

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JANUARY 17, 2012**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 17, 2012 at 7:30 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Seven (7).

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of January 3, 2012 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 46-2011-12 \$136,132.98  
Multi-Fund No. 47-2011-12 \$210,576.28  
Multi-Fund No. 48-2011-12 \$ 31,540.11

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** I asked if I was safer in the '30s, '40s, '50s, '60s, '70s compared to the '80s, '90s, 2000's, 2010. You said you thought I was safer. After what I read in the newspaper, I do not think I am safer. In fact, I am thinking of getting a concealed weapon. In the last 18 months a bank robbery, a deli, and a break-in all within three or four blocks of each other. We have a terrific police department; they all do a good job. I do not think we have enough police officers in this small community. You need another three policemen, maybe somebody to walk Main Street and Warburton Avenue. I do not think we are as safe as we were 40 years ago, and one reason is we do not have enough police officers. I know taxes would rise. But also Graham School, you ought to assess them for all these calls. They were the best students in town. Now it looks like hell has broken loose there. Even in our high school, robberies and whatnot. Your our primary goal for getting the

Comprehensive Plan is the safety of all the citizens in this village, and I do not feel safe anymore. You should consider looking into it in your budget.

#### **4:12 CLOSEOUT OF CAPITAL PROJECTS**

**Village Manager Frobel:** This resolution reflects the closing out of several capital projects that are deemed complete. Some of them are quite aged and ended their project term in a deficit. We should clean them up and make this interfund transfer. I took this action based on some guidance from the Board, recognizing that we were eager to clean up these projects, to make certain that they are complete and finished.

**Trustee Quinlan:** Where do we get the \$537,000 to close out these capital projects?

**Village Manager Frobel:** Essentially, they came from the monies that were generated during the course of last year's operation, most specifically the building permit that we secured for a home in the community.

**Trustee Armacost:** There was considerable additional money that came in last year. So there is plenty of money to wipe this out and we will still have a fund balance of \$477,000 in our rainy day fund. I am in favor of wiping this out and finally cleaning out something which became apparent last year, but had been a peculiar way of organizing things for awhile. It is now much clearer and cleaner.

**Trustee Quinlan:** So as of this moment, we have over a million dollars in our fund balance?

**Trustee Armacost:** Before paying this debt off, yes.

**Mayor Swiderski:** Essentially yes, though a portion of that was reserved against these monies. As a result, it really was not money in our fund balance. It was reserved against these outstanding negative balances.

**Trustee Quinlan:** It makes good sense to clear the books so people do not have to look at these in the future. I believe that not only the Village, but people in general to the best of their abilities, should neither a borrower nor a lender be. Do we owe this money to ourselves, or to other people?

**Trustee Armacost:** To ourselves.

**Trustee Quinlan:** So that is even a better reason to get rid of it.

**Mayor Swiderski:** We are left with two negative fund balances as a result: one with the pool fund and one with the library. Otherwise, we are clean.

**Trustee Jennings:** I want to make sure that everyone understands that we are not paying for the same outside services twice here. These negative numbers represent payments that were made a long time ago for outside services. We are not taking money out of our general funds and buying something else. We are simply reconciling the way in which those expenditures years ago are shown in our bookkeeping.

**Trustee Armacost:** My understanding is that there were specific budget line items and there were overages which were not budgeted for. This is a result of quite a few years' worth of collection, where it had not surfaced to the consciousness of the Board that this existed and that the Board should do something about it until last year. We are solving that problem now, and we do not want to be in that situation again.

**Mayor Swiderski:** Right. And the new auditors have restated our books, cleaning up these negative balances so that our audit and the books and records reflecting our condition are cleaner, easier to understand and put us on a sounder footing because a fund balance is a true fund balance. There are not encumbrances against it, there are no negative balances that tie up that fund balance. The fund balance is truly a fund balance available to the community.

**Trustee Armacost:** So this resolution makes what happened in the audit match up, in effect.

**Tim Downey, 520 Farragut Parkway:** The Fenwick drainage, that was before I started attending meetings. The amount of that was?

**Mayor Swiderski:** It was \$60,232.

**Village Manager Frobel:** That was an engineering study that a previous Board of Trustees authorized to look at that neighborhood. That was one of the projects that was never adequately funded. Also on this list are items which were grants where there was a required cash match which was not reflected in the general fund, was not part of the budget process. These all began to build up. The auditors believe we should make a clean sweep of it and pay these obligations back to ourselves.

**Mr. Downey:** And the quarry?

**Village Manager Frobel:** There was a Quarry Trail, and we needed a match as we built phase one of the project.

**Mayor Swiderski:** It was \$42,091.

**Village Manager Frobel:** The library was some work at Fulton Park, which the community took on a number of years ago but did not adequately fund. At the Community Center we encountered contaminated soil and there were expenses associated with that.

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

**RESOLVED:** that the Mayor and Board of Trustees close out Capital Projects as of May 31, 2011 as follows:

| <u>Description</u>              | <u>Deficit Balance</u> |
|---------------------------------|------------------------|
| Library Addition                | \$ (72,724.00)         |
| Community Center Renovations    | (15,773.00)            |
| Police Emergency Vehicles       | (47,572.00)            |
| Quarry Trail Group              | (42,091.00)            |
| Rowley's Trail Extension        | ( 4,038.00)            |
| Development of Kinnally Cove    | (61,252.00)            |
| Fenwick Drainage                | (60,232.00)            |
| Boulanger Reconstruction        | (136,511.00)           |
| Street Resurfacing 2004         | (43,288.00)            |
| Community Center Reconstruction | (120,745.00)           |
| Transportation Pedestrian Grant | ( 6,365.00)            |
| Street Resurfacing 2008         | (29,194.00)            |
| Purchase of Two Village Cars    | (24,137.00)            |
| Diesel Generator                | <u>( 9,381.00)</u>     |
|                                 | \$ (673,303.00)        |

And be it further

**RESOLVED:** that the following Reconciliation of Interfund Transfer from the General Fund is approved:

|   |                   |
|---|-------------------|
| Capital Project Fund Deficits as of 5/31/10             | \$ 673,303.00     |
| Less: Retainage written off                             | - 131,712.00      |
| Community Center  |                   |
| Less: Refund of prior years' expense - various projects | <u>- 4,382.00</u> |
| Interfund Transfer from General Fund                    | \$ 537,209.00     |

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

### **5:12 RETURN OF ACCOUNT AND AFFIDAVIT**

**Village Manager Frobel:** State law requires that on or before February 1 the tax collector must inform the Trustees of any accounts which are behind in payment. Ms. Maggiotto had prepared the list as of January 12. There are about 180 delinquent accounts. The list will dwindle down to just a handful before the tax sale.

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

**RESOLVED:** that the Mayor and Board of Trustees certify and approve the Return of Account and Affidavit as attached for the Village 2011-12 tax roll.

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

### **6:12 INTERMUNICIPAL AGREEMENT FOR SELECTIVE ENFORCEMENT FOR TRAFFIC SAFETY GRANT**

**Village Manager Frobel:** This is a small grant the police department receives from Westchester County. It is designed for the policemen to have presence on the streets, to protect pedestrians. Last year we received \$1,400; this year it has been reduced to \$1,060. It will give us some extra hours to monitor and provide some selective enforcement.

**Trustee Walker:** By "selective enforcement," that means having them in the downtown, for example, helping pedestrians in rush hour.

**Village Manager Frobel:** The Chief is sensitive to the crosswalks, focusing on that. He does a lot of work during the Safe Walking to School Week. He talked about enforcing cell phone violations. There is a whole host of things they are keying in on. It does give them a little opportunity to have the men out there with some additional hours. It is not much money, but it is a very good purpose.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the intermunicipal agreement with Westchester County for participation in the Selective Enforcement for Traffic Safety grant program for the period Oct. 1, 2011 through September 30, 2016.

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

**7:12 AUTHORIZATION TO RECEIVE BIDS – LAWN MAINTENANCE CONTRACT**

**Village Manager Frobel:** The Village has had very good success in contracting out our park maintenance work. We are coming off a three-year contract. We are looking for the authority to re-bid it. The specifications this year have been strengthened through the help of Tim Downey, who helped our staff prepare these specifications. They are very comprehensive. A pre-bid conference is scheduled on February 10. That will give us an opportunity to meet with any interested party and walk them through the specs and talk about the work. Looking to have it awarded by the Board in February so that the vendor can start in March.

**Trustee Jennings:** Could you say a word in terms of the sustainability and health-related aspects of the contract that we have with our service providers? We have been talking about stormwater runoff, about mulching leaves and any number of things. I would a word to be

said about the ways in which we are using this agreement to make sure that what is done on Village property is in line with our general sustainability policy.

