

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 7, 2011**

A Regular Meeting was held by the Board of Trustees on Tuesday, November 7, 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, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobel, and Village Clerk Susan Maggiotto.

CITIZENS: Four (4)

APPROVAL OF MINUTES

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of October 18, 2011 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 32-2011-12 \$ 430.00
Multi-Fund No. 34-2011-12 \$ 41,309.73
Multi-Fund No. 35-2011-12 \$ 43,151.70

APPOINTMENT

Mayor Swiderski: We have an appointment to announce to the Conservation Commission. Andrew Ratzkin will be starting in a term vacated by another member. Mary Lambert stepped down, and he stepped into the role. We thank Mary for her contribution. She brought great practical expertise. She worked for Google, and helped us on setting up communication mechanisms for the Conservation Commission to talk to each other.

PUBLIC COMMENTS

John Gonder, 153 James Street: I want to thank Mr. Frobel for giving me a call that the meeting is on a Monday instead of November 1. Con Ed. It was three years ago, all complaints about clearing the lines. People said they are cutting everything down. Thank God they cut those limbs. Otherwise, instead of a \$1.3 million that we are out in three states we would have \$2 million or \$3 million, especially around here.

Remember the buses in 2007? This yellow one was painted this color, which was like a rust bronze. It is back, but it is blue. It has been there for about 12 days. I called Deven Sharma. Also, they put cement enlarging their entrance to the driveway. I rode around the Village this Saturday and Sunday. There are no buses, only up in the dead end side of James Street. Hope you do something about it. It still has a Florida plate. To have a Florida plate you are supposed to be living in Florida and that car is supposed to be in Florida at least six months.

Another thing I would like to comment on is the trees. In Pulvers Woods it is a disaster. Ray Gomes came and looked at some of them. A tree came down on my property and asked if the Village had insurance for damage to my deer fence. I found out if it was diseased and I notified you people, maybe then I would get something. But there are a lot of bad trees up in Pulvers Woods, and I am sure in all your parks. It would take probably several hours look at all these trees, and do something before someone gets hurt.

Tim Downey, 520 Farragut Parkway: I think you did a bang-up job during this storm, with the e-mails going out in a timely manner, keeping the public up to date of the progress of the recovery. I want to acknowledge to the public that you did a great job.

73:11 APPROVAL OF PURCHASE – LED STREET LIGHTS

Village Manager Frobel: I provided you the data that we have pulled together over the last few months. I am looking forward to beginning this project. It is in keeping with our sustainability action plan. It was a goal that Trustee Jennings had wanted to see accomplished during the year. Dobbs took the lead. They have a consultant that helped write these specs. Deven Sharma, the Building Inspector, has taken the lead in-house to get you to this point. He has done his analysis, indicating that the payback for this capital investment could be just under three years. It is a good first step towards ultimately converting all of our street lights to a more efficient and effective candlepower. Our goal is to remove the incandescent first, then move to the mercury vapor and ultimately the high-pressure sodium. I have given you a map as to where we intend to start this project. The work will be done with our staff. I am hoping the Board will adopt the resolution so that we can start this process in early December.

Mayor Swiderski: There are a lot of old-fashioned incandescent bulbs which rack up the electricity cost annually in remarkable numbers. We identified the 70 remaining old-fashioned incandescent bulbs for replacement, but there is one here, one there. We did not want to spot-change those bulbs and have an incoherent lighting on any given street. The streets to be updated to LEDs are the full lengths of Ravensdale Road, Mt. Hope

Boulevard, High Street, and Villard; and a segment of Maple Avenue. The bulbs will be swapped in for incandescents elsewhere. It will be more attractive.

Village Manager Frobel: I agree. We will be charging it to the general fund. We have a capital outlay line item in street lighting, although it is not funded. Our intent was to transfer money from our contingency to cover this capital investment.

Mayor Swiderski: The payback time is so short that it makes sense. When we looked at lights a year or two ago, they were \$700 or \$800 so the payback period was close to eight years. This is an example of cooperation among villages yielding a real result. The price came in low enough so that the payback period dropped below three years and at that point it is a no-brainer.

Trustee Jennings: In addition to recovering our initial costs in about two years, after that point we continue to save. This is a longer-term financial winner for the Village, not to mention the importance of using electricity as efficiently as we possibly can.

Mayor Swiderski: Trustee Jennings brings up a very good point. This represents 10 percent of our bulbs, but 25 percent of our electricity use because incandescents burn so much. The savings are disproportionate to the number of bulbs replaced.

Village Manager Frobel: We spend approximately \$100,000 on our street light electric bill. But Deven has done the work for us, so perhaps he can answer.

Building Inspector Sharma: There are about 700 light fixtures in the Village, and 70 is about 10 percent. The energy that we will be using will be close to about one-third what we use for that 10 percent of the lights.

Mayor Swiderski: Right. That was the statistic I remembered.

Building Inspector Sharma: We spent about \$100,000 in 2008 for street lights; 10 percent comes to about \$10,000. Now, instead of \$10,000 we will be spending \$3,000 for those 70 lights. That \$3,000 compared to \$100,000 is only three percent. But compared to the fixture that we are replacing, it is 66 percent. Eventually we should look to change all 700 of our fixtures as the resources permit us to do it. But this is certainly a great start. We can experience the saving, experience the looks and appearance, how it works for us.

Trustee Walker: We are replacing both fixtures and bulbs, is that correct?

Building Inspector Sharma: Yes, we are changing the whole Cobra Head.

Trustee Walker: What is the price of the fixture, and then what is the price of the bulb?

Building Inspector Sharma: We have not been able to establish that. They are selling it as a fixture itself. As a matter of fact, we also looked with Jim Sugrue, who does our maintenance on the light fixtures. He was of the opinion the decorative street lights are more in need of being replaced than the others. But the cost of those fixtures, because of the whole thing, it is three times, \$1,166 or thereabouts. I did ask them is there any way to just replace the guts as opposed to the whole glass. One company is looking at it. If they come up with some way to do that they would be way ahead of the industry. There are a lot of people who would immediately want to do it. That might bring the cost down to about \$300 or \$400 as opposed to \$1,200. But currently, the whole fixture, the way it is designed, it is not the same kind of bulb as the regular bulb. It is a sunken, flat bulb.

Trustee Walker: In our homes we can replace incandescent bulbs with LED bulbs without replacing a whole fixture. But in this case, you cannot just put an incandescent bulb into these standard fixtures. With the new fixture after 10 years, you replace a bulb. But the fixture remains, so you do not have to replace the fixture in 10 years.

