

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 9, 2011

A Regular Meeting was held by the Board of Trustees on Tuesday, August 9, 2011 at 7:30 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Jeremiah Quinlan, Trustee Nicola Armacost

CITIZENS: Twelve (12).

Mayor Swiderski: Trustee Armacost is on vacation, and Trustee Quinlan is out for reasons of health.

PRESENTATION - 25 Year Service Award – Michael Gunther, Superintendent of Public Works

Mayor Swiderski: The first order of business is a happy one, and that is the presentation of the 25 Year Service Award which the New York State Conference of Mayors and Municipal Officials authorizes when somebody has provided that length of service to the Village. In this case, we award that to our erstwhile, hard-working Mr. Michael Gunther. We estimated ahead of this meeting that he has, in his 25 years, been through at least 250 snowstorms. I do not want to guess how many potholes. I am going to say probably on the order of a thousand at least. And more complaints, more structures fixed, more work than we can ever hope, as a group, to be grateful and thankful for. In recognition of 25 years of distinguished public service to your community, the New York State Conference of Mayors is pleased and honored to publicly acknowledge your dedication and commitment.

Superintendent Gunther: I am here for another 25 years. Thank you.

Village Manager Frobel: I also join the Mayor, Mike, in thanking you for your service. Certainly you have become someone that I rely on in the day-to-day operation and, as a member of the team, you are very valuable to us. We all, as department heads, appreciate your service and your willingness to work with us. Also, Mike continues to build his résumé. Just last week Mike was asked to serve on the Westchester County Refuse Disposal Advisory Committee. So the county has recognized his service and his expertise in the area of how we go about recycling and picking up trash. Mike will be a very valuable member of that team, as well, so thanks, Mike.

Trustee Jennings: Congratulations on that, Mike. County committees are always a great joy to serve on. I wish you well.

Trustee Walker: Congratulations, Mike. I have worked with you in a lot of different capacities over the years, and I really appreciate your service and hard work, dedication, knowledge. So congratulations.

Mayor Swiderski: Your willingness to be the first out there in moments of storm or any difficulty. You are reliably out there, willing to pitch in and help, and monitor personally. It is public service at its most elemental and most real, and it is deeply appreciated.

Superintendent Gunther: Thank you. I have had a lot of good help over the years.

APPOINTMENTS

Mayor Swiderski: The next is the other element of public service, the appointment of two people to commissions. Gene Calamari is appointed to fill a term expiring in 2012 for the Parks and Recreation Commission, and Mark Pennington is elevated from an alternate to a full member of the Zoning Board to fill the term of Marc Leaf, who is leaving early from his position. Thank you to the two of them for their service, and to those whose terms they fill.

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of July 19, 2011 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 13-2011-12	\$ 2,848.85
Multi-Fund No. 14-2011-12	\$ 105,188.09
Multi-Fund No. 15-2011-12	\$ 995.01

PUBLIC COMMENTS

John Gonder, 153 James Street: I see you have a deer report here, for a change. I will give you one. Pulvers Woods, we used to have six does. The population increased 83 percent:

one doe had triplets and another doe had twins. They are running around wild. Coming down about 10 minutes ago, by La Barranca, probably coming up from the Aqueduct, three ran across Broadway into the First Reformed property. You got to do something about it.

Susan Cooper, 378 Warburton Avenue: I have here an article from the *New York Times* from August 2 in the Business Day section that has to do with a town in Rhode Island that recently filed for bankruptcy due to the fact that they could no longer pay their public workers. I am thinking about this perhaps as a cautionary tale because they asked their retired workers to accept reduced benefits and to increase contributions. When that failed, they had to go into bankruptcy. This is not the only town that they mentioned, by the way. I think that it is a cautionary tale, or could be. Governor Cuomo, who went against his constituency in enacting a 2 percent tax cap, I find that that was a great move. He was not pandering to what would be considered his traditional special interests. In doing so, has forced us to take a hard look at the promises that have been made over the many years in terms of unfunded pensions and health care benefits that are either minimally or not at all paid for by public workers.

While I say that, I also want to say that I do not know anyone that is against public workers. This is not meant to demonize anybody. But what I would wonder, and what I would ask of unions and public workers, is, if and when they are asked to contribute more or to accept less benefits, if they are wondering where am I going to get the money to pay for this or how am I going to take money from here and put this into my pension. If they are wondering that, then I would ask people to wonder, as well, where is someone like myself or most people I know who are making their own pensions, who have 403(d)s which, by the way, I have taken quite a hit on. I have a lot of brackets, you know, around the numbers, indicating loss. If they are asking where are they going to get the money to pay for these extra contributions, then maybe they can ask where am I going to get the money to pay for my retirement, my health care going into the future. Because I will have none, and will have to, as most people will have to, buy supplemental. I will have to pay for those things, and the pensions and free health care, largely, of public workers. I think that that is a conundrum. And maybe it is something that could be considered.

58:11 ADOPTION OF LOCAL LAW NO. 8 OF 2011 TO CREATE A TAXI ONLY PARKING ZONE ON MAIN STREET

Village Manager Frobel: This was the initiative that started with the Chief as part of our continuing effort to find more parking for our merchants and workers in the downtown. You have had your work sessions on it, there has been input from the public during our public hearings. We are ready now to see this adopted. This will create four spaces for taxis only, and, more importantly perhaps, will free up four additional spaces in front of the nail salon and the Purple Crayon for our merchants, and for customers coming to the downtown area.

Trustee Jennings: We are making the assumption that taxis will not park in regular spaces further down the street, which you say it will free up. Is there anything in this law that prohibits them from doing that?

Village Manager Frobel: No, except that we have the cooperation of the proprietor. And the Chief of Police has assured that with this program, the patrol will be watching the area to make sure that the cab drivers do not avail themselves of those parking meters in front of the businesses.

Trustee Jennings: And we have the right to tell them not to do so.

Village Manager Frobel: No. I suppose there is, technically, no way we could prohibit them. But what they do now is run in and out and they do not pay the meter. The fact is, they are not there for a long enough period of time. It is probably not attractive enough to them to feed the meter because they have not been doing it. What this will do is allow them to have free parking across the street.

Trustee Jennings: I am happy to assume that there will be cooperation and it will work as we intend. If it does not, in the future I would be prepared to pass more regulation to make sure that in return for getting free taxi-only spaces that you and I cannot use they, in fact, can only go there.

Village Manager Frobel: The Chief will be monitoring this closely, I can assure you.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 8 of 2011 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic to create a taxi only parking zone on Main Street.

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

Section 1: Chapter 282 of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following new section, to read as follows:

▪ **282-27. 1. Taxi parking.**

The following location is designated as a place for parking for taxicabs only, and parking in said area by other vehicles is prohibited:

- A. On the north side of Main Street starting at a point 70 feet east of the exit/entrance to 87 Main Street and extending eastward for a length 66 feet.

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

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

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

59:11 ADOPTION OF LOCAL LAW NO. 9 OF 2011 TO PROHIBIT PARKING ON WILLIAM STREET DURING CERTAIN HOURS

Village Manager Frobel: This originated from a neighbor on William Street who brought this to our attention. The Chief brought it to the Safety Council. They concur that it is a good idea. The neighbors there have been experiencing cars parked there for extended periods of time, and they see it as a quality of life issue, one that should be addressed.

Mayor Swiderski: The neighborhood was properly papered with notices for this?

Village Manager Frobel: Yes.

Mayor Swiderski: Chief, I think you went door-to-door on that?

Police Chief Bloomer: Yes.

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 hereby adopt Local Law No. 9 of 2011 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic to prohibit parking on William Street between Aqueduct Lane and Warburton Avenue on Thursdays from 9:00 a.m. to 10:00 a.m.

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

Section 1: Section 282-24 (Parking time limited in designated locations) of the Code of the Village of Hastings-on-Hudson is hereby amended by adding the following paragraph, to read as follows:

R. William Street. No parking 9:00 a.m. to 10:00 a.m. on Thursdays on the south side of William Street, between Aqueduct Lane and Warburton Avenue.

