

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 3, 2012

A Regular Meeting was held by the Board of Trustees on Tuesday, January 3, 2012 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Jeremiah Quinlan

CITIZENS: Five (5).

Mayor Swiderski: Trustee Quinlan is in Florida on vacation. Our attorney is double-timing at Irvington and has asked if she could show up at 8:15.

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of December 20, 2011 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 45-2011-12 \$ 36,585.75

PUBLIC COMMENTS

John Gonder, 153 James Street: I had some business to conduct today with the Village, and it is after a three-and-a-half day holiday for the Village people. What a success it was. I started with Susan, the Village Clerk. She gave me the right information, and told me to write a letter to Mr. Frobel and also gave me to Marie Oelkers. I talked to Marie Oelkers, she got Deven Sharma involved. It happens to be about a tree. They both said do you have e-mail? No. Well, I will go see Ray Gomes over at the Community Center. I went over there. He happens to be on vacation.

But there were two women there that helped me out tremendously, Kendra Garrison and the younger one Lisa O'Reilly. She took my pictures and made a colored copy. I went home and I said in a couple of weeks I will call Ray, he will be back. About an hour later, I see a red truck come down my street. About two minutes later, I hear another truck. It was a young man, a Village DPW or something; I could not read it. He has the photographs that the woman made a copy of. They had looked at the tree, apparently, and he gives me the thumbs up: your problem is solved, they will take care of it this week or next week. So there were six people involved, on a day after a holiday, that bang-bang helped me out. It was a pleasure dealing with all these six people, and you should give them credit. And Mr. Frobel should, too.

Last week I talked about Meg Walker and tourism. I am afraid she will do such a good job she will bring in people here, people who want to live here that want to build a bigger school. All these big properties are going to go and get high-rises and everything else. Please put Meg Walker on something for the residents. The commercial district can handle tourism themselves, with the Chamber of Commerce and the merchants.

Tim Downey, 520 Farragut Parkway: I would like to see a new year's commitment made by Village officials where we have strong, clear leadership; truth in transparency, and the dialogue by Village officials. No more evasive or coloring wordsmithing when speaking to our current circumstances, future goals, plans, and finances. In the next meeting, I would like to hear, as many Village residents I have spoken with would also like to hear, exactly what is our current debt? I hear numbers tossed about, \$2 or \$3 million, or \$8 to \$10 million. When we have an understanding of our debt, we can put things in context when we have discussions on other expenditures or goals in the Village. But we have to have that as part of our dialogue always in front of us: what is our debt?

In recent letter the Mayor touched on this. He said this came as a result of cuts that involve shrinking of the size of the Village workforce and cost controls at all levels. I would like to be clear in terms of how certain things happen. I felt this was a misrepresentation because two of the three DPW men, it was my understanding, went out on Workmans Comp and they were not replaced. As a businessperson, I could see that as a fair experiment: let us see if we can get by, let us see how we can do, and manage our structure and our resources better. But we have paid a price for that by being down two or three men. We have had issues with our roads and highways; we have had sanitation issues. The Thursday before Christmas, I saw one of the DPW workers walking on the sidewalks in the Village using a handheld blower blowing debris off the sidewalks which, for many weeks, were filthy in the Village, in the autumn. He was blowing the stuff off the sidewalks into the street, and there was no plan B to pick up the stuff in the streets. It was inevitably going to wind up in the storm drains. I do not think that works in our green code.

I heard there was going to be a sweeper purchased. I understood it went out to bid, and the bid was rejected. I have heard numbers in the \$150,000 to \$160,000, \$170,000 range. But that money was never used to purchase a sweeper. We have had to ask a favor of Dobbs Ferry, who came in and hit our streets on a number of occasions. I have heard stories of people at the southern end of Warburton still being ticketed for not obeying alternate side of the street parking. So is that a revenue plan in the Village? Is it fair to residents, if we are not sweeping, that we are banging them with tickets?

The Village is in many ways a mess. Look at the streets. If it were not for the landscapers, the very people who you have been unwilling to work with with the blower laws, to amend them to make them more balanced, the streets would be a mess. The reason the streets are as clean as they are is a hats off to the landscapers. Not just being spiteful, and saying we will just clean from the curb in, they are cleaning up the streets, as well. You should be willing to work with that dialogue more so that perhaps going into the summertime we can amend to the way Ardsley has it where they allow one blower per vehicle.

You discussed at the beginning of last year about combining with the Dobbs Ferry DPW. Then in October, I heard when the tax cap discussion came up, you said that was a nil issue because there was no benefit. Yet, in the December meeting I heard you say we are currently discussing it. I would like to hear some clarity on this. There seem to be gaps of information with no connection sometimes.

On the deer, I am disappointed that the Trustees and the Village Manager have not challenged the Mayor on some questions. We have heard whos and wheres, but I would like to know who is the we specifically. Who are these groups of people? Where are the funds going to come from? Is it going to cost the Village any money? What is the amount? Let us have greater clarity on that.

Mayor Swiderski: A completely fair question about the Dobbs Ferry/Hastings DPW combination. We will be pursuing a grant for the examination of the idea of joining facilities. Right now, it is not carried all the way through to a combination of departments, in part because we do not gain any advantage from that, though that is a more recent development; in part, because in the first step we gain the greatest benefit in terms of freeing up real estate and controlling costs by combining capital assets. We are going to seek a grant that will put real numbers around that. When I finished, I realized I had not made that clear. Unless something changes at the state level, it is not likely that we would any time soon seek combining the departments. But the facilities would be a big potential boost. So we will take a look at that.

Trustee Armacost: The point about the debt is valid. I think it is very confusing. In the lead-up to the budget maybe we need to have a session on the debt and also on the revenue. I found it very confusing as a new Trustee, and I still find it confusing.

Mayor Swiderski: I agree. And possibly, in that discussion, combine a discussion of the capital budget.

Village Manager Frobel: A few years ago we had a comprehensive PowerPoint presentation in which we looked at not only current debt, but projections as where we would be 10 years out. We will offer it again to the Trustees.

Mr. Downey: You folks inherited a bad situation. There were people before you that did not pay attention to the game, and there are moving parts in this whole thing. I am not trying to come down hard on you. It just seems there are gaps sometimes. Like I say, you inherited a tough situation.

Mayor Swiderski: I am going to guess it is around \$12 million on debt and \$2 million on BANs. There is longer-term debt, which is notes out beyond two years, that we have bonded over the years. That is the \$12 million. Then the short-term debt that is incurred before it is formally bonded are called BANs, or bond anticipation notes, which is a short-term loan from a financial institution. Eventually it gets bonded into something longer term. Between BANs and bonds, you are talking \$14.5 million. The principal that villages are recommended to adhere to is that you do not spend more than 10 percent of your budget on maintenance of notes. We are not quite there, but we are close enough so we are not taking on significant new debt. It limits our ability, but fiscal rectitude sometimes comes painfully.

Trustee Jennings: We could prepare short summary kinds of documents to place on the Village Web site, in a question and answer or bullet point format. Figure out the 10 most common questions people might have about Village finances. That might be a first step in making information more accessible to more people. Having said that as a rule of thumb we should not have more than 10 percent of our total budget committed to debt service, could we put a figure on 10 percent? What is our budget, and what is 10 percent of that? What is our debt service? If we could just say those numbers out loud I think the people at home would appreciate it.

Village Manager Frobel: The 10 percent rule is your own internal rule by the Board of Trustees. State law allows you to borrow a much greater amount. The budget is just under \$13 million, so \$1.3 million can be your principal interest payment, as a rule. You are below that. We bounce right around 10 percent. We get around 9.8 percent, then we might do a

BAN. So we are very close, which is why I have not come before you to address our capital needs in terms of our heavy equipment.

Mayor Swiderski: We always try to improve communications and clarity. So I certainly appreciate, and understand.

Trustee Armacost: And thank you for saying we inherited a difficult situation.

Mayor Swiderski: We are working through it.

Trustee Armacost: It is getting clearer and clearer.

Jim Metzger, 427 Warburton Avenue: About the budget process, I was here for many of the meetings last year. Information that was late in coming last year colored the way the discussion was going. If there is a way to avoid that situation this year, I know that Trustee Armacost asked for a spread sheet as opposed to a line item list to do analysis. Whatever our Trustees need, I am asking Mr. Frobel, in order to do their job, if that can be gotten to them as soon as possible so that they can do the best possible job for us.

1:12 DESIGNATION OF VILLAGE ELECTION DAY AND ELECTION DISTRICT

Mayor Swiderski: In the spirit of further information, Trustee Quinlan will not be running. So we have one open seat. We have Trustee Armacost returning. That does not mean there is only one open seat and only one person can run, but traditionally it makes for a lively experience when there is an open seat. Both parties have caucuses at the end of January, where individuals can attend, be nominated and seconded. The caucus determines who the party representative is for the open seats. Each party can nominate two. Additionally, if somebody wants to run independently they need to petition. What is the signature requirement, Susan?

Village Clerk Maggiotto: One hundred.

Mayor Swiderski: When is that due?

Village Clerk Maggiotto: I do not have the dates off the top of my head, but there is plenty of time.

Mayor Swiderski: Yes, plenty of time. And that gets you a line on the ballot.

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 20, 2012, as General Village Election Day, for the purpose of electing two (2) Trustees for a term of two (2) official years each, and be it further

RESOLVED: that the polls are to be open between the hours of 7:00 a.m. and 9:00 p.m., and be it further

RESOLVED: that one Election District is designated, located at the James V. Harmon Community Center, 44 Main Street.

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

2:12 DESIGNATION OF GRIEVANCE DAY

Mr. Metzger: Can you elucidate on what would be required when you come to tax grievance day? Is information about that available, or is that something you have to find out on your own?

Village Clerk Maggiotto: There are grievance forms and an instruction book available in the Village Clerk's office and also online at the New York State Real Property Services Web site. People need to fill out the forms and bring them by 9 o'clock on Grievance Day. You do not have to come to the hearing. Your paperwork can speak for itself, but you are welcome to come to the hearing if you wish.

Mayor Swiderski: And you do not have to hire the firms that advertise their services to do that for you, either.

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 designate Tuesday, February 21, 2012 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

RESOLVED: that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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

3:12 DESIGNATION OF TAX LIEN SALE

Mayor Swiderski: If you still owe money on your taxes the Village sells that to individuals and you owe to whoever bought your tax obligation. Penalties are incurred at one percent per month. If the house goes for sale, that lien has to be covered first, with interest due.