Building Inspector Sharma: I have been thinking about it because in our payback calculations they are guaranteeing this fixture replacement for 10 years, although when I asked them for their calculation, they use 18 years life of these fixtures. At this time, we have not worked out what components might fail in 18 years or 10 years, and what components might continue even beyond that, and whether it will be possible to replace just the components as opposed to the whole fixture. We have not looked into that yet. This is going to evolve. In a few years that scenario is going to become very real: retrofitting the fixture that we are currently replacing, and just replacing the components as opposed to the entire fixture. If we get a few vendors competing with one another it will get some people who do not have anything to do with the manufacturing of the lights, like an ironsmith, a metalsmith, I give him a fixture, I say can you make something in here so I could take this out of here and put in here, that kind of thinking may have to go into it. I have a feeling that should happen.

Village Manager Frobel: The price does reflect the light sensor that we have to put on the top of the fixture. That has to be replaced.

Building Inspector Sharma: The photocells control it so the light does not come on in the daylight. The vendors have not sent the specifications. We will buy those separately for another couple of thousand dollars. If you get good quality it will last at least 10 years, as long as the fixture itself.

Trustee Armacost: This is fantastic in terms of long-term saving. I want to thank Fran for being explicit about where the money was coming from in the budget. Mr. Downey and Mr. Gonder have both asked about new items to make clear whether they were budgeted for or whether they are coming out of the contingency fund or some other source. If you can give updates periodically on how we are depleting the contingency fund, that would be fantastic as we move forward.

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

WHEREAS, the Village of Dobbs Ferry advertised a Notice to Bidders on July 15, 2011 for the purchase of Cobra Head Light-Emitting Diode (LED) street lights, and

WHEREAS, the Village of Dobbs Ferry received six bids on July 29, 2011 and after reviewing the bids, on August 23, 2011 accepted the bid of Swift Electrical Supply Co. for the Phillips Hadco RX 140 Cobra Head LED street light for the unit price of \$348.00, and

WHEREAS, through the shared services program among the villages in the Town of Greenburgh, the Village of Hastings-on-Hudson wishes to participate in the purchase under the Dobbs Ferry bid, now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve the purchase of 70 Phillips Hadco RX 140 Cobra Head LED street lights for the unit price of \$348.00, for a total cost of \$24,360.00 to be paid from the General Fund.

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

74:11 FREE HOLIDAY PARKING

Mayor Swiderski: This is our annual event.

Village Manager Frobel: Yes, it is. I indicated in my written report that it is for a full 12 shopping days. It is in keeping with what traditionally the Board has granted to the community for free holiday parking. It does come at a cost, approximately just under \$8,000 for the lost revenue. This affects about 225 meters. So it is pretty extensive. We will be chalking tires. It is two-hour free parking. We hope people, or employees, do not take advantage of that.

Trustee Walker: So people will still get tickets if they are there for more than two hours. That is what we need to make clear.

Trustee Jennings: Am I correct in understanding that insofar as there is increased revenue for the merchants and increased sales, the amount that the Village realizes in revenue from sales tax is not entirely based on how much money people spend in the Village with merchants, but it is a more complicated thing?

Deputy Village Treasurer Zaratzian: It is all based on census. It is at the county level, minus the cities. So Yonkers, White Plains and New Rochelle are out of it.

Mayor Swiderski: All the other sales taxes are put into one big pot, and then our 7,820 people, whatever it is, as a proportion of the entire population, minus cities, is applied against that. Even if Hastings triples its sales we will only see a tiny fraction trickle back to us.

Deputy Village Treasurer Zaratzian: Or if we expanded our population we would get more.

Trustee Jennings: And conversely, if the sales in Hastings go down, but they go up somewhere else in the county, we would benefit from it. So the bottom line is that we are doing this for, obviously, the convenience of our citizens and for the economic benefit of Hastings merchants, but there is no way that we can say we are going to forego \$7,500 in parking meter revenue and we are going to get a fair amount of that back in sales tax revenue. This is a straight-out subsidy of our local merchants. I am prepared to support this tonight. I know it is a tradition. But when we look at our budget for next year and we project revenue from parking meters, I am going to suggest that we not do so, not because I am the grinch who wants to steal Christmas, but if we do not start saying no to something, how are we going to deal with our fiscal cap? This is one of the most painless things that we might want to draw a line around for future years. If merchants feel that they are at a

competitive disadvantage because Hastings does not offer free parking they can offer their customers a slight discount. There are ways that the private sector and the private marketplace could handle this. I do not think we should think that if we do not spend the \$7,500 we are going to have economic destitution in our downtown. I do not believe that.

Village Manager Frobel: We budget for \$200,000. Last year, we did not make our revenues for on-street parking; we realized \$187,163. If current trends continue we probably will not hit the \$200,000 anticipated budget for this year either. After just 22 weeks of experience, we are at about \$83,000 realized on on-street parking. In sales tax, the last quarter, which we received a few days ago, was down about \$4,000 from the same reporting period a year ago.

Trustee Armacost: But did we not raise fines on all parking-related things by quite a substantial amount? That revenue item will go up substantially, at the same time. It would be fascinating to look at these different points in the year vis-à-vis all of the entities in the county to see whether there is an overall spike in sales tax at this time of year, irrespective of whether there is a spike in Hastings. If the revenue in terms of sales tax spikes at that time of year, then maybe there is a silent quid pro quo. But we cannot know unless we look at the data. If you enforce the chalk line and give people fines you could raise a lot of revenue. It is wonderful to support the merchants. And Bruce, you are right. We need to look at it, and enforce in a pretty hardcore way.

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

RESOLVED: that the Mayor and Board of Trustees approve free two-hour holiday parking from Monday, Dec. 12 through Saturday, Dec. 24, 2011 at the following locations: Boulanger Plaza, Steinschneider Lot, Post Office Lot, Warburton Avenue (North Street to Bridge), Main Street, Whitman Street, Spring Street, Southside Avenue, and Maple Avenue (Spring Street to Municipal Building Driveway).

ROLL CALL VOTE

AYE

NAY

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

X
X
X
X
X

Mayor Swiderski: One resolution missing, which has been an annual tradition. I have asked for it to become an administrative issue because we do not have much choice. It is the approval of a crèche and the menorah which, in the past has come up for the Board for approval. Given all sorts of things, including the First Amendment right through precedence of having this established as something we do, it is something we are not likely to not do. I asked for that to be checked with our attorney to see if that was an administrative matter. In other villages, it apparently is. So unless Board members think it should become a resolution item again, moving forward, I would like it to be an administrative item. So you would be comfortable with that?

Trustee Armacost: That is fine.

Trustee Walker: Yes.

Mayor Swiderski: One less formality. Again, that does not guarantee the right. If either one of those religious institutions did something unusual, the Board could, at that point, consider whether it becomes another resolution event, or not.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Mayor, that was going to be my report, the seasonal religious display. So we have taken care of that. I will use my time on the next two topics.

BOARD DISCUSSION AND COMMENTS

1. Storm Recap

Mayor Swiderski: The Village's response was solid. While we have four or five weeks more of branch removal, given how many hundreds of tons came down, the Village could not have been more aggressively on Con Ed in terms of managing the outage. In terms of public safety during the storm and right after, could not have done a better job. I have expressed my thanks both to the staff and to the volunteer firemen.

