

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 20, 2011

A Regular Meeting was held by the Board of Trustees on Tuesday, December 20, 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, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Five (5).

PRESENTATION

Mayor Swiderski: Our first order of business tonight is a presentation by our new auditing firm, reviewing our books for the 2010-2011 period ending May 31.

Gary Theodore, Partner - Nugent & Haeussler, PC: This was our first year doing this audit. Our auditing firm audits about 30 school districts, towns and villages.

On page one is the independent auditor's report. There are different types of opinions that can be rated on financial statements, and this is the best type of an opinion, called an "unqualified opinion." After the auditor's report is the management discussion and analysis section, page nine. The MD&A discusses the activities of the Village, a comparison of things from this year to last year. I like page nine because page nine compares the income and expenses from one year to the next.

There are two sets of financial statements in here. There is the government-wide statements, which came about under GASB 34 a number of years ago, and then our old fund financial statements for the old-timers the way we used to look at things just in a fund-by-fund basis. The government-wide statements include all of the funds, except for trust and agency. So the comparison you are seeing on page nine is on the government-wide basis, all the funds together. The top half, the revenues, increased from last year to this year, and the expenses decreased from last year to this year. So where a year ago, on the government-wide basis, you had a loss of \$577,000, looking at the bottom line now, this year there was a gain on the government-wide method of \$180,000. That is a nice turnaround there.

Mayor Swiderski: On page nine, I was struck by the culture and recreation home and community service lines. One went down dramatically and the other up dramatically from year to year. Is there an easy explanation for that?

Mr. Theodore: I do not know specifically, but I noticed that, as well. I suspect that we group our expenses a little differently compared to the other auditing firm. I think that is just a factor for switching from one auditing firm to the next.

Trustee Armacost: The other thing that was interesting was that other revenue went up substantially from 2010 to 2011. Am I right in assuming that the one-time fee is included in that line item? If it is, it is not a thing we can anticipate will happen again, necessarily.

Justin Wood, Nugent & Haeussler, PC: The one particular building permit is the item that is skewing that number. There are other factors, but I know that that was the biggest factor.

Village Manager Frobel: It was \$429,000, somewhere around there.

Trustee Armacost: So there is still \$200,000 more in there. Which is good that there is an additional \$200,000 in there, but we should not assume that this is a trend that is necessarily going to happen next year.

Mr. Wood: You will most likely see it go down next year.

Mr. Theodore: On page 17 are the financial statements. The first two financial statements are on the government-wide basis. Your assets were \$25 million. The middle third of the page, the liabilities, are \$16 million. Any time your liabilities are less than your assets you can smile. The bottom number, you have a fund balance, so to speak, of \$9 million. We know that the GASB 45, other post employment benefits, is going to be creeping up about \$500,000 to \$600,000 a year. In fact, some of our other municipalities have a negative fund balance here because of GASB 45. But you look good, so you will be able to buffet that for a number of years to come.

Mayor Swiderski: Page 16 mentioned other post employment benefits increased by \$580,000, which is in line with what you are talking about. What is that?

Mr. Theodore: Post employment benefits are usually retirement benefits. When they wanted to address this issue, they called it "other" so it did not include retirement benefits. But what it does include is health insurance for retired employees. That was a liability that had never been on any governmental organization's financial statements. It is a huge number. But the way the accounting rules go now, they say that you are allowed to put that liability on your books piece by piece over 30 years. If they had put it on your books all at one time, you would have a huge negative fund balance number. Right now, we are putting that on little by little each year. It is going to be hard to keep a positive fund balance as time goes

on. Another aspect is that right now there is no way to reserve money for that or set up a reserve. But the state is going to have to deal with that issue.

Mayor Swiderski: Give a sense, roughly, of what the schedule is for what is put on per year. Is that a 10-year period?

Mr. Theodore: There is a schedule at the bottom of page 45. The very bottom number, \$1.8 million, is what your liability is as of the financial statement date. The number above it, \$1.2 million, is what it was last year. The third number up from the bottom, \$580,000, is what it increased by. This is going to go on for a period of 30 years so we have 27 years to go on it. This is three years' worth of the liability being put on the books.

Mayor Swiderski: If we change benefits in a way that lowers our liability over time, you are indicating math here of \$15 million. If we took action that brought that down to \$13.5 million, where is that reflected? Is it moving forward from the point where we make that decision, or is it retroactively?

Mr. Theodore: Moving forward. You would never go back and have to change your financial statements because of this. It would only affect the current year and forward.

Village Manager Frobel: Mayor, this is a report that you received early this fall. We have an actuarial firm that comes in and does this work for us, and we supply it to the auditors.

Mr. Theodore: Page 17, we saw the \$9 million fund balance at the bottom. Then page 18, we are still on government-wide financial statements; all the funds together except for trust and agency. It starts with expenses because people in a government setting are more interested in expenses than income. The third number up from the bottom, in the final column, shows the \$180,000 increase, the amount of revenues over expenses for the year. We see that \$9 million again as your ending fund balance. On page 19 we move away from the government-wide statements and we are back to the good old days of seeing the numbers fund-by-fund. The second number up from the bottom is your fund balance number. We can see the general fund ended the year with a fund balance of \$471,000 more than last year so we are happy about that. As we go across the line, the capital projects has a negative fund balance of \$2 million. But that is just a function of financing. Over time, as the BANs are paid off, that will just reverse itself. After that, we have the pool and the library fund, which both show a negative fund balance. But those decreased from the year before so that is heading in the right direction.

Trustee Armacost: In terms of the general fund, we have zero in the restricted fund line item, and we have \$849,000 in the special purpose fund. Last year, we had a fund balance of

\$388,000 more or less. So it has gone up a little more than \$100,000 from last year. But we had a "debt," if you like, in the capital fund of about \$869,000 last year. I am trying to work out whether this \$849,000 is linked to that amount. We brought in a huge amount of money last year through a variety of different sources. I am trying to see where that went because the numbers do not match perfectly but are quite similar.

Mr. Theodore: There was a negative in the general fund related to the capital fund. From our accounting firm's point of view that was an unusual way to record that transaction. We said let us reverse this out and get the due-to and due-froms paid off, let us net things together, let us simplify and clean things up from the other accounting firm. That is why you are seeing that type of a difference, because you are comparing last year to this year.

Trustee Armacost: Yes. I just lost about \$50,000 in my comparison. Maybe we should sit together and you can show me where that went. But if that \$849,000 is the amount, or part of, what I am looking for that makes me happy. And if it is not, please tell me what it is.

Mr. Theodore: That was related to the capital fund.

Mayor Swiderski: I do not think so, because that number that you are referring to, Niki, I thought included pool and library.

Trustee Armacost: No, not the way I did it. The amount was \$862,000, which did not last year include pool and library. But it is hard to tell because it is hard to see exactly what is matched to what. It is kind of in the same ball park, which makes me feel good.

Mr. Wood: GASB [44 XXX changes, too.

Trustee Armacost: Yes, it could perhaps be related to that.

Mr. Wood: To the changes in the fund balance classification.

Trustee Armacost: Right. Actually, there was \$27,958 reserved for encumbrances so maybe that is the difference. That is almost exactly it: if you add \$27,000 to \$849,000 it comes to pretty much that amount.