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

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

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

60:11 APPROVAL OF GRANT APPLICATION – QUARRY PARK AND TRAIL

Village Manager Frobel: This and the following resolution are two programs that the staff and community groups have been working on. We see this one as an opportunity to complete our Quarry Trail. The community received a grant a number of years ago which

allowed us to build phase one of the Quarry Trail. This will complete it from the Warburton bridge to Southside. Also, we have combined it with an initiative to complete the design for the Quarry Park. We are under contract with a landscape architectural firm to help us with some preliminary design. If funded, this grant will allow us to complete that work, bring us right up to construction and, probably more importantly, link the park with the waterfront which has always been a stumbling block. We felt this was a critical link in our trail to the waterfront and, if funded, we have a real opportunity to accomplish that goal.

Mayor Swiderski: Meg, you were involved in detailed work on this. Do you have any comments?

Trustee Walker: Fran covered it pretty thoroughly. Margaret Moulton completed the proposals and gave them to Fran and me yesterday for our review. The strategy we are taking is to use this parks department money, if we get it, to match the DOS money that we already have for the Quarry Park. Lumping the trail and the park together is a good strategy, because one of the things that they stress in this parks grant program is connections: connections to other parks, connections to downtown. Seeing it as a whole is important. And by doing so, by looking at it as an entire project, that enables us to ask for more money than we otherwise would be able to, because we are trying not to put any taxpayer money into this. It is using one grant to leverage another. We also have money from Scenic Hudson, which we are using as a match, and our volunteer time, professional time, such as my time, and staff. So personnel, DPW and Parks folks, will be involved, too. The strategy we are taking on both of these grants is to use none or a very minimal amount of Village money. If you are interested in the budgets, I would be happy to share them with you.

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 authorize and direct Francis A. Frobel, Village Manager, to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$187,358 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings-on-Hudson for Quarry Park Final Design & Quarry Trail Phase 2 Construction and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

61:11 APPROVAL OF GRANT APPLICATION – RIVERVIEW PARK

Village Manager Frobel: A second well thought out initiative to take an underutilized public facility and transform it into an area that is going to be useful not only to pet owners but to residents, as well. Some great drawings, a terrific opportunity, one that we are very enthused about, a good deal of community input on this. And much like the other one, applying to that same grant program. Again, the idea is to minimize any taxpayer expense, but relying on volunteers, existing workforce to make this program work. This program, too, is broken into two phases. The first part is to get it started. The second phase, which is not part of this grant but part of the program, is some additional work for some amenities.

Trustee Walker: There was a great deal of community involvement in pulling this together. I want to thank Nancy DeNatale, who has put a lot of time into it, and Donna Gutkin, a local landscape architect who drew up the design. A number of neighbors and dog owners have been involved in coming to meetings, discussing the approach, and reviewing the proposal. I think it really strengthened it. Nancy and some other neighborhood folks have created a committee that will move forward on fund-raising. One of the areas that they are going to target is raising funds from local property owners to clear some of the trees to open up the view at Riverview Park and also for many of the neighbors. We think it is a good opportunity to find some additional funds from the folks who are going to benefit from the work. That will then serve as a match for this grant. They are going to be moving forward on that right away.

The design that you have is preliminary. There have been a lot of comments from people in the neighborhood about it, and I want to reassure them that it is not final, that there will be more meetings to discuss the fine points of the design. But in terms of what we need for the grant proposal, it is fine. It has two major components: the dog park, and the people park with the kids' area and a central area for gathering. Donna has also designed a covered seating area that would run along the edge of the park overlooking the view and could be used for picnicking and performances and things like that. That would be in the second phase, but that would be a lovely addition and make that park much more usable, providing shade, view, and an area where people can gather.

Trustee Jennings: Both these resolutions make reference to a conservation easement/preservation covenant provision. Will these specific easements and covenants restrict the future uses or the future facilities and amenities that we could put in there, 10 or 15 or 20 years from now when people are not interested in dog runs anymore, they want something else? How restrictive are those things?

Trustee Walker: I think what the state is looking for is dedication as a parkland. I am not totally clear on it. Fran, do you know what their expectation is?

Village Manager Frobel: The idea is to guard against making improvements on land that the community does not own. As part of the application we had to offer proof that we own it. The fear is that you may some day dispose of it, and the feds and the state have made an investment expecting it always will be, in perpetuity, for a public purpose.

Trustee Walker: But are we required to dedicate is as parkland?

Village Manager Frobel: Not that I am aware of, no.

Trustee Walker: So it is really just that it would remain in the public domain.

Village Manager Frobel: I think that is the intent. Marianne, can you help on this?

Village Attorney Stecich: I have no idea what the intent is, but I know if they require dedication as parkland then the only way it can get un-dedicated is by an act of the legislature. That is a big deal. If, however, what they require is a conservation easement, the conservation easement can be drafted in ways that it may not have to stay that way in perpetuity; you can put it in the terms you want, assuming the state would agree with it. For instance, you could say it has to be kept as parkland, or a dog run or whatever you have, except that it can only be changed by agreement of the Village and the state, whoever you want to enter into the conservation easement with. So a conservation easement would not necessarily have to be in perpetuity.

Trustee Jennings: We call it a park, but this is not designated parkland.

Trustee Walker: I know the quarry has not been dedicated as parkland, and I thought Riverview had. But I do not know for sure. How do we find that out?

Village Clerk Maggiotto: It may be in the deed.

Village Manager Frobel: The projects that I have worked on since I have been here that have been funded similarly, Kinnally Cove, and the Quarry Trail, have required no action for a conservation easement or any such thing.

Trustee Walker: When we got a grant to acquire part of the Graham School property, adjacent to the Aqueduct, did that not require dedication as parkland?

Village Clerk Maggiotto: No. I do not think that was ever dedicated.

Village Attorney Stecich: But whoever you get it from may require that you agree to keep it as that use forever, depending on what agency. I just did one for Irvington, where we did have an out provision, that, if in the future, both parties agreed that a different use made sense, then it was OK. But usually the other side would have to consent to whatever it is.

Trustee Jennings: In any case, the details of this we would look at it before we approved receiving the grant. But at this stage it is not necessary to worry too much about this. Because we will have another look at it, right?

Trustee Walker: Yes, for sure. What you say about remaining flexible is critical in any park. In the case of Riverview, there is a question of do we want it to remain parkland forever. I am not sure. But just flexibility, how the park can be used for different purposes. You do not want to do anything that is going to rule out some future use. I do not think that what we are proposing will rule out other uses. You never know what people are going to come up with. There was a basketball court, and then there was the skate park. And just because now we want a dog park, does that mean it will forever be a dog park? No, probably not, because our needs change.

Both the Quarry and the Riverview Park committees put in a lot of work. I think that it would be in our interest to look at other funding sources with these grant proposals and to keep things moving, so if we do not get money from the state, to use these as perhaps a proposal to a foundation, a corporation. With the help of the committees we can do that more actively. What I am saying is, if we do not get the state money, and we all understand that it is hard to get state money these days, let us not think of that as the end of the road. Let us keep looking.

Mayor Swiderski: Agreed.

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 authorize and direct Francis A. Frobel, Village Manager, to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$75,125 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings-on-Hudson for Riverview Park Re-Design and Restoration and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

Mayor Swiderski: I want to thank Meg for leading the charge on this, for the time spent building a community consensus. This sort of work in many ways speaks to the future of the community. These places become gathering spots for the community. That part of town is underserved in some ways, and it is important that everyone have access to parks that meet their own needs. It is a good thing.

62:11 AWARD OF BID FOR STREET RESURFACING

Village Manager Frobel: We continue to join with our neighbors to secure some very favorable prices for our road resurfacing. The bid price this year for asphalt was about 2.7 percent less than we paid last year. We are pleased with the contractor. He was the low bid last year, as well. Besides the list of streets that we are looking to do, Mike will be working closely with the contractor to do some touch-up work in some other areas. He has got some areas in town that will need some curb work. We also want to address some of the concerns that a neighbor on Division Street has brought out our attention.

Trustee Walker: Have you made public the list of streets?

