

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 14, 2012**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 14, 2012 at 7:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Four (4).

PRESENTATION - Thirty Year Service Award – Marie Oelkers, Public Works/Building Department

Mayor Swiderski: In recognition of a 30-year service to the Village, to one of our dear employees. “The New York State Conference of Mayors and Municipal Officials presents this 30-year certificate of public service to Marie Oelkers. In recognition of 30 years of distinguished public service to your community, the New York State Conference of Mayors is pleased and honored to publicly acknowledge your dedication and commitment.”

Village Manager Frobel: Thank you, Mayor. I will hand this to Marie. On behalf of all her coworkers, we, too, join the Board of Trustees in thanking Marie for her service to our community.

Trustee Walker: I shared an office with her for five years, and I am so pleased that she is getting this award. She heartily deserves it. There are not many people in this village who know as much about Hastings as she does. Whenever I had a question about almost anything, I would first go to Marie. So congratulations, Marie. I wish you were here so I could tell you this.

Mayor Swiderski: A real institution.

APPOINTMENT

Mayor Swiderski: We have Lauren Casper to fill out the term expiring in 2015 on the Library Board of Trustees.

APPROVAL OF MINUTES

Trustee Apel: I have two corrections. July 17, page18, fourth line down, "first turn" should be changed to "time." Page 34, last line, remove the "Y."

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of July 17, 2012 were approved as amended and the Minutes of the Regular Meeting of July 3, 2012; the Special Meeting of August 1, 2012; and the Executive Session of August 1, 2012 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 8-2012-13	\$ 24,455.11
Multi-Fund No. 9-2012-13	\$ 87,344.70
Multi-Fund No. 11-2012-13	\$ 760.00
Multi-Fund No. 12-2012-13	\$136,594.74
Multi-Fund No. 13-2012-13	\$233,158.10

PUBLIC COMMENTS

John Gonder, 153 James Street: Certain things irk me, and one is this Yellow Pages. You can see Dobbs Ferry real well. And then if you have glasses or a magnifying glass you see Ardsley and Hastings-on-Hudson. This is the way this book has been printed for years and years. I will get back to it later.

Other things irk me. Police narrowband, five months to get that system going. Dobbs Ferry has a system in already. You knew about it over a year. One of the fire chiefs told you about it and it was going to be a big expense, and you wait to the last minute to approve it. It should have been done a long time ago. I just want to point out one thing. This was around the July 26. "Oakland Police Radio Failed During President Obama's Visit to California. The 30-year-old, \$18 million police radio system failed repeatedly during President Barack Obama's visit to Oakland on Monday and during protests surrounding it." You have to give these people a lot of time, and debugging stuff. Then you have the problem with Andrus. I do not know why it was not taken care of a year ago.

Deer. I have been talking to this board five years about deer. You have accomplished zero. I know you talk a lot about it. Zero.

Lipchitz monument out there, a beautiful statue. I appraise it at \$300,000; it may be worth a million. You do not have a plaque. I think you should do something.

Buffer zones: great idea, and I hope you get it on your agenda real quick so you can pass it, But then, you pass this beautiful coming into the Village and you see buses, trailers, campers, honky-town. So you should bring this up at a meeting and maybe make some ordinances back like you had years ago.

Commercial district versus residential district. The residential district is not getting a fair shake. Mr. Greenjeans, Bruce Jennings. At the last meeting, I think it was road resurfacing. I was surprised that you would not say hold up. Tim Downey said you can get better tar and asphalt to fix some of this, and you do not have to do the whole street. Maybe you do sections. The money you save can go back in the budget for other things, such as sidewalks. We want more sidewalks so we can walk. Back when I was younger, in the '70s, we got after the Board to put some blacktop down in Ravensdale and Broadway and even Farragut. I would like some sidewalks, and I think Meg Walker got them down Warburton Avenue, over on Farragut, Ravensdale and maybe Broadway. I know they are state roads.

Mr. Mayor, Trustees, I wish you had four meetings a month and get some of these things accomplished. There are a lot more things that I did not even bring up. And maybe Dobbs Ferry is above us in large print because they probably do a better job. I know they have better safety signs than Hastings.