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 designate Tuesday, March 20, 2012, as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: A few days ago I presented the Board with the capital improvement budget. It reflects a five-year blueprint of the capital needs of the community. A lot of work went into it on the part of the department heads. It takes you through 2017 and a little further trying to estimate our needs beyond 2017. I last put this together in 2007. That blueprint served us well. We were well on our way to accomplishing a number of those capital investments. Having run into some difficult financial times, they were put aside. I would like to workshop this topic as we plan our needs in terms of vehicles, facilities, parks, infrastructure. I am placing a high priority on our heavy equipment needs. It has been a number of years since we have replaced our dump trucks. The photos I supplied you with show how they are fatigued. We have reached the end of their usable life. Sometime in February we will begin to go over that plan.

Trustee Armacost: Will you also let us know which of those items you think are purchasable through grants?

Village Manager Frobel: Yes. You will notice I have checked off the possible funding source for every item, whether I expect it would be a bond issue, whether there is grant potential, whether our impact fee may offer some opportunities to offset the cost.

Trustee Jennings: We should also analyze the pros and cons of purchase and ownership: depreciation on one side, versus spending money to contract out to somebody who owns that equipment and will do the work for us.

Trustee Armacost: I did look at the document you produced but I was not sure how merging the DPWs would affect it. It seems not sensible to purchase new equipment if the DPWs are going to be merged. Maybe I am wrong about that, so is that strategy is embedded in it or is there is a way to prioritize with that as part of the backdrop?

Village Manager Frobel: Well, the whole document needs to be prioritized. But even if we merge our departments, I would assume Hastings would come with some assets. As the Mayor indicated if a merger happened it would be phased in. But even if we were to look at two years, our capital investment for our heavy equipment is at a point where we are very dangerous.

Trustee Armacost: If we intend to merge maybe what we should be doing is contracting, renting so to speak, some of these things rather than buying them. I am making these numbers up, but if the cost of one of the pieces of equipment is \$150,000, and it would cost

us \$30,000 to rent for two years, that is an obvious choice to make at that point. And I very much support what Bruce is saying.

Trustee Walker: Is this going to be available to the public on the Web site?

Village Manager Frobel: Sure, we will be happy to.

Trustee Walker: And they should be invited to the work session for public comments.

Mr. Metzger: Given the state of the economy, there are contracting firms that are not doing as much business as they had. There may be the possibility of acquiring used equipment.

Village Manager Frobel: Which has been our practice. Our last two acquisitions have been used equipment. The last cruiser we picked up as used, as well as aggressively seeking any kind of alternative funding sources to offset our costs.

Mayor Swiderski: The last fire chief's vehicle was a used vehicle.

Village Manager Frobel: Regarding the local government efficiency grant, I was in conversation with the manager in Dobbs. We have contacted a grant writer who will assist us in that endeavor, and she will begin her work on that application very shortly.

BOARD DISCUSSION AND COMMENTS

1. Electronic Communications Policy

Mayor Swiderski: Rather than go into the formal language of a policy like I was doing last time, I thought it would be easier to agree on the principles, and if we have an agreement here then I will put it into the more formal policy language. We have already seen draft language around a disclaimer that should go on all e-mails heading out that reminds citizens that any e-mail they send in could be FOIL'd or open to discovery.

The next item is, all received and sent e-mails are copied to a central server and retained for a year. This is, in fact, the current practice, but formalizes it. All e-mail, whether it is junk or otherwise, sent to the Board of Trustees e-mail, and any specially designated e-mails set up to public comment, are going to be reviewed by the Village Clerk. Based on established criteria, if it is deemed to be permanent then she will store it in a separate directory for permanent storage. If not, it will remain left alone, and the one-year rule will apply to that, as well.

At the end of the calendar year, all non-permanent e-mails for the previous year are deleted. So it is really a little more than a year. One to two years is the length of time e-mail survives. Rather than having a rolling monthly process, at the end of the year the previous e-mails are deleted, except for the ones that have been marked as permanent. If Trustees send out anything that should be saved permanently, either they should forward that or cc it an e-mail set up for permanent e-mails so that record is made permanently above and beyond the one-year retention that will occur for those anyway.

All the broadcast e-mails, informational or otherwise, that come from the Village should be saved permanently. There is not enough of them for it to be a burden, and it can provide some sort of historical record.

Trustee Walker: E-mails sent to individual Trustees that do not go to the Board of Trustees as a whole, and responses from a particular Trustee, have to then go either to the one-year or to the permanent. And we have to be responsible for sending them?

Mayor Swiderski: No. The stuff that comes to you right now is being saved as it is automatically so you do not have to designate it as a one-year save. Everything that comes to you is shadow-posted into this mailbox. If you want it permanently saved, you would have to forward it. Same thing as what is going out.

Trustee Armacost: All broadcast e-mails, you are including everything in that?

Mayor Swiderski: Indeed, but in a given year there are maybe 1,200 or 1,500. It is not onerous, and it is not going to pose a FOIL problem.

Trustee Armacost: The ones that I think need to be saved are the ones that come from you and come from the Village Manager. The other ones are neither here nor there.

Mayor Swiderski: No, everything. Even some of the informational ones may have stuff that is down the road of use or importance. It may turn out that the fact that there was a snow emergency is something of interest or importance for a grant one day for snow problems, or whatever. It could be of utility. The burden to sift through all the outgoing stuff and determine what is worth keeping is not worth it given that there are not that many.

Trustee Armacost: Does each Trustee have to decide which e-mails get forwarded?

Mayor Swiderski: If it comes to you individually, personally. If it is an e-mail from a citizen sent to Trustee Armacost, it is to you to determine upon receipt whether it is permanent or not. If it goes to the Board of Trustees, or a box that may be set up like

comments on the PRAP, then it automatically is reviewed by Susan, who will make the determination of whether it is permanent or not.

Trustee Armacost: So the wording of five needs to make that responsibility clearer. It is an obligation of the Trustee to be responsible for that.

Mayor Swiderski: Yes, fair. Marianne, do you think that is too broad, or is sufficient?

Village Attorney Stecich: Yes, I think it is fine for the Trustees. But like I mentioned before, there is an issue with the other Board members. Just like there are Trustee accounts there should be Zoning Board member accounts and Planning Board member accounts. If somebody wants to communicate to the Zoning Board, the members should not have to give out their personal e-mail. So maybe the policy would be the same, but somebody has got to set up e-mail systems from the major boards.

Trustee Armacost: And maybe Architectural Review.

Village Attorney Stecich: Planning, Zoning, Architectural Review. I do not know if the Conservation Commission gets a lot of mail, or not. Probably not.

Trustee Armacost: The other thing that is missing is Village staff. E-mails that go to Susan or Fran or Ray, or complaints. Is there a complaints box? What happens to those e-mails, for example? Is it important?

Mayor Swiderski: Yes, the same rules apply to those. Those are being shadow-copied as it is. But the determination of what is permanent would apply, as well.

Trustee Armacost: You mean they would have to decide themselves what is permanent.

Mayor Swiderski: Yes.

Trustee Jennings: Just thinking about Marianne's suggestion, it does seem to me that it would be a good idea, if not for all members, then at least for the chairs to set up a hastings.gov e-mail address.

Mayor Swiderski: I agree, but it should be sterilized: Planning chair, Zoning chair. It does not have to be the name of the individual; in fact, it should not be. It should just be a genericized name that is then forwarded on to whoever the chair is at that time.

Village Attorney Stecich: Why would you do the chair and not the members? It should be all of the members. Otherwise, it becomes the chairperson's responsibility to forward it to everybody else.

Mayor Swiderski: We can do it that way, as well, or instead of. It can be Planning Board or Zoning Board, and then it is echoed out to everybody.

Village Clerk Maggiotto: But there is no reason to communicate simply with the chair of a board. Aside from you, as elected individuals, anything would go to every board member.

Mayor Swiderski: Easily enough. It makes more sense to have it echoed out that way.

Trustee Armacost: If we have the responsibility for deciding which e-mails need to be saved or not, we need criteria to help us decide. So that needs to be part of this package.

Mayor Swiderski: Of course. And, again, it will never be as specific because possible e-mails are not specific. But the intent is, 99 percent of the law here, you want to try to save everything that has a policy impact.

Mr. Metzger: When we had the Comprehensive Plan Committee active, every month it was somebody else's turn to monitor e-mail communications and that worked out very well. That person would forward that information to the other members. Everybody had a chance to weigh in, but not everybody had to be monitoring the e-mail all the time.

The server that everything is getting backed up to permanently, does that get backed up off-site, as well?

Mayor Swiderski: I think so, but I do not know for a fact.

Mr. Metzger: If it does not, it should be because it is way to easy to eradicate that through nefarious means or any number of issues. If we are looking to preserve these documents in perpetuity they should be backed up to an off-site server.

What is the rationale behind e-mail sent to an individual Trustee being up to that Trustee to determine whether it should be permanent or not? How is that different than e-mail sent to the entire board?

Mayor Swiderski: It is a question of the burden of work placed on the Village Clerk to have to sift through everybody's e-mail, determining what is important or not. The e-mail of record that we publish out for issues will be the Board of Trustees. Incidental e-mails go to

the Trustees who are covering those, but for the stuff that we want people to send comments in on it will be clearly listed as the Board of Trustees.

Mr. Metzger: If an individual is communicating with a Trustee that they should understand that that communication may or may not be put in a permanent archive, and if you want something permanently on the record it should be disseminated to all of the Trustees.

Trustee Jennings: Which is what that thing we are supposed to put on our signature says.

Mayor Swiderski: Right. As an aside, Raf is in discussion about moving our e-mail server to the county, at which point the backups occur automatically.

Privacy. This is for the e-mails lists. There are only two but there could conceivably be many maintained by the Village that are used to send out broadcast e-mails. They should be maintained as confidential Village data, not shared with Trustee members, me, Village employees. If somebody wants off, he should be able to come off in 24 hours.

Trustee Armacost: The other thing that people should feel they have is the fact that the e-mails that they send are private, in the sense that the Board of Trustees is not going to circulate it to other people.

Village Attorney Stecich: It would be in the record. They are not, Niki. That was the whole point.

Mayor Swiderski: That is the whole point of the disclaimer. They are FOILable.

