

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

A Regular Meeting was held by the Board of Trustees on Tuesday, July 3, 2012 at 7:30 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Village Manager Francis A. Frobela.

**ABSENT:** Trustee Meg Walker, Trustee Nicola Armacost, Attorney Marianne Stecich.

**CITIZENS:** Two (2).

**Village Manager Frobela:** Trustee Walker, Trustee Armacost, and the Village Attorney are on vacation this evening.

**Mayor Swiderski:** We do not have any appointments, but we do have a couple of openings? We have at least one of the ARB.

**Village Manager Frobela:** One on Planning. Anyone interested, we welcome volunteers. Send your résumés to [volunteers@hastingsgov.org](mailto:volunteers@hastingsgov.org).

**APPROVAL OF MINUTES**

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of June 19, 2012 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 5-2012-13 \$ 46,737.83

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** I reside on James Street, with a lot of new fawns, the spotted white tail youngsters. I contacted Andrea Stewart-Cousins in regard to Graham School, our police and fire department going there. Someone got back to me and we had a long discussion. I hope other people would call state officials to try to get some help, because we spend 35 percent of our calls from Graham School fire department, police department, something is wrong and we should get some compensation.

I know the Board is always trying to attract and get new businesses, and help ones already. You should spend equal time on resident problems. Six weeks ago, I got info from an elderly man that lives in Hastings. He says there are 73 homes for sale in Hastings. I hardly could believe it. Last week, I talked to one of my neighbors. She said there are 93 homes for sale in Hastings. I believe they are right, because I rode around and all I see is signs.

I am wondering what the Board is doing for residents. Faith Evans, good Democrat, left here. Why? High taxes and other good reasons. How much taxes does a commercial business generate for the Village, and how much taxes do the residents generate for the Village? This is an honest question that should be answered, and I imagine Armacost would have that info. Maybe Mr. Frobel has it. Whatever that proportion is, that is a proportion that you should spend money on commercial and spend the proportion for the residents. If that is the way it breaks up, 50-50, fine. But if it breaks 70-30, maybe you should spend 70 percent. Meg Walker always does a great job, whatever she handles. In the paper there was an article: what is the problem in Hastings? Parking, you do not have enough parking spots. Other people like me do not like to pay for parking. Once you handle parking problems, maybe you will get more businesses and people coming to the businesses.

**Mayor Swiderski:** The compensation issue regarding Graham School is something we have approached State Senator Andrea Stewart-Cousins and the state agency responsible for paying Graham School for the services they provide. We continue to try to find a formula that will work. I remain skeptical we are going to find much. I do not know how to respond to the issue about helping residents. I think it is all we do. Finally, regarding parking, we have added about 15 slots in the downtown area. Every parking survey we have ever run downtown has indicated there are no problems finding parking if you are willing to walk more than 50 feet. I am not sure what to tell you on any of those issues.

**Tim Downey, 520 Farragut Parkway:** I would like to thank you. Last time I spoke, you were more than generous with the time that you allowed me. There was a thoughtful exchange, and I appreciate that opportunity that we can have a little dialogue.

You have probably gotten e-mails and phone calls from people supporting the quarry park idea, saying don't back down. The Quarry Park Committee is composed of people largely immediate to the proximity of the quarry. That's like the people moving next to the airport and all of a sudden want the airport closed. They come into an area where there is something established, and all of a sudden they want to change it.

Mr. Frobel, I think it was your efforts that cleaned it up. Charlie Murray was the big gun there trucking all that stuff out. The quarry is constantly referred as "the quarry's the

problem." It has nothing to do with the site of the quarry. It had to do with the people who sat in the seats where you are. You all have an exemption from that because that mess was prior to you coming here. You got it dumped in your lap. But they tried to work the momentum. They got it cleaned up, and there is a new regime in place here. This dialogue got pushed forward about making it into a park. There were plans one time for a Little League field in there, and somehow that got lost on the vine. The quarry neighborhood people have their one issue. There is a bit of a quid pro quo. A lot of these people are in the same social circles. So the Comprehensive group sided with them, said we will work together, we will get a park. But regardless of where that discussion came from, it is not put in the context of the 2 percent tax cap. I am sure there are no minutes or records in terms of the dialogue that took place about using it for a DPW facility. There was not a very vigorous discussion along those lines. There is no spread sheet, no tonnage, no looking at the math. So I would question the due diligence that that group had done.