Tim Downey, 520 Farragut Parkway: I am surprised, despite the mild winter and the improvements made in the DPW by getting a roller and aggressively going after potholes this year, once again we feel compelled to drop 200 grand-plus on paving. I am sure Fran hits the roads and reviews this stuff, but did any of you look at the roads and see the condition of what you were going to drop 200 or 300 grand for? And were you comfortable with that expenditure? When I drove on Warren, Goodwin and Hudson, Goodwin the very top of it was the only area in distress, and that was because of utility work that had been done, and we did not follow up well to make sure they did the proper repair and was settled. But 90 percent, 93 percent of that road was in good shape; it was just bleached from the sun. It was not black, it was light stone color because the tar had worn off the stone and been bleached.

On Warren Street, 99 percent of that road except for a few potholes at the top where it turns into Summit was in perfectly good shape. There was absolutely no need. The men on the milling machine had to be chuckling, saying this is great make-work, this is government at its best. We are 13 mil in the hole at last count. Plus all this new equipment we want to buy that we are behind on. seems to be careless, reckless spending of the public checkbook.

I listened on the archive to the discussion on the radios. I was almost trembling in anger, watching the efforts that the Chief, the Lieutenant and the Sergeant, the salespeople had to go through, the hoops they had to jump through to convince you folks this had to be done. This is not some willy-nilly guy/boys want to have new toys. This is a federal mandate. Manager Frobel had spoken about this early this year, the surprise that we got hit out of left field with. We are in for 200 or 300 grand in new radios, new radio work here. And we are just trying to work cooperatively with the police station, the police department, in July to do this? When come January 1 they hit the switch, it is done? It is completely unacceptable. We spend time on silly stuff in this village. This is one of the most important jobs you have is communication between the major services. And we are questioning like we do not trust the police department. They have done the groundwork.

I am wondering if any of you took the time to poke your head in their door, spend 15, 20 minutes speaking to them to get comfortable with it. If you look under the desk, they are playing hopscotch with the wires at their ankles. It is a mess. It is a poorly put together system which they are relying upon the good faith and help of others outside versus hiring a professional service. Some you can hold accountable, some you can get at two in the morning. We are talking wants versus needs. I keep hearing, for instance, can you put new batteries in the old radios and get them to run? Are you kidding me? Yet we will spend time talking about a quarry park, which we do not need. We will spend an endless amount of money on thinking about another element to the Village that is going to cost the Village. We are going to take out assets in the way of men, time, labor and we are going to do in-kind services, a nice camouflage for saying money out of pocket for the Village. We are going to spend time and money putzing with a park there, when we should be enhancing the parks we have already. We should be giving consideration to Uniontown so they can have relief there, where we do the voting, the Little League so there is not the dangerous element there, the cars overburdening the roads so the fire brass can get in and out.

Let us focus on what we need first versus worrying about a discretionary fund item. I heard several times, Trustee Apel twice you mentioned it, and Trustee Armacost, you mentioned one time with the radios, wants versus needs. I wish that same measuring stick would be applied to everything we do here. That quarry is not a need by any stretch of the imagination. That is a little clique of people that want to have their own private little space there. That land could be producing 10 to 20 to 30 grand a year income to us, plus you would be doing the right green thing as opposed to trucking it out. We would be doing the right green thing, which Trustee Jennings is in charge of. Instead, we are focusing on parks and not radios. We are focusing on parks and not paying attention to how we are spending 200 or 300 grand every year. Because it is not just bond money of 200 grand. It is brokerage, it is time value of money, it is opportunity costs. I wonder sometimes how you

folks pay attention to money. Warren Street was 99 percent perfect, and we milled it up. I wish you folks would spend a little more time watching how we spend out money.

Mayor Swiderski: I do want to add that the request for radios was granted in full, and the request for equipment and cabinetry was also granted in full. So it was simply due diligence to fully understand the request before us.

Mr. Downey: I understand. You did go along. But it is late in the game. The Chief said our backs are against the wall.