Trustee Armacost: If somebody is making a complaint where the person wants to make that complaint pseudo-anonymously, where it is a sensitive issue, or if there has been some misbehavior, how do you handle those things?

Village Attorney Stecich: It is as if anybody wrote a letter. It is part of your Village file. Let us say somebody made a complaint about somebody in the DPW. Then later on, somebody made a FOIL request, saying I want to see any complaints made about anybody and about this particular person in the DPW. Probably FOILable, unless it fits into one exception. You can be discreet about how you handle it, but I do not think you can make claims of privacy. It is beyond your control. It is the state Freedom of Information Law.

Trustee Jennings: We are treating e-mails as if they were regular U.S. Mail. I understand that. If someone has a complaint about someone on the Village staff and brings it to me as a Trustee, and tells me about it verbally or calls me on the phone, I bring it up with the rest of

the Board in executive session. It is a personnel issue. This is what would be the appropriate procedure for me to do. There is no FOILING.

Village Attorney Stecich: There is no writing.

Trustee Jennings: So we are still living in a world where if you say it verbally it is confidential, and if you write it down it is not. Correct?

Village Attorney Stecich: Yes.

Trustee Armacost: I think the point is do not write it, I suppose.

Mayor Swiderski: Unfortunately, that is the corollary here. I work in a securities firm, so my line is taped, so I do not even have that privilege. Not that my work tape can be FOIL'd, but I could see it in the future where every conversation into the Village is taped. But right now, no. It is the only way to have a private conversation that is truly private and not FOILable.

Trustee Jennings: On the other hand, if we get an indiscreet e-mail sent to us, it is too late. and we do not have any choice, given whatever the criteria are going to be to guide us. I need to forward it to the permanent department.

Mayor Swiderski: Well, it depends upon if it fulfills the criteria of a permanent record. A complaint about an individual may not.

Trustee Jennings: I cannot go back to the person and say take this back, don't send it to me, tell it to me. No, it is done. Right?

Mayor Swiderski: It is certainly done for one year, because once it is received it is shadow-posted, so at that point it is done. But whether it is a permanent record or not depends upon the content and your reporting of it.

Trustee Armacost: Just to follow Bruce's point, let us say it has been sent to an individual Trustee and the person should not have sent it. Is anyone reading those e-mails, apart from the individual Trustee?

Mayor Swiderski: It should not be read. But it is being shadow-posted to an account that is available for review.

Trustee Armacost: But is anyone reviewing them?

Mayor Swiderski: Not at this point in time, no.

Trustee Armacost: That is going to be important for people to know. For example, an e-mail could have been sent to the Trustee Jennings or the Trustee Armacost account, or it could have been sent to the private account, and it would have been treated differently. People have drop-down e-mails. If that one happens to be the one that comes up, they send it that way. People need to know if that Trustee is the only person reading those e-mails or not. And if it is not, who else is.

Mayor Swiderski: The answer is it is private until it is not;, until you have been FOIL'd or you have been discovered, at which point it is no longer private. So if you are complaining like the example given: a DPW staff member. Conceivably, somebody could come along and say give me every e-mail complaining about the DPW.

Trustee Armacost: But I am not talking about that. I am talking about being viewed by other Trustees, or reviewed by Village staff. I am not talking about a formal scenario, where someone is actually requesting the e-mail.

Trustee Jennings: We did talk about this when we had the meeting at the Community Center. The idea was put on the table that, that even though we are keeping what you are calling the shadow archive, we instruct staff who have the technical capability to have access to it not to be trolling through it. In effect, it is just backed up on a server somewhere. People can be assured that the staff members are not looking through it to find interesting-looking subject lines.

Mayor Swiderski: But to that point, the county may offer a service that screens e-mails for porn and language and everything else. Typically, an e-mail service may offer services to make sure that the e-mail is not being used inappropriately: pornography specifically, but chain letters or illicit offers, or whatever, at which point there may be a mechanical review of every incoming or outgoing e-mail. Problem e-mails are then forwarded to a human for review. That is conceivable. So we make the decision as a Board whether we want that sort of review, but it could happen. Typically, that is how you enforce a policy, at least in the private sector, where you do not want your employees doing things they should not be doing on e-mail. If I spit profanity into my e-mail at work outgoing, within two or three days I hear about it. There is a filter on that, and those e-mails are forwarded to compliance. While I am not saying we will definitely do that here, it is conceivable that you could have porn filters, whatever, so that you know your staff are not engaged in incorrect use.

Trustee Armacost: I think it is more of a scenario where, for example, if you have asked for Trustees to send individual comments to you, which you do periodically so that we are not violating anything, we know you are the only person reading that and not five or six other people that we do not know who those people are. That is important for us to know as Trustees. Otherwise, what was the point. We may as well have sent a letter.

Mayor Swiderski: And those discussions are not FOILable, by the way. Discussions among Boardmembers and among boards are not FOILable.

Trustee Armacost: But if the e-mails are reviewable by staff, for example, then they are no longer private, right? So I think we need to understand.

Mayor Swiderski: How private is private.

Trustee Armacost: Yes. We need to understand what is happening in those moments.

Trustee Jennings: It does not seem to me to be unreasonable to say we are going to be storing these things, but we have an internal policy that our staff members who could, technically, have access to them do not do so.

Mayor Swiderski: I agree. My last point is that outgoing Trustee or employee e-mail should abide by the usual restrictions. There is a list of them and I would enumerate them, but you are not selling something, you are not peddling dirty jokes, you are not forwarding YouTubes you should not be, whatever it is. The same thing with the informational e-mails. We have taken a crack at enumerating the reasons why you would send those out and why you would not. So any feedback on that?

Trustee Armacost: Just the guidelines on what is appropriate content. A political position on something. We had that whole discussion. Somehow that that gets incorporated into this.

Mayor Swiderski: Oh, yes. Absolutely.

Trustee Jennings: When you sign up for the Village e-mail list, as we say in our rules you could take your name off that list. We never sell that list, nobody is going to know who is on it. The flip side is, if you do not have e-mail in your home, can you get access to that information? I am assuming that we use the library to allow people who do not have computers in their home to access computers to get documents. I would hope that we have it set up in the library computers that you do not have to put your name in, a public place where you can access all the Village e-mail announcements, as if you were on the Village e-mail list. If there is not one, there should be.

Trustee Walker: Are the e-mails going out to the e-mail list posted on the Web site?

Mayor Swiderski: It is all there on the Web site. If you have access to the Web site you probably have your own e-mail.

Trustee Walker: But that would be a quick way to do it at the library.

Trustee Jennings: That might be the gateway. If you went to the library, went to the Web site you would find it. But the point is people should be able to access that in the library for free with a minimum of hassle.

Mr. Metzger: There is one gray area with e-mail content. There is a restriction on no commercial e-mail. That gray area has to do with an event like Friday Night Live where there may be an event within that that people are paying to see. There is a quasi-commercial aspect to that, so that would need to be better defined.

Trustee Walker: Related to that, we have sometimes had e-mails for the Chamber of Commerce. Not advertising, but beyond Friday Night Live, which is a Village and Chamber event, there are sometimes Chamber things which we publicize.

Village Manager Frobel: That came up with the Farmers' Market. There was some criticism early on, whether we should be promoting that because there are vendors selling products. But it is a Village-sponsored program on our property. We did not see anything wrong with that.

Trustee Armacost: Also, both of those two examples are supporting multiple vendors. It is not an ad for an individual vendor. That, to me, is a distinction. We want to be promoting all of our vendors downtown. I do not know if there is a way of wording it so that we can preserve what is good.

Mayor Swiderski: I tried to square that circle when I put out the holiday e-mail that included the list of every vendor in town. It did not feel like I was singling anyone out.

Trustee Jennings: We are dealing with a two-level issue. The first and simplest level is that individuals who work for the Village and use the Village e-mail should never use that e-mail for a commercial benefit to themselves. The other thing is the advertisement problem. Here we have a gray line between providing information about opportunities to make choices about whether or not they want to buy a product, versus advertising that crosses the line and becomes too specific and too single-interest. I do not know how to define that line.

But the informational e-mails about Friday Night Live, just because there happen to be things you can buy during the Friday Night Live events, I would not interpret as running afoul of this kind of rule. On the other hand, if you send out an e-mail saying eat at Joes, then maybe you have crossed that line. But there is a line.

Mayor Swiderski: Yes. And it is not hard black, but again I think the attempt and the intent here is to try to be non-commercial except when you are broadly supporting commerce within the Village. When we stray we tend to hear about it, and through an accumulation of case law that way we have gotten a sense of what irritates and what feels wrong.

Trustee Walker: And we have never received a complaint, have we, about e-mails?

Mayor Swiderski: Yes, we have. The Farmers' Market and the Chamber had one or two embedded events or whatever, and we got a couple of earfuls. And fairly.

Trustee Walker: So we have to be careful what content, and not just forward something.

Trustee Armacost: What happened to the political thing? How is that being handled?

Mayor Swiderski: Nothing is being done here without a final review by us. This is now going to get retrofitted back into the language I had before. But I wanted to make sure we agreed on the principles.

Mayor Swiderski: I got an e-mail from the young lady controlling the camera: all informational e-mails are stored on the Web site automatically. They go back to 2010, when we went with our Web provider, Virtual Town Hall. So you could conceivably scroll through every informational e-mail sent out, on the Web site.

2. Zoning for Corridors – Next Steps

Mayor Swiderski: The issue here is that the paramount concern in the Comprehensive Plan was the view corridors in the Village, especially on the entryways into the Village, but not just there: the southern end around Broadway, around Farragut off the highway. The sense that here is a green buffer, and you are entering a village that is an oasis in a green surrounding woods. Much of those green acres are privately owned, and conceivably could be sold off and subdivided into property for dozens of homes. How do we protect these view corridors? We tried to talk through how cluster zoning by property would work. It turns out to be quite a bit of work because the cluster zone has to specifically address all the features of that property: water features, and the size and the shape of what you are trying to protect.

I tried to come up with a generic version by poring through the two cluster zone codes we have, and I wasted a weekend. It cannot be done.

Village Attorney Stecich: I could say I told you so.

Mayor Swiderski: I know. Just because you say that does not mean I do not stubbornly try. But it is not easy to do, so an alternate idea was view corridors. Now I am going to turn it over to you.