Village Manager Frobel: No, I do not believe so. Villard from South Calumet to Broadway; Croton Avenue; Lincoln Avenue, both sides of Mount Hope Boulevard;

Dorchester Avenue; Glenwood Avenue; Horner Avenue, the end of Hamilton that we did not do last year; and Lefurgy Terrace. Again, with these favorable prices I am confident we should be able to complete all of that that we plan on.

Trustee Walker: How does this look compared to what you budgeted for?

Village Manager Frobel: We know how much we have to spend. We back into the amount of roads; Mike goes out with a contractor and measures it and comes up with an estimate. You really do not know until you start seeing the weight slips come in. That is where Mike has to start cutting from the bottom, but he will make some judgment calls as he goes. But we are pretty sure we should get them all done with the dollars we have budgeted.

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

WHEREAS, the Villages of Hastings-on-Hudson, Dobbs Ferry, Irvington, Ardsley, Elmsford and Tarrytown agreed that the Village of Ardsley would advertise a Notice to Bidders for street resurfacing on behalf of the six villages in an effort to obtain the best possible price, and

WHEREAS, the Village of Ardsley received four bids on July 21, 2011 and reported the results to the participating Villages showing Petrillo Contracting Inc. as the lowest bidder, now therefore be it

RESOLVED: that the Mayor and Board of Trustees award the bid for street resurfacing in Hastings-on-Hudson to Petrillo Contracting Inc., Mount Vernon, New York as follows:

Top:	\$ 78.41/ton
Milling:	\$ 2.20/square yard
Adjust Manholes/Catch Basins	\$ 100.00/unit

for an amount not to exceed \$275,000, to be paid from bond proceeds and the General Fund.

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

63:11 AGREEMENT WITH WESTCHESTER COUNTY FOR BUS SHELTERS

Village Manager Frobel: This is a renewal of the agreement we have with Westchester County. Their 300-plus bus shelters have advertising on them. It is run by a private concern, Clear Channel Outdoor, Inc. The county shares a percentage of the revenue they get from those advertisers on the bus shelters. In Hastings, there are three that are within our geographical boundaries. They are looking to renew it for a five-year period. This year we expect to receive about \$3,200. Last year it looks like about \$2,900 we realized. So it is a revenue enhancer. The county also indicated in their cover letter that they are open to additional bus shelter placements. They are looking to place an additional 25 new ones, and they have got 50 that they plan to rehab. If there are any suggestions where you think additional shelters be appropriate, they are open to that kind of suggestion.

Trustee Walker: I think that would be terrific. We need to get on that right away. How could we move that forward?

Village Manager Frobel: They plan on placing 25 new ones. If you have got a spot where you think it is appropriate for a bus shelter they would be open to it.

Trustee Walker: I think it is not just us who should make that recommendation. We should think about how we could get the community to propose bus shelters, and especially our bus-riding community. Maybe we could do a survey. We should move on that. Plus we get income from it. It is a win-win for everybody.

Village Manager Frobel: Let us give it some thought.

Village Attorney Stecich: One of the requirements of the agreement is that all the sites have to be designated bus stops. I did compare their list of the four bus shelters they have got with what we have approved in the Code as bus stops. One of them is not in the Code: 425 Saw Mill River Road. I would suggest that at the next meeting we amend that section of the Code that designates bus stops to include that. I will draft something for the next meeting.

On MOTION of Trustee Walker, 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 the Westchester County Department of Transportation for Provision of Bus Shelters for a term of five years commencing on April 1, 2011 and expiring on March 31, 2016.

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

64:11 APPROVAL OF NON-UNION PERSONNEL SALARIES

Village Manager Frobel: This is my recommendation. It has been going into our third year where our non-unionized employees have not received an increase. We have now settled our contract with the police and our public works workers. By comparison to our neighbors, even with the 2 percent salary adjustment we are on the low side of the scale. To retain and continue to attract quality people to our workforce it is important that we recognize their service. There are four positions that my recommendation is to adjust beyond the 2 percent. As you noted, we will hold that for another conversation. But I believe that the time is now where we need to recognize the service of our workforce.

Trustee Walker: It is painful to think about payroll increases, especially this week with what is happening with the economy. But it is important that we keep our dedicated personnel. As difficult as it is to contemplate pay increases, they are dedicated employees and they work long hours for the Village. I do not think it is fair that there be any kind of inequity in our pay scales in the Village. So I do feel that it is important that they get their 2 percent increase. It has been, as you say, three years. That is a long enough time to wait. This just covers cost of living increases, really.

Trustee Jennings: I agree. The non-unionized Village staff has been very patient and responsible with understanding the fiscal constraints of the Village over the last few years. They do not have available to them the arbitration process, as I understand it, that the unionized employees have, so they are in a marketplace, as it were, relative to us. In addition

to what has been said, I would also add that it is not just a matter of recognizing their service and efficient productive work, but it also a matter of remaining competitive with other municipal governments and the private sector. We have good people. We can lose them. Just like any other business, it has to remain competitive or it will not retain its good employees. We are in the same environment here. So we have to bear that in mind as one of the important factors in making this difficult decision in terms of our budget and our fiscal limitations coming down the road. But nonetheless, on balance it makes sense to me, as I think it would to any private business. Two percent seems, after a long period of no increase at all, just if you average it out over time, less than 2 percent does not strike me as excessive.

Mayor Swiderski: We have a non-unionized workforce in part because they have been treated relatively fairly compared to the union workforce. That rough sense of equity is challenged when multiple years go by without an increase while the unions have something. However, I will also add that as the latest DPW contract demonstrates, the days of 4 percent increases are over. That has come to an end literally for decades. It was just an expectation that the wages would go up 3 percent or 4 percent. A combination of fiscal reality and 2 percent cap on tax levies passed by the state effectively, as far as I am concerned, caps that expectation, as well. We are in for a future of far more moderate increases. But non-union, if we want them to stay non-union, need to be treated relatively in tandem with the union employees. As a result, the \$17,000 a year expense that this represents, and which we budgeted for, seems appropriate.

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

RESOLVED: that the Mayor and Board of Trustees establish the following salaries for non-union personnel effective June 1, 2011:

Superintendent of Public Works	\$109,464
Deputy Manager/Village Clerk	\$ 96,514
Superintendent of Parks & Recreation	\$ 98,485
Director of Youth Services	\$109,464
Technology Director	\$ 62,645
Secretary to Village Manager	\$ 45,900
Building Department Office Assistant	\$ 58,320
Payroll/Personnel Clerk	\$ 51,310
Court Clerk	\$ 43,860
Assistant Court Clerk	\$ 28,005
Recreation Supervisor	\$ 56,407
Recreation Assistant	\$ 38,730

Recreation Assistant	\$ 35,608
Youth Advocate	\$ 49,876
Building Inspector	\$102,326
Cable TV Director	\$ 36,771

Part-Time Personnel

Deputy Building Inspector	\$ 20,957
Fire Inspector	\$ 18,040
Senior Outreach	\$ 18,717
Youth Employment	\$ 18,156
Meter Repair	\$13.18/hr.
Parking Enforcement Officer (2)	\$10.98/\$13.18/hr.
Clerk	\$15.30/hr.
Bookkeeper (Finance Office)	\$17.14/hr.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I presented you with information in the last two weeks over a situation with our underground fuel storage facility at the highway garage on Southside. Westchester County Health Department identified that facility as being deficient. It is two underground tanks holding about 2,000 gallons each. Simply by definition of age the tanks are out of compliance. What we are wrestling with now is that the Health Department has pushed it off to the federal EPA, and we are responding to their questionnaire to help them make a decision as to what the next steps are. In all likelihood, what will be required is that the tanks be abandoned, perhaps abandoned in place. We are going to outline a series of options for you. We are very reluctant to recommend replacement of the tanks on that location. There is some uncertainty surrounding whether or not you are going to maintain a facility there, looking into the future. So it seems silly to make an investment of upwards of \$200,000 to bring ourselves into compliance.