**Village Manager Frobel:** The specs do require mulching and best management practices. Between the expertise of Ray Gomes and Rich Strobel and working with the contractor we can assure that they have a heightened sensitivity to our desire to preserve the environment. I am comfortable in their relationship with the vendor. We are always looking to improve it, but the specs point to some of those concerns that you have just identified. Tim can speak to this.

**Mr. Downey:** I met last week with Ray and Rich. I would like to go around with the winning contractor. I would also like to meet with the current contractor; they did a good job. With a little fine tuning they could do a better job. I would like to see it kept local with somebody who has skin in the game. With a combination of discussing and going through some points I think it can be improved upon a little from where we are now. And there seem to be open ears and open minds towards that.

**Trustee Walker:** Tim, would you characterize the specifications as being sustainable?

**Mr. Downey:** The way we address landscapes in the United States is not sustainable. That is the real shame of it.

**Trustee Walker:** Of course, having a lawn is not sustainable.

**Mr. Downey:** Correct. I would like to close some of these corridors and borders so we are not mowing as much and then use that time and wages that are not spent just chopping grass or making noise up at Draper Park in July when there is nothing to be cut there to clean up other areas that could use a little more attention, like the Ravensdale bridge. We do not necessarily have to be putting a performance on with machines running around and making noise. If it needs service, service. In a dry period, let it go. Bank that time and move it forward for something else. So that would be more along the lines of sustainability, keeping within a budget, and doing what needs to be done versus just going through the motions.

**Village Manager Frobel:** Tim is not going to be bidding on the project so I have used him and I told Ray use his expertise, get those ideas from him. I know we can do a better job. The specs are a foundation for that, but we could do even better.

**Trustee Jennings:** At this time we have to be extremely cost conscious, but there are other goals and values that we have, including the environmental and health protection aspects. I would be prepared to not simply make the most inexpensive deal, but make sure that the

services we get are what we really want done on our property. If we have to pay a little more for additional responsible behavior that might be a price worth paying.

**Trustee Walker:** We do not use pesticides or herbicides in our parks or on our lawns?

**Village Manager Frobel:** No.

**Trustee Walker:** It is organic lawn care and that is pretty sustainable. Dealing with the leaves, and reducing the mowing by letting the lawn grow a little higher, things like that could save us money.

**Trustee Jennings:** I agree. There are many win-wins. But we cannot assume that sustainability is not going to cost us anything.

**Village Manager Frobel:** The specifications do not go into that kind of detail. They do not talk about reduced cutting.

**Trustee Jennings:** Maybe that is a management thing.

**Village Manager Frobel:** That is what I am hearing, and that is why I am taking the notes. Because in our conversation with the bidders and with Ray Gomes let me stress something like that: that we are looking for some latitude in that regard.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to receive bids on a service contract for Lawn Maintenance and Watering for Village Parks and Street Islands.

**ROLL CALL VOTE**

**AYE**

**NAY**

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

X  
X  
X  
X  
X



**Mayor Swiderski:** Thank you to Tim for putting your expertise where your mouth is and helping out. It is really appreciated.

**Trustee Armacost:** Second meeting running. Last week we were talking about the Dan Rile Trail.

**Mayor Swiderski:** We need a few more of you.

**8:12 APPROVAL OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
SNOW AND ICE AGREEMENT EXTENSION**

**Village Manager Frobel:** This is the intermunicipal agreement with the New York State DOT. We maintain 6.4 lane miles for the state in the Village. They estimate that they will be paying \$10,099.20. There will be an adjustment for that; last year we were expecting just under \$12,000 and the payment was almost \$14,000.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the New York State Department of Transportation Snow and Ice Agreement Extension for the 2012 - 2013 Snow Season.

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

**9:12 TAPPAN ZEE BRIDGE – SUPPORT OF PUBLIC TRANSPORTATION  
INFRASTRUCTURE**

**Trustee Jennings:** This comes to us with the recommendation of the Conservation Commission. We have a representative tonight who perhaps could say a word about the context and the background.

**Andy Radzkin, Conservation Commission:** In October, the FHWA and the State of New York did an about face, stripped out transit from all the alternatives, and drafted an Environmental Impact Statement that is expected this month, with final approval as early as August. There is some backup information that shows the breadth of commentators who are opposed to the current approach: the county executives of Rockland and Westchester, the mayor of Tarrytown, the mayor of Nyack, numerous local and state representatives. The Conservation Commission thought that it would be very helpful if Hastings would add its official voice to that. There is a meeting of the Southern Westchester Energy Action Committee this month. It would be very nice to have approval of this in hand to be able to show Hastings' example and encourage them to do the same.

**Trustee Jennings:** I support this resolution. We embrace resolutions only when they have a direct and tangible impact on the citizens of Hastings. Transportation associated with the Tappan Zee Bridge, and the transportation planning in this whole region will be affected dramatically by the bridge renovation. Hastings is not unaffected. The task tonight is to make our voice heard in the political process. Decisions are being made to abandon earlier plans for mass transportation elements of the Tappan Bridge project, and many people are concerned about that decision and hope to get it reconsidered and changed. By supporting this resolution we are saying we want mass transportation to be a part of this project. It is important for our village, it is important for our county, it is important for the entire region.

**Trustee Walker:** I think it is shocking that they are stripping it out. DOT and Metro-North have spent millions and millions of dollars, and years, studying the transit options on the bridge looking at both commuter rail and bus rapid transit. I cannot believe it. Rockland County and Westchester County as well as municipalities have been planning around this option. Rockland County is looking at new bus lines to connect with bus rapid transit on 287, as is Westchester County. Westchester is putting bus rapid transit in place on Central Avenue to connect to this future line. I am shocked that they could throw this incredible investment away that they spent so much time and money on. It is t so wrong-headed from an environmental standpoint, from a traffic congestion standpoint. It is going backwards 50 years. I am very much in favor of this resolution.

**Trustee Armacost:** I am also in favor of it, and support Bruce and Meg's positions.

**Trustee Quinlan:** My vote will speak for itself.

**Mayor Swiderski:** I am in 100 percent agreement with Meg. It gobsmeaked me when I read that. With both state and federal administrations that are "pro-environment" it is cutting the wrong dollar. I support the resolution.

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

**WHEREAS,** the inclusion of public transportation has been a central feature of the Tappan Zee Bridge Replacement Project (the “TZB Replacement”) since the launch of formal environmental review in 2002 and before. After receiving detailed public input in 280 meetings and data generated over 10 years, all five alternatives and all but the “No Build” alternative for the TZB Replacement included transit; and

**WHEREAS,** New York State and the federal government, after years of public input and broad consensus on the inclusion of public transportation in the TZB Replacement, have abruptly decided to pursue a replacement without transit and have re-started the environmental review process based on an alternative lacking public transportation; and

**WHEREAS,** approximately 138,000 vehicles travel across the Tappan Zee Bridge every day, which is far more than the bridge was designed to handle when it was built in 1955. This number is expected to increase significantly in the coming years, and, without public transportation, the TZB Replacement would not result in increases in peak-direction capacity or long term operational changes to traffic patterns. Absent improvements, travel times across the Tappan Zee Bridge/I-287 corridor (the “Corridor”) are expected to grow by as much as 70 percent; and

**WHEREAS,** the development of public transportation as part of the TZB Replacement is central to relieving congestion in the Corridor and local arterials, improving air quality, achieving sustainability goals, reducing dependence on fossil fuels, improving pedestrian safety, and improving motorist travel time, in Westchester and New York State; and

**WHEREAS,** residents of Hastings-on-Hudson and other communities in the TZB service area would be burdened by many years of unnecessarily increasing traffic if transit infrastructure is not included in the TZB Replacement; and

**WHEREAS,** Westchester County is planning its own Bus Rapid Transit (“BRT”) routes along Central Avenue which would benefit by and become more effective by eventually interconnecting to BRT or other public transportation on the TZB; and

**WHEREAS,** New York State and the Federal Highway Administration should not repeat the mistakes of the past by locking in automobile- and truck-only infrastructure in this important Corridor for decades to come; and

**WHEREAS,** if not built as part of the current plans for the TZB Replacement, public transportation is very unlikely to be added in the future and the State, Federal government and local communities, as a practical matter, face a “now or never” decision. Failure to build public transportation now when billions of dollars are being dedicated to the TZB Replacement would be penny wise and pound foolish: the estimated cost of replacing the bridge for motor vehicles only is \$5.2 billion; adding a BRT system is estimated to cost an additional \$1 billion; and

**WHEREAS,** including public transportation in the TZB Replacement is consistent with and advances the purposes of numerous state, county and federal government policies aimed at reducing dependence on foreign oil, air pollution and the emission of greenhouse gases, including the New York State Climate Action Plan, the Westchester Action Plan for Climate Change, and federal goals enshrined in the Clean Air Act, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, Executive Order 13514 and elsewhere; now therefore be it

**RESOLVED:** that the Village of Hastings-on-Hudson, acting through its Board of Trustees hereby

- 1) calls upon Governor Cuomo, the New York State Department of Transportation, the Federal Highway Administration and the Federal Transit Authority to restore dedicated public transportation infrastructure to its long-held place in any and all plans for the replacement of the Tappan Zee Bridge.
- 2) calls upon other affected communities and municipalities to let their opinion be known to Governor Cuomo and

the relevant agencies and representatives of New York State and the federal government on this critical decision that will impact quality of life for decades to come.