Village Attorney Stecich: We had not discussed this. I saw it on the agenda tonight, and I looked at the Comprehensive Plan to see where they were getting it. They talked about an overlay. I am not sure that an overlay makes any sense.

This is from the code in Irvington. It has certain buffer areas: the Cyrus Field Road buffer where the Irvington Reservoir is, a Broadway buffer running the entire length of Broadway. They also have one along the Aqueduct. For each of them, they say within those buffers that the following shall be prohibited, for instance, in the Cyrus Field Road buffer: the erection of any building, accessory building, walled parking space, or any portion of that; the removal of any trees having a six inch or greater caliper at a height; grading, filling or other alteration of the natural contours of the land, or paving any part of it.

It is very protective. You could decide where the buffer would be, you could decide on the width of it. On Broadway the buffer in Irvington is 50 feet for already developed lots. But if it is going to be a new lot or a teardown, then it is much bigger; it is 125 feet. I do not know what numbers make sense, but it seems to me this addresses it. Maybe not everything, but I think it addresses more than clustering did. I did not quite understand the clustering. It could achieve this, but it seems to me from reading this what you want to do is keep the trees along the streets, keep development along the streets. It is a lot easier to define what you want with these buffer areas. I gave you this just as an example of something that could work. You could have different ones. You may want an Aqueduct buffer and you may want to have different things there, although the Comprehensive Plan did not say anything about that. It was on the large tracts, and I was looking where the large tracts were. It seemed to be mainly Broadway.

Trustee Armacost: This seems a very simple and easy way to do it.

Mayor Swiderski: You have doomed us to months of hearings. But yes, it is immediately appealing because it has been done elsewhere.

Trustee Armacost: And this has worked for them?

Village Attorney Stecich: Yes.

Trustee Walker: I think it is excellent, and I also like the idea of a Croton Aqueduct buffer. However, I do not think it should rule out some of the reasons that the Comprehensive Plan recommended clustering, which went beyond just the Broadway buffer. There were other reasons for clustering. One is because it is more energy efficient and it uses less infrastructure. It preserves sensitive environmental areas, whether it is steep slopes, or rock outcroppings, or wetlands, things that we do not preserve in any other way in our code. If mandatory clustering on each property is impossible to do, could we still have some environmental zoning that would protect these other areas.

Village Attorney Stecich: Let me say two things. Number one, this addresses a much narrower issue. And what I heard at the last meeting where we talked about it was concern about the gateways. That is what this addresses. Clustering is a different thing. Nobody is saying you cannot have clustering. There are three ways to do it. You could try to write a generic law. As Peter saw, it is very difficult. You would have to have a planner and a lot of work. Or you could wait until somebody wants to develop the property, and you require them to come in with a cluster. Chances are a developer may want to because it is cheaper for them because their infrastructure is not spread out all over. That is how those two cluster zones happened.

Then the third way to do it, and this was a suggestion I made a while ago, is you can say in your law that the Planning Board may require clustering when anybody comes in for a subdivision. I think people were uncomfortable with that because they thought we want to be able to tell people where it has to be clustered. But what you could require on any particular application for subdivision is that the Planning Board, if they think it is appropriate, could require them to do a cluster.

Trustee Walker: We should consider that. We talked about it before, but I think we felt that the Board was losing its authority.

Village Attorney Stecich: And you are.

Trustee Walker: And we are, but the Planning Board is going to be the Village body that really is going to scrutinize these plans.

Mayor Swiderski: I am going to try to replay the tape in my head of how that discussion went. It was not that we were losing our authority. It was that leaving the discretion to the

Planning Board did not mean it mandated that these view corridors be kept. It could be that they decide not to do a piece of property, and we lose a view corridor.

Trustee Armacost: They are separate. This is solving one issue, and then the other issue still is outstanding.

Mayor Swiderski: I would argue that this will probably force clusters on all these properties anyway. By moving the development back from the street and chewing up so much territory on this buffer what you are left with is a cluster, effectively, to efficiently use that property. But we could also mandate. I have no problem with that, but I would rather have it be two different things.

Trustee Walker: That is fine. I think this is important in and of itself.

Trustee Jennings: I agree. I think we should hold firmly in our minds the distinction between the preservation of view corridors and buffers, which this approach is very good for. The second principle, though, that we should not forget about, and this is where this issue of clustering is really coming in, we should consider, in the zoning of our large tracts, the concept that we want to establish a process of planning and design that will look at the entire site from an ecological and many other points of view, and plan the whole site in an intelligent way. The view corridors are only one component of that. If the site is large enough you can go in 120 feet from Broadway and still do either good things or bad things to the property. We do have a few tracts that are large enough that there is still a lot of play after you get done with these buffers. We must define the concept that the site, as a whole, needs to be used in the most intelligent way, and somehow build that in. You cannot necessarily do it with zoning, but you can do it by setting a process. It will be a site-by-site decision-making. And then the question of who should be the principal people, the Planning Board, the Board of Trustees, in that process is another set of questions. I want to make sure that we do not simply say that we are only interested in what people can see from Broadway. We are interested in what people cannot see from Broadway, and what is done to the marshland in the middle of the site.

Mayor Swiderski: Agreed. And the Comprehensive Plan speaks to that, as well.

Village Attorney Stecich: Another way to deal with this is a little different because it reduces development. That is to upzone it. Those are all R-20s. The Comprehensive Plan did not go into it because my understanding was that they thought that these things should be rezoned as commercial or office. But the Board seems that it might not want to go that way. You could create bigger zones. You have no one-acre zone in the Village right now;

R-20 is the biggest you have, half-acre, 20,000 square feet. But another possible tool is to upzone, to require bigger lots.

Trustee Walker: Except that I do not think that necessarily protects the ecologically sensitive areas. It just reduces the density.

Village Attorney Stecich: No, it does not. It reduces the development.

Trustee Walker: And that makes it even harder for somebody to do a cluster development potentially, from an economic point of view. Not that I am promoting a dense development, but if we went to one acre it might make it really restrictive about what they could do there.

Village Attorney Stecich: What is the other concern? Is it wetlands? Then why do you not draft a wetlands law?

Trustee Armacost: Exactly. Or designate it as a park or something.

Village Attorney Stecich: It seems to me you focus on what the real issues are. If the issue is protecting the wetlands, then enact a wetlands law. There are tons of models out there.

Mayor Swiderski: There are a couple of issues, but in the interest of not spinning around our tails trying to fix them all start with this. It is not going to be as straightforward as I suspect or wish it was, but it will at least provide some protection. The Comprehensive Plan opens a can of worms that could take us years to resolve all the recommendations. Rather than put off some of this protection, we can at least put this into place hopefully soon. Then at least the view corridors are preserved, and we can move to the dicier stuff.

Trustee Walker: I would just like to clarify the term. Because view corridor usually means a corridor through which you see a view, for example, standing on Warburton Avenue looked down toward the river. These are more scenic corridors, or maybe there is another name. What we are trying to preserve is that feeling of almost pastoral green as you are coming into the Village. It does not feel built up, and there is sometimes some beautiful vegetation. For example, the Andrus Children's Home has wonderful old trees and rock outcroppings and meadows that you see from Broadway. What we are preserving is the kind of scenic quality of the gateways and a vegetative buffer, or a landscape buffer would be a better way of putting it. We should be stating exactly what our intention is and why we want to do this. It is not just to preserve a view of something in the distance.

Trustee Jennings: Could we also say that the buffers can perform a number of different functions and ecological services and not just view or aesthetics? They can deal with

drainage. There are a lot of things that are good about telling people that they cannot pave over this 120 feet; they should use it in a different way. Any metaphor that just limits yourself to what you could see is perhaps a little too limiting. There are important things that you cannot necessarily see with your eye from the car that can be served by this.

Trustee Walker: Yes. Buffers now are being used, as you point out, for stormwater drainage from roads so that it does not go into the storm sewer and goes into the ground adjacent to the road, or swale, or rain garden.

Mr. Metzger: I am speaking from recollection and not reading from the Comprehensive Plan. But you have touched on all the big ideas. One of the terms we used was the “bucolic” nature of entering the Village. It is not only along Broadway, it is also coming up from Yonkers along Warburton Avenue, it is coming off on Farragut Parkway. There are a number of major, and then some more minor, areas.

When you are talking about the overlay that we were discussing it is an overlay zone. Think of it as a front yard setback, that you are creating a space between the public and whatever development is happening on that piece of property. The zoning that happens on the property after that is a separate and related issue. So whether that becomes a cluster zone or a commercial or residential or mixed use zone, that is separate and apart from, but related to, maintaining this green buffer. You come out of Yonkers and it is a heavily built up area. This is the first of the river towns that you come to. We wanted to maintain that soft edge when you come into Hastings. If you think back to watching the *Andy Griffith Show*, if Andy was walking out to the old fishing hole and going by a couple of taxpayers and Mom & Pop stores and all that stuff, it wouldn't have had the same feeling. We are trying to preserve some of that. So again, we are looking to buffer. As Trustee Armacost said, it is relatively simple. Obviously there are issues that need to be looked at. The green buffer is one thing, the zoning is something else that is equally important. Bruce's comments are absolutely on point. We have to make sure we look at the entire site.

One of the things we talk about, for example, is development along the Saw Mill Parkway. There is the 100-year floodplain. They say you cannot build up to that. We have gone a little further. We said we want to maintain a 30-foot buffer to the floodplain because that floodplain now is in a state of flux. So you have touched on all the issues, and doing this green buffer would be a good first move to understanding how the site-by-site zoning may be resolved.

Trustee Walker: Did you ever discuss a buffer along the Aqueduct?

Mr. Metzger: I do not believe we discussed it specifically. It is state property, and there is a buffer that the state maintains on either side of the Aqueduct.

Trustee Walker: But that is a 60-foot wide right of way. There is no required buffer on either side of that.

Village Attorney Stecich: I do not think it is 60 feet. I walk it all the time. There is no way it is 60 feet wide.

Trustee Walker: I cannot remember where I got that number. But at any rate, it is wider than the trail. What we are saying is think beyond that.

Mr. Metzger: The issue that you would have to look at is, as the Aqueduct runs along a single-family residence area versus running along a large tract or multi-family tract. There are probably different buffers you would want to maintain for those two things.