Village Manager Frobel: Not really, Tim. Let me explain. It has been a long process because it was a major capital investment for a small community like ours. There was a thorough examination. What you saw was the final ending of a long game in which everything was brought to the Board's attention. They began to fully understand and to have us explain again how it works. That was an important meeting. What you saw, to our credit, was a thorough examination of the need. And I do not want Mr. Gonder to think that by any stretch of the imagination we are in any danger. We have some time to get this in place. In fact, they have a meeting tomorrow with our team that has been working on this for probably 18 months or so. Very serious project, big project, big investment. And it took a lot of time.

Mr. Gonder: But how come Dobbs Ferry has theirs in already?

Village Manager Frobel: They did renovations to their building. They did not have to do the work you saw. That was a major investment of upwards of several hundreds of thousands.

Mr. Gonder: But it is done, and they can debug it.

Mr. Downey: No, I understand all circumstances are different. It just feels to me like it went late in the game, a little late in the game.

Village Manager Frobel: I disagree.

Trustee Armacost: One of the things is not due until 2017.

Mayor Swiderski: In the end we rolled out equipment that covers that.

Trustee Armacost: But we decided to do it early. So depending on what you listen to, it was late in the game, or it was very early.

Mr. Downey: If I am wrong, correct me. I want to have honest, open dialogue. It just felt, from the observation of the online archive because I was not here at the meeting, like there was this tension building in the room. It went away towards the end of the meeting.

Trustee Armacost: But any time we discuss money there is tension because we have the responsibility of making sure that the expenditures are done in a sensible way. And the team who are asking for money want the money now and then. For them, it is very immediate and urgent. For us, we need to be persuaded. So of course you are going to hear tension, but my experience of that meeting was that it was very respectful, it was very informative. The argument started out not being so persuasive, but became more persuasive. Ultimately, they got exactly what they wanted. So I am not clear what the complaint is.

Mayor Swiderski: And in the end, everybody voted in full understanding of what we were voting for. It was a complicated issue, and this narrowbanding versus analog versus even narrower in five years' time, to have it laid out in a way that was clear took us a half-hour to understand. It was confrontational. There were moments where we were frustrated in not grasping the essence of the request. But as it became clear, we all fell in line and in agreement.

Trustee Apel: If the information we got at the end of the discussion had been given first, the discussion would have been much shorter. Based upon what you have been saying, the criticism is either we are not doing our due diligence, and now we are trying to do our due diligence. So we will try to find a happy medium, but at least we ask the questions. If we had passed it without asking, you might be saying how come you passed this and you did not even ask any questions. So give us a little leeway here.

Mr. Downey: I appreciate you did come through. It just felt to me it was a little late. It was like a kid doing homework on Sunday evening instead of having hit it Friday night when he came home from school.

Trustee Apel: Well, if that is when we get the presentation that is when we can deal with it.

Mr. Downey: It should have come to you a little sooner, maybe in May or in April.

Trustee Apel: If they were ready, then they would have done it then. But they were not ready.

Trustee Armacost: It is unclear whether it is too early or too late. It is not due until January, and there are six months. To me, that is a fair amount of time.

Mr. Downey: The Andrus work is a problem. The people I have spoken to says that Andrus is going to be a juggling issue.

Trustee Armacost: Well, Andrus is a whole separate issue than buying the equipment.

Mr. Downey: But one does not operate without the other. And Trustee Apel, I appreciate what you are saying. I question about the paving, so you are looking at both things. Thank you for giving me an extra moment here. I have come up here for over two years now, talking about this paving. What I see is often a wasteful use of the money. It came out last meeting. Manager Frobel handed the baton to the deputy manager and she explained it was a 10-year bond. In 2004 it was taken out. We have \$200,000 increments. It is easy to spend it, but are we really watching? Warren Street was 99 percent perfect except for it was bleached, and we milled it up. That is a six-wheel dump truck.

55:12 SCHEDULE PUBLIC HEARING – BUILDING DEPARTMENT FEES

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Sept. 4, 2012, to consider the advisability of adopting the proposed Building Department fees according to the attached schedule.

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

VILLAGE MANAGER’S REPORT

Village Manager Frobel: I have nothing to add beyond my written report. Let me save my time for the next three topics.