So we are looking at a host of options. Some might be renting tanks. Above-ground tanks can be rented, can be placed on-site and used. We have been in communication with Dobbs

Ferry. There is a willingness for us to purchase our fuel from them at their facility. Their tanks are really undersized for the potential of taking on Hastings. By that I mean they have sized them for their own needs. Already, the Dobbs Ferry school department uses the tanks, as does Ardsley. The manager is open to this kind of a recommendation, where they may need to upgrade their tanks. So an option might be for us to participate in that capital investment and purchase our fuel from them into the future. Towards that end, I am also exploring with the manager a local government innovative grant program, where construction of a shared facility like this might be attractive to a state for a funding opportunity. So we are working through this process of how do we address it.

I have been in communication with the EPA by telephone and e-mail, and now I am completing that multi-page questionnaire that I provided to the Board. I expect by early fall we will be in a better position to have to move, and we hope to have a series of options available to you to address that.

BOARD DISCUSSION AND COMMENTS

Mayor Swiderski: At the last meeting, we completed and approved the Comprehensive Plan, which provides a myriad of suggestions and recommendations for everything from zoning through traffic and a wide range, 130 pages worth of suggestions. A major theme in the zoning was a concern about preserving the sense and scale of the entryways into the Village. At the south when you enter, you have a green zone with the large properties of Andrus, Graham School, et cetera, where you have a sense of a barrier between communities and a sense that you are entering Hastings through an area that is buffered and feels natural. This also exists at our eastern border and, to a lesser degree, at our northern border. One of the suggestions in the Comprehensive Plan was to examine approaches, including overlays and cluster zoning, to ensure that those areas remain green. We have talked about these ideas in the past in passing, and various community members have raised them, and we have deferred, saying wait until the Comprehensive Plan has passed. Well, it has, and it is time to begin to address these issues because they are possibly pressing. If you do not move on these things it is always more difficult to act on them retroactively.

I asked Marianne, with not a whole lot of notice admittedly, to provide us with guidance on various approaches on how we might think of implementing some of these concepts. It does not necessarily have to be cluster zoning, but there are several ways of going about it. I wanted to initiate the discussion here and get a sense whether there was a direction the Board wanted to go, and next steps. So Marianne, I was hoping you would cover a couple of ideas.

Village Attorney Stecich: Actually, it was 10 minutes before the meeting. So excuse my fairly unprepared remarks.

What I was talking to Peter about was clustering. It is a method of permitting subdivisions that are more flexible in the layout of lots and the arrangement of the houses than your conventional subdivisions in order to have more open space or maybe preserve significant environmental or historical features. It allows smaller lots, and maybe smaller setbacks, than would be allowed in the underlying zoning, but does not allow more development than would be allowed. For instance, let us say you have a six acre parcel in an R-20, which is half-acre, zone, and you have roughly 12 lots – maybe fewer because you have to draw in the streets and stuff – but for simplicity's sake, that you could have 12 lots. If it were a conventional subdivision each lot would be half an acre, it would have certain setbacks, and whatever. But if you do a cluster, you can put the houses closer together, or maybe smaller lots closer together, on one part of the parcel in order to preserve open space, to preserve environmental features, whatever.

What you have to do, though, so people understand that it does not result in more development, if somebody wants to, or is directed to, prepare a cluster subdivision they have to first present a conventional subdivision to show exactly how many units they could have. So if you have this six acre parcel, and it is all one big parcel, if you were doing it conventionally you would not end with 12 houses because there has got to be some roads, maybe you have to deduct the steep slopes. So you come up with a plan that shows how many conforming lots you could have. Let us say, because of the setbacks and the frontage, you could have nine lots instead of 12. So you can create nine units on one part of the lot, another part you have to preserve. The rest of the land would have to have a conservation easement or somehow be dedicated as open space. That is the general concept.

There are a couple of ways to do it. The way Hastings has done it in the past, which I am not going to say is unusual but unusual in my experience, is each time there is a cluster it is specifically authorized for a particular parcel. You have a chapter of the Code called "Conservation or Clustered Housing Districts," and the first one is CCH-1 created for Hastings Landing. It is very specific about the size of the lots, the setbacks, what utilities should be. It is a long provision. Then some years later another was created, CCH-2, that also applied only to one particular parcel, Riverpointe.

Let us say you had six gateway parcels that you wanted to include in this. You could then make a CCH-3 district, call it the gateway, identify all the parcels, and then come up with all the details, essentially, for the zoning for it. It is in the Code now. It is in chapter 112 if you want to look at it. Right now, procedurally how it works is, it is first reviewed by the Planning Board. Then the cluster zone is tentatively approved by the Board of Trustees. Then it goes back to the Planning Board, then it comes back to the Board of Trustees for final approval. It is a quite cumbersome process. Probably not unlike the MUPDD, there is

a lot of back and forth on it. The other thing is, it requires a lot of detail as to the regulations you want for all of them, and they may not be the same for all of them. Maybe you have different requirements for the southern parcels than you do for the eastern just because of the nature of the property. So that is one way to do it.

The other way to do it, and I am not going to say it is more common but more common in my experience, is to amend the zoning code to authorize the Planning Board to permit cluster subdivisions on application of a developer. Right now, if a developer wanted a cluster they could not go just to the Planning Board. They first have to come to the Board of Trustees, see if it is OK, and then the back-and-forth process. It is an amendment to the Village Code to allow this cluster. The other way, it is in the zoning code, and these are frequently called "average density provisions" in zoning codes. It says that the Planning Board can approve clusters. You lay it out in order to preserve environmental features or create greenspace or whatever. They also frequently authorize the Planning Board to require cluster approvals in certain situations. You lay out the situations for generally the same kind of reasons. I did send a sample. Irvington has one which is quite good. It talks about the procedures: "The Planning Board can mandate cluster development where it finds that any of the following elements justify preservation: steep slopes, wetlands, flood-prone areas, historic structures or areas, unique natural or geological formations, rare vegetations or habitats." You can put whatever you want. You may want to say greenspace at the Village gateways, for example.

The second approach would certainly be easier to enact because you are not focusing on particular parcels. The real detail work would come when an application comes in to subdivide a particular parcel. But once that amendment is passed, it is out of your hands. It becomes a Planning Board issue.

Mayor Swiderski: On the Planning Board option, is it possible to have the Planning Board mandate cluster housing under certain circumstances, for example, gateway properties?

Village Attorney Stecich: Yes, but I cannot imagine that would be the only time you would want to mandate it.

Mayor Swiderski: Not necessarily. So you can conditionally mandate it in some cases, and in other cases leave it optional.

Village Attorney Stecich: Yes, you can permit clusters essentially at the option of the applicant. The Planning Board would not have to. But it would be allowed to consider them. Or let us say somebody comes in with that six acre lot and they have 10 half-acre parcels. The Board says in order to do that you have to take so many trees it is going to look like a

subdivision instead of nice greenspace. We do not want it like that. You have to do a cluster. Yes, you could do that, if that answers your question.

Mayor Swiderski: No, it does not quite answer. I do not want to handcuff the Planning Board, but your answer implies discretion. I am asking if you can structure the modification to mandate in certain circumstances.

Village Attorney Stecich: Require clusters in certain circumstances.

Mayor Swiderski: Without rezoning, exactly. I guess you are calling me out what I am trying to do here, but yes.

Village Attorney Stecich: I want to think about that a little more before I say yes or no. Can it require it? It is not usually done that way. I do not see why not, but I would want to think that out and get back to you.

Trustee Walker: Are we thinking about doing this as a first step before looking at actual rezoning? The Comprehensive Plan recommends rezoning the large tracts, while looking at uses, potentially even commercial uses, or multi-family, mixed-use. That was one: looking at enacting zoning that would protect environmentally sensitive areas such as steep slopes and wetlands and old growth trees, that sort of thing. And also preserving green space along Broadway, so setting any development back from Broadway. So there were a number of things that were recommended in the Comprehensive Plan. Are you suggesting that we address clustering right away as an interim measures, and then come back and look at it?

Mayor Swiderski: It may not be an interim measure in the end. It may be a permanent measure. But it certainly does not preclude subsequent examination as recommended in the Comprehensive Plan.