Mr. Theodore: That was the balance sheet for the funds, and page 21 is the income statement for the funds, the income and expenses. The third line up from the bottom, the change in fund balance or your net profit or loss for the year, so to speak, you will see the general fund had an \$83,000 increase in fund balance. Next to it, the capital fund \$354,000. But that is just due to the timing of money coming and out for the projects so that is nothing

to be worried about. As we go across the pool fund and the library fund, it showed increases. Special purpose there was a decrease, and debt service there was an increase. So overall, once again, you should be happy with the way the numbers are flowing for the year. After the financial statements are the notes.

Mayor Swiderski: Again, the new GASB has the cost of restricted fund balance, meaning it has been assigned to something versus unassigned or true fund balance. When I am looking at the bottom line, that final line is not truly the amount. In the end, it is minus the pool and library, right?

Mr. Theodore: The pool and library are separate.

Mayor Swiderski: But they represent real liabilities. So if we wanted to pay them off in one year, if we wanted to eliminate them, that would involve a transfer from the \$471,000 to those two funds.

Mr. Theodore: Correct.

Mayor Swiderski: If I am thinking in terms of leaving aside the capital projects fund, where we stand, that is one way to think about it. That it is probably closer to \$330,000-\$320,000 as a true, unrestricted fund balance.

Mr. Theodore: Yes. I like your way of looking at it, too, in that the pool and the library could easily be accounted for in the general fund in this type of situation and you could look at the three of those together. The other funds stand separate. So I agree with that.

Mr. Wood: Especially in the library's case, where they rely on a transfer from the general fund every year. We have seen those deficits go down this year, and hopefully continue to do so.

Mayor Swiderski: Is there anything gained from maintaining them separately? It seems like an accounting entry here that once we zero it out would represent our true financial health more clearly. I am just asking that, in your experience with other communities, what do they do with negative balances like that? Do they maintain them?

Mr. Theodore: No. My experience is that they're always fighting to eliminate the negative balance. We have a village by us, the Village of Maybrook. They have a library, but it is more a reading room, and it is accounted for in their general fund. Your library here has a separate board. It is more of a formal recognized organization. That is maybe one of the

reasons why it should be in a separate account, as opposed to being merged into the general fund.

After the financial statements are the notes to the financial statements, page 33. All governmental entities have had to adopt GASB 54, which, as Peter was saying earlier, has changed the terminology for how we look at our fund balances on our fund basis, not government-wide. On the bottom half of page 33, in the notes, is where we say that the Village has adopted GASB 54. Under note two, you will see that there are three underlined words on the bottom here, two on the next page. The three are non-spendable, restricted and committed as far as describing your fund balance.

Non-spendable refers to if you had inventory or prepaid expenses, which you do not have so you do not see that on your fund balance, on your fund financial statements. The next is restricted. If you have any reserves, like a capital reserve, that would be termed restricted, which you don't have at the moment. The next one, "committed," is a section, if the Board designated an amount of money to be spent for a certain purpose. On the next page it continues to assigned and unassigned, and that is what you see on your financial statements. Assigned refers to encumbrances or if you are going to give money back from one year to the next. The bottom one is unassigned, which is the money in the general fund that can be spent on anything. Now, as I have read through here I have said that incorrectly. You do have restricted money on your financial statement. Restricted and unassigned is what you have.

Trustee Armacost: Restricted is the special fund amount, which we have not designated yet. We could designate to pay that off, but we have at least held it in reserve is the point. You have recorded that.

Mr. Theodore: Yes. Restricted money is not available to be spent under normal operations. So your debt service money is restricted, special purpose money is restricted. Page 54 is the next place we will stop. This is where we see budget to actual comparisons. On page 54 is the general fund budget to actual. The top half of the page is the revenues. The last column, the bottom number, \$492,000, is the amount of revenue that came in above what was budgeted for. We like to see that. The expenditures, going up three lines from the bottom, your normal expenditures in the last column shows \$121,000 that you were under the budget as far as spending goes.

Trustee Armacost: So there should not be the \$600,000 difference, then, if we were above by \$492,000 and under by \$121,000.

Mr. Theodore: Well, then we see in the very bottom other uses where money went out to the other funds. And even though that comes to a minus-\$409,000, built into the budget is

usually a reduction in property taxes from the year before. So that is another factor that comes into play, where that is not really your net income number, so to speak, when we see a minus-\$409,900.

Trustee Armacost: So which other funds did that \$409,000 go to? Is it all going back to that special purpose fund, to the so-called capital fund? Or where is it going?

Mr. Theodore: If you go to page 21, about four or five lines up from the bottom, under "other financing sources", there are operating transfers in and operating transfers out. In the last column those numbers are the same because they have to balance. You can see what funds released money and what funds received money during the year.

Trustee Armacost: So it just the pool and the library.

Mr. Wood: And the capital.

Mr. Theodore: That brings me through the overview of the financial statements. Any questions?

Trustee Armacost: What is your view about the amount which is restricted in the special purpose fund? What is your view about what to do about that?

Mr. Theodore: You are unique in having that type of money because we do not see that in our other towns or villages or school districts. That is money that was donated to the Village, and has a restriction on it as to how it can be used.

Trustee Armacost: My understanding is, that is actually debt. So the question really is zeroing it out or not zeroing it out, unless I misunderstand what that is.

Village Manager Frobel: Yes, that is the Draper Fund.

Trustee Armacost: No, not \$854,000.

Deputy Village Treasurer Zaratzian: That is the parking and pension.

Trustee Armacost: So then where is the \$862,000?

Mr. Theodore: That was a negative on last year's?

Trustee Armacost: Exactly.

Mr. Theodore: That has been adjusted into the capital fund. That was money that the general fund had loaned to the capital fund. The other accountants put it as a negative. They put it as a restricted amount on the general fund last year because they were saying that that was really capital fund money. So we untangled that.

Trustee Armacost: They said they were going to allocate \$360,000.

Mr. Wood: But we eliminated the deficit on balances in the capital fund with the interfund transfers. If you look at that schedule five, page 21, and follow the transfers the \$537,000 that came into the capital projects, that \$360,000 is part of that \$537,000. Because part of that \$537,000 was to eliminate any negative fund deficits that we had in the capital fund in the individual projects. If you look at the capital project schedule on page 59, if you were to compare this to last year's, there was a lot of fund balance deficits throughout. If you compare the two lists, the list from last year is a lot longer than this year's. And even on this year's list, where there is a fund balance deficit there is a BAN outstanding for those amounts. We know that we have a BAN for these negative fund balances, and that is what our difference is. When we get the proceeds for a bond, then those deficits will be eliminated.

Trustee Armacost: But when we did the calculation last year, when we took out the BANs we were left with \$862,000. So if you allocated in \$500,000, what happened to the rest? Is that unrestricted? Because my understanding was that was still restricted. Looking at this statement here, that looks like it is still a debt that is owed to the capital projects fund. If all that is left are BANs, it was \$862,000.

Mr. Wood: You also received \$283,000 in miscellaneous revenue, capital projects. That might be part of the \$300,000. And then BANs redeemed from appropriations is \$95,000. Those two together are considered revenues in the governmental funds. Those, plus the operating transfer in, would bring you to the \$860,000 or whatever the number was that you came up with there, because that is going to eliminate any fund balance deficit, too. That is going to increase your fund balance by those amounts that came in.

Mr. Theodore: What other towns and villages usually did when it came to capital projects is, when there was a capital project to be spent it was funded by the general fund. They would transfer the money over, and let the capital fund spend it. It would zero itself out in the capital fund. Here, for some reason, in years gone by the general fund was loaning money to the capital fund and then creating these restrictions. We thought that was unusual. We worked with Fran to eliminate that and smooth it out. I think you are seeing a clearer picture this year than you had last year when it comes to those types of restriction.