- 3) pledges to join with other affected municipalities to participate fully in the TZP Replacement planning process to ensure that the TZB Replacement when built will be fully consistent with the important concerns and objectives clearly expressed by the citizenry over the many years of the TZB Replacement planning process.

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

### **10:12 CHANGE OF MEETING DATE**

**Mayor Swiderski:** At least two Board members have school vacations that week and are traveling with family. Landing a quorum would be tough, so we are requesting a move.

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

**RESOLVED:** that the Mayor and Board of Trustees change the date of the Regular Board Meeting from Feb. 21, 2012 to Feb. 28, 2012.

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

## **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** The governor released his budget today, as I am sure everyone knows. The only thing that may help us is, there is some pension reform work in there. There is going to be a new tier, a tier six, which is going to include a defined contribution option. Also, a provision that talks about increasing the employee contribution when that rate goes up; when the contribution goes up it would be shared equally between the employers and the employees. And the money we received under the CHIPS program, our transportation aid, not much but they are hoping to have that remain at current levels.

**Mayor Swiderski:** Do you know if there is a threshold for the increase in the pension rate before there is a splitting of the cost?

**Village Manager Frobel:** I do not know any of the details.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Library Funding**

**Mayor Swiderski:** This is put on the agenda to come to a better understanding of the delineation of responsibilities between our Board and the Library Board and of how the two entities interrelate in a budgeting process.

**Sue Feir, Hastings Library Director:** There are four different kinds of public libraries in New York State. There are those that are overseen by the municipality in terms of funding. There are school library public libraries, where they fall under the school library district. There are association libraries, which are a hybrid; they receive some funding from the municipality, but most of their funding through fund-raising and membership costs. And special district libraries: this is where the voters are asked to set a tax rate that is then administered by the municipality.

We are a municipal library. We receive our funding from the Village. But under Section 259 of New York State education law, once the money has been appropriated it falls under the complete direction of the library board of trustees. Library boards of trustees are sometimes appointed and sometimes elected. This varies from community to community. In Hastings, and I do not know whether this is law or tradition, the mayor suggests new members to the Library Board. I am probably not using the right word, but it is "okayed" by the other trustee members. The Village appropriates, after a budget process, again to use a generic word, a "lump" of money to the library, reflecting its needs in terms of overhead, personnel, materials. The Library Board then has the discretion to spend this appropriation

as it sees fit. This has been the practice in Hastings since I've been here, and probably forever.

The state comptroller, in 1947, 1970, and then again in 1980, said that any surplus that remains at the end of a fiscal year should go into a special reserve fund that remains under the direction of the library board of trustees. In Hastings, it has been the practice that it has gone back to the general fund. This is now totally anecdotal. Library boards and municipalities have three different sorts of relationships. One is where the letter of the law is followed. One is where the municipality basically says you get your money from us, what are you going to do about it? And in Hastings, where we have had a series of gentlemen's agreements and a great deal of mutual respect and discussion. Fulton Park is a good example. Money was appropriated for a project, then there was discussion of expanding the project, and money was never appropriated. There was an overage; the library surplus in given years whittled that down. I cannot speak for my board, but I am pretty sure that they would have formally agreed to this because there was this understanding that we would help to rehabilitate the park. However, it is not set in our procedures that the Library Board continues to have direction over the surplus.

**Village Manager Frobel:** I kept Susan closely informed about our discussions over the last several weeks, and she understands that the Board has taken care of the Fulton Park matter. In our work session this evening we talked about the debt service and how each year whatever surplus you have generated has been used to pay down that serial bond. When the day comes when that is either forgiven or paid off, then my goal has been to develop a reserve fund for you. If something major were to go like the roof or the elevator or the air conditioning unit it would be a major expense. My goal was always that any surplus you generated through operations could be dedicated for that purpose. We are all pointed in the same direction.

**Trustee Armacost:** In the resolution we passed today, we paid down \$72,724 for the library addition. I wanted to check whether we were all talking about the same thing. We mean the Fulton Park.

**Village Manager Frobel:** Yes. Auditors in previous years stuck that nomenclature to it: library addition, but it is the park.

**Trustee Armacost:** We have handled the Fulton Park thing through a resolution today. And then we have this additional \$42,000.

**Library Director Feir:** That has to do with debt service; the Fulton Park debt is resolved. In 25 words or less, there was about \$50,000 in the bond for landscaping, but there was a

desire to rehabilitate the park more. Public meetings were held, a plan was approved, and it was agreed that library fund-raising would handle some costs, including the architect's costs. But the change orders to the contractor equaled a total of about \$120,000. So when you subtract the \$50,000 that was in the bond, there was that overage. That is how that debt was accrued. It was never because the library project went over budget.

The second one Fran and Susan uncovered what happened. We had bond anticipation notes initially. It was decided to retire the bond anticipation note in November of 2005 and roll it over into a serial bond which covered many projects. However, the budget process had already passed and so a double principal and interest payment had to be made in one year were not budgeted for. This did not change the total amount due for the project. In fact, if anything it probably lessened it because a better rate was obtained. It just was not budgeted to make two payments in one year. At that point the library was not, oblivious is not the word, but we did not know that this had happened. It was handled at Village hall.

**Trustee Armacost:** So the result is that there is \$42,000 in internal debt. We are in a cleaning up process and we would quite like to clean that up. We were chatting to our auditors earlier about the appropriate process for that. But we want you to know our intention is to clean that up when we know how much surplus there is at the end of the year. Assuming that there is enough surplus to do it, we would like to do it at that point so that going into the next year it will be off the books.

**Trustee Armacost:** You can take that intention back. Hopefully, no one on your board of trustees will object to that. Procedurally, do we need approval?

**Mayor Swiderski:** We will not have an indication of the fund balance for this current year until late June. When it is prudent to dedicate those resources and we know what those resources are, we will have that discussion and have a Board resolution to that effect. We do not need approval out of the Library Board. Or do we?

**Library Director Feir:** I do not see how the board can approve or not approve debt that they did not even know about, and any surpluses that we had we did not know what they were going towards anyway. I think the final piece of cleaning up the books is at the end of the year that we know if we have a surplus, and if we have a surplus, that the Library Board is notified and in agreement to what it may be put towards. That is where I was referring to there has always been back-and-forth mutual respect, gentlemen's agreements. If it was we need to use a surplus for library debt, or the park or whatever, I do not believe that would be an issue. But they should be notified, and they should give permission, by law.



**Trustee Quinlan:** So everybody understands that it is not a library addition but an improvement to the park. The Village owns the park, right? So I do not know why we call it library park. It is a Village park, and we improved a Village park. Since we are being so clean and transparent, should we not name it the right thing? We improved our own park.

**Library Director Feir:** Right. We did not call it Library Park. I think it is because of, again, this gentleman's' agreement. It was between Dan Frank, president of the Library Board, and Mayor Kinnally. They saw an opportunity, while there was construction going on, to expand, literally, the horizon and rehabilitate the park. There was an understanding that some library fund-raising would go towards it. And because so much library fund-raising went towards not just the landscaping, but the benches and the trees and the tables, it has been called Library Park. But the Library Board of Trustees authority stops at that sliding door.

**Mayor Swiderski:** It is a moment of clarity on something that not everybody necessarily understands. It is as much for the community as us. Thank you.

## **2. Pool Debt**

**Mayor Swiderski:** While we are talking about cleaning up, it is a natural segue to the next item, pool debt. There were two negative balances on our audit. One is the library, which we just discussed. Another one is about \$101,000, a negative balance in the pool fund. When the pool was originally renovated, because of public concern about who would benefit and how it would be paid for, the Board at that time indicated that the pool would be a self-standing entity. That has been interpreted to mean that the pool receipts will cover the pool expenses, plus the capital funding. In the renovations over the years, and through a variety of factors, there is a negative balance that we have been paying down in the pool fund. In discussing why it still exists on the books as a negative balance, and has not been wiped out in this cleanup, this history came to light.