Trustee Walker: Right. They may, in fact, go hand in hand, the clustering, and then the rezoning.

Mayor Swiderski: It may be the final action taken after we examine and decide either to act or not act on parcels down the road. But at least this enacts an important component of the Comprehensive Plan, which is protection of greenspace, where possible.

Village Attorney Stecich: What Meg just asked is a totally different set of questions. But I am not, by any means, suggesting the only way to preserve greenspace is by clustering. You were just asking about clustering, and it is a way to do it. There certainly are other approaches you could take.

Trustee Walker: Right. There's overlays, there's completely rezoning.

Village Attorney Stecich: Sure. You can have scenic buffers. For instance, in Irvington they have a Broadway buffer, they have an Aqueduct buffer, you cannot build within a certain number of feet of Broadway. There are a lot of other ways to do it. But you were just asked about clustering, and that is all I was addressing.

Trustee Walker: It could be a first step that would protect the properties and the open space while we look into a more detailed and nuanced way of rezoning or protecting, which will take more time.

Mayor Swiderski: Exactly. What I am reaching for is not a blunt instrument, but the most easily implemented instrument, as a way of achieving a result while we begin a longer process. The wheels of government can grind exceedingly slowly, and the speedsters of development can move very quickly.

Trustee Walker: One other step one could take is to impose a moratorium, which the Village has done in the past.

Mayor Swiderski: Which we have, but that can preclude decision-making forever. I would rather have something in place and at least we have that protection, and we can begin to move forward with the other stuff.

Trustee Walker: And it is probably more respectful of property owners not to impose a moratorium.

Village Attorney Stecich: The other thing you should bear in mind is once you have a proposal, let us say you come up with a plan whether it is some kind of greenway overlay or whatever, and then you call for a hearing on the public law, under our Code there is a de facto moratorium. While that law is pending, you cannot do anything inconsistent with it. That is under the Hastings Code. It is not in all codes. While that is in effect you cannot do anything because there is a SEQRA process or whatever, there is a process for a certain period of time you cannot do anything that is not in compliance with both the existing zoning and the proposal. So you are protected. It also means it got far enough along that it would be fair, because you would have to look at fairness to that property owner.

Trustee Jennings: The cluster concept would seem to have implications for the type of housing that could be built. I am thinking of a simple model. You have 20 acres and somebody could divide it up into single-family house lots, 30 big houses with yards and

driveways. Or you could have a much smaller footprint of construction, and have condominiums or a different shape type of housing. The type of housing that is built has property tax implications, has implications for the marketing, for the kinds of residents that would be attracted. So in addition to the greenspace and gateway considerations, there are a number of implications that flow from our embracing the cluster development on a large tract approach, many of which may be attractive for our community and the future of our community going forward. I do not think the traditional large single-family house, yard and driveway pattern is necessarily the right way for Hastings to go. Am I thinking along the correct lines here, Marianne?

Village Attorney Stecich: There is more than one way to do it. Hastings Landing is connected. You could permit that, or not necessarily. It depends how you write your cluster law. You could still require that each lot have a minimum lot size. Let us say it is an R-20 district, which means it has to be 20,000 square feet. You could say the lots have to be a minimum of 10,000 square feet. So there is different ways you could write it. Or you may want to have a flexibility to have them connected. That is up to you how you want it drafted, and that may well make a difference parcel by parcel. But in any event, you cannot have more units. No matter how you write your code, under the state village law you cannot have more units than would be permitted under a conventional subdivision. Your conventional subdivision shows you can come up with 10 lots, 10 residential units. You cannot say we are just building smaller ones, so can we have 20? No, you can only have 10. So there is quite a bit of thought still required, quite a few issues that have to be worked out.

Mayor Swiderski: The proposal for modification of the zoning law to authorize a Planning Board capability is one approach. Have you been involved in the conservation easement zoning in other communities? Buffers, or anything like that?

Village Attorney Stecich: Sure. But usually the zoning has already been in place. Not to create the zoning, no.

Mayor Swiderski: What is involved in doing that? Is that a parcel by parcel?

Village Attorney Stecich: I am not sure why Hastings chose to do it parcel by parcel. It is a little unusual. I imagine it was to keep the control with the Board of Trustees. That is the only thing I can think of, that the Board of Trustees wanted to decide where they would allow it. Once you give the authority to the Planning Board, then it is the Planning Board's authority and you do not have any control over it.

Trustee Walker: But it has always been on application of the developer. It has not been necessarily imposed on them. In other words, it is an option.

Village Attorney Stecich: I was not involved in either of them, but my guess is yes, that it probably would have been. I should not even say because I am not sure. You would have to ask somebody with more history than I do on that. The first one was enacted in 1981, and Riverpointe was 1986.

Trustee Walker: That is unusual because Riverpointe was built around '98 or '99.

Village Attorney Stecich: Was Ginsburg involved in that?

Trustee Walker: Yes.

Trustee Walker: I think maybe there was an earlier development proposal.

Village Attorney Stecich: I was not involved in it, but I can remember a lot of discussion between Neil and the developer. So while it may not have been imposed, I am sure it was something discussed. They had a time limit, and that is what they agreed to. If Ginsburg is involved, then it was about 1986, because I remember being very pregnant.

Trustee Walker: But he did not actually build it until around 1998 or 1999. There are lots of examples of cluster law in John Nolan's book, *Well Grounded*. I am sure Marianne could come up with more, as well. If we wanted to look at a variety of ways of approaching it there are examples out there. Pace has a Web site with examples. That is one way to go, to do a little research.

Mayor Swiderski: I think clearly we are not making decisions today. On the one hand, I do not want this to be a year-long study. The interest here is to protect ourselves, and there are a couple of approaches here. I would like to turn to the public. A number of people showed up here because of this topic. See if there is any input those here would like to provide. Board discussion is typically Board discussion, but since this has general interest I would like to open it up.

Vanessa Merton, 111 Pinecrest Drive: I have been waiting a long time to see this on the agenda. I would like to suggest to the Board members that you read through the four and a half pages that is the guts of section 112 of the Code that lays it all out in remarkably intelligible language. You are absolutely right, Bruce. It addresses the size of the structures relative to one another, relative to the total overall mass that can be permitted, and the flexibility of the different combinations. But I want to ask the Board to look carefully and follow the lead of your predecessor Boards in two respects.

One is not going the route of relegating this to the Planning Board. The current chapter has the Board of Trustees making certain findings of fact which are as applicable today as they were back then that have to do with a recognition that they want to have any development in certain areas have a diminished impact on the community, diminished change in the general appearance of the Village, of neighboring properties, that they want to substantially promote conservation and enhancement of natural beauty and resources. All the things that you would need to consider are laid out in the existing law. But it does retain the direct power responsibility and accountability of the Board of Trustees, the elected representatives of the people, to require application, not to simply permit. While it did work out with Matt Lifflander and Hastings Landing, and that was a very complicated process which I remember something about, it definitely required the ability of government to say we have to preserve these areas in order to lead to the outcome that I think was a very successful one in that case.

I would like the Board not to embark on a lengthy research project into all possible ways to go, every conceivable option. You have got a very good and already-proven successful blueprint right here. You need to adjust, by my count, about 11 words to update it a little. Maybe get rid of the six acre minimum component. You have got a highly applicable, ready-to-go ordinance, statute, that you can immediately apply and, as you said, Mayor, protect all of our property values and all of our investment in this community against what might be overwhelming, all of these properties along that entire corridor, as I have mentioned before and as you well know, we are talking about a number of very large properties which all have owners who are under severe financial pressure as not-for-profits in this day and age, not able to get the government support they once did, not able to get the private foundation support they once had, and pressured in every possible way. They are going to be looking to unload these properties, and if you wish to preserve not just the gateway effect, but a very important component of our remaining a village and not a Greystone-like development, albeit a more horizontal form of the Greystone development, then it is incumbent on you to act quickly.