Last week, I was called to a DEC meeting at the MRF to speak and present with the DEC agents. One of the DEC people told me we are in a bind here in Hastings, Ardsley and Dobbs Ferry. Because there is a new group in Yonkers government, and they put the kibosh on how things had been running in the past. They want a greater accountability to the cost. They know they were subsidizing Hastings, Ardsley, Dobbs Ferry and other communities who had been using that space. So we are in a bit of a bind. You mentioned concern for the neighbors with trucks rambling through their neighborhood. I want to be clear, this is not for landscape contractors or any contractors. This is strictly for the Village until we figure out a better way to go about things. And also integrating it with the river, waterfront, access off of Washington. It is no different than the sanitation truck doing the trash collection and two recycles. We are not running through the neighborhood constantly and raising all kinds of dust and storm. So I am going to keep discussing this at future meetings. There is room for a dialogue, just to hear the points out, before we go too far along.

The late Tunney Maher told me what happened at the Harmon Center was a mistake. The Harmon Center was done by a group of people with good intentions, but they missed the mark in the utility of the building. He felt, and I would agree with him, that if they had developed it more youth-oriented, where they had a big downstairs hall-gym area where the rec department could run its own basketball games instead of having to negotiate with the school. When the school is closed, kids had an area to play basketball, volleyball. You had the bigger space for a farmers' market. Now we just have this one big hall. It is used for a lot of things, but they did not look at it in its inclusiveness in terms of what it could really have done. And they missed the mark. That is my concern about giving up the land at the quarry for a park, when we have other issues we have to address.

#### **46:12 APPROVAL OF GRANT APPLICATION – QUARRY PARK AND TRAIL**

**Village Manager Frobel:** Mayor, I hope Trustee Walker have kept the Board closely informed as we proceed through this season of grant applications. We are looking for authority to submit still another grant to the New York State Office of Parks, Recreation and Historic Preservation. This grant will get us through final design of the quarry site into a park, and will get us up to construction documents. We do have the 2008 grant from the same agency, which we have been using to pay for the design work we have done thus far. But as you know, that requires an \$85,000 match. What we are looking for now is a smaller amount of money which would require less of a match. We are more comfortable with the lower number today because, one, we think what we have done already has gotten us a good distance towards completion, but also we will be able to match it with other grants that we received. Our goal is not to have to depend at all on the taxpayer dollar to make this program work.

The \$60,000 is a 50-50 match. We think we can meet that match with a grant we have already received and some of the other money that we have from Scenic Hudson to make this work. It will be very competitive but we feel we have got a strong program here and, hopefully, the state will see fit to fund it.

**Mayor Swiderski:** You have had a tough time in this grant process in the past.

**Village Manager Frobel:** Our problem has been, we got ahead of ourselves. When I arrived in 2005 a lot of the grants had already been received and the purchasing power had diminished to the point where we did not have a meaningful amount of money to make it work. And that did work against Hastings. But we are doing much better in terms of our completion of grants and the drafting of the program. Margaret Moulton been a big help. I do not know where I would be without Trustee Walker helping me put these programs together.

**Trustee Jennings:** You said that we have existing grants that can take care of the Village matching responsibility if we are awarded these new grants. But after this planning and feasibility study process is finished, do you have information in terms of the funding possibilities for creating, implementing the design and the costs associated with that? Is that something that you will have to factor into our capital? Will that always be a zero-cost/cost-neutral project from the point of view of the Village taxpayer?