Trustee Armacost: I would love to sit with you and understand exactly what you did. What you have done sounds fantastic. I just want to make sure I understand what got moved where, and if there are any decisions to be made with what is left. It looks much cleaner.

Mayor Swiderski: It looks much cleaner, but the remaining question I have is what is true unrestricted fund balance. What is the true number, once you zero out pool, library and anything else that I am not quite grasping here. Is it \$80,000, is it \$340,000? I would love to have a better handle on that, because when we talked about moving toward a fund balance of 10 percent of our annual income, is that from a basis of \$471,000 or is it a basis from \$70,000 or \$80,000? What is the true fund balance that is netted out of the other stuff?

Mr. Wood: You are on the right track in netting the pool and library. But you would have to add in the debt service fund balance, only because that can be used for future debt payments, which would reduce the general fund budget by the amount of debt service on it.

Trustee Armacost: Which would make it \$598,000 then.

Village Manager Frobel: But it is restricted to pay debt only. The money under the debt service, I am looking at page 21, the \$185,000, what the auditors are suggesting is that should be used perhaps in future budgets to pay our debt principal and interest. We had in the past, but I had allowed it to build up a little, knowing that things could get even tougher as time went by. Now we have that available to pay our principal and interest. It is not unrestricted.

Trustee Armacost: But to Peter's question, that leaves us with \$600,000. If you take away the pool and the library, and then you add in the debt service, it is \$471,000 minus \$101,000 minus \$42,000 plus \$186,000.

Village Manager Frobel: I thought the Mayor was asking what is totally undesignated.

Mayor Swiderski: Niki nailed it. I hear what you are saying about debt service. That is not unrestricted, it is dedicated. Though conceptually it is the same thing to us because we can apply it just as regular cash. But it is not fair to think of it as part of the 10 percent. At the moment, it would look like it is around \$330,000: \$417,000 minus \$101,000 minus \$42,000 would look to be what we are talking about in terms of the fund balance. Truly unrestricted, unencumbered.

Mr. Wood: Truly unassigned.

Trustee Quinlan: On page 17 it says the total net assets of the Village are \$9 million and change. What we have to clarify for the public is that that includes the land that this Municipal Building stands on, the building, and the other lands that we own, which basically we could sell off but are not likely to do any time soon.

Trustee Armacost: And to further clarify, the cash is what we have just been discussing, which is either \$471,000 or \$471,000 minus \$101,000 minus \$42,000.

Trustee Quinlan: Right. And we also have to clarify that we had that one-time fee for \$429,000 this year, which certainly helped that number.

Trustee Armacost: In my view, it created a scenario where we have a true fund balance as opposed to a debt. The way you have done it is fantastic. Much clearer.

Trustee Quinlan: This is something that all the members of the Board wanted to happen because we were unhappy with the way it was created in the past and how it was explained to us. So kudos because now we have a clearer, more transparent financial statement.

Trustee Armacost: Also, the reduction in expenditures is kudos to Fran and his team. There is a certain amount of control you have over revenue. Everyone took to heart the issue that fees need to be collected and various other things. But your team did a very good job of tightening the belt, which is so important. People made an effort to put us in this position. So congratulations, Fran, to you and your team.

Mayor Swiderski: It is a year-on-year decrease, which I did not expect.

Trustee Armacost: Have not seen before. Exactly.

Trustee Jennings: Going back to page 21 and the library and pool, pool \$101,000, library \$43,000 roughly, what exactly do those numbers represent? Are we talking about an operating loss for the year, or are we talking about having an outstanding indebtedness?

Mr. Wood: Those numbers represent that in its lifetime, the pool fund has had \$101,000 more of expenses than it did in revenue.

Trustee Armacost: And that has never been paid off, ever? That is just ongoing since time immemorial?

Mayor Swiderski: It is not. Was it not triggered by infrastructure work? There is reason for both those numbers.

Village Manager Frobel: Right, and you have been addressing it. When you have looked at the fees for the pool, it has helped.

Mayor Swiderski: But again, it is not operating deficits where the day-to-day expenses were higher than the income. They were due to extraordinary infrastructure expenses.

Village Manager Frobel: Repairs, et cetera.

Trustee Quinlan: Renovations.

Mayor Swiderski: And I remember being gently reprimanded by Sue Feir at the library that the library amount is related to the expansion at the park.

Village Manager Frobel: When they built the Fulton Park it was charged to the library when, in fact, it was not part of the original bond issue.

Trustee Jennings: So when building projects and renovations were going on, the costs exceeded our estimate, and so they were not covered by the bond that we issued. We had to come up with some extra money because the contractors were, in fact, paid. That extra money came from the general fund. So we lent money to ourselves to pick up that extra overage on, say, the pool.

Mayor Swiderski: That is right.

Trustee Jennings: So why has this not been cleaned up?

Mr. Theodore: In order to clean that up, money would have to be transferred from the general fund to the pool or the library.

Trustee Jennings: As was done for the capital fund. But you chose not to do that. Could you explain the rationale for why you did not?

Mr. Theodore: It happened with the capital fund because there was money loaned between general and capital, there were capital fund projects that were closed out and did not need to be on the books anymore. So we concentrated on that.

Trustee Jennings: But the same rationale would apply to all this that is hanging over in the pool, would it not?

Mr. Theodore: To be truthful, I did not realize that the pool and library losses were from capital-related projects. The pool and the library, in my opinion, should only reflect operating income and operating expenses. When there was a capital project to be done, that should have been done in the capital projects fund and not in the library or pool and create those losses to begin with.

Trustee Armacost: Last year we have "library addition" as one of the line items, for \$72,000 in the capital fund. So there was inconsistent treatment. I was not here so I do not know what the rationale was for putting a cost in one place or another. But I agree with you. These should be operating accounts for those entities.

Mayor Swiderski: In which case, I would like to explore in the next few months zeroing that out.

Mr. Wood: The pool did have better performance last year than in past years, so that deficit has been started to be eliminated. If the pool continues to perform well that deficit may be eliminated just by the operations of the pool.

Deputy Village Treasurer Zaratian: The pool fund, unfortunately, by law we cannot give money to it. So that is one of the problems, when we had the pool renovations. In the 1967 law that is what it says. The taxpayers cannot add to that fund. It has to be self-fulfilling.

Trustee Walker: But I thought this was about capital work as opposed to operating work, and that is different.

Deputy Village Treasurer Zaratian: It is. But if you look back at the history of all the projects in the pool, they were self-funded. What Neil used to do, which is not allowed anymore, was general fund would give a loan to the pool. And then once it made a profit, it would start giving money back. When we went to the renovations, and I do not know if you remember, the first round of renovations failed. It was too high. It was \$1.9 million, and we only wanted to spend \$1.3 million. We did not have a bond yet. So that went somehow into the pool's operating fund. It never came out. And when we went to get the bond we were limited by the bond. In the library's case, however, if you decide you want to pay it off right now you could do that any time you want. But the pool fund is a separate fund.

Mayor Swiderski: We seem to have great interest rates on the BANs. The rates on the bonds seemed higher than I expected. Is there a refinancing opportunity there, or have they already been refinanced within an inch of their lives?

Village Manager Frobel: Some have already been refinanced. I think they were callable one time. But we were going to look at that again to make certain of that, and see if there are some opportunities there. When we do our permanent financing for our BANs, we will work with our fiscal advisor and the auditors.

