, they will have to put it under watch, because each home has some recyclables. That is where the language got in there about refusing. It is a program called "no bin-no barrel." What that means is that if you do not participate in the recycling, then you have a problem with the village picking up your trash. But I agree. That is not a recommendation here, but that is the logic in the clear bagging. Every home has something that could be recycled, and when they have nothing out week after week then we have to talk to the collector. That house has to be identified, and then we get into our education, where we work with the homeowner convincing them of the wisdom of recycling.

**Trustee Walker:** That makes sense, rather than the clear plastic bag.

**Trustee Jennings:** My point was that I might be prepared to entertain some general use of plastic bags, as they do in Manhattan. But I am not comfortable with the singling out of people who are persistent violators. We should deal with them by education or something else.

**Mayor Swiderski:** Or fines. I am of the school of one warning. It eliminates the need to track how many warnings we have given to a given house; simply overhead that we do not need. The amount of time between the warning and the violation is the discretion of the Village, like it is just about on everything. Why complicate it by complicating it. On the other items, I agree. The no bin-no bag is clearly the genesis of this idea, the second one. That can be achieved, I think, through fines as well as anything else.

**Village Manager Frobel:** I agree.

**Mayor Swiderski:** This just introduces a set of issues that head off in directions we do not necessarily want to go. I think carters, right now, could do this anyway. Carters are under no obligation to pick up red, rotting meat if they are expecting paper there.

**Mayor Swiderski:** Right. And on our end, I imagine we can push back, and fine, if necessary. Finally, in the third item, it is a little too much in the direction of nanny state for me. I would rather not. Again, a fine is a perfectly decent club. I just want those fines fairly easily written. I want the process graceful, and I want the process used without fear that the Board will step in. We will never step in and question the superintendent's judgment. There has got to be another appeal process. I think we are all for him writing as much as he needs to to get compliance, and we would encourage that to be aggressive. At least I would. I want to see this code followed.

**Trustee Armacost:** In the beginning, there are lots of reasons why. You can have a relative staying who does not understand the rules, or lots of reasons why you would want more than one warning.

**Village Manager Frobel:** The Mayor is right in that there has to be some discretion. It might take extenuating circumstances under consideration. He should not feel locked in.

**Trustee Armacost:** But you have to be careful that he does not get accused of favoritism. He needs to be protected, from that point of view. The rules need to be flexible enough that he can be objective, but he does not get put in a position where he is pressured to let a person off, or not, for a variety of reasons. That is why I would favor more than one warning. Then you are able to show that there is a consistent behavior.

**Village Attorney Stecich:** But as a practical matter, the problem with multiple warnings is what do you do if the offenses are several months apart? It is going to be impossible to keep track of it. Or do you mean three warnings over a month, or three warnings in a year, or three warnings in three years? Even though it may be a good idea, as a practical matter it gets very difficult for enforcement.

**Trustee Armacost:** That is true. That is true even of one. If you have a warning in 2007, and then you do the same thing again in 2009, does that count?

**Mayor Swiderski:** That is going to be another warning.

**Village Attorney Stecich:** What you are getting at is the person that you tell, do not leave your things in this container, and then the next time they leave the stuff in the same crummy container.

**Trustee Jennings:** But in any case, there is going to be a record-keeping function, even with a warning. The only way you do not have that is like we do with parking tickets. You see the violation, and you write the ticket.

**Mayor Swiderski:** Yes, but the writing of the violation is a generation of the record, is it not? It generates a carbon, and you have got your record. And that can be collated back. It does not have to be ridiculous record-keeping.

**Trustee Jennings:** No, that is right. And the warning will probably take the form of something that will look like a ticket. It is going to be a piece of paper left on the can or something, right?

**Mayor Swiderski:** Right. I think we have come to a consensus on these four. Elisa, you are ultimately partial author of these, and you have heard us talking through these points. Is there any strong sentiment you have one way or another that you would like the sway us?

**Elisa Zazzara, 68 Southside Avenue:** I do not want to sway you because you guys will all make the decision. I thank you for taking it up. Garbage, if I may just soapbox for a second, we put it at the curb and it goes away, we do not have to deal with it anymore. But we all have to deal with it. Whether it is bringing it to the curb, dealing with the box that the raccoons get in, it is an issue that we have to deal with, so I appreciate that you are all dealing with it and taking the time to weigh these issues. However else I might help to move it along, I am happy, too.