**Village Manager Frobel:** We would like it to be cost-neutral. Our goal has always been to rely on grants and either in-kind services or acquisition of material that would help us leverage these grants. The goal has been not to rely on the taxpayer at all. A few years ago

we did recommend that we turn to the river cleanup fund, part of the ARCO fund. Our hope is not to have to turn to that. But realistically someday we will have to turn to that fund to make it work. Not to the degree that initially some people would have liked, but to some small degree to at least leverage some grants that would get us closer to constructing the park or leading to the cleanup closure of that property.

What we have tried to do in this design is kill two birds with one stone. Much like the Board is doing on the waterfront cleanup, we are combining the design of the public space with the closure of the landfill part of it. We are trying to do both at the same time, with the hope of saving money both in design and in construction. But the short answer to your question is, we probably will have to turn to that fund some day, or similar outside funding sources, to make this work.

**Trustee Jennings:** Yes, and that closure is essential because we cannot contemplate any usage on that property until that is done. Am I correct?

**Village Manager Frobel:** True.

**Trustee Apel:** Is that mandated by the state?

**Village Manager Frobel:** Yes.

**Trustee Apel:** Does it need to be done by a certain time?

**Village Manager Frobel:** There has not been pressure on the Village because of the nature of the material buried there. It is moderately vegetative yard waste and bulky white goods. It is not deemed hazardous. But it needs to be addressed before we can make it into a public park.

**Trustee Apel:** So this grant is going to help with the design. Will it also help answer Bruce's question? Will it discuss financing? Does it go that far?

**Village Manager Frobel:** No. Just the cost of closure, and the building of a park. But we will come back with a financial plan. I put one together a few years ago, along with a timeline, as to where I thought we would be at certain points. But that has been derailed several times. It is time to come back and freshen up as to the amount of money we are going to need, and where we may be turning for sources.

**Trustee Apel:** And they are actually going to be awarding such grants?

**Village Manager Frobel:** This grant could be for construction, but we are not at that point. But yes, some communities will be applying for money for the work we have just talked about this evening, that future construction of a park.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize and direct Francis A. Frobel, Village Manager, to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed [ \$60,000] XXX and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings-on-Hudson for Quarry Park Final Design & Quarry Trail Phase 2 Construction and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

**47:12 APPROVAL OF GRANT APPLICATION – REGIONAL TOURISM  
MARKETING GRANT INITIATIVE**

**Village Manager Frobel:** At the last meeting we joined in an IMA with Dobbs Ferry and Irvington. This is that group's first initiative to find funding sources to promote the area. Irvington is going to take the lead in receiving the grant, if we are awarded it, and will provide all the administrative responsibilities, which is a relief to me. It is an exciting opportunity. Forming the IMA was a big step, but now to get some cash if the grant is funded will be very exciting to see this move forward. Meg has taken the lead in trying to get this to come together. Like the other grant, it is under the consolidated funding application, which means it goes to this supercommittee, which reviews all of them. And again, it is extremely competitive.

**Trustee Jennings:** Is there a matching requirement?

**Village Manager Frobel:** Not with this grant.

**Trustee Jennings:** But if there is at some time in the future, do we have a formula for how the three villages divide the match? Is it one-third each?

**Mayor Swiderski:** Any expenditure would have to be unanimous with the three members.

**Mr. Downey:** If I could back up for a moment on the quarry. Manager Frobel said the state had given directives in terms of certain things that had to be done, and there was organic and white goods, and then there was some action that had to be taken to finalize that. What agency and what actions are they?

**Village Manager Frobel:** It will be a barrier cover, of some depth, with topsoil on top. Then they are concerned about the type of plantings we have there. There can never be any building or penetration into this barrier that they will create. The other major concern is to make sure that any water generated that falls on the site stays on the site. There will be a series of swales and open areas that will capture any rainwater or runoff from the cliffs.

**Mr. Downey:** I assume this is DEC, primarily.

**Village Manager Frobel:** Yes.

**Mayor Swiderski:** And white goods is a reference to things like washing machines. Large appliances. They were dumped into what was once the lake there.