What also came to light is that that history, while there are Board minutes supporting it, is not backed up by a formal policy. We have this on the agenda because the assistant treasurer, Raf Zaratzian, recommended in support of the existing policy. Niki and I found the argument compelling, and are interested in a formal sense of the Board that this policy where the pool stands on its own reflects this board's official policy moving forward, so that the assistant treasurer is not relying on the interpretation of ancient texts, but rather a formal statement from the Board that does not need interpretation that says, cleanly, we feel the pool should stand on its own. And that includes the support of its capital expenses.

**Trustee Armacost:** The corollary is not just that the pool pays off its own debt, which is important and we anticipate that this amount will come down in the next two or three years to zero, but that the pool is able to generate its own income. So let us assume that the projections are correct and the debt is actually zeroed out in three years. If income is generated after that, that income then ends up being used specifically for pool-related purposes. So the policy would not be just a negative case scenario. It would also be a positive case scenario.

**Village Attorney Stecich:** Except that is already in the law that if there is any surplus for the pool it has to be spent on the pool.

**Trustee Armacost:** So that is even better. But just to be very clear that the debt will come out of the way the pool operates, and the surplus will go in.

**Trustee Walker:** Has it operated like that up until now? There was no time when the Village was footing the debt?

**Village Manager Frobel:** No, we looked at minutes back to 1963. It appears that that was staff's interpretation and the intent of previous managers to have the budget for the pool include their principal interest payment for their debt. This Board has taken some positive actions. By opening membership up to other communities, it has helped us generate more revenue. We have some very attractive programs at the pool that have drawn even more residents to participate and generate revenue. And just the facility itself: it is a very desirable place to spend a day, and we have seen it in revenues. A bad summer can throw all that out the window. But we have been paying down this debt. I foresee the day that it will be level. I envision the day where we can reserve money for that expected replacement of the pool filter or the bathhouse or something major. That would be the goal.

**Trustee Jennings:** I have no objection to including capital improvement investment and paying off that indebtedness in the operating budget of the library, if it is possible to do that and not require excessive membership dues or other revenue-generating measures that would limit the access of the pool by the community. If the operational budgeting was not able to sustain the capital improvements of the facility I would favor having general community tax support for those improvements. My reason for that is as follows. The pool, like the library, is a public community benefit. Not only the individuals who pay membership dues benefit from the pool; the entire community benefits from it even if they never go to the pool, because the pool enhances the value of all of our properties and the quality of life of Hastings as a community.

So there is a public dimension to this institution that we are talking about. If we did not want to embrace that, then maybe we should sell the pool to a private not-for-profit corporation and let it be run on an operational revenues versus expenses basis, and let them absorb all of the capital improvements necessary without taxpayer support in any way, shape, or form; only user dues and other revenues, rather, I imagine, as the Tennis Club on the waterfront is run.

**Mayor Swiderski:** Well, that is not not-for-profit.

**Trustee Jennings:** But if it were it would still be a private entity run on that basis. My point is that if we can minimize general taxpayer support of the pool, all well and good. But let us not do that if it is going to undermine access and community service of the pool to the entire Hastings community because we have to budget our expenses so tightly that we are not able to give lower-income families or children a break, and we are raising membership fees so high that very few people can afford them. If you put it all in the operational budget you may end up in a place where you do not want to be. So I would not rule out by a formal action of the Board of Trustees the possibility of some public revenue input, if needed, for capital improvements and expenditures. Only by doing that will you, in fact, keep this a public facility, and there is a good reason for doing it. The taxpayers are not being cheated because we are all benefiting from the existence of that pool. If it did not exist or if it were a private club that only out of town people were joining we would be a diminished community. We have to remember that public institutions are different from private for-profit or not-for-profit ones. We have to sometimes think about community support and provision, and the way that is done is by the general tax system.

**Trustee Walker:** You make a really interesting argument. Parks and public facilities around the country are going in the self-sustaining direction purely for economic reasons. But I do not think it diminishes their public-ness, their openness to the public. I think providing this service to our community is very important. If we felt that the fees were getting too high, they were excluding a lot of people in our community, we could find other ways to perhaps offset fees. This is something that a lot of municipalities are wrestling with because they do not want to give up the public nature and the control, and the ability to fund their parks and public spaces. But at the same time, budgets are diminishing and everybody is finding other ways to fund. So I suppose the question is do we enact a policy or not, and what is the benefit of having the policy in place as opposed to simply an operational mechanism that we abide by.

**Trustee Armacost:** The wording of the policy is key. If the policy is very restrictive and excludes other possibilities of raising money, and draconian in the way that Bruce has talked about, that scenario is not so helpful. But policies are guidelines for the ways in which you

should conduct business. What we heard from the Assistant Treasurer at a prior meeting was an intent to be self-sustaining. It is a much looser thing than an unequivocal obligation. If disaster struck it really does not matter. You have to be self-sustaining under all circumstances. That is not what we are talking about. We are talking about trying to stay within that kind of a framework. I think there is a place in between, that does not need to be as off-putting, as draconian as the kind of scenario that Bruce has talked about.

**Trustee Walker:** Right. As you pointed out, what if there were a disaster: a tree fell on the pool house and it had to be rebuilt, and we did not have reserve funds for it, and did that mean that the pool is going to be closed for the summer. We would want to have the flexibility to come forward.

**Trustee Armacost:** That is why we have a contingency fund, and that is why we are building a reserve fund for those kinds of situations.

**Mayor Swiderski:** If we want to move forward with the policy the challenge is to write one that accommodates Bruce's concerns about not effectively semi-privatizing the pool, but yet provides notice for future boards of our understanding of historical intent and current intent. If we want to go on previous practice and leave it at that, we can also do that.

**Trustee Quinlan:** My opinion would be to leave it on previous practice. There is a clear understanding of what the Village is trying to do: we would like to have the pool self-sustaining, but if some major capital expense came then it could be debated by the then-Board, taking into consideration what they believe their constituents want. The bottom line is that people that use the pool think it is great, myself included. But there are a lot of people that do not use the pool. I do agree with Bruce that it does enhance our property values. But there may be some people that do not agree with that, it does not enhance our property values. So I would leave that discussion for the time that it becomes necessary, and leave the policy as it is. The pool will try to be self-sustaining, and if it cannot be then the Board will decide, whoever are the members of the Board at that point, what they want to do.

**Trustee Armacost:** I had a similar reaction to you, Jerry, initially. But the value of putting a policy together was at least then everyone knows what it is. If it is worded in such a way where it is not problematic, future Trustees will have less of a difficult time knowing what they are debating. I do not mind either way. Leaving it quiet does not address Bruce's issue, though.

**Trustee Walker:** I am in favor of a policy. It is not going to be an ironclad ordinance. But I think it clarifies the way it has operated since it was built. So if we need to put that in writing, it might help future Trustees.

**Village Manager Frobel:** Because we are very sensitive to the membership fees. They have not been raised in a couple of years. Our opportunity we saw was opening it up to other community membership and to expand our offerings, which has generated some revenue. We also offer the scholarships for families.

**Trustee Jennings:** Just one more consideration. It is important to make a distinction between a reserve fund that can handle expenses for routine maintenance and capital improvements, and may even be able to cover the occasional disaster or accident, versus the not disastrous but predictable landscape renovations and improvements that take place about every 20 years or thereabouts. I have no objection to using operational surplus to build up a reserve fund for the first kind of expenses. My problem is with trying to fund entirely that second kind of expense out of a reserve fund that is generated entirely by operational surplus. Think about what that means. You are putting pressure on things like the fee structure, scholarships and the like. Year after year there is a relentless necessity of taking in more revenue than you dole out in expenditures. So to build that reserve fund up you are always pressing the budget. How much can you squeeze out of efficiency measures alone? You are going to have to enhance revenues to build that fund up. But if you had it large enough to handle these 20-year major capital improvements, then, if we feel that it is unfair to the general taxpayer in the community, think about what we are doing the other way. The people who are paying the membership user fees year after year are paying more than they are getting in services. That little increment is going into that reserve fund.

So anybody who has been a member for 20 years and then retires and moves does not benefit from that 20-year renovation, do they? They have paid for it, but they do not see it. I do not know how many people would be affected. But that is a phenomenon that is predictable. Do we judge it to be equitable and fair to run it that way? All of these ways of running a public entity like this are deferring. Some people are paying for what other people directly benefit from later. There is no way around that.