I did notably miss, and would like to extend thanks to, Andrus for offering room and board to any resident who was frozen out of house and home. They did so for a couple of families. So we immensely appreciate the kindness. Andrus helps us in a number of ways, including the provision of radio towers for our police and fire, all on a pro bono basis. We appreciate their assistance, and we have sent them a letter thanking them for their kindness.

I would like us to begin the discussion about what we as a village can do to institutionalize our response to storms. Given that we have had four storms that induced outages in the last two years which I bet is more than in the previous 15 years, there seems to be an increasing regularity of these storms. We need to accommodate that fact into our planning. There are some tactical things we can do. Then there is a broader range of ideas which I have asked the community and the Board to contribute. About five years ago Danielle Goodman, a Trustee then, led an effort with a group that produced a 37-page document about disaster preparedness. While the genesis was 9-11, there were lots of things around storms and floods. Great manual. They did not approach the Village for money to publish this or even to post it on our Web site. They tried to get money out of ARCO to produce it but it did not prove attractive to ARCO.

I dug up the documentation, and everything is in there. It has been vetted by our police and fire department. It is quite thoughtful. Its graphic design may leave a little wanting, so I asked the teacher who runs graphic arts in the high school to see if they can make a project out of turning it into something more modern and attractive. They are going to run an effort among two classes, and the best outcome will be presented as the winner. It is a nice way of getting the students involved in a community event. We can prepare a one a one-pager for how you can prepare for your generic disaster, with bullet points about making sure everybody in the family has a card in their wallet with everybody's phone number on it, etc. Little things like that that are very smart and straightforward, we could post this on our Web site and e-mail out. At zero cost to the Village we could begin to give citizens the commonsense tools they can use to prepare for the next disaster.

One tactical solution that I spoke about with Raf was a modification during storms and serious events to our voicemail tree. When you dial in to either the police or the Village, the first option would be to press one if you want to hear a list of streets hit by power outages or downed power lines. So instead of all these calls coming in to the police department or to Susan Maggiotto or whoever answers the phone, some percentage of the listeners would hit one and hear that list which we would be updated a couple of times a day to give the full information and spare the policemen's time. I was in the police station on Saturday afternoon, and the phone rang relentlessly. Two officers were just dealing with the phones. If we could divert some of that, it would be wise and smart to do so. We could also distribute the information, whether via Twitter or other mechanisms, to whoever signs up. We could get these lists out to people automatically and easily. I am sure there is a myriad of other ideas. I am requesting the public to think of what would make sense for the Village to do, given the apparent change in climate we are facing.

Trustee Jennings: I look forward to looking at the material that was produced recently. Material like that has to be put into people's hands. A few years ago there was an effort to do neighborhood support teams, for reaching out to people on your block who are elderly or shut-in or particularly vulnerable for one reason or another, as long as it does not violate people's privacy and, with their consent, we need to know about that. That is part of making a disaster-resilient community. We cannot keep the disasters from happening but we can absorb the shock with as little hardship and disruption as possible, and bounce back from it. Community readiness is an ongoing thing. Unfortunately, people are eager to talk about this and participate in the aftermath of some significant disruption like we have just had in our lives. But it fades and becomes an extremely boring thing to do on a nice summer day. So how we keep the momentum up? We do a very good job of emergency response when the time comes. We probably do not do quite as good a job at emergency preparedness before the disasters happen, and that is what you are talking about. I think it is a very good idea.

Trustee Armacost: Some communities have sign-up lists in advance, volunteering to have a family that is displaced in a particular situation, or volunteering if you have an extra something that people need: an extra generator or an extra fridge and you are willing to have people's stuff put in your fridge. That kind of thing happens in certain communities that are used to this kind of thing happening. Even very poor communities in the developing world, people will have that kind of a backup. That might be something that people would be willing to participate in.

Trustee Quinlan: On Hillside and School we have a community group. On our back porch we have a list of everyone who signed up in a plastic container. We check on each other in these disasters. This was developed in the neighborhood voluntarily. I have to look at Trustee Goodman's report, but I think that idea came out of that.

Mayor Swiderski: It did. A woman on your street helped write the document.

Trustee Quinlan: Doris Cooper? It can happen, has happened, on School and Hillside. And it can happen all over the Village.

Village Manager Frobel: It was a citizens' core group. Linda Knies was very active in it, as were a number of fire chiefs. A lot of good work came out of that report. But we never got the funding to send it out widespread. They had some good ideas. I am very aware of the fact that we do not have an emergency shelter. As you mentioned, we rely on Andrus. The day will come where they will not be able to take on enough people in a real disaster. Our Community Center was intended to be, but in the absence of emergency power it is not an ideal place to have people. We need a shelter where we can harbor 20 to 25 families, and we do not have that.

Trustee Walker: What about the schools?

Village Manager Frobel: The schools should be very much a partner in that. We should train people to be shelter operators, which the American Red Cross does. You have to be licensed and certified to be a shelter operator, and we are not. So we have got a lot of work to do, and it is something I am aware of and we need to address.

Trustee Armacost: The Boy Scouts and the Girl Scouts operate at a very junior level but do have training and interest in being supportive. They can be given jobs that are appropriate. There are certain debris-removing jobs or support of certain types of people; those groups I think would be thrilled to be called on to be helpful. And they have their own trees that they can operate. The senior citizens advisory group has just obtained a list of every senior citizen in the Village. There are certain sets of people, and seniors are more vulnerable than other sets of people, who should be given first priority in terms of checking to see whether they are OK. We have certain committees that could be activated in that kind of a scenario and could play a very helpful role.

Mayor Swiderski: I have reached out to a couple of people who head up, I know it is not civil defense because I am dating myself, but the citizens corps, I will see if they are interested in reconstituting it. Five years ago we weren't having the biannual storm and they were not getting the response so they lost some steam. But there is an interest here, and I suspect if we troll for volunteers we will get some to energize that group.

Trustee Armacost: In the last two weeks, people I do not know have asked if they can volunteer for the Village. I do not know whether it was related to the storm but it is quite interesting. No one wanted to volunteer for months and months, and suddenly four people all asked if they could volunteer.

Trustee Walker: There are a considerable number of trees down in Hillside Woods and the other parks. I was asked by some citizens if they could be helpful in removing trees that fell on the trails in Hillside Park. I noticed that somebody had been in there as of Sunday with a chainsaw and removed some of the trees. But still there are some that are blocked. I do not know that we have a trail committee anymore, but is that something that we should work on? If there is interest in volunteering to do that kind of thing, should we do that through the parks department?

Village Manager Frobel: Very definitely. we do have a trail maintenance committee. Ray Gomes has that up, and we have had meetings.

Trustee Walker: But is it active?

Village Manager Frobels: Not really.

Trustee Walker: That is the thing. I know at times it has been very active, and other times it has not been. So this seems like a time when it has not been so active, and there is nobody really looking after the trails.