Village Attorney Stecich: It is kind of built up in Hastings, and you do not want to render all those properties nonconforming because a lot of them are pretty close. But maybe there are parts of the Aqueduct that are not yet developed. The buffer does not have to be along the entire Aqueduct. It can just be from this street to this street, on Broadway just from this street north or this street south. If you are going to do that, I would suggest you amend the Comprehensive Plan.

Mayor Swiderski: I am a little leery of going beyond the scope of the plan right now. The plan represents the consensus. I am going to hide behind the scope of the plan and come up with a list of gateways and streets specifically laid out there, and start with that.

Trustee Armacost: And then will we discuss wetlands another day?

Mayor Swiderski: Let us see what the plan says on the topic, and then whether that can be folded into the buffer discussion.

Village Attorney Stecich: No, wetlands law is totally separate. My suggestion is you come to an agreement on this. There is a bunch of sample wetlands laws out there you could take a look at. You might need some expert help on that because I have no idea what kind of wetlands or how many wetlands or anything because we never had a law. But there are plenty of laws out there.

Trustee Armacost: I think they are totally separate. I am just wondering if once we have dealt with this, what is the next one that is the low-hanging fruit.

Mayor Swiderski: I do not want to be unambitious. But the next item on the Board discussion is the one that gives me the real willies in terms of workload. Marianne, in terms of logically how we move forward on this what do you suggest?

Village Attorney Stecich: You just saw it tonight for the first time. I would suggest everybody take a look through it and see whether you are comfortable, in general, with it. I can draft something up. But then I need to know where you think these buffers should be and also how wide they should be.

Mayor Swiderski: I will go through the Comprehensive Plan and see where it suggests those buffers be, and that starts the list.

Trustee Armacost: This is pretty sensible what is written here. I do not know if such a thing exists in Ardsley or Dobbs Ferry, but it would be interesting to see if they have something like that.

Village Attorney Stecich: Ardsley does not. I do not know about Dobbs.

Trustee Armacost: Or anywhere else that is sort of relatively close, it might be interesting to compare. But this seems pretty easy to work with.

Trustee Walker: Or Yonkers. T Andrus Children's Home is both in Yonkers and Hastings. We could regulate our side, and if they are not regulating their side it could be developed completely differently.

Mayor Swiderski: All right. So I will get you a list in the Comprehensive Plan. We will funnel comments to you prior to the next meeting.

Mr. Metzger: At the end of the Comprehensive Plan members of the committee had asked the Trustees if we could receive hard copies of the final report. If that is a possibility I would like to have a copy, and the other members of the committee would like to have that, as well.

Mayor Swiderski: Did we ever do a final copy?

Village Manager Frobel: Yes.

Trustee Armacost: Can we get them, too, then?

Trustee Walker: While we are on the Comp Plan, we had talked about having a session dedicated to prioritizing and going over other things in the Comprehensive Plan. I had offered to make a spread sheet or list, and I could do that now. I wondered if we want to set something like that up.

Trustee Armacost: The other thing we talked about is a group of citizens who are very interested in the implementation of the Comprehensive Plan, and whether we need an implementation committee. I do not know what the appropriate process is for that.

Mayor Swiderski: It probably needs to be on the agenda, and we should have a formal discussion where we agree on that process.

Trustee Walker: Even before we have the work session to prioritize, we will agree on the process for the prioritization. Let us do it at the next meeting.

Mayor Swiderski: Try to do that before it gets even busier.

3. Waterfront – Update and Next Steps

Mayor Swiderski: December 21 we got a draft version of the state's PRAP, the Preliminary Remedial Action Plan, which is the DEC's suggested way for cleaning up the water portion of the waterfront. We already know what they issued for the land portion. That was decided eight or nine years ago. They issue a PRAP, there is a public comment period, and then the state issues a ROD, a Record of Decision, where they formalize how the cleanup is to occur. Then BP goes off and begins to design the cleanup. But we received a draft of the PRAP, and they gave us all of a week, really almost editorial comments. They will issue it sometime in the next couple of weeks to the public to review. At that point, the clock begins running on the public comment period. Minimally, the state requires 30 days. I think that is insufficient for a decent review. We should probably do twice that. It probably should include a dedicated session, where people have a chance to speak as well as a Web site where they can submit comments to our e-mail address.

What happens next beyond that, and that will happen this year once the ROD is issued, is the engineering design. BP will lay the infrastructure for the waterfront if we indicate where that is to go. They will put down the sewage conduits, the electrical lines, et cetera if we indicate, on the map of those 28 acres, where we see those lie. By late summer, we would need to provide that input. It does not mean we have to finalize what is going to be on the waterfront because we will never do that. And anyway, it is nine years away. But at least we need to agree, roughly, on where the dense areas are likely to be, where the park is likely to be, ideally where the road would snake. We may choose to have it be simplified and just parallel

to the tracks 100 feet out, and that is it. Or we may be more ambitious, and to map out where it will go.

The opportunity to provide that input for the engineering study is just too great to lose. It would add millions for any subsequent work by a developer who would have to dig up the remediated ground and lay that stuff anew, and go through all the inspections that would require. If we can avoid that, it increases our leverage down the road in any conversation we have on the waterfront. That means we have to come to terms, as a Board and community, on what is going to happen there, at least in enough detail to provide engineers with guidance. We may just decide to punt it and ensure that the sewer pipes and electrical lines are big enough to handle twice whatever we could have conceived of. Or we may want to be more specific. We may want to say exactly where the road will go, or just assume a parallel road to the railroad. But it is a discussion we have to have, and I do not know how we have that discussion efficiently in a nine-month period that is engineering useful without outside input.

Trustee Walker: BP is putting money out there for us to hire outside assistance, are they not? Because we had the grant, a pretty significant amount, from the state to do this. And we gave it back because BP said they would provide that funding.

Village Manager Frobel: Your consultant throughout this has been the engineers from Malcolm Pirnie, and they attend all the sessions where the full group meets. I was going to suggest the next step might be to invite that gentleman here to give us a workshop as to what he thinks out next step should be, or how much latitude we need.

Trustee Walker: An engineer is going to look at one aspect of it. But at least they could tell us what is feasible and that is a good starting point. They are not going to design or plan where things will go, but they can tell us at least what we should be thinking about.

Village Manager Frobel: Because this fellow has been with us from the beginning, he is in a position to know what is practical on the site, as well. Never mind whether you are going to be looking at a huge hotel or open parkland, he is going to be tell you what it could probably support. Your options may become limited as you find out, as you get closer to it. We could schedule that early February.

Trustee Jennings: It would be very good to meet with Malcolm Pirnie soon and begin thinking about this process. I do think that, Mr. Mayor, you put the alternatives a little too starkly. There is something in between: t we have them do the stuff underground on the infrastructure in a way that gives us the most flexibility later on in terms of what goes on top.

Mayor Swiderski: I guess that is what I am saying. Some of the infrastructure, where a road might be sited, will drive, ultimately, where buildings are. And they will also potentially lay foundations for that.

Trustee Jennings: It may not be quite as daunting to give good input as having to solve the whole plan for the top. We do not have to do that, but we need a conceptual vision of what is likely to be where. And also, there are some parameters already. We know that you are not going to be building the conduits through the portion that has 8 million parts per million PCBs still in there. Parameters were set out already by the studies they have done and by the lawsuit. So we are not totally starting from scratch. But it is great to clarify again for the public. We have talked about a couple of different things here. The underwater, the OU-2 portion, we are getting the Preliminary Remedial Action Plan, and then eventually we will get the record of decision. We have gone through that process for the land cleanup portion already. But now you are introducing yet another step in the process, which you are referring to as the engineering study. That is not the same as either the PRAPs or the RODs. It is yet another layer of work. And it cannot be done until they have finished the OU-2 ROD, so there is a sequence here.

Mayor Swiderski: Let me be explicit about the steps. The PRAP is issued in final form for public comment. There is 60 days, we just agreed, public comment period. The public comments are then taken by the DEC, and they issue a ROD. This PRAP that will be issued will also come with modifications to the land-based ROD that is already on record as this is how the land needs to be cleaned up, because the land is changing. The northwest corner is going to grow by an acre, there are going to be other modifications. So the legal document that is the ROD will have to change for the land portion.

So the PRAP and the ROD amendment will be reviewed. A final ROD will come out for the offshore, and the land and the water combined is what the DEC is saying BP needs to do for the waterfront in total. BP can only begin action when it understands what those two pieces are because they need to understand what the responsibilities are for cleaning up the water. They may have to stage equipment, first to clean up the water. For example, this PRAP seems to indicate that they will be dredging up to 15 deep on the water. So there will have to be dredges offshore that scoop out the mud, and then that mud will have to be plopped somewhere on land and dewatered and shipped off-site. That sequencing of how that happens could not have been determined until the second ROD is issued. So BP has not been able to do anything yet on the land portion because they have been waiting for guidance from the state on what they want done with the water portion because of this planning issue. Which one happens first, how does it happen, where is the equipment staged, where is the junk held. This will all be clear once the ROD is passed, hopefully by early summer. The issuance of the ROD is the starting gun for BP to begin the remediation.

The first thing BP has to do is design their remediation. That is this engineering process. That design phase is easily six months, and probably longer. It has to be approved by the state once it is completed because the state has to be satisfied that what BP is proposing will sufficiently do what the ROD states they need to do. Then once the state approves it, sometime in mid-2013, the shovel begins to hit the dirt. Our input has to happen fairly early in the design phase for it to be done in a timely way.

Trustee Jennings: So we should definitely be thinking about this before summer.

Trustee Armacost: Putting in the pipes and the drainage and the roads, et cetera, who is paying for that?

Mayor Swiderski: BP.

Trustee Armacost: BP is just putting in the pipes, or is BP putting in the wiring and building the road?

Mayor Swiderski: We have not discussed the detail, how generous they are going to be in that regard. But certainly they are on record as saying conduits and sewage pipes. Whether it is the actual road or whether it is foundations for the road, unclear. They are not obligated to do a thing. This is all kindness of strangers, so to speak. And exactly what will go into the pipes probably does not make sense for them to commit because we do not know what is going to go above ground. They just have to make sure that the infrastructure they put in the piping is wide enough to securely carry whatever it is it has to carry. But they are not obligated to do a single thing beyond remediation.

Trustee Armacost: But we know for sure that if pipes go down that they are going to pay for them.

Mayor Swiderski: Yes. They have offered to do that as part of remediation. It is relatively a low expense if you have got your earth open.