That is why it is a public common pooling of resource problem. There is a very strong current in favor of privatization in this country today, and individuals thinking about their own pocketbooks do not want to pay anything more than they see that they are directly benefiting from. But nonetheless, community benefits and community support often require that we are willing to support something. I think that 20-year major expenses of a place like the pool or the library are worthy of, a bit of altruism on the part of us as citizens and taxpayers for that kind of entity to be able to function, and not put the entire burden on those paying the membership fees alone.

**Trustee Quinlan:** Putting the library and the pool in the same category is a big mistake. You can walk into the library for free any day of the week. You cannot walk into the pool for free any day of the week. So they are two very different entities and very different structures. A library is a historical American innovation, a public library, where a pool is very different. So I do not see mixing those two together. It is very unfair.

**Trustee Jennings:** I was thinking about Meg's comments of a park. Can we put the pool in the same category as a park, Jerry?

**Trustee Quinlan:** No, you cannot because you are allowed to walk into a park any time you want to, but you cannot walk into the pool. If a person belongs to the pool and they pay the fee over 20 years, and they decide to move out of town, that is a voluntary decision on their part. They do not have to move out of town. But I am sure that they are not thinking I contributed to the pool for 20 years and I am going to get screwed now that I am moving out of town. I do not think that even comes into their thought process. They move out of town because the taxes are too high, they want to be near their grandchildren, whatever. They got a new job, they want to retire where it is warm. It is true that they pay, but I do not think that is a major consideration when it comes to deciding whether you are going to move out of town.

**Mayor Swiderski:** There is a diversity of opinions on the Board, and I am not going to pretend I can square those. But I think we have spent enough time on something that has been a point of historical understanding.

**Deputy Village Treasurer Zaratzian:** If the Board is looking for ways of helping the pool with revenue, there are two big towers sitting there. If you add the two towers to your overlay district, that would entice cell phone companies to use it. The pool is only used four months out of the year so the revenue from that would go towards the pool. It is an option that you could think about.

**Mayor Swiderski:** That is secondary to the discussion, but a thought worth bringing up in the revenue meeting we are going to have. I will take a crack at a resolution indicating intent and trying to accommodate the concerns raised by Trustee Jennings and see if we can square the circle. As always, Bruce brings a public policy perspective to issues that I am always happy to hear. I will see if I can accommodate that to satisfy the concern you bring up. What I would propose is to generate the text for a Board resolution indicating our intent, and see if I can come up with something that does that without spending much more time on this issue.

### **3. Buffer Zones**

**Mayor Swiderski:** We last left the meeting with a request for the Board to submit thoughts on this to Marianne.

**Village Attorney Stecich:** I did not get any.

**Mayor Swiderski:** Trustee Walker came up with a resource that might be able to help us.

**Trustee Walker:** The resource is here in the room. A resident, Ginger Stillman, wrote to me that her son's sister-in-law is in town visiting from Bosnia for several months and is looking for volunteer work. She is a planner and has great experience working in Banja Luka in Bosnia. Her name is Sanja Koljancic, and she is here tonight. Thank you for coming. We have a discrete project to look at in creating these buffer zones. It requires investigation to figure out where we want them, what we want to include in them, how wide they should be. It is not as simple as just saying we are going to have a 50-foot buffer zone. This is an area that Sonja's interested in, and could do some site visits as well as studying the maps and creating options for us to look at. She has very generously offered here time. Since we do not have a lot of planning resources it might be a wonderful project to allow her to take on and work with Village staff. Fran, I had not talked to you about it.

**Village Manager Frobel:** Sounds wonderful, since we have not planning staff.

**Mayor Swiderski:** This is for the formal description of the parameters of the buffer zone.

**Trustee Walker:** I have not responded to Marianne either so I should think about it more thoroughly. We looked at the ordinance she showed us from Irvington; if we were to create something like that we would need to figure out what are the limits, which roads are we talking about and how long and wide, what makes it a scenic buffer zone, how do we define our buffer zone, what kinds of things would be in it. Are we talking about trees, meadows, rock walls? What is historic or characteristic of our Hastings gateways?

**Mayor Swiderski:** I would like to bound that slightly. The Comprehensive Plan does lay out, conceptually, the idea of gateways. I do not want to range too far beyond the concepts in the Comprehensive Plan. I want to stay within something that has community support. Gateway and visual resources are covered somewhat in the plan, but not enough to go as far as an ordinance like Irvington's, which is why this is appealing to me. It is not a crazy, unlimited project. It is well-defined, it is doable in a couple of months' of work. There is nobody on this board who currently has the time or expertise, other than you, and you are

already burdened, to do it. So it seems suited, and that is why I was enthusiastic about the idea.

**Trustee Walker:** So, Sanja, are you interested?

**Sonja Kolanchik, Bosnia:** Thank you for the opportunity.

**Mayor Swiderski:** Do we need a charge from the Board, or is this sufficient to function as a charge?

**Village Manager Frobel:** I think we are clear, but we will need to meet and discuss it among ourselves.

**Trustee Walker:** Yes, we will meet.

**Village Manager Frobel:** Get Susan involved and Marianne, and get some parameters to it.

**Trustee Walker:** Right. Jim, maybe you or someone from the Comprehensive Plan Committee has thoughts about it that you would like to share with us either now at another time.

**Jim Metzger, Comprehensive Plan Committee:** That would be an excellent idea. I was not involved with that part of the Comprehensive Plan, but we should look at the committee members that were part of that and see if we cannot get somebody to interface.

#### **4. Electronic E-Mail Policy**

**Mayor Swiderski:** I took the guidance provided in the last meeting and translated it into policy language that was shared with everybody. I did not receive any feedback. I do not know if it makes sense for everybody to provide that individually, and then I will come back with a single document, or whether people are satisfied that it reads well enough, and to leave it to the Village Manager to modify and interpret with time. Any thoughts on how the Board wants to proceed?

**Trustee Quinlan:** It is straightforward. I would go with the latter that it seems reasonable.

**Mayor Swiderski:** I produced this, and then since Susan, the Village Clerk, is stuck with implementing, it she did step through it and we did do some editing to make it manageable.

**Trustee Walker:** I think we should go with it.



**Village Manager Frobel:** So I will have a resolution at the next meeting?

**Mayor Swiderski:** If there are edits please give them to me and I will make them, there are no surprises, and nothing that does not reflect the will of the Board. One request to Raf to put it as a recommended policy on the Web site. I am not sure we have trod new ground on that policy, but we have been unable to find one elsewhere.

**Trustee Armacost:** It maybe is worth having NYCOM read it also.

**Mayor Swiderski:** Their comments could be useful, and could be integrated directly by the Village Manager and Village Clerk into after telling us what came back. I am not interested in over-managing this process once it has been set up. I think the intent is clear.

**Village Clerk Maggiotto:** The agency that is most directly involved with this would be the state archives and records administration. They would be very interested in seeing what we have come up with and might offer some comments. We have a regional director, and I could pass it on.

## **5. Waterfront and Comprehensive Plan Implementation Committee**

**Mayor Swiderski:** We have a PRAP as of a week ago Monday. This is the official state document describing what happens offshore. I have requested that the state extend the comment period from 30 days to 60 days. But regardless, the rollercoaster on this ride has begun. One of the important next steps, once the PRAP is finalized and the DEC issues its record of decision, is the beginning of engineering work on the waterfront.

The input of the Village on where it expects parks built and roads and infrastructure laid becomes important if we are to provide that input to BP in its engineering work. Even with 60 days, that means between three and four months before we have a record of decision. Sometime this summer we are likely to be at the point of the beginning of engineering work. If we want to provide useful input into that process we have to come up with a community process that allows us to recommend an agreed upon vision that can aid them in their engineering work, and, more importantly, represent what this village wants on the waterfront, especially in parks and overall sense of where the heavy infrastructure will go. This is something that requires community input. We have discussed a waterfront implementation committee. We need to agree on how large that should be, how we should form it and how soon, and the particulars. I am imagining it something larger than four and less than 11.

It should be an open process where people submit their résumés and we choose them rationally. Constitute that committee immediately, and then kick off the process.

**Trustee Armacost:** I think that it is a great idea. Large groups become difficult in terms of decision-making, but you want a large enough group that you have a diversity of opinion and expertise. You want an odd number, so either seven or nine would be the optimal numbers in my opinion. The criteria should include a range of different perspectives.

**Mayor Swiderski:** Let us talk about what this committee is going to do. I do not view them as drawing the map for the community. I view them as running a process that will involve public meetings and incorporating the substance of those meetings into their decision-making. This committee will help us run that public process. Meg, you have had experience with this.