Village Manager Frobels: As Mr. Gonder mentioned, the loss of Fred Hubbard is so apparent, especially at a time like this. He spearheaded that effort, and he could get the volunteers out. No one has really filled those shoes, and that has been our frustration. Ray will send his men out, but we do not have that network of volunteers we can call upon quickly. We need to get those.

Trustee Walker: Maybe we need a new Village Naturalist.

Village Manager Frobels: We do.

Mayor Swiderski: Well, if somebody is willing to be considered. Fred's shoes were so big that everybody quailed to fill them.

Trustee Armacost: We had this discussion before. Somebody suggested that perhaps two or three people might make up Fred. It could be a joint function.

David Skolnik, 47 Hillside Avenue: There are two different aspects of this. Maintenance and development of the trails is something that was ongoing, and it is very much related to the ability of a personality to bring it all together. But the issue which is partly trails but partly simply the whole area as far as the specifics of this kind of incident, this kind of storm, is a little different. I think what you are looking for is people who are skilled in working with these tools and have the experience to be able to supplement the DPW. That is the community you would be calling on. But this was a totally freak and unusual situation in terms of when it occurred and the severity of it. You could say that it is unlikely that it will happen like that again. There are lessons that could be learned in terms of the Village response. But I assume that from your concern about liability and people being safe you would not have wanted people out there in the midst of the storm. So is there something that could have been done immediately that would have mitigated some of the damage? I suspect not because I was out there trying to get that stuff off the trees where I could in my own property. But wholesale, that is not something you could have done. So if you did have volunteers what aspect would you be directing them towards, and how soon would you be able to call on them without endangering them?

Mayor Swiderski: I do not think you could come up with a specific prescription for the problem from a week ago. I think rather, the general category of when power goes out and vulnerable residents may need to store their medicine somewhere or have a place to stay, we simply think ahead on setting up the mechanisms to accommodate that. Literature out to the public on how to think about preparing for a variety of disasters I think can be done regardless. I hear what you are saying about timing. You are already one order of magnitude further into the planning and thinking process about this than simply my call for ideas. That is essentially where I was going.

Mr. Skolnik: So then if I have more ideas you would like me to submit them to you in some form?

Mayor Swiderski: That is why it is a call for ideas.

Mr. Downey: Where would these ideas go to if we are going to fire them in?

Mayor Swiderski: We had a specialty e-mail set up for damage. We do have a specialty set up for volunteers. A couple of people have responded.

Village Manager Frobel: Two vehicle failures, which was very discouraging for us going into the winter. Two of our small trucks down for an extended period of time. The major expense was the cost of cleaning up the trees. I know you drove around, as did others, and the damage was extensive. We have to get the trees out of the wires before the power company can come in and begin to restore. So it was critical that that work be done in a timely manner. We have submitted that information. No guarantee we are going to get reimbursed. But if it reaches a certain threshold of loss, then the federal government will step in as they are with Hurricane Irene and we could look for some reimbursement.

Trustee Jennings: Is there anything we can do to help both educate and facilitate anything that private individuals can do in the way of claims?

Village Manager Frobel: I am not aware of any for homeowners, if there was damage structurally, although I am not aware of any damage to y homes, at least not extensive, other than trees, and often in your policy you will see that excluded from any insurance claim unless it was diseased.

Trustee Jennings: But there is not any kind of public Web site we could direct people to? The question arose in my home when we threw out probably 200 bucks worth of frozen food. My wife thought there was some mechanism where maybe you could get some sort of

refund, but we did not know how to do that or if that was even possible to do. It is farfetched, I grant you. But still.

Village Manager Frobel: We can look around, but it has not come across my desk. I am not aware of it.

Trustee Armacost: Peter, we have one person who missed public comment. Is it possible for her to talk? It is not on this topic.

PUBLIC COMMENTS (cont'd)

Michele Hertz, 62 Euclid Avenue: I have a copy of this for each of you. I am sorry to be bringing this up because it is not the happiest and most pleasant subject.

"The radio frequency radiation, which is RF radiation emissions, from electric, water, gas, and digital utility meters, which I refer as 'dumb meters,' for short, is a threat to the health of many of our residents. Con Edison and United Water have stated that dumb meter radiation falls under regulations from the FCC. And they also state that dumb meters are safe. Neither of these statements is true.

"There are no FCC regulations for dumb meters. The guidelines, not regulations, that the utility companies are referring to are for cell phone radiation. Radiation exposure from dumb meters is thousands of times more extreme than cell phone radiation, unless the person were to be on a cell phone 24 hours a day. The radiation-emitting technology that operates dumb meters, these digital utility meters, is flawed, unregulated, unprecedented and untested.

"I have proof, in writing, that Con Edison had no idea when they first put these devices on all our homes, schools, and buildings that there would be a constant pulsing transmission and emission of RF radiation penetrating our homes, schools, and buildings 24 hours a day. They have no idea, Con Edison and United Water, if these meters are safe.

Almost two years ago, Con Edison removed the dumb meter from my house after I insisted they do so for health reasons. Now both Con Ed and United Water refuse to do this for anyone else, including people in our village who have requested the removal of dumb meters for health reasons." I have a list here of a Web site on the New York State Public Service Commission Web site. They have taken comments, and there probably are about 57 comments about smart meters and health effects and problems from people.

"In addition, these meters are not United Laboratory (sic) approved. In Hastings, our Village code states that all electrical equipment must be UL-approved." I provided the law here at the bottom of the page. The Building Department in Hastings has not addressed this, although I have informed them about it. "There are people in our village who are suffering from the effects of the constant and pulsing radiation exposure from dumb meters inside their homes. The symptoms from these meters, from the radiation from this exposure, is being documented throughout the United States. Some of these symptoms are sleep problems, heart palpitations, chest pains, buzzing in the ears, anxiety, dizziness and nausea. There is also the concern that this type of extreme radiation exposure is leading to other very serious health threats.

I, along with other residents, would like to come back to the Board and give a brief, but more formal, presentation on these meters to either the Village Board or to the Village health commission, or both."

Mayor Swiderski: Thank you. Well, what is the pleasure of the Board in reacting to this?

Trustee Armacost: I know Michele cares very much about this issue, and she has written to us. She has been a serious student of the issue, and it has affected her and her family personally. The thing she told me that made me concerned was that even though Con Edison and United Water have removed the meters from her home upon her request and found another solution for her, they would not remove it from other people's homes. That seemed like unfair treatment. I suggested that she come and talk to people about the issue more generally. I do not have enough information. I know you have sent a lot of information, and probably we would all do well to hear about your perspective in more detail. But that was the one issue that was a concern to me. I do not know whether we can do anything about it.

Trustee Walker: I am curious about the legal jurisdiction: what the Village can do from a legal point of view versus county, state, federal. Do Con Ed and United Water operate under a larger jurisdiction that allows them to do this without our permission? Like cell phone towers, for example. We have to allow cell phone towers and antennae in our municipalities. The only thing we can do is regulate where they go. But these affect people's homes, individual properties. So what kind of control do we, as a village, have?