Mr. Theodore: Another thing along the same lines is, I have a client that is a school district right now, and it is working to get their credit rating improved. The better your credit rating is the lower your interest rates will be in the future, as well.

Trustee Armacost: What advice would you give us on that?

Mr. Theodore: They contacted the credit rating agency. Besides the black and white numbers in the financial statement, they were able to communicate other intangible aspects of the district in population and positive changes that were happening to their tax base. The rating agency took those into consideration in raising their credit rating.

Trustee Armacost: Do you think we would be good candidates for that?

Mr. Theodore: I do not know. It is worth a phone call. That does not cost anything.

Trustee Armacost: Last year and the year before we got independent auditors' reports on internal control matters identified in the audit. I wondered whether you had seen those comments from last year, and whether you have noted whether they have been addressed this year. You did not raise those issues, which made me very happy. But I wanted to make sure that you did not raise them because they were addressed as opposed to some other reason.

Mr. Theodore: There are management letter items in writing that you see on the report. There are other items, which are called verbal items, that we may notice but do not warrant being put in writing. Because you do not see it this year does not mean that it has been addressed. It may have been improved upon, and thus not put into the current letter. We do comment on internal controls because that was an accounting change a number of years ago. Some of those comments are in the financial statement. There is some overlapping of those statements. Are your internal controls perfect? No. Absent of hiring three or four more people for the office it would be hard to eliminate them completely.

Trustee Armacost: I was more interested in whether the comments that were made last year were addressed, or not, and if there is a way to tell that. There was one comment on parking summonses, for example. It has been addressed, but you did not mention it at all. I am hoping the reason you did not mention it was because you felt it was addressed, as opposed to you did not think it was important.

Mr. Theodore: Yes, I asked the person who reviewed the court system about that issue. She said that she felt improvements were made. She also understood that the Village's hands are tied with certain older, uncollectible amounts. So it is still there, but there has been some improvement to it.

Mr. Wood: And then some of the comments in the basic financial statements, the project line schedule. I worked along with Rafael preparing the client schedule, where we talked about what fund balance deficits can be eliminated and that kind of thing. Rafael did not create it and hand it to me, but it was something that we worked out together, which is more than I usually get with other towns and villages. So that was nice. And then it talks about the capital projects and how there were the deficits on balances, and we addressed that. Segregation of duties, we addressed in the financial statements on page 52. The adjusting journal entries, in the report that we got there was no formal review process on that. But in speaking with personnel, it seems like adjusting journal entries are reviewed and we had a verbal comment for that with Rafael. Fund balance deficits, we mentioned that on our management letter. Were there any specific items that you wanted to discuss?

Trustee Armacost: No. You covered the ones that I had noted from the last time.

Mr. Wood: It has been an absolute pleasure working with Fran and Susan and Rafael and Mary Ellen and Ellen. Everybody was very pleasant, very timely in getting us the information we needed, could not be more helpful. It was very nice.

APPROVAL OF MINUTES

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, the following Minutes were approved as presented: Public Hearing Nos. 1 & 2 of Dec. 6, 2011; Regular Meeting of Dec. 6, 2011; and Executive Session of Dec. 6, 2011.

APPROVAL OF WARRANTS

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

Multi-Fund No. 40-2011-12 \$ 35,748.57
Multi-Fund No. 41-2011-12 \$223,904.86
Multi-Fund No. 42-2011-12 \$ 64,484.18

PUBLIC COMMENTS

John Gonder, 153 James Street: I wish everyone a happy holiday and a healthy and happy new year. Mr. Mayor, you probably will give assignments out like you have in the past. For instance, Trustee Armacost worked on the budget, Trustee Jennings on green items, Trustee Quinlan on BP and Atlantic Richfield, and Trustee Walker on Friday Night Live and tourism and the downtown. I suggest you take Meg Walker off tourism. She will do a tremendous job, and we will not have parking spaces in the Village and the restaurants will be so crowded. Meg Walker has done an excellent job. I think you should give her assignments for the residents. Let the Chamber of Commerce and the merchants take care of tourism. We could use Meg Walker maybe for sidewalks, such as Ravensdale where they have a little blacktop; Broadway a little blacktop here and there; High Street; Farragut has blacktop in certain places. Maybe she can get some funding because she does an excellent job. Maybe on deer reduction. Maybe she could revise the ordinance where we have boats and recreation vehicles, trailers. And maybe should can do something about there are two buses now. Maybe change our ordinance so we do not have buses. I am afraid if Meg Walker brings in all these tourists they will see what a great community we have and a great school system and the private pool, and people will say, let us come to Hastings. This happened in the late '50s, '60s and '70s and the place built up. We are no longer suburban, we are urban. So I hope you would take Meg Walker off that and put her on something for the residents.

Tim Downey, 520 Farragut Parkway: I have six copies of the deer meeting that was had in May in Dobbs Ferry. I will give two more to Susan tomorrow and there will be two more at the library.

You had an extended discussion on debris removal. I am going to be bringing you suggestions on how to improve our efficiency, how to help in training and strategies, leadership and protocols, priorities, and equipment that would greatly improve our ability to handle this work. Our men are working at the DPW with antiquated strategies and antiquated equipment. They are out there using backs and biceps instead of using 21st century equipment that is available but we do not seem to have the commitment to buy it. A simple device, like what is called a 4-in-1 bucket for one of our two loaders, such as Dobbs Ferry, Ardsley and Irvington all have on their machines, would greatly expedite the ability to pick up this material. We have guys tossing branches into the back of a garbage truck, which not only shortens the life of a garbage truck but is very inefficient. We have to look at some things like this as priorities going forward in our budget. A simple \$10,000 could purchase one of these buckets.

I was dismayed by the presentation on the deer. Mayor Swiderski had mentioned he was going to see the DEC in early December. I was not aware, I do not think any one else was

aware, that Dr. Rutberg would be accompanying him as well as another Village resident. No one has come to this side of the mic from the Village who has the credentials and the experience and qualifications that I do, yet I was not offered that same option because I might ask hard questions and raise a dialogue that would make it uncomfortable for some people. But it would raise the awareness of what we are going to undertake.

There were many statements made by Mr. Swiderski that demonstrate a lack of understanding. When he first undertook the topic, almost three years now, you spoke to this village and other communities about net-and-bolt. We were going to take care of them, this would be a way to do it. I wonder if that was a cleverly designed strategy to create a repulsive response from the communities, and therefore lead them into an approach of immunocontraceptive. There were discussion points in the last meeting that we were going to cork them in the north end and then cork then on the south end. The deer know nothing about these corks. The deer know nothing about highways. They go across them, they act as minor speed bumps at best. This past Sunday morning I had my wife drop me off down by Roberts Avenue, well south of Andrus and Lenoir Preserves in that highly urbanized area. Thirty-one deer in an area that there is not typically too many deer. Then I proceeded to Lenoir Preserve, Graham, Andrus Children's Home, North Yonkers Community Church and the woods right next to Mr. Gonder, and there were 17 deer. Just short of three hours I counted 48 deer. I think you have no idea in terms of the population and what we are up against.