You have the tool. It is here. It would take a little work, but you could very easily, within two weeks or a month, be ready to enact. As Marianne has pointed out, that would, in and of itself, allow for some protection in the interim: the very fact that you are considering it, and holding the hearing. But I do not think it needs to be a major project to come up with a new and different way. Yes, maybe in a year we change it, in two years you change it, in five years you change it. But right now, it is incumbent on the Board. I would ask you to take action as reasonably quickly as you can.

Village Attorney Stecich: I think it is a good point, certainly if the Board of Trustees wants to keep it as a model. But do not underestimate the amount of work. If you compare the

CCH-1 to the CCH-2 they are very different, and they are peculiar to the parcel. You would have to take each of the parts. Let me t give you one example.

Ms. Merton: I think it is a fair point. I take that point, and I hereby volunteer. I will help, I will do the work.

Village Attorney Stecich: Vanessa, no, this was not directed at you. This is so the Board understands. Certainly the general language, you could change 11 words and it is fine. But, for instance, the CCH-1 district says "no more than 25 percent of the dwelling units may contain more than two bedrooms, and no dwelling unit shall contain more than three bedrooms. The minimum livable floor area per dwelling shall be 1,600 square feet." It is very specific. Whereas the other one, "no more than five dwelling units may be attached, grouped, or clustered," and it goes through with very specific things like that because somebody came in with a plan in mind, so it is writing the zoning to fit that plan and not to exceed it. When you are dealing with blank parcels it is quite a bit more difficult, and you are talking about more than one. That is the other thing to bear in mind. Each of these were one parcel.

Ms. Merton: CCH-1 was, I think, three parcels.

Village Attorney Stecich: Maybe three, but one project.

Ms. Merton: Contiguous.

Village Attorney Stecich: Yes. The number of lots does not matter. Here you are talking about something here, something here, something here, all different owners.

Mayor Swiderski: Many are contiguous, but they are different owners absolutely.

Village Attorney Stecich: All different owners, and they also have different setbacks. There are some set back from a boundary, some from Broadway. I am not saying that makes it bad. It is very good, but it is not easy.

Trustee Walker: But then there is the procedural question of how to make it mandatory, as well, as opposed to on application.

Ms. Merton: No, the law is mandatory.

Village Attorney Stecich: Well, no. Then it would be. Because you say in this zone this is how it gets to be developed. Yes, you could do that. As it happens on these other ones, like I said, there was already a developer out there.

Trustee Walker: So we can say that, for example, in all R-20 parcels?

Village Attorney Stecich: No, you would not want that.

Mayor Swiderski: Lots four acres or larger.

Village Attorney Stecich: You better do a survey of the Village to make sure. I am not even sure. If you were talking about gateway properties, you already have the gateways identified on the Comp Plan. I would focus on what you have already identified.

Trustee Walker: But we can then pick and choose which parcels we want to apply it to?

Village Attorney Stecich: You have got to be reasonable. There has to be a reasonableness for why are you choosing one over another. As long as it is reasonable, as long as it is consistent with your Comprehensive Plan.

Ms. Merton: Someone made reference to being different owners. That would not be a valid basis on which to define the zone for a different owner. That would probably not fly. You would not want to go there.

Mayor Swiderski: Agreed.

Ms. Merton: But you want to look at what this did. It focused on the characteristics of the land and the property and the neighborhood, and generalizable attributes and characteristics that you can then describe. It happened that they did apply to specific parcels, but that is certainly not necessary. I would agree with you, Marianne, for the purposes of getting something in place that can always be elaborated on, it need not perhaps go to that level of granulated detail of how many bedrooms or how many this or that, for example. You can always leave stuff out from the template that you have. But my point simply is, the work was done, the investment has been made on the part of this government. Let us take advantage of that tool which we happen to have, and use it as intelligently as we can.

Village Attorney Stecich: Let me state one other complicating thing. I am not sure that all of these parcels have the same underlying zoning. So that is going to make a difference, too, if some of are R-20, some are R-10. The underlying zoning is significant.

Leslie Chervokas, 165 High Street: I want to echo support for the proposition that a basic cluster zone be imposed on these gateway properties on the large tracts in Hastings, for the primary reason so that there is not an ad hoc system of application by a developer. I think that opens the door for a drawn-out process where, in fact, the conservation that is probably agreed upon by all of the Board and all of the community that we are seeking to protect can be eroded through an individually tailored process. So if there could be some consensus on the basic structure of the overlay, of the cluster zoning on the large tracts, regardless of whether they are zoned R-20 or R-10, that would be protective of the community, and would still allow the Village to determine whatever refinements should be imposed on a per-property basis. And I am not volunteering to do any work.

Trustee Walker: But what you are referring to is about protection of open space, not necessarily dwelling size or number of bedrooms or that kind of detail. You are agreeing with Vanessa that it should be about the land and the environmental consequences of the development, as opposed to the use or the size.

Ms. Chervokas: Correct. At this juncture.

Ellen Hendrickx, 136 Circle Drive: I had the Comprehensive Plan with me, and the concept of an overlay zone would certainly solve that since it does not affect underlying zoning. You can approach that at a later date, and it does protect natural resources. If you need to read it, it is here.

Mr. Gonder: The tax assessments for clusters because they are so much closer and you do not really own all that property, it is for everybody's domain: what is the assessment? Do they come less for cluster versus individual lots?

Village Attorney Stecich: You would have to talk to the assessor about that.

Mr. Gonder: I think that is an important thing that the Village would have to look into.

Village Attorney Stecich: Sure, it is something to look at. I am not saying it is unimportant, I just have nothing to do with assessments. But one other thing on that. It is an important point because that may well be why you would want to require single-family lots in your cluster. Once it goes to multi-family you have got a problem with the taxation. You could require them to be in fee simple, but generally zoning does not regulate the ownership of the property. So my suggestion is, you would probably want fee simple lots. But again, those are kinds of details that would have to be worked out because it is not that simple. Does not mean you should not do it.

Mayor Swiderski: In all due respect to Marianne, I want to turn that into English for anyone who is observing and maybe did not understand all those terms. In New York, regular homes are known as fee simple, in that they are treated as single dwellings. Condos and co-ops are assessed differently under a different criteria.

Trustee Walker: But in the case of Riverpointe it was negotiated during the approval process to ensure that even though they are townhomes that they be fee simple. They are taxed similarly to a single-family house.

Village Attorney Stecich: But important to say that was negotiated.

Mayor Swiderski: In New York State, typically the co-ops are entirely taxed differently, based on calculations that drive commercial rental calculations, much lower. So for a co-op of equal size to a house, 2,000 square feet, you could easily pay a third, or 40 percent, of the taxes because of the way the law treats fee simple versus the taxes imposed on co-ops. So it is a very important distinction and, John, you are right. If we mandate clustered housing where you lose that, it can have an effect. Now, many of those properties, I will add, are not-for-profit. So we will come out ahead either way. But you are right. It has an implication on the sort of taxes we would enjoy as a result.

Ms. Merton: Figuring all of this out is very complicated. You also have to take into account the impact on property values in the entire area, and whether or not that leads to devaluation of other properties, as well as costs such as sanitation, other things which may or may not be more efficient and cheaper to deal with in a more condensed area.

Mayor Swiderski: So where are being left with this? Do we want to take a look at it?

Village Attorney Stecich: Vanessa is going to write something up.

Mayor Swiderski: Vanessa is going to write a dozen different zones.

Ms. Merton: Do you need it by tomorrow morning? I am not doing anything tonight.

Mayor Swiderski: Section 112, the two different CCHs we will take a look at, and see if there is a way to use them, potentially, as a model; look at empowering the Planning Board, and at the next meeting begin to talk in concrete terms about both the properties we would be looking at and the approaches.

Village Attorney Stecich: If you go to the Irvington code, which is online, it starts with section 224-88. It is a long section, but that is an example of a planning board authorization.

Ida Susser, 100 Pinecrest Drive: I live with my mom. She also lives there. We are very concerned about this, and very happy that you are moving ahead, and the sooner the better. It will make a huge change in that gateway area that you are talking about if anything gets built there in the wrong way, and quite quickly.