Ms. Hertz: There are no regulations for these meters. I was told that these meters were being required by the New York State Public Service Commission. Both United Water and Con Edison said that. It is not true. I know this for a fact. There are no laws regarding these meters. They were approved by the New York State Public Service Commission without

ever being properly tested. I believe that as a village, just as we are talking about volunteering to help our fellow community people, the first step would be let me do a presentation to the Village Board and speak to the health commission because some of them are doctors. At first when I came to the Village Board everybody thought I was crazy. I understand that in a certain sense because when I first contacted you, Peter, I did not know what happened to me. I just knew something had happened. But I now have almost two years of research and documentation on this. It would be important that we, as a village, look at this. Con Edison is getting away with something terrible, and so is United Water. I think they did not mean to do this, it is a mistake, and they have to cover themselves. But maybe, as a village, we could do something. I do not know what the answer is. However, we do have the law that electrical equipment has to be UL-approved. Although I cannot prove to you at the moment that they are not UL-approved, they are not. Nowhere in the country are they UL-approved. And we have a law that states that equipment on our buildings, and electrical equipment in general, has to be UL-approved. I wanted to do some work in my house and the electrician could not do it because the wiring that I had requested was not UL-approved. Meanwhile, we had these meters on their home, and they are electrical equipment.

Mayor Swiderski: We do not have a health commission, for starters.

Trustee Armacost: I think ask Marianne. You said many things in your letter, but there was a specific thing that caught my attention, which was, people are asking for something to be removed for health reasons and they are being denied that. That I am interested in. I do not think we should be taking meters away from people who want to have the meters. But if people want to have the meters removed and they are being denied for no reason that is clear, that seems like a very specific thing that Marianne should be able to tell us. I do not know how many people it affects, but even if it affects three people they should be allowed to make those choices. That is their own property.

Trustee Jennings: I would like to hear more about the issue. We have corresponded over many months, and I have looked at the number of references. It is within our responsibility as a board to educate ourselves about this. We may be advised by legal counsel that this is not in the jurisdiction of a village government to regulate. We may also find that some of our regulations are involved in this, such as our building code. If that is true, we have a responsibility to at least raise questions about that. We should not just turn a blind eye to it if it is a violation of our own building code, for example. I do not think we are going to be in a position to evaluate the scientific evidence about the safety of this radiation because it is a complicated and national question. But is analogous to what we recently did with Indian Point. Just because something is not within our legal jurisdiction and governance as a local government does not mean that we cannot be attentive to the interests of our own citizens

and at least make a statement of questions that higher authorities, whether it be the State of New York or whatever who does have regulatory authority, should consider.

I would like to hear more about it. I have no view right now whether we should come out with any statement. But I would not simply dismiss it saying this is not appropriate for village government to learn about and inquire about. I prefer opt-in systems, but if that does not get sufficient compliance then at the very least have an opt-out system. That seems, to me, to be quite logical. I do not know why that is being done selectively or inconsistently. If it is, that does not seem right to me, either. So I agree with you, Niki. We may not be able to control that but it something we could raise a question about. I do not think it would be a waste of our time to learn more.

Trustee Armacost: My suggestion on that is that we do another session before a Board meeting. It starts at 7, it ends at 7:30.

Mayor Swiderski: That is a good idea. Puts a boundary around it.

Trustee Quinlan: I think that is a good idea, Trustee Armacost. I would like to see how many people would like these meters removed or feel that they are sick. Are there three, are there two, are there 300? If you cannot get them to come to the meeting maybe you could get them to sign a petition so we could see what kind of numbers we are talking about.

Ms. Hertz: A gentleman wanted to know if I knew the measurements from the meters. I am not a physicist or a scientist, but I do have a device that reads microwave radiation. I was first told by Con Edison that they transmit once a day, at the most, or once a month, I have this in writing, it transmits radio frequency radiation, just that. However, until about a month ago they did not know until they finally came to my house and I showed them that this burst of radiation is happening many times a minute, and it goes above where my meter reads. It is very high. And we are talking about low frequency radiation. This type of radiation, in studies, is shown to affect cells, biological life on a cellular level. That is what I know. Con Edison had no idea, and United Water I believe had no idea, what they were doing when they put these on our homes.

Mayor Swiderski: We will schedule this for Dec. 6 at seven o'clock.

2. Tax Cap

Mayor Swiderski: The misnamed "tax cap" is next. I want to describe what the tax levy cap covers and its implications on our budgeting process, which is shortly to begin, and how it factors in to what we have only started doing in the last couple years, which is setting a

preliminary cap as a board on the budget process. The two percent cap you hear about is effectively a two percent cap on expenses, not on taxes. The way this law has been described leaves the public with the perception that the various taxing authorities are capped at two percent for the maximum they can pass in a given year. This law affects every taxing authority: fire districts, schools, county, and village and town governments. So we all have to operate under this cap.

I emphasize that it is tax levy because the levy is the authorization to raise a certain amount of money, which typically is equal to your expenses. It is useful to think of it as an expense account because that is not the same thing as a tax cap. One of the reasons for that is that over the course of a year your assessments can drop from certiorari proceedings, where commercial owners have requested their valuations to be reduced, as well as homeowners. When that drop in your assessment base occurs, the amount everybody else has to pay goes up. If during the course of the year, your assessments go down by one percent everybody else is having to pay one percent more. As a result, a two percent cap on expenses may, in fact, result in a three percent tax because your assessed base dropped and everybody is forced to pay a bit more as a result. The concept was not intuitively obvious to me the first time I heard it, but it is what the levy cap is.

Secondly, it has a couple of built-in exemptions. Most prominently is for pensions. If the total amount the state is imposing over the course of the year is more than two percent, the village can pass that on. But if health insurance and other mandates imposed by the state go up we cannot pass those on. Those all fall within the two percent cap. If health insurance goes up 10 percent that can easily chew up most of your two percent. Any other increases you have during the course of the year, whether it is salary increases because of union contracts, inflation, cost of gasoline, all that works within the two percent constraint.

I should add something. It is not even a two percent cap. It is two percent or inflation, whichever is lower. So if inflation for a given year, as it was a couple of years ago, is under two percent, the inflation level becomes the cap on the budget. If inflation, however, is 10 percent the two percent cap is the one that dominates. So it is a particularly pernicious law in terms of its effect, long-term, on a budget, because you will never beat inflation. You are always going to have to spend less than inflation or, if you are lucky and inflation is low, at inflation. And typically, you are going to be forced to raise expenses lower than inflation because of the nature of the cap.