BOARD DISCUSSION AND COMMENTS

1. Request to Use Public Property – Southgate Avenue & Nepperhan Drive

Village Manager Frobel: This matter is before the Trustees pursuant to a request from a homeowner to pave a portion of Village-owned land. This is land across the street from their home. They would like to use it for off-street parking. You have received maps of the area. It is the entranceway to an open space parcel which is located behind Southgate and Overlook Road. There is a problem on that street, as on many streets, with sufficient on-street parking. They see this as a means of alleviating that. It also can serve the purpose of correcting some of the runoff which, because of the grade, naturally occurs, from rain and the gravelly soil, onto our street. I think it has some value in addressing the concerns I just talked about: alleviating some of the runoff, allowing some additional on-street parking. That parking would not be exclusive to the homeowner. They would be going to their own expense to pave it, but would be available to the neighborhood as well.

The petitioner is here tonight to answer some questions. This was brought to our attention by a neighbor. We had no knowledge this was occurring. As you can see from the drawings, the homeowner had already begun to grub it out in preparation for paving. The homeowner was advised to stop. I spoke to legal counsel on how to proceed, and Marianne told me to bring it to the Board for your consideration.

Mayor Swiderski: Why pave what is usable now? Is it a question of mud or dirt?

Village Manager Frobel: I think it is that. The homeowner had previously already paved a portion of the property; some of it may have been Village, some had been a neighbor's property. In one of the photographs you can detect their SUV parked on what is already a paved area. So the homeowner was looking to extend the paved area beyond that which they had already done several years prior. I do not know exactly when. They could just as easily have parked there when it was gravelly and weedy rather than pave it. I assume it is a personal preference for the reasons you have just talked about.

Trustee Apel: I have been up there and I have seen it. I have some legal questions. First of all, it is a paper street. What is the implication to the Village about paper streets? Are we closing off the use of the paper street? Should it be folded into the park underneath it? If we allow someone to pave on a paper public street, who is liable for that? Who is liable for keeping and maintaining it? Who owns it, at that point? If we own it, then are we responsible if somebody slips and falls on this paved area, now that it has been improved. Usually, when something is not improved I believe it is accepted that you should not be walking on there because it is really bad; it is meant to be rough and so forth. Now you are

improving it, so who is responsible? Is it our insurance that still covers? Who is going to maintain it? Who is going to make sure that it is re-paved if it is chipped? I am not negating the fact that the people on Southgate need places to park, because it is very narrow up there. I just want to make sure that all the bases are covered.

Village Attorney Stecich: Who is responsible depends on what agreement you come to. Let me start out by saying you cannot allow that space to be used only by them. I understood from the letter that the family that requested it wanted to use it to park their cars. You cannot do it, it is Village property. If you are going to have it paved, anybody has got to be able to use it, unless there was a determination made we do not need this, we are never going to use this street, we do not need it to get into the park. We could lease it to them, we could sell it to them, we could license it to them for a cost. Because again, you cannot give anything away.

Let us say entered into a license agreement with them. It would be for consideration, they would have to pay for it. And then your license agreement would make all the determinations about liability and stuff. You have to clarify the liability issue, but it is not a big deal. You have a policy, and I always say just check with the carrier, and if the carrier says it is OK, it is OK. I do not think it would affect anything that much.

Whether it would block off access to the street, I do not know. My guess is that if all you are doing is paving it, if it were a street you would pave it anyway and just pave it further. I do not know that that is an issue if, in fact, the area they want to pave is the paper street. If it is the park, there is a whole bunch of other problems. Not only do the neighbors call it a park, it appears on the Village map of parks and trailway and it appears on the Village map as a park. I got that from looking at the park study we did some years ago. If it is parkland, there is no way you can permit it to be used for anything except parkland except by an act of the legislature, signed by the governor. But that is only if it is on parkland. I am not sure. If it is on the street, it is on the street, it is your property, you can decide what you want to do. Since Fran has suggested that there might be some good reasons to allow it to be paved, that is for you to decide. If that is the case, and you think it is a good idea to pave it and do not pay to pave it, you could allow that. But anybody has to be able to use it.

Trustee Jennings: How do we determine whether it is part of the park, or not?

Trustee Apel: It would have to be surveyed.

Village Manager Frobel: It has not been surveyed, I am sure, for a long time. I could not tell you where the paper street begins and the park begins. It is so open here, there is no way without a survey.