Dr. Rutberg, as people will see if they look at the DVD, did a terrific job in presenting the argument for his belief and his opinions in a very honest fashion; not minimizing the efforts and expense that are going to go into this. What we heard was quite different. In the presentation last week and presentations before this, we had heard contradictions to the extent of the Mayor saying in June he has precisely one person come up to him in the Village and discuss their displeasure with this topic. Yet I can recall a meeting here where there were four people, a woman living on Amherst who has been here for 18 months and expressed how she enjoys the deer; a woman who lived in Hastings Gardens; a woman who lives on Burnside Drive who is a friend of mine; and a woman who owns a restaurant in the Village who sells slaughtered animal products on her menu but is against having deer culled in the Village. This secret serum that Dr. Rutberg has devised comes from slaughtered pigs. So we are saying on the one hand it is OK to slaughter Babe, but it is not OK to go after Bambi. I just do not see the logic in saying it is OK to kill one set of animals, but we cannot kill another one, particularly when this is not going to work, with the intermingling and the movement back and forth between the villages. It is not a cork at one end and a cork at the other. Short of getting an amphibious invasion from Rockland County, we are penetrated by deer at all three sides on a regular basis.

I have done the footwork. This problem cannot be addressed from a window and a desk alone. You have to get out and spend the time with boots on the ground. While I respect Dr. Rutberg's work, while he was still in school or grading his professor's papers on his way to his doctorate I pretty much earned an honorary doctorate in the understanding of these animals in this area. I am 48 years old. I started hunting when I was 15. I hunted for 15 years. As a recreation enjoyment and exercise I have studied deer for the last 18 years. So I know these animals, I know how it works in this area. And I cannot see the Village throwing away \$10,000 year in, year out. And those numbers are very vague.

You folks do not ask good questions when this is brought up. I will ask the good questions to clarify this condition. Ten thousand dollars will buy that bucket for that machine that allows us to clean up the storms. It would allow us to buy rollers so we can pave the roads and repair the roads. It would allow monies for blacktop pothole repair.

We just heard this evening we are on a good path to improving our budget. But we cannot stop there, we cannot get careless and start tossing away monies on birth control for deer when we could use other processes. I would like to see this come to a public discussion so things like the 150-foot radius that you requested for immuno, well, if we do not get that we are back to 500, the same as you are with archery. We throw around these words of the crack of the rifle at Draper with hunting, with not understanding we are hunting. We are doing deer management. There is a completely different understanding of how this goes about as opposed to using that language of hunting with the DEC as opposed to deer management and using a bow as a weapon to do the sharpshooting and the culling. Let us have a public discussion on this so we can hear the public's point of view instead of being told what the public's point of view is. I hear something very different from many people on the streets than what you folks are hearing.

76:11 AUTHORIZATION TO EXECUTE LETTER OF CONSENT – MODIFICATIONS TO AT&T ROOF ANTENNAS ON MUNICIPAL BUILDING

Village Manager Frobel: We were approached by the company earlier this year. They are looking to execute their rights to add additional antennas on their existing space, the 140 square feet. That would not change. We are seeking an amendment, a letter of consent. They have been through the Planning Board and the Zoning Board. We have had an outside independent structural engineer conduct his study at company expense. It is his opinion that the roof can support this additional antenna. We are at a point now where we need Board approval to move to the next step.

Trustee Armacost: Are we going to be getting revenue as a result of this? And if yes, how much?

Village Manager Frobel: They currently pay almost \$60,000 a year for rent. There is no change in the amount of space they are renting. They have the right to add equipment. They are asking to execute that right.

Village Attorney Stecich: The way the lease is written, it included the right to have what they had at the time plus any additional equipment. It was a pretty generous lease, but it was executed a long time ago.

Trustee Armacost: When does it come up for renegotiation?

Village Attorney Stecich: It is a 25-year lease; five years, automatically renewable. I looked at it, and the most we could do is require them to get all the approvals. But they are within the space and within the lease.

Village Manager Frobel: The company tried to get out of the lease and modify it with the threat of leaving the premises. I held very firm that a lease is a lease is an agreement. They feel the \$60,000 they are paying, which grows at four percent a year, is too high, it is beyond industry standards, and they were looking to modify it. I am pleased that they are making a commitment to stay. We count on that revenue source. And it is, in my opinion, pretty high. We do not do badly.

Village Attorney Stecich: This lease was executed pre-Fran. I was not involved with it. It was Neil that negotiated this lease with them years ago.

Trustee Mayor Walker: Is this a generous amount that we are talking about, or is it comparable?

Village Attorney Stecich: It is a little bit higher, but it is in the league of what they are paying in other places. It was irrelevant, though. Under the lease, they are entitled to do it.

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

WHEREAS, a Structure Lease Agreement exists between the Village of Hastings-on-Hudson and Cellular Telephone Company, d/b/a AT&T Wireless, dated July 24, 2002 with regard to cellular antennas on the Municipal Building at 7 Maple Avenue, and

WHEREAS, AT&T seeks to add one antenna to each of the three sectors of the existing telecommunications facility, in accordance with their lease rights, and

WHEREAS, AT&T, in compliance with lease terms, has secured a special permit and site plan approval from the Planning Board of the modifications, and View Preservation approval from the Zoning Board of Appeals, now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to execute the letter of consent with AT&T approving the modifications to the cellular antennas at 7 Maple Avenue.

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	

77:11 AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS FOR DESIGN OF BUILDING AT SUGAR POND IN HILLSIDE PARK

Village Manager Frobel: We have had a number of Hastings residents diligently working towards preparing an RFP to take a tired building at Sugar Pond and transform it into what they hope to be an outdoor science classroom, and remain as a warming shed for those that use skating there. We are looking tonight to get authority to put out this RFP that was put together with people like Haven Colgate and Meg Walker. We think we should see if we have got some technical assistance that can be provided to us to take this to the next step. We have received a grant locally which will help fund this.

Mayor Swiderski: The grant came from the school, right?

Haven Colgate, 16 Crossbar Road: The grant came from the Hastings Education Foundation.

Mayor Swiderski: Who did the grant come to?

Ms. Colgate: I do not know that they have received the check yet. The grant was technically submitted by Jerome Marcus, chair of the high school science department. So essentially, the school pays for the architect.

Mayor Swiderski: I am wondering why the issuance of an RFP for money that is not our money, our business. Why do you need us?

Ms. Colgate: I do not know. I was told we need an RFP because it is Village property. Maybe that does not matter.

Mayor Swiderski: I would say it should be, at some point, permission on our end. But at this point in time, I am not questioning whether it is a Village matter.

Village Manager Frobel: You may be right. Our staff helped prepare it. For an abundance of caution, I advised them to bring it before the Board and to sanction that we are going out to solicit proposals. This is not, obviously, awarding it. Perhaps where it may come down to someone else's authority is when it is time to award the work.

Mayor Swiderski: OK. And what entity is issuing the RFP, and what entity is going to review the responses?

Village Manager Frobel: I assumed a little subcommittee.

Mayor Swiderski: And the subcommittee is a subcommittee of what?

Ms. Colgate: The subcommittee currently is myself, Kendra Garrison, Jerome Marcus, and Melissa Shandroff, the latter two faculty at the high school. I am assuming Fran would be part of that subcommittee.

Trustee Armacost: Are you representing the Conservation Commission, or in what capacity are you operating?

Ms. Colgate: I was approached initially as a PTSA program chair.

Mayor Swiderski: I do not want to assign authority where we do not have any and where they do not have to ask for it if it is not yet in our jurisdiction.