There is another incredibly perverse, from my perspective, twist on this law, which is, if your community combines services with another community. Let us say we decide our DPW is going to be folded into Dobbs Ferry's. Our expense base that we can use to calculate the levy increase will go down by the amount of the DPW budget, and Dobbs, in turn, will go up. So

we gain nothing from combining services with neighboring communities. It is an entirely perverse counterincentive to what this law is supposed to promote, which is consolidation. When it was first proposed, I assumed this was a long-term path to ultimate consolidation among villages. But the law does not reward that. You gain nothing by consolidating services. In fact, you are penalized for it. So it is a strange law.

One of the big differences between the way it is implemented for schools and everybody else is that a school requires a referendum of 60 percent or more to pass an increase greater than two percent. Villages, on the other hand, simply require a law overriding the two percent increase passed by the board for that year. So we would have to go through the process of making a public announcement, having hearings, and then passing a law. At this point in time we have no inclination, as a Board, to pass such an override. We expect to live within the two percent limit. There is advice from the municipal officials organization to preemptively pass that law whether you use it or not, because if you accidentally make a mistake in the calculations you use to compute the tax increase you can be penalized for it, quite severely. But if you make that mistake and you have passed that resolution, you are not going to be held accountable as a village. There are villages that are preemptively passing these ordinances to avoid liability in case they make an error. We are not, at this point, considering that but we have not yet gotten into the liability issues. We have not asked for advice of counsel whether it is smart or not.

Greenburgh has two halves, the unincorporated half which is essentially everything other than the villages, and us. They have indicated that the tax increase is going to be around 3.04, I believe, for the villages, and somewhat more, 3.6, for the unincorporated area. They have done their calculations, and that is the number they are coming up with. Substantially less than previous year increases. They have had double-digit increases for a couple of years. But more than the number lodged in everybody's head of two percent. In our case, if health and pensions chew up the two percent and a little bit over that, essentially what we are left with is a budget that has to absorb union increases, gasoline increases, trying to build a contingency fund, set aside money for capital projects, et cetera, all at the current level without the increase. The increase goes only for mandated costs we have no choice but to take. So if we do not override this number we are on a permanent path of having to pare costs because we have to meet increased costs within a zero budget, effectively. If there is fat in budgets, that will be dug out over time because you are going to have to find places to cover the union increases and the extra cost of gasoline, the greater number of storms, all that. But that is the trajectory this sort of cap puts on communities and why many are chafing at it. So far the significant majority are choosing to abide by the cap. But there are communities, including within Westchester, that have already passed resolutions to go past it.

Trustee Armacost: It is very complicated and you did a good job of explaining it. Barbara Van Epps from NYCOM made a presentation we went to. She said they were interpreting the law week by week. The way in which it was interpreted from a month ago already is more nuanced. So it is going to be a little while before we know exactly how the law is going to be interpreted. And the people who are interpreting the law are not the people who wrote the law. There is a debate between the people who wrote it, saying no, that is not what we meant, and the people who are interpreting it, saying that is what you wrote and this is how we are interpreting it.

Mayor Swiderski: It has a five-year sunset. But when the law was passed, it was married to the rent control law. It is unclear whether the two have been decoupled for ultimate reapproval. We have to assume is likely to be a cap further than five years into the future.

Trustee Armacost: She did talk about a few different next steps that are being pursued. Obviously, there is dialogue with the governor and various other things. But one of the things she pointed to was entrepreneurial efforts by municipalities on expanding local revenue options and sharing with one another different ways in which revenue can be enhanced. As you point out, it is a count on expenses. If revenues to up higher than anticipated, that creates a different kind of a scenario. I think hopefully, through these meetings which you and Fran go to, you will hear more and more ideas that are interesting, some of which we can apply here.

Mayor Swiderski: Nothing with the word "tax" is going to pass at the state level. So when we speak of revenue, we are not talking about taxes. We are talking about user fees.

Trustee Quinlan: Penalties.

Mayor Swiderski: Penalties, whatever, to raise the monies elsewhere other than through something called a tax.

Trustee Jennings: Suppose we had some development in the Village and buildings were built, so a new assessed valuation was added to our total assessed valuation of the Village. That change in your assessed valuation base would require a reduction in the tax rate so that you would not raise more money than you are allowed to raise in total. Is that correct?

Village Manager Frobel: We have been ahead of this somewhat with our activity with the VOC and internally what we have done. We knew this day was coming. I have attended three sessions that have explained this law. In answer to your question, there is a multiplier effect so that there is an incentive to grow your tax base. You are not penalized when your base grows. For example, Hastings, in the year that we are working with now, has a greater

multiplier than some neighboring communities. They are attributing that to the one-time building permit for that very expensive home that is going to be built in the community. That has been factored in to our calculation for next year. We are up 1.01 versus 1.00. So there is still incentive to grow your tax base.

I have worked these numbers through. I thought I could help the Mayor in this conversation in working through some different scenarios that explain rather dramatically what will happen both with our present situation and a worst case situation. If you like, Mayor, I can just put it in the weekly packet and get it to the Board over the weekend. The Mayor is exactly right. Your taxes will go up greater than two percent, and it will happen with some certainty in Hastings because we have an eroding tax base. For the year we are working on right now, this year we lost almost one percent of our values. I went back over six years, and we have lost half a percent, 0.6 percent. So we are seeing that erosion. Just to make up that difference will require a tax rate greater than two percent. I have worked those scenarios. I also have a table that will show you all the critical dates you are going to be looking at over the next 12 months.

Raf and I went to the Web site and walked through their template where we have to input a lot of this data. Some of it is done for you, for example, your pension contribution. They tell you how much can be exempted from the consideration. You put in what they tell you you are going to pay, and there is a multiplier as to how much they will allow you to exceed the two percent levy. No override. You are entitled to it. Also, if you do not use your full two percent that can roll over to the next year. You cannot continuously roll it over, but you do have that capability.

Mayor Swiderski: It is a rollover just to the next year. You have to use it in full next year.

Trustee Armacost: The other question that we asked, which they had not seemed to have spent too much time thinking about, was what the effects of reassessments would be. The only thing that everyone agreed on was that it would make things more predictable. We asked whether the cost of the reassessment would come before the two percent or after the two percent. They seemed to say that it would have to be embedded in it. They had not spent a lot of time on that, and I was surprised given the amount of coverage that it is getting at the moment. But there are a lot of things that make it very unclear what is going to happen over at least the next two years. Maybe in three years we will have a better sense of what is going to be happening year to year.

Mayor Swiderski: At this point last year, this Board effectively set a cap. The state has taken some of that away from us. There has been no interest on the Board in passing a law to override it. So this year around, we are faced with the same decision. I would argue that

staying within the cap is already directive enough because it forces a zero budget, effectively, because so much of the two percent is chewed up by state mandates.

Trustee Quinlan: I agree with you, Peter. We have effectively taken that project out of our thinking right now. And we are going to have enough time just struggling to figure out how to figure this out and pass a budget, with all the calculations and nuances that have not even been figured out yet. One question I have, say we consolidated Dobbs Ferry with Hastings in DPW. I did not understand how we could not calculate that, how that does not help us. I mean, it has got to help somebody.