Trustee Armacost: I am just thinking about the capital plan. If we are ending up having to pay for that, at the end of the day, it becomes quite a different thing.

Village Manager Frobel: We could not make improvements on private property anyway. They are the owners.

Trustee Armacost: The second question is about the process for getting input from people who care about this issue. There are lots of people who have had ideas about the way the land should look over time. Some of the ideas are contradictory to one another. So how do we get the ideas in, and how is the decision going to be made? How do you fairly weigh the different points of view in this seven-month period?

Mayor Swiderski: I do not think we can run that conversation without help. It starts with advice from Pirnie or somebody like Jonathan Rose, who have run this process in other villages, can tell us how this might unfold. Let us ask people who do this for a living how it is typically handled. I do not know if there is a typical.

Trustee Jennings: But we should be hopeful and optimistic about it. We have been through something quite analogous already. We went through the public discussion process, interacting back and forth with Malcolm Pirnie and our legal advisors, when we did the lawsuit with Riverkeeper. We came up with an agreement that the federal judge accepted, which was very much vetted by the community as a whole. We had several large public meetings. Lots of documents explaining the pros and cons of the different positions were prepared and read and debated by the community. We should not be overly daunted by the process. It is actually a very creative process because we finally get to the point where we can see something that we develop a consensus around which is positive and good for the Village. And it does emerge out of that. It will not be exactly the same. I am not saying that. I am just saying it will be analogous. I am sure we will get the right guidance, and the community will respond just as it did in 2004.

Trustee Walker: It was 2000, when we did the waterfront workshop.

Mayor Swiderski: But the difference here is a shorter time frame. Bring Pirnie in as soon as possible, and then if the decision is we need a Jonathan Rose to help with a community discussion over several visioning seminars or whatever, fine. I am just not sure what makes sense, given our time frame, and what the output has to be. If Pirnie says what you have in the ROD for the land already gives you all the restrictions you need to know, just based on that, and what the Comprehensive Plan says, we know what the maximum density is, plan for that, it could be that easy.

Village Manager Frobel: Exactly. I think that is what you are going to hear: there are industry standards for that land and what it can support.

Trustee Walker: I think it is a lot more complicated than that.

Village Manager Frobel: I do not think so.

Trustee Walker: Having been through it already several times.

Village Manager Frobel: You are talking the size of the water mains.

Trustee Walker: No, we are talking where roads will go, where public spaces will go, where parks will go, as well. And yes, we are not determining what buildings are going to go where, we are not determining what is going to be in those buildings. But we want public input. Finally we are putting the pedal to the metal. We need to find out from the public, once and for all, what kinds of public spaces, what they are going to be used for, what the street network should look like, what are going to be the recreational uses. It is critical to come up with a public space plan, before you do anything. And it is not a simple thing. Number one, we need to find out what funding is available to us from BP to go through this process and to hire outside consultants. I was very concerned when the Village gave back the money to the state that we were going to use for just this purpose. But I was assured that BP was going to provide that money instead.

Number two, it is important to have somebody from Pirnie come and talk about what we mean by infrastructure, putting it in the ground during the remediation, what does that physically mean, and how flexible can it be. We also have to remember that BP has promised us a park. They are giving us land for open space. We may get more land from them, as well, but at least we know there is like a six to eight acre park that is going to come out of this. That is not even including the northwest corner. So that is a piece that we would love them to put in place, as well, along with an esplanade, while they are doing this project.

Mayor Swiderski: The infrastructure may well include details of how thick and how reinforced the walls around the northwest corner need to be if we plan to have that be a dock for boats. We need to have some idea of the uses so that BP can include it in their engineering design.

Village Manager Frobel: We have given them that short list. They have that.

Mayor Swiderski: We have given them the uses, but now it needs to be taken to the next step of saying not generically we want to be able to launch a kayak, but here. That next level of discussion, ideally, is part of what happens. Meg, I was afraid you were going to say more than what you did. You are restricting it to public places. I agree, that is less controversial than what occupies the buildings. But if we can agree on especially the water bordering public places, which is where the infrastructure may be impacted, again this is something that Pirnie can tell us: you are going to need to make these decisions, and this is what BP is covering.

Trustee Walker: Pirnie is an engineering firm first and foremost, and they are not urban designers, not architects. But they can help us with what needs to be figured out when, and how does that go into the ground, and how flexible can it be, and is it like a big trench underneath a road that you can just pick the road up and put new stuff in, or do you have to run the power cables through the conduit. These are questions I do not have the answer to, we do not have the answer to, that they could help us with.

Mayor Swiderski: We will start with Pirnie, and Pirnie may very well say you need to hire a Jonathan Rose type firm to help determine your public places. But somebody needs to lay this out for us pronto so we can get to it.

Trustee Armacost: Can we not just call them up tomorrow and ask them what their view is? I am more worried about the public discussion. I do not think we have to wait until they come here for them to tell us what that is.

Trustee Walker: Well, we need to determine what the public process is.

Trustee Armacost: But the range of recommendations.

Trustee Walker: It is really critical that we have a process that is open and transparent.

Mayor Swiderski: The engineers speaking to us is part of the public process.

Trustee Walker: We can make that part of the public process, and it is something we need to find out right away. But the public process, we need to have a consultant on board, whether it is Jonathan Rose or an urban designer, who is going to help us lay this thing out. They are going to help us through the public process.

Trustee Jennings: Because Malcolm Pirnie's expertise is not that. Earlier, we went through it with RPA. That is their expertise, not Malcolm Pirnie's. So we do have different pieces that have to fall into place.

Trustee Walker: It was a combination. Niki was not around, but I was the planner then. We brought in RPA, and they ran the meetings. But there is a tremendous amount of work that has to be done behind the scenes, which is what I did and, in fact, I was paid to do as the planner. I had to do all the community outreach and all the publicity. So there is a lot of work that goes into making sure people know about what we are doing and they come to these meetings, and that the meetings are set up in such a way that they can share their opinions. This is something I do for a living, so I am going to make sure it is done right.

Trustee Armacost: Good, because I do not think an engineering firm is the right group of people.

Mayor Swiderski: I am not suggesting they are the ones who run that. I am saying the first discussion is for them to lay out what infrastructure we worry about, and then the PPSs or Jonathan Roses help us through the next step.

Trustee Armacost: And Jonathon Rose is paid out of what?

Mayor Swiderski: Again, by BP.

Trustee Jennings: As was RPA.

Trustee Armacost: And what is the status of the building that is still standing? There are still two buildings.

Mayor Swiderski: I do not think we have an estimate on mediation above ground yet.

Trustee Walker: We have got the report on the condition, but we do not have the cost.

Trustee Armacost: Do we know when we are going to get that? It seems to me that if the building is up or down, it is going to have an effect on what goes on top. It is important to know that before the design period kicks in.

Mayor Swiderski: It certainly is. Very good point.

Trustee Armacost: There are a lot of people who feel strongly in different ways about that. And those people also need to be informed so they can do whatever they want to do.

Mayor Swiderski: Like I said, it is going to be a long year. There are a lot of critical things that happen this year, finally, on the waterfront. It is starting to come together.

Trustee Armacost: It would be a disservice to the community if the ability to deal with that decision happens in too short a period of time for people to be able to act effectively.

Mayor Swiderski: It has got to happen in parallel, but it has to be resolved prior to ...

Trustee Armacost: But soon enough before that there is a course of action that people can take if they care about preserving the buildings, for example.

Trustee Walker: Alternatively, that decision could be incorporated into our larger discussion with the public. You could look at various alternatives with or without the building, then make a decision once you come up with an overall plan, based on both the costs and the feasibility of reusing it, and how it works into an overall plan.

Mayor Swiderski: And there is no way we do that without, again, a Jonathon Rose or a consultant able to price those alternatives.

Trustee Walker: Jonathon Rose, just to be clear, is both a planner and a developer. He has a fairly large firm now, and he often does planning separate from developing. But when he does planning like this, he often brings in architect or urban designer to assist. He has a stellar reputation in green building projects in the northeast, and in reuse of historic structures. And he is interested in waterfronts.

Mayor Swiderski: I am not pumping for him specifically for this, but his name is the first out of almost anyone's mouth on the topic of choosing the sort of consultant for this sort of job.

Trustee Walker: Right. And we have to look at others, too. He came to our earlier meetings in 2000. He was at all of our workshops, and he even came to the meeting when we talked about the development strategy. So he has a good handle on it, and he has visited the buildings.

Trustee Armacost: Does there have to be an open procurement process for this?

Mayor Swiderski: There should be. It is going to be a contract for more than \$15,000 so there should be multiple bids. It does not have to be terribly complex.

Trustee Walker: If it is paid for by BP completely do we have to go through that?

Mayor Swiderski: It is not the fact that it is paid for. It is our selection. Malcolm Pirnie was our selection of an engineer, they pay the bills. And this would be our selection. So yes, we could, as a Board, decide with a non-competitive bid.

Trustee Walker: That is the question: do we have to do it competitively.

Village Attorney Stecich: I do not think so, not if it is a professional. Like if you are hiring a law firm you do not have to go to bid on hiring. It might make sense for you to do it, though, but it is not required.

Village Manager Frobel: Follow your normal course of procurement. If you would like a request for a proposal, at least receive a hard copy of the proposal.

Mr. Gonder: Building 52 you are still waiting for some decision about the foundation. How can you make decisions until you get that information? I keep hearing reports you are going to get it and I think six months have gone by. What is taking so long? You need to know if that building is safe. Where is the answer, and when will you get the answer?

Mayor Swiderski: Certainly a call on my part in the next week to BP. We need to nail down the timing on that.

Mr. Metzger: This is the big one. We probably spent more time discussing issues around the waterfront. We have spent years trying to figure out what would be a good use for the waterfront, and nobody can really agree commercial, residential. If it is commercial, is it institutional. We said there is a new planning process that is being used very successfully around the world. It is called form-based zoning, where you get together and you decide visually what you would like to see these buildings look like, how much space should they occupy, how tall should they be, what configuration should they be. Think of having Play-Doh, and you get to put it on the site and mold it however you like. Then you start to ask what makes sense to go into those building.