**Trustee Jennings:** We have agreed to make several changes in the separate provisions. But we should not lose sight of the fact that this is an eight page document which has been thoroughly revised and there are many advances in this document, many better things that we have been doing before. And we have not changed those. We are prepared to enact those. So although we have spent a good deal of time wrestling with some issues that have particular sensitive points with our constituents, as we should, nevertheless, the overall thing is a major step forward for the Village. I thank those who worked on it. The Village is better off with it than we were in the past with the older rules.

**Ms. Zazzara:** While we are mentioning names, Haven Colgate was very instrumental in helping.

**Mayor Swiderski:** Can those changes be made in time for the next meeting so we can post the public hearing for the one after that?

**Village Attorney Stecich:** I have got the draft. I can have it right away.

**Mayor Swiderski:** So we can have them for the next meeting on the agenda for review, approve, and post a public hearing if modified.

### **23:11 CERTIFICATION OF ELECTION RESULTS**

**Mayor Swiderski:** We have perhaps less than entirely unexpected election results: 188 people voted on machine; six people voted absentee, for a total of 194. This represents 3.6 percent of the voting public, which is 5,356 people.

I have been reelected Mayor, with a total vote of 184; Bruce, as Trustee, with a total vote of 180; and Meg with 178. So we can pass a resolution.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby accept the Election Results and that Peter Swiderski is declared Mayor for a term of two (2) official years and Bruce Jennings and Margaret Walker are declared Trustees for a term of two (2) official years each.

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

**Mayor Swiderski:** Congratulations.

[APPLAUSE]

Thank you for the time spent, and thank you for the public that showed up and voted. Uncontested elections are not necessarily exciting, but we appreciate the support and the respect for the process.

**Trustee Walker:** And thank you for the people who worked all day in the polling place.

**Mayor Swiderski:** It did feel good. I have asked what is involved in securing one of those once they are scrapped, and that may seem like an act of insanity but I have some affection for those things. They are so archaic.

**Trustee Jennings:** It is just when you are feeling blue, you want to be able to go down in your basement and vote for yourself.

**Trustee Quinlan:** Or someone in your family might go down and not vote for you, vote for someone else.

#### **BOARD DISCUSSION AND COMMENT (continued)**

#### **4. Financial Guidelines**

**Mayor Swiderski:** Financial Guidelines is on the agenda. I asked Judge McElroy, and he has agreed to serve on the group. We have not agreed on the private citizens. I would like to raise that in executive session and discuss those citizens. The three guidelines we discussed, how is it summarized?

**Trustee Armacost:** It was guidelines on receiving funds from specific entities, guidelines on giving funds to special entities, and guidelines on fund-raising efforts by Village entities.

**Mayor Swiderski:** I think we concluded asking for any further input from the Board to see if this needs modification. I did not hear from anyone, so I assume we can turn it over to the group as written. Tonight we will continue to determine the two or three civilians we need to add to that group.

#### **5. Update on the Waterfront**

**Mayor Swiderski:** Jerry, you have a bit, and then Meg and I have a bit.

**Trustee Quinlan:** I gave the Building 52 stuff. Exxon site, all indications the site is pretty much shut down for now. Chevron-Uhlich, the remaining boxes are sealed and awaiting removal from the site. They are going to start doing some site work this summer. We will know about that more when they start it up. Bioremediation, groundwater, and I also think they are going to start talking about the clean fill brought in to cover. That is going to be pretty interesting. The only other thing interesting is, Chevron is responsible for the groundwater treatment system but it will expand into the Exxon property. That will be approved by the DEC. I had a long conversation with George Heitzman and Bill Ports yesterday about this and other issues. They indicated to me that they are reviewing the plans for the groundwater treatment system, they are going to approve it; they have to appropriate the design, and then they are going to start working on it this summer.

**Mayor Swiderski:** The second conversation here is what is so modestly called "The Future Uses of the Waterfront." The genesis and purpose of this memo, which was distributed to the Board for discussion, is a desire to provide both the DEC and BP/ARCO with a formal statement of what has been described in other Village documents over the years regarding water uses that they should keep in mind as they begin engineering discussions around the remediation plans or considerations. Meg and I went through and identified various water uses, the facilities necessary to realize those water uses, and then possible locations where those facilities might be located. The memo is broken up in that logical fashion. Meg was kind enough to compose a map that correlated with that third part.