Mayor Swiderski: It is not a consolidation because what I am talking about is that if we fold ours into Dobbs, and if we move into the same building and we are splitting the building cost, that is fine.

Trustee Quinlan: That is what I do not understand. There was never any discussion of folding our DPW into Dobbs or Yonkers or Ardsley. But we could probably consolidate to a certain extent.

Mayor Swiderski: Right. The facilities apparently will not be penalized for it.

Trustee Quinlan: There are the trucks, the facilities, this, that and everything else. So I do not see that as a big thing. I never thought that at least in the next five or 10 years Hastings would be serviced by the Dobbs Ferry DPW. It would be some sort of hybrid.

Mayor Swiderski: It is not even a consideration any longer. Whether you thought of it or not, it does not make any sense, period, moving forward so it is an option off the table. And to Niki's point, we do not necessarily know how the law will be interpreted.

Trustee Armacost: We need to wait six months on that. Nothing is happening fast anyway, but I found that particular discussion very peculiar. My guess is there are going to be multiple interpretations around that. There were so many people in the room who thought consolidation was something that would benefit people from a financial point of view, which was the whole point. It seemed to me that that was one of those laws of unintended consequences, where something happens and then you realize there is this thing that has happened on the side that you did not plan in the beginning and then you have to adjust around it. It may get challenged; it is hard to know what will happen with that particular piece.

Trustee Jennings: We still have to do our budget for the next fiscal year and we have to do it before all of these things get resolved. It clearly obviates what we did last year in terms of setting a target for the staff in terms of the tax rate. What we have to do is think in terms of the levy, the total amount of money raised by the taxes. The staff has got marching orders, this time not from us, but from the state. If there is an implication for us, perhaps it is that our task is to talk in terms of priorities. We know that we are not going to be able to spend as much as we have been spending because there are increases that we do not have control over. We have to set priorities, and that should be the touchstone of our Board conversation this year. It may be a silver lining. We have been moving toward that way of thinking anyhow, but we just need to be even more focused on that.

If protection against the liability of penalty if you make a mistake is doing this preemptive piece of legislation, even though you do not intend to go over two 2 percent, you have this as a safety valve. It sounds as though we are not going to be sure what we are allowed to levy or what we are not. Maybe that would be another rationale for passing the safety valve legislation so that we would have a little more flexibility for ourselves. Not that we would want to. We will try to hit the two percent target, but we do not even know what goes in to making up that two percent, apparently.

Trustee Armacost: There is a calculator. If you have done your numbers you do know.

Trustee Jennings: I am sorry. I must have misunderstood you. Because if there is unclarity about what is and what is not counted, there is no algorithm that is going to give you the right answer. So the calculator does not work until you decide what to put in the calculator. And that is what is unclear.

Mayor Swiderski: It is an online calculator that asks for specific numbers. The concern for those communities who are passing the law are those who are going to take the maximum they can in terms of a pension increase, et cetera, and the maximum for an assessment cut, et cetera. I do not know if we want to advocate that. Do we go into this saying we take those maximums? I do not know.

Trustee Jennings: It was a thought about the prudence, eventually, of either doing that or not. We do not want to rule that out a priori because there is just too much fluidity, it seems like, in this first year of the new law.

Mayor Swiderski: Clearly, we want to abide by the spirit of the law. If our attorney or suitably informed body tells us we would be dumb not to do this because we put ourselves at liability, then of course we will consider it as a board. But we have not been told that yet. We have had one woman from a lobbying organization representing municipalities indicating

they are advising this in some communities. But it was not a letter out to us, it was not a formal advice of counsel. I am not rash enough to run ahead because of that one conversation.

Trustee Armacost: The other thing she did say is that boards were passing that law right before their budget vote if they got to the stage where they were worried that they were up against the wall. They were not necessarily passing it nine months in advance, in anticipation. They were calibrating it around that time, and that was considered an acceptable practice. As long as it happened before the budget vote, then it was considered to have been passed.

Trustee Walker: I read in the *New York Times* that several towns in northern Westchester have already passed the law. And I do not know if that was linked to their budget, or not. What I got out of the article was that they were not doing it preemptively to protect themselves, but because they assumed that they would be going over the two percent.

Village Manager Frobel: Yes, we are not going in toward that mindset. I have already had a staff meeting weeks ago, in which I outlined what is going to be my philosophy in bringing in this budget. The department heads are very cognizant of what we went through last year. They understand the situation we are in financially. Budget is a continuous process. We attend these meetings and pick up signals and understanding as to where we should be headed, so the budget, when it arrives at your place, should not be a shock. You are aware of what has been happening. My reports have indicated to you some of the trends that are occurring. Tonight I mentioned the expense of that last storm. We keep you informed so you know what is going on as we begin to develop this budget. But we are going into it with the understanding that it is a law and we are going to make it work. It may have to affect some of our decisions, and we are prepared for that.

Trustee Quinlan: If you are going to override the budget by more than two percent, then let us call it that. Do not say we are protecting ourselves from some penalty. The common man, including myself, would say they are just BS'ing us again; this is a governmental trick. If you are going to override the budget, then override it, and if you are not going to override the budget, then try to do it. But do not play this game of protecting ourselves from some unknown penalties.

Village Manager Frobel: The wild card for me is the assessments. We do not get our final assessment until April 1. We do not know exactly what our values are. Obviously, I work with the appraiser. It began today, in fact. That is going to be the critical number, because the tax rate is driven by our net assessed values.

Trustee Quinlan: The other silver lining is future negotiations with the unions. I think we have a very good argument with the arbiters, and everybody else that we are so afraid of. They are looking at other communities, and they are going to get big increases. We can say, we have a limit here. Too bad. And the state passed it, so what are you going to do about it?

Mayor Swiderski: It is a silver lining. The county raised tipping fees, for example, more than two percent.

Village Manager Frobels: 3.75 percent.

Mayor Swiderski: And we will be joining a letter from the village officials, the mayors, essentially saying you are raising fees higher than the two percent.

Village Manager Frobels: Their defense is that is the cost of living, Westchester County. They are relying on the contract we have, saying that is what the letter of the law is: we can raise up to the cost of living, we have determined that is the cost of living. And that is what the tipping fee has gone up to.

Mayor Swiderski: Inflation this year is higher than last year or the year before. It was at 1.4, but this year it is running more than three. And that comes out of our hides. The two percent cap is a two percent cap.

Village Manager Frobels: On that same subject, they are no longer accepting tires, so we have got to find a market to get rid of those waste tires, and that is going to be a direct pass on to the municipalities. There is no market for them, nobody wants them. The county has historically taken those off our hands. Now they will accept them only from homeowners at the facility. We have got to get our homeowners to take it to them, rather than give it to us to get rid of them. Otherwise, there will be an expense.