**Trustee Walker:** A couple of things have to be resolved before we give them their charge. Will BP pay for our consultant? We talked about that at the last meeting, about whether or not the funds for this engineering of the infrastructure includes planning of the infrastructure.

**Village Manager Frobel:** The Mayor and I are in agreement that we were close as to how much money we believe is available in the waterfront trust. We have a balance of about \$205,000.

**Trustee Walker:** And is that what we have been using to pay Malcolm Pirnie?

**Mayor Swiderski:** Yes.

**Trustee Armacost:** But Meg is asking if it can be used for this purpose.

**Village Manager Frobel:** I would have to research it further. I am not certain. This was set up a number of years ago. My understanding is that it was to spent for this purpose.

**Trustee Walker:** But also, you remember we had a grant from the state to do this work and we gave it back.

**Village Manager Frobel:** It lapsed. They took it back, remember? Now, there was an effort on our part to modify it.

**Trustee Walker:** I thought we willingly gave it back.

**Village Manager Frobel:** No, we fought tooth and nail. That was secured in 2002, and it was getting so stale that the Department of State said what are you going to do with it. We argued we are close to completing our Comprehensive Plan. Can you see your way clear to roll it over for us? They would not. In fact, just recently they pressed again, saying it is closed, you spend nothing out, we are going to reallocate it.

**Trustee Walker:** But I think you are talking about the zoning money. Was there not a separate amount for design that was given back?

**Village Manager Frobel:** The 2002 grant was intended to progress on some of the planning on the waterfront.

**Trustee Walker:** There were two separate grants, and one they took back and another we gave back.

**Village Manager Frobel:** I am not aware of that.

**Trustee Walker:** Well, we will look at it another time. We need to figure that out

**Mayor Swiderski:** It is a secondary issue. The primary issue is a question whether the \$200,000 can be used for a consultant. For the purpose of this discussion tonight, let us assume it can be. And if not, a discussion with BP may re-roll that money so some of it can be used. It is only to their benefit to fund such a process.

**Trustee Armacost:** So if it can be used for a consultant what is the roll of the committee which is different than the role of the consultant? Because if the consultant is the one that is facilitating the process with community members, why do you need a committee in addition to that? Surely those people can show up as community members.

**Trustee Walker:** I think it is very important to have a citizens committee.

**Trustee Armacost:** But we are trying to get at what is their role specifically.

**Trustee Walker:** Right. If we have a consultant they would be the advisory committee to the consultant, and they would be charged with doing the community outreach. The consultant will help. I have already been through this twice in Hastings. In both cases we had advisory boards to help us figure out what the community process would be. A lot of preliminary work was done by the advisory board in working toward the community workshops: gathering of information, figuring out how you want to engage the community. There is the information that you are going to give to people when they come to the meeting.

A group of folks who have some background either in planning, architecture, real estate development, or remediation, any one of those would be really helpful in working with the consultant. We have one in this room, someone who has had a lot of experience, Andrew, on working on projects like this. And now Andrew is on the Conservation Commission. He has worked on remedial projects around the country.

So we have a number of people in Hastings with terrific expertise, but it is critical to have somebody who is not a volunteer working with them. Even well-meaning and tremendously experienced volunteers have limited time. There are a number of ways the workshop could be fashioned. I have experience with a lot of different approaches and processes, but ultimately the consultant that we choose will be the one to call the shots.

Do we issue an RFP? How do we then find the consultant? We also talked about doing a little preliminary work, asking an engineer to talk to us and setting the limits for what this work entails. If we are agreed that we are not doing the form-based zoning, at this point and we are not coming up with uses because that is another thing that the Comp Plan has set aside for a later time, then how do we define what we are doing?

I have a picture in my mind of what I would like to do, but it would be great to have someone from Malcolm Pirnie tell us what can be done during the remediation, what physically can be put in place and how will it be put in place, and what we can expect when the remediation is finished. We are not looking for developers here, although developers may be involved in this planning process. I have never worked on a project where you are putting things in place while you are doing the remediation, so it would be great to have somebody tell us that.

**Trustee Armacost:** But what the consultant tells us is different than what this group of people is going to do. They are not doing planning, right?

**Trustee Walker:** They are doing planning, but they are working with the consultant. We can come up with discrete tasks for them so that they are not doing the drawings, for example, but they are helping the consultant engage with the community.

**Trustee Armacost:** So normally, a committee of the Board is making recommendations to the Board. In this case, the role of the committee is to make recommendations to a consultant who is going to make recommendations to the Board?

**Mayor Swiderski:** I will turn to the Comprehensive Plan Committee as not a dissimilar model. There was a Village committee that reflected the perspective of the Village. They worked with a consultant that helped to draft those sensibilities into the text and structure of a comprehensive plan. That is somewhat analogous to what we are talking about here.

**Trustee Walker:** So is the work that the LWRP committee did, both with the consultants who drafted the LWRP as well as RPA that did the development plan 12 years ago.

**Trustee Armacost:** So is the goal an output which is a report?

**Mayor Swiderski:** The output would be a sufficiently detailed plan to offer engineering advice to BP for their engineering planning.

**Trustee Walker:** I do not think it is engineering advice because they will have the engineers to do it. It is really the planning.

**Mayor Swiderski:** It is the planning necessary to provide an indication of what and where infrastructure will go.

**Trustee Walker:** Exactly. It is the what and where, not the how.

**Trustee Armacost:** But it is a report, the output.

**Trustee Walker:** It is a physical plan; a drawing with a report attached, yes, I imagine. And we have to figure out how to circumscribe that so it does not get carried away.

**Mayor Swiderski:** And it will have a discrete time period. This is not a committee that lives beyond the report. It is accurate to call it the waterfront infrastructure committee. because it is seeking to deliver an infrastructure recommendation as far as what and where.

**Trustee Walker:** It does not rule out the fact that we want to move ahead with the form-based zoning. It is a separate project.

**Trustee Armacost:** And it might be a different group of people.

**Mayor Swiderski:** That is right. But the urgent requirement here is this plan. It is to work with a consultant, to interface with the community, to come up with something that will provide the guidance to BP for where infrastructure goes.

**Trustee Walker:** And we may only be able to take it to a certain level if we start to tread in areas where other decisions have to be made that we cannot make right now.

**Trustee Armacost:** But it is better to not try and do everything. You are more successful, often, if you have a clear agenda.

**Trustee Walker:** Planning processes get carried away so we have to be careful to limit it. That is talking to an engineer about what is really feasible, and BP as well, for that matter.

**Village Manager Frobel:** To that point, I have taken a step to arrange for that engineer to be present at your next meeting. He has been with us for awhile helping us through that fund that I just mentioned. He will talk about the critical path, about some of the parameters you are going to be working under. It would be a good first step to hear from him.

**Trustee Quinlan:** Fran, I have spoken to him on a number of occasions recently, and someone has to make it clear that he has to address this specific issue. I am not sure he is prepared, but he can be.

**Mayor Swiderski:** We are not looking for a recommendation of what. We are looking for an indication of process and what would be appropriate to bound what we are going to be recommending. Is it going to be simply where the pipes go? What is going to be involved?

**Trustee Quinlan:** He can answer that, but the central question is where are we going to put the road. Where you are going to put the road, or roads, will dictate where the infrastructure is going to be laid out in terms of the water pipes, the utilities, the sewage, the electricity.

**Trustee Walker:** Which means that we have to do some designing.

**Village Manager Frobel:** And you are right. He is not going to be able to tell you where to put the road.

**Trustee Quinlan:** He is not going to be able to tell you where to put the road because that is up to the Board of Trustees.

**Trustee Walker:** But he can tell us kind of generically what we can do.

**Village Manager Frobel:** What should we worry about now, and where are we in this time sequence so we do not miss a step. That is what I have been stressing to him, and he can help you in that regard.

**Trustee Armacost:** Meg offered the opinion on the kind of qualifications that people might have for the committee: a planning background or architectural or remediation or real estate background. I might add experience with planning parks and business.

**Trustee Walker:** Or legal even, from a standpoint of environmental law.

**Trustee Quinlan:** I see the urgency and it is important that we do this soon. But even though we have a PRAP and we will have a ROD there still is going to be significant time taken to develop the design and the engineering of the bulkhead, the armor, the filtration systems before we start the cleanup.

**Mayor Swiderski:** Jerry's setting of community expectations is entirely appropriate here. The design phase itself is minimally nine months. There are any number of points in the PRAP where they defer decision-making to the design phase. So it could be two years. But the sooner we have input into that, the more likely the full breadth of our concerns will be incorporated into that work.

**Trustee Quinlan:** That was my point. I did not say it was not important we do this. I just want realistic expectations of the timelines.