2. Update on Deer

Mayor Swiderski: We have examined a number of approaches. The physical geography of Hastings limits us in what we can do. The law of New York State states that you need a 500-foot radius around a bowhunter, a sharpshooter in a controlled hunt, where there are either no houses, or houses that have individually signed permissions for local hunting, and no schools. A 500-radius circle is a 1,000-foot diameter circle, with no housing and no schools. There is a small patch not much bigger than this room in the northeast corner of Hillside Woods where that applies. Otherwise, the geography of Hastings does not lend itself to a controlled hunt under the current configuration of the law.

We have examined immunocontraception as one idea, which would hopefully, over time, bring down the numbers. We have wrestled with whether it is immuno or controlled hunt, even if the diameters were more narrow, in those communities that have done either approach, the results are not nearly as dramatic as you would hope, or think. Mianus River Gorge in Connecticut, for eight years now, has been doing bow hunting. After seven or eight years of annual hunts they have brought the numbers down by 25 percent. That is not enormously impressive. Communities further north, where hunting is allowed, have had marginally greater success. But regardless, it is not down to zero and it is not down to anything close to zero. It takes time to bring the numbers down.

We have been waiting for the state to complete deer management guidelines they have been working on for the last year. A draft was published recently. I went through that document, maybe 40 pages long. It is available at the DEC site: written in easy-to-read English, no jargon, largely oriented towards communities that have a lot more greenspace, which is most of New York State north of Westchester, and can enjoy, if that is the right term, the full range of hunting and culling options that are traditionally the way you control deer numbers. The document did acknowledge that there are denser communities that may want to examine other options and, specifically, a full appendix on immunocontraception. It starts that appendix by saying that it is not very effective, which is at odds with some experiments. It concludes the appendix with saying the state would consider immuno licenses, but only in conjunction with a traditional cull, which is profoundly puzzling. If a community is considering immunocontraception, like we are, either your geography precludes a traditional cull or the community culture and psychology precludes a traditional cull. So twinning the

two makes it an unviable option. The end of the comment period was at the end of July. I filed a letter, personally as one member of the Board, pointing out this defect, which I think is major. I also stressed that as a document it underplayed the negative effects of deer in a way that is almost insulting to a community like ours that enjoys no positive effects of the deer other than maybe the pleasure of seeing these animals, which are beautiful. But certainly, nobody in town can enjoy a hunt here, or venison, or whatever else the DEC considers the traditional benefits of hunting. They refer to the economic benefits: the licenses generated, the tourism that brings hunters upstate. They list these as monetary advantages.

The impacts in Hastings, at least on one model, were upwards almost of a million dollars, if it is possible to believe that, a year. It is probably not crazy, given the damage to landscape, impact on cars, and disease. We all know, if we have not personally suffered Lyme disease, many people who have. So these are real impacts, and they cost us, and the benefits just are not there. The document downplays it.

Those are two things the state has come up short on. I reached out to the professor that we are working with on this immuno idea, Allen Rutberg, as well as Barbara Stagno and others, and the county, which wants to consider immuno as an option for Marshland Park in Rye. We are going to approach the DEC directly, and seek modification in the wildlife management document and principles to try to encourage the experimentation they should be trying to encourage, instead of discourage it like they have.

Another thing the document recommends, which applies indirectly to immuno, is the suggestion that for bowhunting the radius be brought down from 500 feet to something smaller, because arrows do not fly as far as bullets fly. Bow hunting is typically from up in a tree down, and the likelihood of something happening at the 500-foot perimeter is slim. The DEC document recommends 150 feet. I think the same thing should apply to the tranquilizer guns we would utilize for delivery of tranquilizer and immuno so that we could use these methods in almost every park we have, because a 500-foot diameter circle includes Pulvers Woods, includes just about every woods other than some very small pocket parks we have. We would have, then, a mechanism we could deploy Village-wide.

When we go to the DEC office in Albany I am going to try to loop in either the senator or assemblyman from our district to push for the modification in the state law to bring those diameters down so that we have tools we can use. And when I say "we," I am not just saying Hastings. I am saying the dozens of suburbs like us who all have the same problem and all would like to see a viable solution that is not shut down by a chapter that mandates a cull along with immunocontraception.

So here we are a year later with the state recommending something which I think is counter to what our community and others like ours need and want, which is the ability to at least experiment and try something that will work for us. That is where we are. So we are going to continue pushing, and trying to get something that works for Hastings and the other communities. Sometimes it feels like we are bucking against the tide here, but we will continue to try.

Trustee Walker: Is that something that our state representatives could help with?

Mayor Swiderski: I am certainly going to be asking. I am going to be looking to apply pressure. It is absolutely new technology but it is something that might work. The effectiveness in some of these communities is no worse than what we are getting in bowhunting in Pound Ridge and in Mianus. So the state should be encouraging experimentation in something that has no negative effects on a community. In your worst nightmare scenario that you peg somebody with a dart instead of a deer, you are being hit with something that is a pig protein. It is not even a manufactured chemical. So the risk and the danger to the community is low, and why the state would not want to encourage experimentation with the only technology out there that might provide communities like us a way out is beyond me.

Trustee Walker: Marianne and I were discussing the 25 percent reduction at Mianus River Gorge. Is that 25 percent of the initial population?

Mayor Swiderski: Yes.

Trustee Walker: So when you consider that you are preventing the increase that Mr. Gonder was talking about, at this point every year we are doubling our deer population, right? Maybe not doubling, but you know what I mean. If you can stop the increase, and even just decrease it 25 percent, that is significant; it is not minimal.

Mayor Swiderski: It is not minimal. I do not know if it is doubling in Hastings. The anecdotal evidence is that it is certainly not going down. But depending upon where you are in town, and what you hear, I will say that I hear about this one topic more than I do, anecdotally on the street, everything else combined, including development, including taxes. It is one of the most upsetting things to people because of the disease component and the destruction of private property. So I do not minimize the importance of this. I just wish I had tools that I could use to address it.

Mr. Gonder: You had the net-and-bolt. You had that in your hand.

Mayor Swiderski: I had it. I will tell you the problem with net-and-bolt. It would be something we would have to do year in, year out. No community has been able to pull that off because within a year or two of its practice its brutality results in a reaction that results in its stopping.

Mr. Gonder: Deer are a food. I will argue with you until the day we both die.

Mayor Swiderski: And we do not need to do that because I am not going to argue that there be a productive outcome for any results from net-and-bolt. I am just arguing whatever approach we engage in has to be an approach we are willing to do year in, year out, period. Most people agree with you. Of the people who approach me, they are fired up to the point that I think if they had a bow they would be out hunting. I do not exaggerate. I have had exactly one person tell me don't kill the deer, within the borders of Hastings, on the street, to my face. But that is because we have not started the process. Once communities begin the process of specifically net-and-bolt, but any cull, you head into the storm of objection to that particular process year in, year out. Some methods are more objectionable than others.

Whatever we engage in in this community would be something we would need to be willing to commit to. The worst thing to do is to start on something, do it for two or three years, realize we do not have the stomach for this long-term, and have engaged in something that is undone within two years. And we do not have, right now, the ability to deploy bowhunting or sharpshooting within Hastings in enough places for it to work. So it is a challenge. I hear you. More than a few people agree with you, and I hear from them all the time. But if there were an easy way to deal with it we would not be up here talking about it. Communities like ours would be doing something about it. And nobody in Westchester is, other than Pound Ridge, other than a few nuisance permits issued to some. Rockefeller Preserve does an annual nuisance permit, apparently, and some others do. But in dense suburbs like ours, I wish I could tell you otherwise. But it is what it is.

Trustee Jennings: I read the document, too. When I talk to people about this, I am struck by the fact that people do not understand the restrictions on a community like Hastings and the catch-22 that that puts us in. They think we could shoot them if we wanted to, or hire professionals to shoot them. So there's a public misunderstanding of the constraints. But then when I explain and we get into your moral backlash cultural reaction, argument, then the conversation gets interesting. If they change the state law for bowhunting restrictions of distance, I am not sure that the reaction in our community to bow hunting would be as sharp as I think the reaction to net-and-bolt would be. That does not mean that bowhunting, over years, is effective. We have reason to be skeptical about that. I am just referring to the cultural reaction to the brutality of the culling.