On MOTION of Trustee Apel, 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 application for a Regional Tourism Marketing Initiative Grant from the New York State I Love New York program in the amount of [\$17,000] XXX, such grant requiring no match and submitted by the Rivertowns Tourism Board on behalf of the member municipalities.

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** The auditors are here. They began work Monday and will be here for the rest of the week. I expect they will be back here in late August, early September to finalize their field work, leading up to a presentation of the audit to you by Thanksgiving. They are finding no difficulties. And, as usual, they find the staff very cooperative.

**Mayor Swiderski:** You had a report indicating the expected surplus remaining from last year was around \$300,000.

**Village Manager Frobel:** Exactly. Yes, I am going to stick to that. The only possible concern is that I had to write to Greenburgh again today. We have yet to receive our Donald Park money, which is a very big part of our revenues. That is Greenburgh's fair share for providing fire protection services for the Donald Park district. And there are some efforts on the part of the city of Yonkers to tidy up their books. We have had a long-term situation with them with the invoicing for the vegetative yard waste that we bring there. So we are going to have some back bills to that. We have held that in reserve. That is not a surprise, but just one of those that has to still be taken care of. I am sticking to that estimate that I presented to you a few weeks ago that we should be somewhere in the vicinity of \$300,000, which means we never needed to turn to our contingency, which had always been your goal, and that that money would be in the budget for this very purpose of building up our fund balance to again restore our good credit rating to an excellent credit rating, and to have available to us for any future capital investments.

**Mayor Swiderski:** I am not meaning to blindsides you, but do you have a rough guess of where we would be as of the end of May?

**Village Manager Frobel:** If that all comes to pass, then you should be around \$782,000 in a reserve, undesignated fund balance for May 31, the one we just closed. Our goal has always been 10 percent, so we are getting closer and closer each year.



## **BOARD DISCUSSION AND COMMENTS**

### **1. Building Department Fee Revisions**

**Village Manager Frobel:** Staff, not just periodically but continuously, is looking at revenue sources that need attention: items that have not been tended to in years, new fees that we believe are fair not to be shouldered by the entire taxpayer at large group. Our Building Department has been looking at their fees. We have given you a table which breaks down all the fees that our Building Department is responsible for. It has some recommendations that show you what our existing fee is and what we are looking to increase it to. Our goal is to cover our cost for service. That is what an impact fee or a fee that we charge for the service we provide is intended to do. These fees have not been looked at since 1999, so it is long overdue. At that time, Hastings was right up to where it should be. But in those intervening years, our research, which we have sent to you, reveals that we have fallen behind most of our neighbors, and that it is time, given the level of service that Hastings provides, the expertise that our staff has, to take a close look at these fees.

**Trustee Apel:** If I was going to build something or do something here, what would a percentage of increase in costs be? Is it going to cost me another three percent that it didn't cost me before, is it going to cost me another five percent, another 10 percent?

**Village Manager Frobel:** It is going to be more than that. That first column, the building permit including demolition, right now we are at a one percent, or \$10 per a thousand, of estimated construction costs. And we are looking to move that to 1.5 percent, or \$15 per \$1,000 of estimated construction costs. Now that, as a percentage, is a large number. But as a cost of doing business, with feel that is in keeping with the true cost of providing the service. The problem with our operation is, our building office costs us, taxpayers all, about \$200,000 to run. That is staff that takes into consideration their benefits, their pension contribution, the whole program. Yet when you look at our revenues, and I took a survey of the last five years, and taking out that large boost we received in 2011 for that exceptional home that was built, we average around \$60,000 so we are not even close to where we should be covering our expenses.

That truly is part of what a building office should do. The building office is a very specialized service. Unless you are building or doing something you have no business in that department. There is nothing that benefits the community at large, except as consumers and, of course, protecting our property values at large. But it really should be paying the cost or come close to paying the cost of its operation. And even with the proposals that these gentlemen have put together we are not there yet.