**Mayor Swiderski:** Know that this is a process that will be drawn out because it will require DEC approval and response. And those edit loops, as we now know, can go on for years.

**Trustee Walker:** That is what I was going to ask. Certain design elements could take a lot of time to be processed by the DEC and approved. And then they have to bring in Fish & Wildlife.

**Trustee Armacost:** I cannot tell if the issue of the committee is urgent or not after this conversation.

**Trustee Quinlan:** Let us say the committee is established in April or May. It could be before then, but by the time we get résumés in and everybody has discussed it, choosing members can take awhile. It seems important to me that we should have someone from to Planning Board, from the Zoning Board, from the Architectural Review Board. I do not want a big committee. Five would be great, but it is a little too small. But no more than nine. So I throw that out as an idea. Do we want people that have the expertise, have the commitment, know the issues, are already on board, somehow involved.

**Trustee Walker:** And maybe conservation, yes.

**Trustee Armacost:** That would be a very easy way to constitute it. It would have a representative from Zoning, one from Planning.

**Mayor Swiderski:** It is not a zoning decision.

**Trustee Quinlan:** It is not a zoning decision, but that would be someone who is at least involved in the process. I do not say we should do zoning, I am just bringing out some important things. Conservation is a good idea, parks and rec.

**Trustee Walker:** We would like these people to put some work in. And if they are already serving on another commission or board they may not have the time to put the work in. This is not to rubber-stamp things. This is to do some heavy lifting. If there is a Planning Board member or Conservation Commission member, it be great to have them represented on this committee. But they also have to be willing and want to do some work.

**Mr. Gonder:** Mr. Mayor, you could ask Atlantic Richfield if they have all the prints of the infrastructure. They had sewer systems, they had storm drain systems all on prints. They had a substation, and most of the cables and conduits and ducts went from north to south. That is all in prints that could make your job so much easier. I know Anaconda had tremendous prints on all the underground things. I do not know if Atlantic Richfield still has them, but they must because when they start digging they do not want to go into a storm drain, they do not want to go into a sewer system. Maybe they pulled out all the cables. There may still be a lot of cables underground in these conduits and ducts. There were close to 2,000 people working there in some of the years, during the war years, and they used a lot of power. I know there are prints, and they are beautiful prints. If you can get them your job would be so much easier.

**Trustee Walker:** An infrastructure committee of the LWRP collected as many of those plans like power, water, sewer as they could get their hands on, and then reported on them in the LWRP document. So the Village has a number of them. I do not know if it is exhaustive, and I am sure BP has them, too. So that would be a good starting point.

**Mr. Radzkin:** It is correct that the nine-month engineering phase is going to expand, but it would be better to have the committee functioning as soon as possible to more efficiently guide the engineering at the front end rather than coming up with principles when the work is partially done.

**Mr. Metzger:** To Niki's question about whether the committee is even necessary, on the Comprehensive Plan Committee our initial study was to see what we needed to study, what material we had on hand, how we were going to use that. An RFP was put out. We reviewed all that material and made a recommendation. After that firm was then hired, we acted as their eyes and ears in Hastings. As an example, we had a meeting about traffic. Instead of the consultant coming down, we collected all of the information, drew up maps, presented everything to them and they were able to distill that into the plan. So we were able to keep our costs down on the consultant part.



Seven to nine is probably a good number. I thought 11 was going to be too big for the Comp Plan. It turned out it was probably exactly the right number. There are always one or two people that cannot make it to a meeting, so then you are down to nine. Then you have to break up into committees. So I felt it was very beneficial to have a larger group.

I spoke to Trustee Goodman and Trustee McLaughlin, who were instrumental in interviewing the people who sent in résumés. They looked for as varied a representation as they could find, but most importantly to find people that would work well together. Even if you came in with your own agenda, which I admit I did, I had very strong opinions about what the Comp Plan should be, I quickly deferred to 10 other people who felt as strongly about what needed to be done. I would hope that any committee would function as well as our committee did. We never had disagreements. We had discussions about facts and issues. At the end of the day, we all ended up agreeing on the way we should present this. So a great variety of people representing all aspects of the community.

We did not have anybody who was from any of the boards or commissions in the Village. We had talked about that at the beginning, and we felt that whether it was intentional or not there would always be a certain amount of weight given to that person that would start to drive the direction of the committee. We felt it was important to have a completely unbiased committee. Not to say that person would be biased, but you would tend to defer to that person. We ended up having extraordinary help. Meg came down on quite a number of occasions to talk with us. Sue Maggiotto was extraordinary in getting us information. So we were able to reach out to people and get information, but they were not driving the process.

**Mayor Swiderski:** Back to the committee. We have various skill sets, we have the numbers seven and nine thrown out, we have a sense of the charter.

**Trustee Armacost:** We have April and May thrown out. Maybe that is too late. We need to have a date by which it needs to be constituted in order to have a process to ensure that it is in place by that time.

**Mayor Swiderski:** That is right. You do not want to have a process that does not begin soliciting public input until September because you do not want to do anything in the summer because nobody is around.

**Trustee Armacost:** And to Jim's point, if one of the roles is to be evaluating the RFPs, then that is also a trigger. When you want to have the consultant acting, that RFP process has to have happened, so the committee has to have already been constituted. Seven is a reasonable number. On the outside, nine.

**Trustee Walker:** I think seven is good.

**Trustee Armacost:** Do you have a sense of the dates? Can we work back from something?

**Trustee Quinlan:** It is hard to say because we do not know what kind of response we are going to get in terms of résumés and interest, even for the seven members. How do we put that out to the Village? Are we going to use Village e-mail to look for applicants?

**Trustee Armacost:** Is the committee going to evaluate the responses from the RFP?

**Mayor Swiderski:** I would prefer to have the committee do that. If the committee is going to work with the consultant, then we should choose a consultant.

**Trustee Armacost:** So how soon do we want the consultant, or do we need the consultant?

**Mayor Swiderski:** The real question is, how soon does BP need something from us. And while informally we were told early in the design phase, early can be the first month and it can be the fourth month. It depends upon what early is. So probably, if you are going to work back from something, it is the deliverable date.

**Trustee Quinlan:** We are going to expand the comment period to 60 days so we are talking about March 1 for the comment period to end. It is going to take them some time to put all those comments together and either say, No, the PRAP stays just the same, or, We are making some changes to it. The earliest, I would say, would be May.

**Mayor Swiderski:** When the ROD is issued.

**Trustee Quinlan:** When the document is finished. Realistically, if we can have the committee established by the end of the school year – if you can make it earlier, good luck. They can evaluate the RFPs and have a consultant by the end of the summer. That would be a realistic timeline.

**Trustee Walker:** We are not going to do have a community meeting before the end of the school year. Once the school year ends, you are not going to do it during the summer. So the best time is probably September, October up until Thanksgiving to have the public meetings. And then the consultant does their work and puts it all together. So we might have something by the end of the year. Is that good enough for this process?

**Mayor Swiderski:** There is a combination of reality and deadlines driven by their engineering. Given what we know about how the DEC runs its business, May is optimistic. But their engineering work will begin the day the Rod is issued, if it has not begun already.

**Trustee Walker:** They are not going to have to go out and find new engineers?

**Mayor Swiderski:** No. But the engineering design they are going to have to go through, this is where Dick Brownell can weigh in. Their design phase will have a back-and-forth with the DEC before our input is necessary. That will be well underway in the fall. I do not think we are too late if it is by the end of the year. I think we are too late if it is two years.

**Trustee Quinlan:** I agree with you. I do not think we are too late if we are by the end of the year. Everybody is going to move as fast as they can, but with caution. They are going to want it to be technically sound and environmentally safe, and they are going to take their time to get it right. Everybody wants to get it done, but they are not going to rush to do it because it is too complicated.

**Trustee Armacost:** If the committee is in place by the end of May we are set.

**Trustee Walker:** It would be great to have the public meetings in September or October. In order to do that, you need to be able to do outreach for a couple months leading up to it and preparing for the public meetings. So you need to have the consultant by June. Which, to me, would say you need to have the committee in place a couple months ahead of that.

**Trustee Armacost:** So April, then.

**Trustee Walker:** Yes, I think so.

**Mayor Swiderski:** So in terms of what we put out to the community, solicit résumés, Meg, do you want to take a stab at a paragraph description that would go into an e-mail?

**Trustee Quinlan:** Can I offer one more thing in terms of timing? When we have this taking of this 0.8 acres in the northwest corner of the river there is going to be a lot of give and take about the required mitigation before they even start. I just want to caution everybody. It is good we can do it as fast as we can, but this is going to take awhile.