The water uses are a full compendium of what has been discussed. "Expanded Recreational Vessel Access to the River," and that is the marina, with mooring or docking facilities. Assume the possibility of water taxi, a ferry, or some dockage, possibly, for touring or sightseeing boats; swimming access, when and where the water quality permits; provision of youth-oriented boating programs; mooring or docking opportunities for historic boats, like the Half Moon of Clearwater; opportunities for launching of small canoes, kayaks, and rowing shuttles; transient boating, dockage, or mooring for sailboats and power boats, and dockage for commercial uses, such as restaurants and hotels; recreational fishing access; access for educational purposes, like school programs that might look at marine biology. And then a consideration which seems like it might be at odds with one or two of the items above: no motorized watercraft in Kinnally Cove and no public boat launching ramps for motorized craft anywhere on the waterfront. Also no wakes, and no speeds over five miles per hour in the Village's coastal waters. What we are seeing is, rather, mooring facilities for vessels headed upstream to stop here and offload, but not necessarily dragging motorboats on and off ramps within the Village. So those were the various proposed water uses and considerations, and I would like to just get feedback before we go on to each section.

**Trustee Armacost:** It seems very sensible to me.

**Trustee Jennings:** I agree.

**Trustee Quinlan:** I will tell you the ones I am not in favor of. Expanding recreational vehicle access to the river by providing a marina with mooring or docking facilities; assume possible ferry terminal, water taxi and/or dockage for touring and sightseeing boats; transit boating dockage or mooring for powerboats; and dockage for commercial uses, such as restaurants and hotels. I do not think that we need a ferry terminal, water taxis, and dockage for motorboats. That will be polluting the river. I am going to take the high road here. We can watch the gigantic boats go by spewing oil and pollution all up and down the river. There would be very little that we can do here in Hastings, but it would be an example that we will not be worried about polluting the river or disturbing the wildlife by having motor

craft on our waterfront. I am sure there are a lot of people that would like to see hundreds of people arrive by ferry but I think there are a lot of people that would not. And water taxis, I think we have the train. We do not need to pollute the river any more. And dockage of sightseeing boats. I am not so sure everybody in Hastings wants our waterfront to be full of hundreds and hundreds of tourists. There are good reasons, for the economy and the tax reasons and making the downtown more viable. But I would like to just see sails, sailboats, canoes, kayaks, rowboats, swimming. All the other uses: recreational fishing, educational purposes, everything else that I did not mention. We have to remember this is a dream-wish list. It is necessary that we send it to the DEC. But to be realistic, none of this is going to happen for at least 10 years, sorry to say. I think we could be an example for the river and for land uses on the river to try to reduce the carbon footprint and the pollution and global warming. The other point is, ferry terminals, water taxis, dockage for touring and sightseeing boats: we are getting ahead of ourselves. I would like to focus on cleaning up the waterfront, and let these things take care of themselves in the future.

**Trustee Walker:** I am in favor of all of the uses mentioned. It is a wish list. I would emphasize that we do not want to preclude the possibilities for these in the future by perhaps not having a bulkhead or a spot where we could put in a floating dock for such a use. It does not mean that we could not prohibit it at a later date. But I do not want the shoreline to be built in such a way that this cannot happen. Maybe we do not want it to happen in the next 20 years. But 20 years from now, maybe somebody will want a ferry terminal there. I just do not want to preclude that possibility. Yes, we can decide what we want when the time comes, but let us leave open all of our options.

**Mayor Swiderski:** That is the way I take this list. This list then fed the next statement, which was what sort of facilities. It turns out that facilities that accommodate some of the more passive uses also facilitate some of these more, not active, but motorized uses. And if the consideration the DEC takes of this is that they ask that BP ensure that one side of the bulkhead is reinforced, and I do not know anything about engineering so I am speaking strictly off the top of my head here, it may be that there is a reinforcement component that you could build in now that would be appropriate for larger ships, and, if it was not there, we would not be able to have that down the road. So bake it into the engineering design now. It may be entirely inaccurate and you do not need that, but I wanted to make sure we could at least not take out the possibility.

**Trustee Armacost:** This is not in priority, it is just a list. And it is just going to be handed as a list, without indicating priorities.

**Mayor Swiderski:** That is right.



**Trustee Armacost:** So if, for example, financial considerations come up, like the cost of creating the infrastructure to allow one of these things to happen. I think it may be important to be able to prioritize, because if there are some things we really want to make sure happen, we have to have an argument as to why, if they have to pay for it.