**Trustee Apel:** So taking what has happened in the past, if we had charged this it still would be at a loss.

**Village Manager Frobel:** If you adopted everything that is here and on page two are a lot of news ones, fees that neighboring communities charge and these are very modest in price, we could generate nearly 100,000 additional dollars from the operation on an annual basis.

**Trustee Apel:** So we are still \$90,000 short.

**Trustee Jennings:** Forty-thousand short.

**Village Manager Frobel:** Yes, about \$40,000. We are a little short. That is right. So even though these initial fees, as a percentage, seem like quite a jump they are still not getting you to where we should be in terms of the overall operation in meeting our expenses and our revenues. I think it is in keeping with what the Board has wanted us to, that is looking at fees. Maybe it goes too far. After you have had a chance to hear from Deven and Buddy, we can look at something less. But I have spent time with this. This was given to me a number of months ago. In fact, I wanted enough time to look over it carefully and understand it. But I think it is where we should be, I think it gets you closer to where you want to be. And looking at our past trends, I think it is going to get you pretty close to covering your cost.

**Trustee Apel:** So what is it going to take to make up the other \$40,000?

**Village Manager Frobel:** These numbers are based on past trends. The last five years have been slow for the building trades. There have not been a lot of additions, new homes built. If you believe we are beginning to come out of that cycle, and you are ready to look at these fees, then you would probably start to make inroads toward reducing that gap of \$40,000 over the next, say, 24 months.

**Trustee Apel:** By the virtue of having more building.

**Trustee Jennings:** I have been working with a group of people on modifications to our building code requirements. Many of the people there are in the construction industry, architecture, real estate. If you think about the nature of the buildings in Hastings, there is not going to be a huge amount of new building but there is a great deal of renovation. People do new kitchens and bathrooms, and other things. So many of these fees are generated by that type of activity. Looking at your chart, I do not understand what the difference is between the first and the second item, and why the demolition alone, without a building permit, there should be no change. When you are changing the first item, why are you not changing the second one? One percent and 1.5 percent per thousand of construction costs,

and right now the demolition is one percent. So right now, they are the same. And in the future, you are going to make them different and I do not understand why.

**Building Inspector Sharma:** The fees are proportional to the amount of administrative and field effort required. For the demolition work, it does not require the same kind or same amount of effort as the regular construction. Regular construction, for example, requires a minimum of four to six inspections. Some inspections are repeat ones, whereas with the demolition, we do not need to do quite as many inspections. That is the reason we kept it at the same one percent.

**Trustee Jennings:** I see. So we are overcharging people now, as it were.

**Village Manager Frobel:** Well, it is covering the expense now.

**Mayor Swiderski:** You presented numbers which describe that the costs are not fully covered by the fees if you disallow one particular payment, which would cover the department's costs for three years in and of itself. It was \$450,000, and to disallow that I am not sure is entirely valid, because there are episodic large construction projects that do occur. At one point, we will have something on 9-A that will be, potentially, \$20 million, \$30 million, \$40 million worth of building. That would be a \$200,000 to \$400,000 fee. Should we have building, one day on the waterfront, or construction of townhomes or something else elsewhere in the Village there are equivalent, fairly large injections of money. I am not sure you can factor that out and be fair to the analysis over a 10 or 20 year period. You have to assume that one or two of those do come along and partly if not wholly balance the books. We do not add personnel at the time, so it is part of the seasonality. It may only be eventually three or four or five years, but it does help to ameliorate the perceived deficit.

**Trustee Apel:** How often are we going to have big buildings, big construction?

**Mayor Swiderski:** But maybe that is the way we think of it. We do not consider it a \$40,000 deficit because every 10 years we do get a big one that wipes it out, so to speak.