3. Update on the Waterfront

Trustee Quinlan: I spoke to Bill Ports this morning with the Department of Environmental Conservation. He is in the remediation section, and he is our main contact. We are waiting for the preliminary remedial action plan, the PRAP. This is the preliminary plan that the state will send out outlining what they expect the cleanup to be like. Then we will have a Village-wide community meeting, and they will get comments from BP/ARCO and Riverkeeper and the Village. The PRAP was promised last month. I told Mr. Ports this is Nov. 7, and he said that the discussions on the PRAP are still in internal meetings within the department. I will not speculate what that means, although I have a pretty good idea. He said there is a meeting tomorrow within the departments. I assume that is going to include

remediation in Fish & Wildlife. I will talk to him after that meeting on Wednesday, and I hope to have more for you next Tuesday on exactly where we are in terms of when that preliminary remedial action plan will be promulgated and sent out to the public.

Trustee Armacost: I am interested to know about Building 52, whether the assessment has been completed yet, and if we know where we stand.

Trustee Quinlan: The assessment has been completed for the structure itself. BP/ARCO has now sent out two contractors to see would it cost to mothball it for 10 years or five years. We are waiting for those numbers. They have committed themselves to \$2 million to mothball the building. The study for the mothballing of the building, and this is not below grade, we do not know what that is yet, the cost of that was \$400,000. So we are now down to \$1.6 million that they are willing to spend to mothball the building. One of the interesting parts of the conversation was that they wanted to deduct the million dollars they spent on the asbestos removal so we would only be left with \$600,000.

Mayor Swiderski: We reacted poorly to that.

Trustee Quinlan: I said, and Peter totally agreed with me, that that was ridiculous, because even if they did knock down the building they still would have had to do the asbestos removal. I recently met with Eric Larson. He told me that he had gone up the ladder at BP/ARCO and that they agreed with us. So we are not down to \$600,000. We are only down to \$1.6 million. They are not even going to start the study of the underground possibilities of mothballing. As you know, the landfill is being held up with wood pilings. The north part of the waterfront was developed much later than the south part of the waterfront. The south part of the waterfront was developed shortly after the Civil War up to about the 19th century. The northern end was developed from 1900 into 1925. So the pilings are not quite as old on the north, but they are wood and no one knows what condition they are in or how long they will hold up the building. But they are holding off on that, not spending more money on that, until we see how much it is going to cost to mothball the structure. Let us say the number is \$1 million. Then we are within that \$1.6 million. If that number is \$10 million, we know that we do not have the \$8.5 million to spend to mothball the building so we are going to have to come up with some other idea about what to do with it, which would probably be knock it down at their expense.

Trustee Armacost: Is it just one company that is doing the assessment, or are there a couple of bids out?

Trustee Quinlan: They are putting bids out to different companies for different things, but I do not know about assessing the mothballing costs.

Mayor Swiderski: The assessment was done by an engineering firm, arguably the premier engineering firm in the country that does this, Silman. So there is not much to argue with their assessment. Jerry says they are going out to construction firms. If they get some ridiculous number we are going to want to cross-check that with our own estimates. If they get \$20 million, odds are probably that we will not get a million, but if they get \$3 million, we might find that firms are willing to do it for less if we bargain. So we are going to have some indication of how big a problem this is.

Trustee Quinlan: The problem is going to be, let us say it comes out, and let us be optimistic, to be \$3 million, and we want to crosscheck those numbers. I do not know how we are going to afford, with the two percent cap and everything else, to spend the money to crosscheck the numbers.

Mayor Swiderski: We can get an estimate for construction costs for free. But if it is \$3 million we are still going to have to find some way to cover the difference.

Trustee Armacost: The group that was very interested in preserving the building, are they active, are they thinking about it?

Trustee Quinlan: All this information, and a report, has been shared with Doug Alligood, who was the official or unofficial chairman. He has been making his comments to BP/ARCO on some of the materials they sent him. What he shared with his committee I cannot tell you, but I am sure he has.

Mayor Swiderski: He has responded to the engineering study.

Trustee Armacost: So no one is going to be caught unawares. That is the main thing I want to make sure of.

Mayor Swiderski: There are always going to be people caught unawares, but he, as head of this group, has a copy of the engineering report. We have pressed him hard to make sure he is on paper with his issues.

Trustee Quinlan: We have also made sure that Eric Larson has spoken to him. They have been in communication and sending e-mails to each other. I hope that he has shared this with his committee. If you are listening to this broadcast, call him up and ask him if he has had any information. But knowing Doug, he is very interested in this project and in Building 52.

4. Other

Trustee Walker: I have attended two meetings in the last two weeks, the River Towns Tourism Board and the Historic Hudson River Towns. I am going to send you a report about the activities of the Rivertowns Tourism Board that was produced by our consultant, Bruce Bolger on what we have done for the last year and what we hope to do in the coming year. We can discuss it at the next meeting because it will be interesting to get your input.

The Historic Hudson River Towns have radically reorganized themselves. Many of us who attended the meeting, and every single river town in Westchester was at that meeting, felt much better about the future of this organization, HHRT. The organization used to be just the river towns in Westchester, and about six or seven years ago they expanded up to Albany. It became too diffused and they could not get the towns outside of Westchester to pay membership fees. So this intention of making it a stronger organization, they were not able to carry that out because they could not get these towns to join. They are pulling back. They are making the boundaries of the HHRT coincide with the regional council that was created by the state for the consolidated funding applications. There are 10 of these, and mid-Hudson Valley is one. The focus is going to be on economic development and tourism. They have applied for two grants, one for a floating dock, called an "eco-dock," in all 13 river towns that are currently members of the HHRT, for \$3 million.

Mayor Swiderski: What about the Corps of Engineers?

Trustee Walker: They have discussed it with the Corps of Engineers and with the DEC. If we get this grant that we would work together as a group to go after approvals from the Corps of Engineers. They will have to be approved by the Army Corps and the DEC. And that has been the problem in the past.

The second grant they applied for was a much smaller amount to upgrade their Web site so it ties in to the eco-tourism Web sites of the Hudson Valley, the national heritage area for the Hudson Valley and things like that. Our little group, the River Towns Tourism Board, which represents Hastings, Dobbs Ferry and Irvington, was concerned about what was going on at the HHRT level. Each of our villages is paying dues of \$3,000 a year and we were not seeing a lot of activity yet. So we all went to the meeting on Thursday and came away feeling much better that they are going in the right direction and that we will, we think, see some benefits from the organization. But that does not mean that we should not have our smaller organization which can do things more quickly and perhaps be more beneficial to the three towns.

They also have hired a new executive director, Jerry Faiella, who I think is great. He was the town administrator for the Town of New Castle. He is a very experienced guy, lives in Ossining and has been concerned about river towns for a long time. He has been going to all the regional council meetings gathering information that is hard for us, individually, to do. He is becoming our advocate and lobbyist in front of this regional council, pushing for tourism and that kind of thing, which the other municipalities are not really doing.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:50.