**Trustee Walker:** But do you mean they have to figure out the mitigation before they can start the remediation?

**Trustee Quinlan:** And we have not even talked about the Army Corps of Engineers. But Fish & Wildlife will want it.

**Mayor Swiderski:** It will take time, but we cannot assume it will take an infinite amount of time. We have to boundary ourselves. We would rather have our input prepared. I do not want the Village holding up the process.

**Trustee Walker:** It is infrastructure, but it is also a wish list of parks and promenades that we would like to have in place at the end of the process. So people do not think it is just a lot of underground sewer lines, it is more than that.

**Mayor Swiderski:** They are not going to construct the parks first.

**Trustee Walker:** Well, they may.

**Mayor Swiderski:** They may. We do not know that. They will certainly put esplanade foundations, et cetera. But you are right. To some degree, we may get more.

**Trustee Walker:** It may not be completely because obviously there would be landscaping and other things that we would like to see. But something rudimentary in place.

**Trustee Quinlan:** The promenade is already a matter of judicial settlement.

**Village Manager Frobel:** Yes, they have to build it.

**Trustee Jennings:** As a separate topic, at some point we, as a board, are going to have to deliberate about anything that would require our consent to changing of the consent decree, with Riverkeeper. And there is no committee that can do that. I think we have to do that.

**Mayor Swiderski:** There are modifications to the ROD that were included in that package, and we have got to review that ourselves. That has to happen before the final ROD is issued. It is issued as a package.

**Trustee Quinlan:** Right. The engineering can start, but I do not know if it can be completed.

**Mr. Metzger:** As if you did not already have enough on your plate, I would like to suggest that you give some thought about how the form-based zoning might start to happen on the waterfront the same way you have discussed the infrastructure implementation committee. I believe these things need to be hand-in-hand in terms of, for example, the park. My guess

is, when you mention a park to people they are thinking about the great lawn in Central Park. It is a large, flat area that you could play football on, on a Sunday afternoon. But what if we had a series of rolling hills and fields out there so it became a more three-dimensional park? All of a sudden, we have another concept in the room. And how does that affect where you might put a road? Maybe the road would want to be behind these berms so that it is not visible when you are in the park, as opposed to standing on a flat piece of land and having cars going by behind you.

These two things, the infrastructure and the physical form that the waterfront is going to take, need to be somewhat integrated. They can be looked at independently. But it is never too early to start getting an idea of what is possible. If the Board could approach people within the Village who have been thinking outside the box and looking at these ideas for many years, if you could invite them to be on one or the other of these committees, I suggest you do that. I would be happy to recommend some people that I have been talking to for the last five or six years who have a great area of expertise in looking at the waterfront specifically, and planning, design, concept engineering in particular.

**Trustee Walker:** Jim is right. There is going to be a certain aspect of the form-based zoning, and it could be a lot of different things. But it requires a vision plan before you can create the form-based zoning. What we are starting to do is creating the vision of what we want to have happen there. A park can mean a lot of different things.

**Mr. Metzger:** My concept talking to Richard Bass, who brought up the form-based zoning, and by the way I fought Richard on this tooth and nail for several months because it is the antithesis of how I was taught to design, it is the opposite of form follows function. Now you are creating the form, and you are trying to figure out a function that would appropriate for that. As Richard explained to me, we have tried it the other way for 25, 30, 35 years and we can never reach a consensus. So maybe we could come up with an idea of what we agree would be a beautiful collection of buildings and parkland on the waterfront, and then figure out what could go into those. The form-based zoning is your vision plan. Trying to figure out what visually you want to see there becomes your vision plan. So you are not starting from, we want to have housing, commercial, educational. We want to have this beautiful, sinewy building weaving its way through, that dips down and in and around the landscape. What would that look like? And we have a big board, and we have someone who is wonderful with a marker, and they are sketching like a police artist what that concept would be. What would be a beautiful form on the waterfront, and how does that become a reality? What does that turn into? Then where does the road go? How do the services feed that? In Disney World, 50 years ago, they decided all the services were going to be underground. There is not a motorized anything running through that park. We have the ability to do that since we are building everything up. Maybe we do not need a road, per se, but we need a

way to get service vehicles to the farthest corners of the waterfront. Maybe we have a centralized parking area, and then there are ways to move to other areas.

All of this is by way of saying ...

**Mayor Swiderski:** You are designing.

**Mr. Metzger:** Yes, I understand. I am trying to get the Board to understand we get mired in 1950s ideas about what planning should be, and we need to be looking at 2012 ideas.

**Mayor Swiderski:** We had two committees mentioned on the agenda, but let us get this going before we turn to the Comprehensive Plan implementation committee concept. That does not mean we cannot begin to go through that document and propose other ideas along the way. But for the next two or three months let us get one committee off the ground.

**Trustee Armacost:** So this committee is going to be called the waterfront infrastructure committee. It will have seven members.

**Mayor Swiderski:** Yes. We did not agree on whether it has somebody from, specifically, Planning.

**Trustee Armacost:** Maybe we can request somebody who was on the Comprehensive Plan Committee who happens to be on Planning. I can think of two. Both of them were quite passionate, but we can see.

**Mayor Swiderski:** So we have one committee. Meg is going to write up the paragraph that we would incorporate into an e-mail going out to the community. I think a month window to collect résumés is the most we need. We review and select, and so by early March we have a committee. Then they have sub-organization issues, as committees like that always do, getting started and selecting a chair and kicking stuff off. So the shell of an RFP, selecting a position. A consultant can be provided, though. They can be seated with the shell, and be in a position to start working on that in May.

**Trustee Walker:** Can I mention two committees that I think in the next couple of months we should be thinking about? One is the Economic Development Committee, and giving them a charge or rethinking it and kind of combining it with some of the recommendations in the Comprehensive Plan. The second is a Transportation Committee. One is already starting to form, it has already had a couple of meetings, simply because they want to move things along quickly. Grant opportunities come up, and you want to be prepared for them. I am mentioning it now because there are folks who are chomping at the bit.

**Mayor Swiderski:** Why is transportation not a subcommittee of the Planning Board?

**Trustee Walker:** It is a completely separate thing. The Planning Board does not ever look at transportation issues really.

**Village Attorney Stecich:** For the most part, the Planning Board, although the title has planning, has a lot of business with applications for site plans and subdivisions. Sometimes they go beyond that.

**Trustee Walker:** There were specific recommendations in the Comprehensive Plan about sidewalks, crosswalks, reducing Broadway again by another lane, Safe Routes To School, and things that we have already started to talk to the DOT about. There is a group that is already really interested. In fact, it includes two members of the Conservation Commission, a member of the Planning Board, a couple of interested citizens, and me.

**Trustee Armacost:** It is one thing if people are meeting because they are passionate about the topic. But constituting themselves as a committee of the Board means that they are recommending things specifically to the Board for action which have budget implications. One of the things that we talked about is a Comprehensive Plan implementation committee; a subsection of that could be transportation. People's enthusiasm is fabulous, but there should be a kind of plan or a process around it.

**Trustee Walker:** I am going to say something that is unlike me because I usually like structures. But that kind of structure is going to take months to set up. And in the meantime, the opportunities will come and go and we will miss them. Dobbs Ferry has already gotten hundreds of thousands of dollars to do transportation work, to do intersections, to do crosswalks in the last couple years. If we wait to have a committee of a committee of a committee nothing is going to happen.

**Trustee Armacost:** But it does not need to be a committee. To apply for a grant, you do not need to have a committee.

**Trustee Walker:** But who is going to do the work? I was pushing a lot last year to apply for transportation monies, and this ad hoc committee was helping me. But I do not have the time to do this. Who is going to write the grant proposals?

**Trustee Armacost:** But I do not think we should call it a committee, then. We should call it an ad hoc group of people interested in transportation.

**Trustee Walker:** I think there should be a formal committee appointed to look at grant opportunities and to bring recommendations to the Board. I do not see why we need to wait to implement some sections of the Comprehensive Plan that are staring us in the face and that are problems in our community right now. Things can start to happen.

**Mayor Swiderski:** A formalized proposal was not on the agenda tonight. Let us put it on the Board meeting for next time around. Niki's reaction is not dissimilar to my aversion to too many committees that we then do not properly charge. If we have a weakness it is properly deploying a number of our commissions and committees.

## **5. Waterfront and Comprehensive Plan Implementation Committee**

**Trustee Quinlan:** There is a public meeting on January 26 at 7:00 p.m. at the James Harmon Community Center to discuss the proposed PRAP and proposed ROD. The PRAP is the Preliminary Remedial Action Plan, and the ROD is the Record of Decision. Summaries are available on the Web site, in the Village Clerk's office, and in the Hastings Library.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:15 p.m.