Mayor Swiderski: Your assessment is probably right. Many communities do countenance bowhunting year in, year out without the same sort of reaction. So it is true, that does not mean there is no reaction. On the other hand, with immunocontraception the reaction would be pretty small because what is there to object to other than expense, which I would like to see absorbed by other entities, largely, and unlikely scenarios of darts falling into the leaves and pinpricking. Things can happen and we try to prevent that as best as possible. But those are small objections compared to the sort we will likely field over lethal options. If we can do something that achieves the same result as bowhunting, and it does not yield a split community, I would rather try to pursue that first.

If we are not given that tool by the state, then as a Board and as a community we can have a discussion about it. I am not going to single-handedly stand in the way of that. It is obviously something that is important to a lot of people. But if we can get something that will work just as well, and does not rip apart friends and neighbors—and I am telling you, bowhunting will. You will have plenty of people, when they come down to thinking about what is happening in their backyard, decide they do not like the idea. It may not be a functional majority, but if we can avoid that I would rather. It would also be a tool other communities could use that would be not just less objectionable, but downright palatable for a lot of communities.

For this to make sense we would have to give it six months or nine months of working with the state, and if we are not getting anywhere, then just pitch in that towel, admit it, and leave us time to examine other options. This cannot drag on for two more years. I recognize that.

Trustee Walker: Other options?

Mayor Swiderski: As a Board, I do not know, bowhunting, or nothing. It may be that we just have to accommodate living with this reality, as we do now. Fences slowly going up.

Mr. Gonder: If someone gets killed in an automobile accident ...Chief Bloomer told me he hit a deer, had \$6,000 damage to his vehicle. Thank God he did not get hurt.

Mayor Swiderski: We all understand the negative impacts deer have on this community. We all do.

Mr. Gonder: Then we got to do something.

Trustee Walker: I would like to see our state representatives work with some of the state senators and assemblymen from other suburban areas to craft something that works for all of us. We should not be doing this alone. We are not alone because there are lots of suburban

communities, not just in Westchester, but Long Island. I feel like we are isolated in this whole fight, but we should not be. There have got to be other ways, maybe through political pressure, to get some reaction from them. But we are going in the right direction with the immuno, if we can.

Mayor Swiderski: We are trying. And in the end, if there is not the interest in the assembly or the senate or the DEC, at that point we reexamine. But I would rather not. I would rather give it a try.

Ted Mason, 26 Circle Drive: My grandson has already gotten tick bites. A month ago my son knocked the mirror off his car. He always drives in the high-speed lane on Saw Mill to stay away from there the deer that might come from the side. Had he been driving the side lane, he would have gotten hit right in the middle of the car. Small car. Might have been the end of him. I just spent \$7,000 in fencing. I still have \$3,000 more to go. I am really fed up.

I was at the same conference that you were at. I am sure you have talked to a lot of other people, but I did not come away from that conference in Dobbs Ferry believing that this birth control technique was effective. They mentioned Fire Island, they mentioned someplace in South Carolina. They said it worked there. It took awhile, but it was a restricted area. They said plainly that in an area like this, where the deer can traverse from one town to another, it will not be effective. What you are saying is something different. That is not what I heard at the conference. You left right after the conference was over. I stayed and talked to these people further. The only thing that came out of that was culling is the only way that works. So we are just playing games here. Now, it may be that you do not have an alternative because of the distance restrictions on shooting.

Mayor Swiderski: We cannot shoot them.

Mr. Mason: You still have a restriction of bowhunting, right?

Mayor Swiderski: Absolutely.

Mr. Mason: I would go for getting that restriction reduced as quickly as possible, because this other technique is not going to work. We are just kidding ourselves. The people on that panel were all muting what they were saying a little. But if you talked to them after it was pretty plain. It is not going to work. And what is the difference in brutality between net-and-bolt and bow and arrow? I say the chances are that there is less trauma in the net-and-bolt than there is with bow and arrow, because if you do not have a clean shot, the deer is not dead and the deer may run. You have to track the deer. It is far worse. So I do not understand what is being said here.

3. County Licensing of Taxicabs

Mayor Swiderski: I am going to skip over the next item. The Chief asked that it be deferred until he can speak to it.

Village Attorney Stecich: Are you talking about this agreement that you got from the county? This has me totally puzzled because this only deals with livery cars, not cabs. I think somebody has got to talk to the county and find out what they are getting at. It has nothing to do with taxicabs.

Mayor Swiderski: There are a couple of components. What you are talking about here is the oversight of liveries. But they can also take over the licensing of cabbies.

Village Attorney Stecich: Yes. But understand that this agreement they have been sending around to all of the villages, because you are not the only one, just applies to livery cars.

Mayor Swiderski: Understood.

Village Attorney Stecich: Maybe so, but I just want to make sure people do understand. because it has been described as regulating taxis, and it does not. It is just livery cars.

4. Sustainability

Trustee Jennings: I have one thing to report on, and then the Village Manager is going to mention something about street lighting and our recycling changes that are coming up.

We have been working on the amendments to our building code to require more environmentally friendly new construction and renovation in our Village going forward. The group, composed of members of the Conservation Commission and the Planning Board and a number of volunteer architects and others, has been meeting and working on that. A subgroup was charged with writing up a draft of a residential portion of our proposed amendments to the code. They have a draft that will be looked at by the larger group, and the document will be forwarded then to the Village Attorney and to us for consideration and discussion, public hearing, and the like.

This code covers a number of things having to do with the treatment of a site in terms of irrigation, paving material, heat generation, and so forth. It has to do with energy efficiency in the building itself. It has to do with water utilization. It has to do with materials used to build the building, and indoor environmental quality for the safety of the people who are

living in the building. It has to do with stormwater runoff, green roofs, solar energy, handling of the construction debris, the use of construction materials. It is a document that foresees a set of feasible requirements that will make any new construction and major renovation in the Village much more climate-friendly and environmentally sustainable than current building practices tend to be, which often voluntarily embrace some of these measures, but are not required to do so. That is a major limitation on what we are building.

Our constructed environment is perhaps 40 percent of our climate change problem and greenhouse gas emission problem in the region and in the world. So we can take a bite out of that problem by addressing our built environment. This is a little piece, a first step, but doable and feasible. So we are making progress on it.

Village Manager Frobel: To follow up what I reported last meeting, Dobbs Ferry took the lead in preparing specifications for the LED street light conversion. I spoke to the manager today. The bids have been received. They are currently being reviewed by their energy consultant. Dobbs expects to award that contract at their August 23 meeting. Shortly thereafter I will take a look at them, and see if it is practical and feasible for us to begin that conversion as well. Our goal has been to look at, initially, our high-pressure sodium to see whether that makes sense. Or mercury vapor lights.

Mayor Swiderski: Incandescent.

Village Manager Frobel: Incandescent first, and then begin that transition. According to what I have heard, these prices could be very favorable. So we will be looking to make a recommendation to you.

Mayor Swiderski: What did you hear in terms of pricing?

Village Manager Frobel: It could be upwards to \$400.

Mayor Swiderski: So that is a payback of under two years.

Village Manager Frobel: Yes. And just a reminder, we are going to make that transition to the change in our recycling collection schedule. Beginning Sept. 1, we will be picking up Village-wide recycling paper on Thursday, and Village-wide commingled on Friday. An advertisement has appeared in the local paper. We have been running it continuously on WHOH and on our Web site. We will be doing another mailing to the community, as well. So we are poised to make that shift.

Mayor Swiderski: When is the next Friday Night Live?

Trustee Walker: September 16. Not for awhile. But it is a really interesting event. It is going to be a reunion of Hastings High School musicians who have gone on to become professional, often well-known, musicians. They are gathering to honor their former teacher, Pete DeLuke, who apparently launched many exceptional musical careers. We are going to set up a stage in the Boulanger Plaza parking lot and have an outdoor concert there. Current Hastings High School musicians will also be participating. We will close Main Street and close the parking lot.

ADJOURNMENT

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:45 p.m.