Trustee Jennings: Given the fact that if this project goes forward it will require external fund-raising, and given the fact that the project is in Hillside Woods and not on school property, and given the fact that the memorandum from Mr. Gomes suggests a plan for dual

use, which would be school-related educational activities and Village-related recreational activities, and everybody's related ecological improvements: given all that, maybe the fund-raising eventually would be enhanced if the Village were an entity in cooperation with this. We might be able, as a municipality, to qualify for funding that the school board could not qualify for, and vice versa. It seems common sense to maximize our opportunity for future fund-raising. For a long time I have wished that there would be more cooperation between the Village and the school district on projects of overlapping and mutual concern and interest. This seems to be one.

Mayor Swiderski: Apparently this is one. It is just legally, I would suggest that I am fine with the resolution with one small word changed: "authorize" the issuance to "support" the issuance. That implies support for this project without a legal right to authorize it.

Village Attorney Stecich: Probably it does not seem to have been resolved bureaucratically how it should work. So why do you not authorize the issuance of an RFP if necessary, because it may be that you do need to be the authorizing board, and that way it will be done. Add "if required."

Trustee Walker: Is the Hastings Education Foundation restricted to funding only activities or projects on school property?

Ms. Colgate: I do not know. But the people who run the Hastings Education Foundation, one of them grew up in Hastings and she loves the idea of the Hastings residents. It is such a messy, overlapping use that it is a great kind of confluence.

Trustee Walker: And as an independent nonprofit they can use the money according to their bylaws. They can probably use the money, go to the Village, and the Village could be the sponsor of this RFP. That is my feeling, but you have to get their approval, right? We have to make sure that they agree to that.

Mayor Swiderski: Well, they did by cutting the grant. Do you know who the check is written to for the grant?

Ms. Colgate: No. I am not even sure the check is written yet. I assumed that the check would be written to the architect that we engage to do the work.

Mayor Swiderski: Was the subcommittee that applied for the grant self-formed?

Ms. Colgate: Yes. If you would like to know the history, I was approached by Kendra Garrison, so it originated from the Village. They wanted to fix the house because the house

is derelict. The roof is broken, there is water inside. She wanted to repair the house so she asked me to liaise with the school. That is how I brought in the science department, and then the idea grew.

Trustee Armacost: I ran into a new donor for the Scouts who would love to manage the refurbishing of it as an Eagle Scout project and has given matching funds and various other things to the Scouts. So there are interesting segments of the community, other people that you may not be aware of, that might be allies and collaborators in various ways.

Trustee Jennings: The issuing of the RFP does not cost anything. So we send an RFP out to architects. Are we saying we want you to tell us what you can do for \$3,500, and compete for that, and for that amount you are going to give us a preliminary design, which I think is unrealistically low even for a preliminary design, but what do I know about that? Or are we saying give us a design, tell us how much it will cost to do this, and then we will raise the money for it?

Ms Colgate: I consulted with an architect who said his firm would cost between \$2,500 and \$3,500, with some pro bono thrown in, being a Hastings resident, to produce initial sketches. That would not be blueprints. Blueprints would come when you raise enough money for the project, and then the architect's fee would be a portion of the entire budget of the project. So the initial sketches are exactly that. The reason why we needed to start with a seed grant is because otherwise we have no idea what the budget is. The initial sketches would produce this is going to cost X amount of dollars to raze the existing structure, to build this, et cetera.

Mayor Swiderski: The cost of a plan to price it out.

Ms. Colgate: Right. And we cannot grant-raising without a budget. So that was part of the logic.

Trustee Jennings: So we do have enough money in hand to do the work that the RFP describes when we choose a firm to do that work.

Ms. Colgate: Yes.

Trustee Jennings: So that gets us back to the question of who will select the firm to receive the \$3,500, which is a grant that has been given by the Education Foundation for this purpose. That makes it much more specific in terms of the question of what, if any, should the role of the Village government be in this process.

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

RESOLVED: that the Mayor and Board of Trustees authorize, if required, the issuance of a Request for Proposals for initial schematic designs and project budget for the construction of a building at Sugar Pond in Hillside Park for use as a nature center and storage facility.

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

Mayor Swiderski: Since neither the request nor the grant money, nor ultimately the running of this mini portion of the project, is the Village's issue, I am assuming, up to that point, your group will do this. But at the point where we begin to talk about an actual project, the issues of governance probably need to be formalized. For one thing, there are things in the Code about expanding structures of any sort inside Hillside Woods that we would have to address.

Ms. Colgate: I know you cannot cut down any trees and that will not have to happen. I envision this as a community project that will benefit every community member. I do not foresee any backlash, but it is a construction project and there may be.

78:11 APPROVAL OF LOCAL LAW NO. 10 OF 2011 AMENDING THE STEEP SLOPES CHAPTER OF THE VILLAGE CODE

Mayor Swiderski: We have talked about the following laws several times.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 10 of 2011 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 249 Steep Slopes.

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

Section 1: Section 249-2 of the Steep Slopes Chapter of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (new language in *italics*):

§ 249-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SLOPE The ratio of vertical to horizontal distance, *measured in a minimum area of 1000 square feet.*

STEEP SLOPE(S) Ground area(s) of at least 1,000 square feet with a slope of 15% or more, as measured in accordance with § 249-3.

Section 2: Section 249-4, Applicability, is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

§ 249-4. Applicability.

~~Any lot that contains a steep slope or any activity that would create a steep slope shall be subject to the provisions of this chapter, except that the provisions of § 249-5 shall not apply to the MR-C and CC Districts.~~
construction, development, paving, regrading, or stripping of vegetation that might affect or create a steep slope requires steep slope approval granted in accordance with this chapter.

Section 3: Section 249-5, Restrictions on steep slope disturbances, is hereby amended by adding the following new paragraph D:

D. The provisions of this section shall not apply to the MR-C and CC Districts.

Section 4: The title and opening paragraph of subsection A of § 249-7 are hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

§ 249-7. ~~Building permit~~ Steep slope approval application requirements.

- A. Applications for ~~building permits on lots that contain or are proposed to contain a steep slope~~ *steep slope approval* shall include the following information in addition to any other information required by this chapter

Section 5: Subparagraph (1)(d) of subsection A of § 249-7 is hereby amended to read as follows (new language in *italics*):

- (d) The existing grades on the applicant's property, indicating proposed paved areas, storm drainage facilities, retaining walls and ground cover, as well as the location of trees and ornamental shrubs. *Site topography must be colored, cross-hatched or otherwise marked, to show different slope categories.*

Section 6: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 7: 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	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

79:11 APPROVAL OF LOCAL LAW NO. 11 OF 2011 AMENDING THE VILLAGE CODE WITH RESPECT TO APPROVAL OF DRIVEWAY GRADES

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 11 of 2011 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, with respect to approval of driveway grades.

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

Section 1: Paragraph A(1) of § 295-40, Driveway grades, of the Zoning Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (deleted language ~~stricken~~):

Between the paved street and the required minimum setback line (the minimum yard requirement), the maximum grade for any new driveway accessory to a single-family dwelling shall be 15%, but the Planning Board, ~~in approving a site plan,~~ shall have the discretion to allow a grade as steep as, but no steeper than, 20%.

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	X
Trustee Meg Walker	X
Trustee Nicola Armacost	X
Mayor Peter Swiderski	X

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Last Tuesday evening Susan Maggiotto and I met with the Conservation Commission. We gave them a summary and update as to the activities of our Green Team over the past several months. The group seemed pleased with our efforts to stick to the sustainability plan and to address a number of things administratively. We highlighted the LED effort to convert our street lights, the recycling bins that we have offered to the community, the greening of the cleaning products at Village Hall and the Community Center.