**Mayor Swiderski:** It is clearly a discussion. I do not know if we have a priority. If we get a push-back, that would be a Board discussion at that point. One priority for me would be that nothing we do here delay the engineering or cleanup by any significant amount of time, measured in more than a few weeks. I do not want to hear that this is a big deal, we have to go back to the drawing board for five years.

**Trustee Walker:** I think that there are a lot of options. There are a lot of ways to achieve what we want. If they come back to us and say we cannot build this because we cannot build this particular kind of bulkhead, I would ask that maybe with funds that they give us we hire a marine engineer who can tell us a variety of options and we could probably come up with something that would work and that would be within their budget. There is a vast array of ways to achieve these things. Having looked at waterfronts all over the world, I have seen so many different ways of doing it.

**Mayor Swiderski:** I agree.

**Trustee Jennings:** The attempt to prioritize is probably premature. I think what is happening here is that the DEC and BP/ARCO are engaged in the process of coming up with a good remediation. They want our input in terms of we are saying to them, do the right kind of remediation, but do not encroach upon the future possibilities of development and usage any more than you have to. Leave us with a waterfront that is open to a variety of possibilities once it is cleaned up. Do not do a cleanup in a way that is unnecessary and restrictive so the only thing we could put there would be a naval base. We do not want that. Just as we communicate our general sense, we also communicate to them our desire for them to come up with a plan that does not unduly delay this process of remediation. I would add, although I think it is unnecessary to add it because it is so much built in to what the DEC is focusing on, I would not want any of these flexible options to compromise the health and safety of the cleanup. Our first priority is a good and adequate, more than adequate, an excellent, cleanup job. And then we will take it from there.

**Mayor Swiderski:** I think Jerry would wholeheartedly agree with me that that is business one for the DEC.

**Trustee Quinlan:** The priority is to have environmental protection and technically sound. We will know only after we submit this proposal what the ramifications will be.

**Trustee Jennings:** Also, the financial magnitude of doing that makes the financial implications of this miniscule.

**Mayor Swiderski:** It is like the point that BP made with preparing infrastructure ahead of time. For a marginal additional expense, and again I am speaking strictly from my posterior here, it may be a couple of I-beams is the extent of the reinforcing, and for a couple hundred thousand dollars we buy what we need. It may be entirely insignificant. But let us submit it, hear it, and make sure at least they know what we want before they have gone too far.

Continuing in the memo, through the facilities to realize these uses which we have gone through, there is the floating dockage with gangway access from the shore. These would accommodate transient boaters, water transport, tour boats, historic boats, and recreational fishing opportunities. A boat launch area for non-motorized craft. This can be a protected beach launching site, a groomed slope, a ramp, or a low floating dock. It should not be too far from the roads. Such an area can also conceivably function as a swimming access. A clean, sandy beach and a protected cove for swimming access and, again, launching small canoes, kayaks, and rowing shells. It can also function for educational purposes. And then finally, marinas, which require boat slips, a protective mooring field, or special anchorage. We already have one working boat club right by the restaurant, and there used to be a functional one at the southern tip that has what was once a mooring field.

**Trustee Walker:** That mooring field is being used by the Palisades Boat Club, which is in Hastings.

**Mayor Swiderski:** As you can see, any one of those things cover controversial and noncontroversial things, and the point is simply that they keep in mind that we want such a facility. Is there any feedback?

**Trustee Quinlan:** I have already made my point and this is just more of the same.

**Trustee Armacost:** I do not have anything to add.

**Mayor Swiderski:** Finally, and here is where we head into aspirational more than anything else, the locations where you would be likely to see that. On the south beach, which is all the way at the very southern end of the waterfront, currently closed, where there is a small beach and it is right by the closed Palisades Club, you could launch kayaks, you could provide access for swimming, school programs. There is also a mooring field there, and the deepwater port conceivably is where the old concrete drums that it looks like are out in the water are, which could function as a deepwater port. And then all the way toward the north,

both coves could function as launch areas for small boats, and possibly youth boating and educational programs. Then what will eventually be a bump-out, which is the northwest corner, this could have access to floating docks for water transport or whatever. There is the location for another private marina where the tennis club is now, where the old piers poke through the water. That is the extent of it. Comments?

**Trustee Walker:** Since I drew this I am in favor of it. Just so the public understands that we did not make this up out of our heads, this came out of the LWRP document as well as generally out of the Comprehensive Plan document. None of this was new stuff that we added, except for the northwest corner extension.