We agreed we would need a professional to run that discussion, whether somebody like John Shapiro, who helped us tremendously with the Comprehensive Plan because that is strictly a planning exercise, or whether a firm that can provide the engineering and design background. I think Meg is absolutely right. If you bring in an engineer they are going to tell you that you are going to put a trunk down the middle of the property and that is what you are going to have. That may not necessarily be what we want. For years people are envisioning this concrete trench in the property with a bunch of tubes running through it. What we keep forgetting is, after they dig up all of this stuff and then put it back, they are then going to build five feet on top of that. So we are not really talking about putting something below what is grade now. We are talking about something would be probably on grade of what is there now, and they are going to fill up to that.

Doug Alligood, who has been looking at this for quite a while and came up with some brilliant ideas, said we are looking at sea level rise. During the hurricane the entire waterfront was under water right up to the train tracks. Doug said why do we not build a dam along the edge of the river, and within that dam is where we run all of the services. So now it is above grade, it is accessible, it protects us from future river rise. And we put a walkway on top of

that, which is required by the consent decree. Now we are starting from an area where we are solving several problems, and we do not necessarily need to know where the road goes.

There are other options that we are not discussing because we have not talked about it with people who are bigger thinkers. I would like to suggest that the first thing we do is get a group together to put the process in place to start the form-based zoning so we could get a handle on visually what this would look like. The record of decision will tell us what we can build on and what we cannot build on. We have addressed quite a bit of that in the Comprehensive Plan. John Shapiro had some definite ideas that a lot of people thought were very good about where the buildings should be concentrated. We can start with that as a beginning premise. Or we can throw that out and say the park is going to be running longer. You get the point. Let us get a process together immediately. I do not think it would take long to get people on board. Probably in February we could have a kickoff meeting. Having the engineers come in is premature now. Let us get a sense of where we want to go with this, then bring the engineers in to tell us this can be done and this is how you would do it.

Mayor Swiderski: I do not know if it is premature. I am not sure I want to get into the form-based zoning exercise first. That is the chicken and egg problem. We are going to head into a much larger discussion than we can fruitfully bring to a close in a seven month period.

Trustee Walker: I think if we can get a vision first, the vision can be used for both.

Mayor Swiderski: But what do you mean by vision?

Trustee Walker: This community vision of where the road goes and what the park looks like and the public spaces.

Mayor Swiderski: That is about all the vision I think we have.

Trustee Walker: OK, but this vision will be the beginning, and it will help with the infrastructure planning. But it will also be the beginning of the form-based code discussion. At a very basic level form-based code is going to say buildings and spaces. And then eventually they are going to say building height and how to cluster them and view corridors, things like that. That comes later. Initially, it is a two-dimensional plan with what goes where, and then we start to develop it further.

Mr. Metzger: But we also have to be careful. We are talking about 2012 technology and we need to look at five, seven, 10 years from now. We saw what happened in the Village a few years ago when Verizon said we want to run fiber optic cables. We had discussions about where boxes were going to be hung on poles, and how they were going to do all of this

stuff. We are looking at changing technology, even as the way buildings are constructed. In Germany, they have entire housing projects built on platforms that look like natural landscape. They are "parkscape." All the parking happens underneath. All the services run through the ceiling of the parking. Everything is instantly accessible. If you were to get a flood, you move the cars out of the way and you flood a parking lot so who cares. We have technology that we are not looking at. I do not want to get us wrapped up with something with BP in August that five years from now we are going to say what were we thinking.

Mayor Swiderski: We have to start somewhere. That is exactly an unproductive line of thinking because we cannot predict five years out or 10 years out what the technology will be. But that cannot preclude us from laying infrastructure we know we need currently. I doubt sewer lines are going to change dramatically.

Mr. Metzger: I would venture to say that the professionals that we are talking about would have a much better idea about what that five to seven year process looks like.

Mayor Swiderski: Yes, but we have to go through the engineering exercise now. I do not know if I want to get into the form-based used issues. But we have to do it, and it has to be scoped enough so that we pull it off in the time frame of seven to nine months.

Mr. Metzger: I am not looking to be glib here, but given how long it has taken BP to get this remediation plan on board, why are they saying now you have six months?

Mayor Swiderski: They are not the one with the firing pistol we have been waiting for. It is the DEC finally indicating what the cleanup should be. BP does not gain by delays in this process. They want this remediation underway sooner than later because it is only riskier and more expensive with time. They are already talking about ways to do the engineering, double-track the preliminary remediation, actually happening earlier. They want this process begun pronto. The delay here has been coming to an accord on remediation, and that has not been BP. I am not shilling for them. I am just saying I have sat through three years of a process driven entirely by the DEC. Our engineer has never said BP is the one delaying it. They said that BP's turnaround and questions asked have always been reasonable. The DEC has a very deliberative process to do what it is doing. We wish it were faster, but we are there now. Now we have something in hand. So the pistol goes off.

Village Manager Frobel: Even now, Mayor, what we hoped was to have a critical path and also the time frames. I do not know if Malcolm Pirnie is in a position to compile all this information and come up with one. But that would be a question I was going to pose to them to begin to help us. When does this have to happen, and what is accomplished?

Trustee Walker: Jim mentioned it, but we need to consider putting together a new waterfront committee. We are talking about doing a number of committees for the implementation of the Comprehensive Plan. But the waterfront committee might need to be first. And it may have subcommittees that deal with Building 52.

Trustee Armacost: Maybe Trustee Quinlan would be willing to chair that, after, as a role. One thing I wanted to reinforce that Jim raised was the issue of climate change. That area during the hurricane was completely flooded. So plans that take into account that it is fairly likely at least once or twice a year in the coming years.

Mayor Swiderski: The site will be five feet higher. That is higher than we expect the sea rise, under even the darkest scenarios, over a 50-year period.

Mr. Metzger: But that sea rise does not take into account storm surge. There was a study this week with revised estimates. It used to be 8 to 24 inches was predicted. Now they are talking 24 to 36 inches because the polar ice caps are melting at a much faster rate than they expected. It is a doomsday scenario.

Mayor Swiderski: I know. It is an issue they have to think about. But with all that said and done we still have to figure out what to do about infrastructure.

Trustee Armacost: I work in places which get flooded all the time, and it is amazing how many of those countries have not thought about that issue. It would make us cutting edge that we have thought about this issue, unlike some other people who blindly just do it as if nothing had changed ever in that time. Bruce has spent a lot of time on this topic, as well.

Mayor Swiderski: We have to incorporate into the planning, but we are not going to say we cannot build on the waterfront because one day it might be flooded.

Trustee Armacost: I do not think anyone is saying that. Laying sewers, obviously it does not really matter if it is flooded, but you need to have a proper way to handle that because of things going into the river. But in terms of other wiring, that maybe is not the best solution.

Trustee Jennings: What Jim brought up before is pertinent in the timing and phasing questions. We should talk with Malcolm Pirnie in preliminary ways. They are not going to have all the information together, but they can give us their opinion about the right kinds of questions to be asking. And then we should get other points of view, planners and so forth, as well. But we do need to get a handle, review and reiterate, what is going to go on top of what, how high it is going to go. I remember clean fill, I remember topsoil, I remember a whole bunch of scenarios. I remember a cap. We need to remind ourselves of that. And we

also need to figure out how much of this so-called infrastructure that we are discussing is going to be how deep and when it gets done. We are proceeding on the assumption that at least some of this stuff needs to be put down in there when they are digging out the contaminated soil, below the present grade. That may or may not be correct. If that is not correct, it changes the timing of the inputs that we need to make. Maybe part of it is going to be below the present grade, maybe part of it is going to be above the present grade in the build-out part. And maybe part of it could be up, as Jim and Doug and others have suggested. It might not be underground at all. It might be a different technology. But it would be nice to get some more clarification about that. It may turn out that we do not have to get input within the next nine months on all the infrastructure, just part of it. And then we will have more time for the infrastructure that is going to go above the grade.

Mayor Swiderski: But we need somebody to tell us that. An engineer, in consultation with BP based on the ROD currently issued, needs to give us an indication of that so we have an idea of the critical path and what we need to do.

Trustee Jennings: Right. My gut feeling is that this is going to turn out to be in manageable bites, that we will, in fact, be able to sequence this and we will have the community capacity to have a good discussion.

Mr. Metzger: Cornell just won on Roosevelt Island. I forget how many billions of dollars worth of construction they are talking about, but there were a number of other universities that lost that bid. We have a piece of property available, and if someone says how long is that going to take, the Cornell project is slated to end around 2046. So we have some time. But when we talk about lightning striking, we may find out who else was bidding on that property and see if they might be interested.

Mayor Swiderski: So how soon do you think it is reasonable to get Malcolm Pirnie in? Do you think you could manage actually next meeting?

Village Manager Frobel: Let me try. I will give them a call tomorrow.

Mayor Swiderski: But that would involve a discussion with BP on their end, and a review of the ROD to say something smart to us. Two weeks' notice may not be enough. I am thinking the first meeting in February.

Trustee Walker: And these are general questions we have. Somebody who is familiar with doing this kind of work during a remedial process could answer them in a generic way. They do not have to know every detail of the PRAP.

Trustee Jennings: What is under there already? It is not as if there is not an existing infrastructure of sewage, piping.

Trustee Walker: In the LWRP there is a map of what is there. In fact, there is a chapter on infrastructure. There is the wiring and the plumbing and the sewage lines and things that were used by the previous buildings.

Trustee Jennings: Can any of that be salvaged, or are they going to have to rip that all up?

Trustee Walker: I doubt that it can be salvaged. But you never know.

Mayor Swiderski: The sewer line might be. So the first step, alert the engineer. And next step this item needs to be on the agenda for the next meeting so we can talk about constituting a committee. And we will talk about the charter of that committee, and think ahead of the meeting about what that might involve so that we come in and we are prepared to talk about how we would want to see that.

Trustee Walker: Fran, can you check on what kinds of money we have to work with from BP in terms of hiring a consultant? I know there were discussions before.

Mayor Swiderski: There was a pot of \$400,000 for engineering work, and I think we have gone through more than half of that certainly.

Village Manager Frobel: Susan is the keeper of those records. But it is a separate investment with one of the banks that we draw from.

4. Miscellaneous

Trustee Armacost: Before we end, could we have a discussion about the dates for the budget session. I want to make sure we are not put in the position that we were put in last year, so that there is plenty of time to go around in discussion. We discussed earlier today the issue of having a session on revenue, a session on debt, as well as the expenditure sessions. It has to be passed by May 1, right?