**Trustee Apel:** I keep looking at the average homeowner. I am not saying we should not cover our costs, but if I am an average homeowner, and I am going to do a new kitchen or whatever it is or need to do a new kitchen because everything is falling apart, these costs are going to come directly to me. When somebody plans to do reconstruction, they should remember that whatever the costs are that they are going to have all these other fees on top of it. They should not just think that they are going to have a fixed cost; they should speak to their construction person and say, does this include all the fees, because that has got to be figured into this cost.

**Trustee Jennings:** Trustee Apel is raising the fundamental question that I have, looking at this proposal. Does raising the fees in the way that is being proposed going to unduly put a damper on an activity we want to encourage in the Village because it does benefit the whole Village, the upgrading of people's, thereby keeping them up and making Hastings a more attractive place to buy a home. We would not want to discourage that kind of activity. That seems to me to be the policy question: the multitude and the kinds of increases that are being proposed would have no dampening effect on that activity. It is a very small part of what is a very large budget for a kitchen or other things of that sort, let alone a whole building. And between two jobs that my wife and I did in the last couple of years, the architect raised his fees alone more than these extra fees would have cost us. So there are lots of things that are putting upward pressure on the cost of doing home renovations. This is just one of them, and a fairly minor one at that.

**Trustee Apel:** It does not have to be now, but if you could give me an example of what the increased costs would be for certain jobs, that would be helpful.

**Village Manager Frobel:** Part of this is that, again, having not been tended to for over ten years we are suffering the consequence. These gentlemen require a higher skill set now, our salaries have gone up over the intervening years. Our cost of doing business, like everybody else's, has gone up. But we can give you some real examples as to how this would impact a typical kitchen renovation and let us show you in real dollars how it would impact.

**Trustee Apel:** I am not averse that we should not be charging what we should be charging. I just want to know what I am talking about rather than reading a chart.

**Building Inspector Sharma:** The Mayor pointed out earlier that excluding certain large projects does not make sense. I believe one of the reasons they should not be excluded is because of the level of confident expertise to manage those projects. If you have that in the municipality, then it becomes part of how you can handle and manage it. Starting with the three or four large projects during my tenure here, which are 45 Main Street and 422 Warburton, our Community Center and this project and many other in between, we dealt with 45 Main Street where they had lowballed on the cost to save on fees. In the seven or eight years I have been here we have brought in more revenue than my salary and Charlie's salary combined for the last seven or eight years. As the Mayor says, there will continue to be these periodically. The waterfront will come up soon. It almost happened with the Ginsburg project. The thing is whether in your Building Department you have the expertise or the level of confidence that they can handle and manage these within the Building Department. We have not hired any outside consultants to either review plans or to manage the intricacies of these new large projects. I hate to take a little pat on my shoulder, but we

have had for the last few years things any of my predecessors would not have been able to handle or manage by themselves.

**Mayor Swiderski:** And you are reinforcing my point, which is that the costs incurred actually do at least meet the revenues we have gotten, or the other way around. We have gotten far more revenues, and we are able to do that in-house. So it is expertise we are able to apply and cover. However, these events are episodic and you cannot count on them from year to year. I think that was Marge's point, and she is absolutely correct. We cannot count on a big project every five years.

**Village Manager Frobel:** But in my analysis, Mayor, the only one I took out was the \$426,897 property. And that is what got us to the average of \$60,000 a year revenues brought in.

**Mayor Swiderski:** I think the analysis that Marge is asking for is pretty straightforward. I think it is under \$1,000 and it is under two percent. Having been on the receiving end of building engineering services, I would rather have the double check in place. I think there is utility gained.

**Village Manager Frobel:** Tonight was simply an introduction. We have given you the printed material, but I like the workshop concept where we can get this kind of feedback. We will go back to the drawing board.

**Mayor Swiderski:** Not back to the drawing board, just a couple of examples. It is an 80-20 rule, but probably there are four or five projects that are 80 percent of the work you do: a kitchen renovation, a small addition to a house, whatever. Renovation to a storefront. Pluck out three or four of those typical projects, and how this would affect the cost of it.