Mayor Swiderski: We pushed the idea of Love It and Leave It with the leaves. Have we any indication whether that has resulted in any noticeable drop? Are there any stats that we have collected on tonnage that we dropped off?

Village Manager Frobel: I have not been able to get my arms around that. We have had storms, picking up so much debris. That all goes in with the leaves and any kind of yard waste. It is going to be hard this year to have a good sense.

Village Attorney Stecich: In Irvington, which has been doing this for a couple of years, they have asked their DPW head. He said he cannot sort any of it out because of the October 31 storm.

Village Manager Frobel: But we will develop some baselines and start to collect that data,. I am trying to compare whether the change in recycling schedule has yielded benefits in that regard. So in time, as we collect more data, we will be able to show you some work.

Trustee Jennings: It is going to take time to educate and orient the public in the way they handle their leave. I would like to commend Mr. Downey for the letter that he wrote to *The Enterprise* on mulching. I have heard, in my own neighborhood, that a number of the lawn service companies are beginning to offer the service and even promote their business according to this idea. So as it catches on as an idea in the Village, and as these companies make it possible and feasible for people to ask for it and to have it done with the right equipment, it will be a self-reinforcing cycle. It will take time, however. It would be nice if we can get hard numbers and metrics and measurements. One of our principal roles ought to be to continue to work on the area of public education, and draw upon the expertise of people in the community, and continue to get the message out. It is not just a question of individuals with their rakes, or not. It is a more complicated matter than that in order to get large-scale change in customs and habits and behaviors.

Mayor Swiderski: Anecdotally, I have heard of people doing this. And certainly on my block, which faces out onto woods in the back, people did not put out bags. So it seems to have had some effect on my block. But like you say, it is buried in the noise of the storm, which generated tens, if not hundreds, of tons of debris.

Trustee Armacost: If I can say two words of praise. One for Mr. Downey for the work he did on Dan Rile Park. It is so lovely. I should say trail, not park; it looks really beautiful. That is such a lovely contribution to the community. So thank you for that. And also to Fran and his team. We did have a bit of a session last time on the issue of whether the picking up would happen the next day or not. The team did a fantastic job. All the places that I was aware of where the stuff had not been picked up was all gone the next day. Also, the paving of Mt. Hope is so much nicer than it was before. I do not know who gets the credit for that, but the road is flat and navigable, which it was not for a very long time. If that is the DPW, congratulations, please pass it on to them.

Village Manager Frobel: I will. That was a power company job. But they did more than they had to do, and that was largely due to Mike Gunther's efforts to press them.

Mr. Downey: To the question Have there been any measurable improvements: if we go back to the fall of '08 or '09, which was the genesis for this law put in place, dumping down the DPW when we had that tsunami of debris that overwhelmed the villages, there is no more of that anymore because of a policy the Village has taken. The Village and the Village parks department used to dump there. They do not take one leaf off the footprint of the property now. They mulch everything right in place, it stays right in the ground, and that is it. So there is a measurable right there if we talk about. At least \$2,000 or \$3,000 is being saved now because the company doing the contract adopted the practice, and they move nothing. They just put it right back in the footprint.

Trustee Walker: Mr. Downey, I wonder if you had thoughts about how we could improve the education of the homeowners about leaving the leaves.

Mr. Downey: Glad you asked. I would like to do a presentation of some scale, in the Orr Room, for example. I noticed there were a lot of homeowners attempting to do it themselves, and I see some errors here and there. There are groups that have put in a lot of time making tool kits and information available. We do not want people to abandon it because it did not work out. Bring all the questions in. There is not a question at the county level, or any town or village, that I have not been able to answer because I have studied for 10 years and figured out the solution.

Trustee Walker: Do you have some slides?

Mr. Downey: This autumn I went around with a camera. There was a house, for example, up around Horner that has a big wooded slope. They cleaned the leaves off the woods, literally. What the Village is burdened with now is disposing of this. We just want to get the education material out there. Some people have questioned it, do not believe it. I took slides and I took video, and I will be making YouTubes this winter and putting them hopefully on our Web site in the Village and also educational presentations.

Trustee Walker: If we could get the Conservation Commission to help with this, and ask you to help, we could do a presentation and produce some educational materials.

Mr. Downey: We will bring the green gang down from Irvington, too.

Trustee Walker: Yes, Irvington has done a lot of it already. I know the DEC puts out brochure. I have seen other materials from other government entities.

Mr. Downey: It has been aggregated pretty much in the Irvington site and/or the Bedford site. We all went out and just found information. I have been compiling stuff for years.

Trustee Walker: Do we have anything on our Web site about it?

Mr. Downey: The Mayor and the Manager made a direct link.

Trustee Walker: It is worth pursuing, even though we have another year to go. People are still raking. It has not snowed yet so there are still leaves out there.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Trustee Quinlan: I am sorry to say that there is no update on the waterfront. The PRAP has still not been issued, which is the Preliminary Remedial Action Plan. It has been promised for the last six weeks.

Trustee Walker: Is the cleanup proceeding on the south end, the Tappan Terminal?

Trustee Quinlan: They are not going to do anything in the winter.

Village Manager Frobel: They are going to be cutting the trees.

Trustee Walker: Can you ask them to let us know when that is going to happen? It is just to alert people. People may be alarmed when they see the whole place stripped of trees. Many of them are mature.

Trustee Quinlan: Well, let us alert them now. All the trees will be removed. They have got a lot to do down there yet. They have to create a system to clean up the water and the runoff and the rain. They have to create a system to deal with the chlorobenzines. Either bioremediation or through the filters. And they have to put a two-foot cover up there. So there are going to need to clear it entirely to work on it.

Trustee Walker: And when they clear it, there is going to be an increase in stormwater runoff that they are going to have to deal with.

Trustee Quinlan: I do not know about that. The bottom line is that the water tables are so close to the land there that whatever bushes and trees that the water does go up into, or

through the roots into the trees, is negligible to the fact that when it rains there the water runs directly through the soil and into the river. One of the points that I try to make to the parties, is that the longer it takes people to decide what to do to clean it up, the more pollutants are running into our river every day. That is something they are aware of but, in my opinion, they are not taking into enough serious consideration so we can clean it up faster.

Mayor Swiderski: Once the PRAP hits our table, at that point we have our priority for next year, both the public review of that document, and then working to ensure that the engineering plan that BP comes up with incorporates our concerns and desires for what will go there. And that will precipitate a range of community discussions that are going to dominate into next year. Next year that is going to be a big item.

Trustee Quinlan: The next big step that is trying to decide where the infrastructure is going to go when they clean it up. We do not want them to tear it up, and then have to tear it up again. And that is not going to be an easy thing to decide. I have my own ideas of where it should go, but I am sure that everyone else on the Board has their own ideas and everybody in the community has their own ideas. Not everybody, but the people that care. But it is key to decide, and get that stuff in at their expense while they are cleaning up.

Mayor Swiderski: Explicitly what Jerry is referring to is, part of the remediation process is the layering back of both a plastic layer, then various layers of soil, et cetera while it is open. Lay the sewer line, lay the conduit for electrical cable, determine how wide that should be and where it should be. And lay the basis for where a road might be. You have to have some idea of what is going to be there to have that discussion with engineers. It is going to precipitate a heck of a discussion.