Village Manager Frobel: Yes. I had given the Board a tentative schedule. I outlined all suggested meetings beginning in February, when the departments start submitting their operating budgets to me.

Trustee Armacost: I do not know if I was here. I did not get that.

Village Manager Frobel: There was a hard copy mailed to everyone. I will send it again. Look it over, because I set up typically when the public hearing is held, when you have to adopt the budget, some suggested work sessions.

Trustee Armacost: Did you include a day on revenue and a day on debt?

Mayor Swiderski: No, that just came up.

Village Manager Frobel: Let me do a pencil copy and get it to on Friday, and see if that fits into everyone's agenda.

Mayor Swiderski: We could have the debt meeting in January combined with a discussion about capital.

Trustee Jennings: In the past our budget preparation process has started with the expense side. Let us see what we really need, and then see how much we have to raise the taxes in order to cover that. Over the years we go to the staff and we work up the budget. We are expense-driven first, and then revenue. Then we try to tinker with it so that the revenue increases are not too horrendous to be acceptable to the public. But from now on we have to start with the revenue givens, and we are going to have to budget in a way that fits our expenditures into the limits imposed on revenue, rather than the other way around. Because of the state law we are looking at a logical and psychological reversal of the usual thing that we have gone through all these years.

Village Manager Frobel: I am of that opinion as well. What has happened is that 75 to 80 percent of your decision-making has been removed. You know how much you can raise in your property tax.

Trustee Armacost: I disagree that 75 percent has been removed. But I understand what you are saying, Bruce, from a different perspective, which is that rather than having a wish list and deciding how much of the wish list you are going to fund, the constraints should also be viewed from the way in which you want to generate revenue. There is a broad range of ways that you can generate revenue. Taxes is one of the way, and then there are another set of ways. My experience on the Board is that we have not had those discussions. The assumption has been that revenue is going to be generated through taxes, with a few other things added in. We have never had an in-depth discussion about revenues in the same way as we have had discussions on expenses, and we have not ever had a discussion on debt prior to the budget. We have had the discussion a month or so afterwards which, for me, is an odd way to do it, because the debt includes the larger capital items that you do not want to pay for

in cash, and should be part of that long-term planning. So for me, all three of those things need to be happening.

Mayor Swiderski: But that is what we were talking about doing this time around. We do have a constraint imposed by the state that does cap our flexibility.

Trustee Armacost: It caps one form of revenue. But we should be thinking much more creatively and broadly about revenue. And we should be looking at whether revenue streams in the last couple of years are increasing or not.

Mayor Swiderski: We do as part of the budgeting process. That is always a factor.

Trustee Armacost: Yes, that is the point I am making. I think it is on the in-depth discussion in the same way. Are we getting more or less state aid. What do we do if we are getting less? What are the ramifications if we are getting more? What is happening in terms of grants? Do we need to have matching funds vis-à-vis grants, or not? What is the likelihood of getting certain grants? What is happening in terms of fines? What is happening in terms of the building for which we got the permit? What are the implications from a tax point of view of the fact that there is going to be a building there? When is that building up? When do we see the revenue from that? To me, there is a whole set of questions around revenue that are very interesting, and mean that we do not have to only have a discussion simply about is it going to be this or that tax increase rate. I would encourage us to be much more creative because people need us to be.

Mayor Swiderski: Again, I think we have agreed to a meeting on revenue. And, ideally, that happens leading into the budget discussion. It also gives us some idea of what the play is. The capital plan and the debt is a little more decoupled. It is further into the future than just the next year. It feeds into the process, but it is not as directly related as revenues.

Trustee Armacost: But, for example, in the meeting with the auditor we identified I cannot remember exactly the amount. But it was \$186,000 that can be used vis-à-vis interest payments on debt. So what is our plan on that? That is income. It is positive money that is sitting there. How are we using that? If we apply that against debt, how does that affect the rest of our debt situation? Those are discussions I have never had on this Board. Maybe you guys have in the past, but I think those are important questions to have. What are the ramifications if we do X? You know, \$186,000, that is two percentage points in taxes. So it is not an insignificant amount of money.

Mayor Swiderski: Agreed. If you can send us an e-mail with proposed dates we can see if we have quorums on the various dates. So is it a full meeting for the capital plan and debt? Are revenues a full meeting?

Village Manager Frobel: I would have all three topics in the same meeting. We can easily accomplish that.

Trustee Walker: I want to echo what Niki said about grants as revenue, having a strategy, now at the beginning of the year, to go after, or not, grants, to come up with a list of what is going to become available and, of course, a list of our needs, and to start to think now about going after some of these grants, even if it is in August that they have to be submitted. I know that the situation has changed because of the consolidated application in some cases. In other cases it has not changed, like DOT grants I do not think go through that process. So looking at the capital plan and the Comprehensive Plan and potential outside revenues to help us pay for these things that we are talking about, to lay all these things out, and to look at where we can get alternate funds, and whether we have to match them, now as opposed to trying to scramble in August.

Trustee Armacost: In terms of sequencing, the first thing we need to talk about is the debt and the capital plan because those are the big, heavy expenses. And then, arguably, the next thing that is the expenses. The last thing is the revenue to cover that. But certainly, the debt should come before the revenue. I want to know what these other expenses are before I start thinking about grants. It makes sense to me that the revenue discussion happens after we know, from the department heads, at least what their wish list is.

Trustee Jennings: Certainly, the point that you are making is very well taken. There are sources of revenue for annual operating budgets that are other than property tax revenue. There are grants, there are sales tax, there are fees. On the other hand, I have two points to make about the grant side especially. I have worked my whole career for an organization whose principal source of revenue was grant income. Number one, I do not know what it is exactly like in terms of the kinds of grants that governments get, but in general, you have to project more than one year. You have got to get yourself into a budget cycle where you are looking at a certain amount of grants over three years because you cannot get a grant in one year. The lead time between discovering a grant, submitting a proposal and an application, and getting the funding is longer, usually, than a fiscal year. Therefore, it creates a severe difficulty cash flow-wise and planning-wise for an annual operating budget.

The second point is that if you make an expenditure plan based on a projection of grant revenue that you have not yet gotten you may end up, as the fiscal year proceeds, either going into the red, in which case you have to dip into a reserve fund because we have got to

have it balanced at the end of the fiscal year, or you have to start cutting expenses in the latter part of the operating year so that you do not go into the red. Either way, it is difficult from our point of view because we do not have the flexibility to do that. The third thing about our grants revenue is that so often our grants are matching. We need to have a fund of money to provide the matches so that we can get that revenue. It makes a lot of sense to have that, but at the moment we do not.

Village Manager Frobel: No. And that is why we got into the trouble we did with borrowing from the general fund for the capital projects, because a lot of those capital projects were grants that required a match.

Trustee Jennings: I am not trying to throw cold water on it. But to have a one-year startup that places a lot of emphasis on grant-seeking and grant-receiving as a revenue source is difficult. We have to face this in probably over about three years' time, realistically.

Mayor Swiderski: We do not have a grant writer or a grant department, and our luck as of late, in a very tough environment, has been limited. I do not think grants are going to be a significant source any time soon.

Village Manager Frobel: As Meg indicated, it is a different ball game. The only grant we depended upon for operations was the one for drug and substance abuse. That is the one that impacts our operations. The rest are beyond.

Trustee Jennings: Yes. But if I understood what Niki was saying correctly, if we want to project as revenue something that is not totally within our control in the way the tax rate is within our control, then we take a big risk, because we put expenditures in the budget based on expectations about those revenues. And so it will not just be one thing, Fran. We are going to have a balanced budget because we projected, just like we did where I used to work, a balanced budget, based on an expectation that we would make a million dollars in grants that year. If we did not, we did not. But it is going to be extremely interesting and dicey for this village to project a balanced budget on the basis of things like grants.

Trustee Armacost: No, I do not think either of us are saying that. We are looking at a lot of expenditures.

Trustee Jennings: But let me just finish. If we limit ourselves more prudently to the principal source of our revenue, which is our property tax revenue, and that is now capped, then we will hopefully get grants. But when we do the expenditure side of our budget we better not expect too many of them. And that is going to have a tremendous effect on what we put down as projected expenses.

Trustee Armacost: That is exactly why we should be doing the debt first. Fran wrote an e-mail to the Village last year saying he had \$800,000 worth of capital projects. I do not know the exact figure this year, when you add it all up together. But there is a portion of those capital expenses that if you get the grant you get the thing, if you do not get the grant you do not get the thing. This is not about paying salaries for people out of grants. Those expenditures are part of the operating expenses. You remember the extraction jaws of life. That was planned as an expenditure in the budget. There are grants for fire equipment, and there are grants for police equipment. There are things like that, where I think some of those items we need to know in advance what the plans are vis-à-vis those things to see if there is a way to budget for them independently. So if we get the grant we get the thing, if we do not get the grant we do not get the thing. That is what I am talking about.

Trustee Jennings: Now we are talking about the same thing. We, in effect, have a fixed expenditure budget, and then a contingent expenditure budget.

Trustee Armacost: Absolutely. That is what I am talking about. We need to think about our debt, our long-term plans, and our revenue and expenditures integrated with one another, not separated from one another as if the revenues do not have an impact on the expenditures or the debt does not have an impact on anything else. It felt to me, and maybe I was on my own in this, as if these were quite separated out in the way the budget was approached in the past. I am making the suggestion that we integrate them, and that we have sessions partly so that people understand things, and so that we are planning coherently. For example, earning that we had a fund which was, in effect, a debt fund was very odd to me. We should be having a proactive discussion about a true capital reserve as opposed to a fund.

Mayor Swiderski: I think we are in agreement. Let us first focus on the debt and the capital expenditures. It will give us some indication of how much money we may want to set aside for capital expenses versus paid for by debt. It is a major line item in the budget. So we resolve, effectively, that portion of the budget up front.

Trustee Armacost: We discuss it. I do not know that we can resolve it until we have heard the other stuff.

Mayor Swiderski: Not resolve it, but we begin to have an idea of if we need to buy these pieces of equipment, and we do not want to exceed our 10 percent bond limitation, and we need to pay for that. Then we are going to need to find \$180,000, whatever it is.

Trustee Armacost: And it is also a way of matching up expectations. So, for example, from the discussion early on, if there are a whole bunch of line items which relate to the DPW, but our plan is to merge with Dobbs Ferry, how are we thinking about that now?

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:25 p.m.