**Mayor Swiderski:** We have to provide a bump-out, which provides the geography, possibly, for one of the uses.

**Trustee Walker:** Right. And since it is going to be contained by a bulkhead, it is the logical place to put floating docks. We may not have a bulkhead on the remaining waterfront.

**Mayor Swiderski:** Jerry, on the aspirational picture?

**Trustee Quinlan:** I have already made my points. I am not an engineer. But I am fairly certain that the bulkhead that they are going to build on the northwest corner, considering the amount of pressure the land is going to be putting on to push it out, and the amount of pressure that we are going to have to put on from the water side, with riprap and everything else pushing it in to hold up the bump-out in itself, you cannot imagine the tie-backs and how deep they are going to have to drive it into the sand and the river and everything else like that, I cannot imagine that somehow that is not going to be able to withstand a mooring of a rather large boat. We will find out. We will submit it and we will see what any push-back is. One of the things that concerns me, on the third page, is, again, I am not so sure what people are going to want. But deepwater port, it says here, for large excursion crafts.

**Mayor Swiderski:** That is profoundly aspirational.

**Trustee Quinlan:** I mean, what are going to have?

**Mayor Swiderski:** We are not going to do anything. There are cluster piers, the two large circular structures in the water.

**Trustee Quinlan:** They were going to take those at some point. We have not heard anything about it.

**Mayor Swiderski:** No, they took the metal out.

**Trustee Walker:** It is deeper there than at other points on the waterfront. That is where you could have a vessel with a larger draft.

**Mayor Swiderski:** That is where tankers were able to once park. Well, let us see what the DEC pushes back with.

**Trustee Quinlan:** To a certain extent they may not care. I think it is a good idea to set out some of our uses, especially the non-motorized boats and the swimming and the education.

**Mayor Swiderski:** All right. Then we will send it on essentially as is.

**Trustee Walker:** Bruce, OK with it?

**Trustee Armacost:** He said already that it was OK. Both of us did, very quietly.

**Mayor Swiderski:** Thank you for the endorsement. That concludes the Board discussion and comments.

### **EXECUTIVE SESSION**

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

**Mayor Swiderski:** We have an announcement that Ray Gomes, Superintendent of Parks and Rec, has been honored by NYCOM with a certificate for 25 years of service to the Village of Hastings-on-Hudson. He is not here, but we extend him our gratitude and congratulations for a lot of time in service to the community.

Posted on the Web site is the updated version of the Comprehensive Plan with the maps and diagrams folded in, sufficient to allow the public to examine it and small enough so it can be downloaded in something under a week. We should talk about a public hearing. It is time for the public to have their go at it. Is there any legal requirement here?

**Village Attorney Stecich:** You have to figure out what you are going to do with SEQRA. If you are going to have a public hearing, it should be all tied together.

**Mayor Swiderski:** Can you and I talk before the next meeting to make a proposition to the Board about how to tie that into SEQRA?

**Trustee Quinlan:** Could we do it after we pass the budget? April is pretty busy.

**Mayor Swiderski:** You are probably right. Did we set all the work sessions for the budget?

**Trustee Quinlan:** No, we have not. But we have meetings on April 5, 12, and 26, and I do not know what we are going to do about the budget.

**Mayor Swiderski:** May is probably about right. Meanwhile, we can work out SEQRA.

**Trustee Quinlan:** When the modified feasibility plan is submitted by BP/ARCO to the DEC it becomes a public document. Can we put that in the library or on the Web site?

**Village Manager Frobel:** Sure.

**Trustee Walker:** There will be a Friday Night Live on April 1. It is our second annual Art Walk, and this is thanks to, again, the Hastings Village Arts Commission. They are our guest producer, and they have come up with the idea of holding a Fools' Ball at the Community Center from 8:30 to midnight. It is a kind of a costume ball, and there will be art involved in it, as well. Information is going up on the Friday Night Live Web site probably by tomorrow. The idea of the Art Walk is that restaurants and shops are open, and they are showing a local artist on the walls or are hosting local sculptors. You walk through the Village and it is like one big gallery opening. Last year we had art work in the laundromat, for example. If the shop is not open, sometimes there is art in the store windows.

**Mayor Swiderski:** The shredder will be here on March 26, two Saturdays from now, 10 a.m. to 2 p.m. in the Zinsser parking lot. It is a fancy machine that shreds up your voluminous documents so you do not have to worry about identity theft.

### **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting in honor of our Japanese colleagues and their hardship, with a moment of silence, at 10:15 p.m.