Trustee Quinlan: So you decide where the road is, and then you decide where the sewers and going to go and where the electrical is going to go and where the computer lines are going to go, or whatever, in the future.

Trustee Armacost: Should we put on the agenda for an early meeting how to go about doing something with the recommendations of the Comprehensive Plan? There are all sorts of components that are important.

Mayor Swiderski: Absolutely. The waterfront plan is mute on the precise configuration. It has some guidance on view site preservation and form-based zoning, but offers nothing in terms of an actual plan.

Trustee Jennings: Some sort of vision of what goes above the ground eventually is related to what goes under the ground, hopefully pretty soon. We cannot put that off. The concept

is in contrast to deciding what the precise usage needs to be. That distinction, if we can figure out what and where we want things to be, we do not necessarily have to figure out exactly what is going to happen there: retail, commercial, park. Similarly, if we could adopt an approach to the infrastructure that would allow us the flexibility of multiple decisions later about usage, but would lay the conduits and the sewerage piping and all the rest of that underground infrastructure, in a way that would be most conducive to flexibility as we go further into the discussion of what the uses would be, and then eventually what buildings would be built. So one of our goals in talking with ARCO about the infrastructure issue is to try to come up with an infrastructure plan which is not locking us in to a particular usage design, ala the vision of the LWRP document, but rather is a flexible-form approach. That is one thing I would like to discuss further as we go along.

Trustee Walker: This may require a civil engineer that ARCO would not necessarily have as a contractor right now.

Trustee Quinlan: What we have to plan to do is load it up for any possibility within reason. We are not going to load it up to build the Empire State Building, but we have to load it up to be able to use all the uses. One of the problems is that we have some control over BP/ARCO because of the cooperation and the consent decree and the federal lawsuit. But in the southern area, which is the 17 acres, when you talk about the road which I am most concerned about; there is no control over them except for what the DEC has ordered them to do to clean it up. It is going to be very difficult to say here is the infrastructure for the 29 acres. Let's say we decide to build a road straight down the middle. I am not saying we should do that. Then it is going to end, but then we are going to have to have a plan to continue it. But how we do that, where we do it, and how we get the money to do it is going to be another story. The waterfront is going to be developed, as far as I can tell unless we get really lucky, at least in two different phases.

Trustee Walker: But we have been working under the assumption recently that the south end is going to be cleaned up a lot faster than the north end and may be online. And we may be having those conversations with Exxon Mobil/Chevron-Uhlich a lot sooner simply because it is going to be done.

Trustee Quinlan: Two points: if they are willing to do it, number one. And two, the disposition of the property by both the parties. The southern end is two parties, and the northern end is one party. What is the disposition of those two pieces of property going to be in the end?

Trustee Armacost: Can we not have the discussion now, and work out what the appropriate vehicle is to have the discussion? I do not care what the sort of bucket is that the conversation has, where it takes place. But if we can table it for early next year.

Trustee Quinlan: Let us see what the PRAP says. But I think you are right. We do not have to talk about it today. But we did have some time when we did not have any more discussion. It is good to talk about it.

2. Other

Mayor Swiderski: The pool of grant money for examination of the sharing of services has opened up. We will be working with Dobbs Ferry for joint submission of a request for monies from that pool for the sharing of DPW services, finally. Long-talked, and now the money is available.

I did not have a draft of the updated electronic policy today. I will have one for the next meeting. You have all received the disclosure notice recommended by Marianne that would go at the bottom of our e-mails going out to the community. It would read: "Any mail sent or received through the Hastings-on-Hudson e-mail system may be monitored in the normal course of Village business, may be released to the public under the New York State Freedom of Information Law, and is subject to discovery proceedings and legal actions." It is a reminder to people that before they hit "enter" they are sending a document to an entity that may be sharing that e-mail with others. The broader policy I am still working on, and I hope to have to you all by the next meeting.

Village Manager Frobel: Are we looking to implement that immediately? somewhere.

Mayor Swiderski: Yes. It should be an auto signature. Raf will give instructions on how that happens.

A couple of meetings on affordable housing in the last month. Meg and I met with the individual looking to develop what was once the nuns' retirement home on Washington and Warburton. He is looking to leave the existing structures, which have been renovated and are now renting at market rates, and to erect behind that an eight-unit affordable housing structure that would contain its own parking, have an elevator, and open out onto Warburton. He is speaking to the county and examining financing, and will be likely seeking a zoning change so that piece of property would be in line with what is on Warburton, not what is on Washington. That would allow certain changes which would ease his way.

We can also expect a proposal in from Ginsburg on 9-A. He has come to me with a proposal that I will be echoing out to the Board.

I have requested Raf to look into automating payroll services whether it is ADP or something else. This was raised awhile ago. We went somewhere, then it did not. These services typically provide managers with much more powerful tools for managing overtime than the largely manual system now permits, and should save some money. I do not know what the parameters around that are, or the cost. But I am asking Raf to look into it.

And finally, we raised it in the summer and it faded, but I do not want to drop it. It was the first thing we were going to address on the Comp Plan, and I want to put that on the next agenda: the zoning around the large tracts. Some sort of 100-foot conservation easement or something that protects view lines and effectively forces development away from the street so we would not lose the greenspace feeling is probably easier. And I would like to pursue that at the beginning of next year.

Trustee Walker: John Nolon was here for the affordable housing discussion. We asked if he thought we could have an overlay cluster zone that is not necessarily tied to a particular project or application for site plan approval or zoning change or whatever. In other words, we do not have to wait for somebody to come and ask us to do a cluster housing. He said that it had been done.

Village Attorney Stecich: Of course it can be done.

Trustee Mayor Walker: Right. But I think we were left with this feeling that we could not do a preemptive cluster zone.

Village Attorney Stecich: No, I do not think the issue was that you could not do it. Of course you can. But there is a big expense to doing it. You have got to plan it all out. The issue was not that you could not do it. You have to look at each of the zones.

Trustee Mayor Walker: I did not get that impression from him.

Village Attorney Stecich: Let me talk to you after the meeting.

Mayor Swiderski: Certainly, the two that we have existing, if you read them, are each unique and specific to the site. I spent a couple of shot weekends trying to come up with a blended, genericized version. I could not. They are so site-specific.

Village Attorney Stecich: That is exactly what I said to Vanessa. They are very sui generis. There are other things you can do. You have a Broadway buffer, you can have an Aqueduct buffer. There are other things you can do. You have to decide on those tools. Those buffers are easy to do. It is not to say you could not come up with a zoning for every district, but you have to have a planner do it, to decide what is appropriate because they are all different.

Mayor Swiderski: Right. But a Broadway buffer would essentially force cluster zoning by shoving development away from the street if they want to achieve a certain density. So it would be a roundabout way of getting the same result, which is relieving the density close to the street.

Trustee Mayor Walker: I am happy to announce that we have accepted the proposal for the wayfinding signage and have issued the initial deposit as of tonight.

Village Clerk Maggiotto: The very popular shredder is coming to Hastings on Saturday, January 7, from 10 to 1. Also, Village taxes are due this month. The last day to pay in person is Tuesday, January 3. If you mail it, it has to be postmarked by Dec. 31st.

Trustee Armacost: Can we thank everyone in the Village for all his or her hard work this year, year after year? We achieved, really, a lot.

Mayor Swiderski: It was a good year. We got through some very ugly storms. We tackled and addressed financial issues that were bleeding sores from years gone by and addressed them, and got real traction on other issues. So thank you.

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 Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:40 p.m.

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