You made a point about 45 Main. If somebody lowballs you on the expense, and then the expense lands up being twice that, what do you do? Do you change the building fee retroactively, or what happens?

**Building Inspector Sharma:** Any time a permit is amended, the scope of work is changing, we charge the fee for the difference if the scope is increased and the cost is increased. If they clearly lowball, like in the case of 45 Main Street, we challenge it. We had the Community Center at the same time, and the 17,000 square feet of the Community Center was going to cost us \$5 million. They were going to build about 60,000 square feet for \$5 million. So I offered to them, OK, build our Community Center for the same per square foot cost and I will let you get away with it. Of course, they would not do it. So finally we agreed on \$7 million. We got almost a \$70,000 fee from them. So after that Eric has never excused me

and is forever angry with me. The same thing happened at 422 Warburton. There are some industry standards, where the cost per square foot unit costs are determined. We can always go to them, and then there are factors for New York area, Westchester area. In big projects and small projects that I was mentioning to Fran earlier today, on a kitchen or small renovation it is not going to make a whole lot of difference if they lowball it by a couple of thousands.

In terms of fee, I was mildly amused earlier today when Fran and I went over it. We never saw an increase in the fee structure schedule to increase or raise revenues. It was strictly and purely from the point of being consistent with what the others were doing in the industry, and it is proportionate to the effort and energy and expertise. It has nothing to do with what it does to the revenue. From our perspective, we never did it from that perspective at all.

**Village Manager Frobel:** At the next meeting we will have some additional follow-up and then perhaps set it for a public hearing to be held in September.

## **2. Downtown Initiatives**

**Mayor Swiderski:** Downtown initiatives are typically described by Trustee Walker, who is not here. So we are going to skip this item on the Board discussions.

## **3. Update on the Waterfront**

**Mayor Swiderski:** Asking for a brief executive session today. We have two items to discuss. One is modifications of the consent decree, the document signed 10 years ago with the parties to the lawsuit that forced the cleanup, which was Riverkeeper and the Village and BP. The consent decree went above and beyond the DEC record of decision, describing how the waterfront was to be cleaned up and laid down a further level of cleanup. It was five feet of fill versus two feet of fill, it was how many acres will be set aside for a park. It was quite a bit of detail that was not present in the ROD, the record of decision. That record of decision on the land portion of the cleanup has been modified as a result of the latest by the DEC. In March, the DEC yielded two documents and a new ROD for the water portion of the site, and an amendment to the old ROD, because that amendment changed a number of the components of the original cleanup. For example, we now have a bump-out into the water of the northwest corner. We also have the option not to rely on a bulkhead, but it is sloped into the water. The consent decree no longer fully matches what that new modified ROD indicates needs to happen.

We need to reexamine that consent decree and see how it needs to be modified to match the reality. We start that discussion internally first, then we reach out to Riverkeeper who is our

colleague on this lawsuit. Once they agree to an approach, we then approach BP and finish reworking the consent decree. That process needs to start now because BP needs to factor it into their engineering design, which has effectively started. We need to get this consent decree process underway so we can change that document and BP can then factor it into what they need to do. So an executive session to begin discussing that. And beyond that there are no further updates on the waterfront.

Also in the same executive session we would like to continue to discuss the selection of the Comprehensive Planning Implementation Committee.

### **EXECUTIVE SESSION**

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss modifications to the waterfront consent decree and selection of the Comprehensive Plan Implementation Committee members.

Observant viewers will note a slight change in the request for executive sessions. In the past, they were somewhat abstract, requesting matters of personnel or a lawsuit, or whatever. After discussion with our Village Attorney and our Village Clerk, we have agreed that adding a little transparency to what is discussed in these executive sessions does not compromise anything in the executive session, where we are not listing exactly what we are talking about. It just makes it clearer to people what we are talking about behind closed doors instead of mysterious issues of personnel. If that description were to compromise or damage a reputation of an individual or something, we would not do it. But in this case, saying what we are doing a bit more explicitly does not do any harm.

### **ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:36 p.m.