Trustee Apel: It is sort of like a cliff, though. You walk along a way and then this park area goes down. You would not have the paved street on the cliff part, you would only have it on the ridge, on the top. But you need to take a look at it and see what is up there.

Trustee Armacost: Can we ask Ms. Callas to explain the situation, and how it evolved, and how the parking works there? Is there a driveway, and is the driveway non-functional for some reason?

Valerie Callas, Southgate Avenue: We do not use our driveway due to the fact that we share with our neighbor, at 105, and it is very uphill and grassy, and you can bottom up as you go in and out. He does not use it, either, but if we happened to use it in the 40 years that the Callas family has lived there you would have to say, Jeff, move your car, we have to go to work. This and that and the other thing. So we have to go off the street in that area. We all have cars. My brother-in-law has a car, my sister-in-law had a car when she was living there. Everybody had cars. We always opt to go where I want to, and it was so much easier. The reason why I want it paved is because it is so washed out from the water it is easier for us to come in and out. Yes, anybody can park there. But then again, they have seen our cars there and they think it is our space. Not that it is, but I am just saying.

Trustee Apel: Have you lost parking on that street?

Ms. Callas: In a way, but I am not sure which part of that area is a neighbor's area.

Trustee Apel: Can you show me where that is, where you have lost a spot?

Ms. Callas: In front of the planters. We are not disputing that. It looks lovely. But they had a party and there is no way emergency vehicles can get in and out. It is so much easier if you could have off-street parking, and I am able to pave it at my own expense, it would be easier us for us to be able to park other cars there.

Trustee Apel: Your driveway, was there any geological study done? Is there rock underneath that prevents that from being flattened out?

Ms. Callas: I have no clue. I do not even know if they discussed that, my father-in-law and my mother-in-law.

Trustee Apel: On the other side of your neighbor's property is this huge rock formation, so it must be under the house. On the side near you, is the reason why your driveway is the way it is, that there is a rock under there?

Ms. Callas: I have no clue.

Trustee Apel: It seems to me. Otherwise, I would have thought if I was building I would not have built it like this.

Trustee Walker: In this picture, it shows a paved area. Is that on private property?

Ms. Callas: I have no clue. At one time that was a cement-like apron that was wearing, tearing like a sidewalk type thing. So we decided to blacktop it. And it is easier now to get in and out, as well.

Trustee Walker: Do you have an agreement with the Village about that?

Ms. Callas: We did not even think we needed it at that time.

Trustee Walker: But it is on Village property.

Ms. Callas: Part of it is.

Trustee Apel: Part of it might be the neighbor's, whoever that other neighbor is.

Trustee Walker: And you can park two cars there? I have not been to look at this because I was on vacation last week.

Trustee Armacost: I have not looked at it. I have been away.

Trustee Walker: I would like to have an opportunity to look. We need a field trip.

Trustee Armacost: The other piece of data that is important is the issue that Fran raised, which is the runoff. I know that problem is on the other side of Overlook. Is that where the runoff is going?

Village Manager Frobel: Yes, I am sure.

Trustee Armacost: That is a huge problem every time there is rain. Obviously it is benefiting a set of people who happen to live near there. But if there is a residual benefit to the Village, we need to understand that and we need to understand how it is upsetting the problem that exists.

Mayor Swiderski: There is a stream through part of Lefurgy Park, at the very base of the park. It is quite a ravine. I walk my dog there periodically, and I think the runoff eventually hits the stream and does not go all the way to Overlook.

Trustee Armacost: There is a huge problem on the corner of Overlook as you come up. At that corner of Fairmont and Overlook, there is a drain there.

Trustee Apel: This is different. This is Mt. Hope and Overlook. You are talking further over.

Trustee Armacost: But the drain comes down to there, does it not?

Village Manager Frobel: All the way down. There is probably no catchbasin between there.

Trustee Walker: I wonder if this problem could not be solved with some kind of swale. Use green infrastructure instead of paving to solve the runoff problem.

Mayor Swiderski: To refocus on the issue, the issue is a request for parking. There are tangential effects of water.

Trustee Armacost: But it is not tangential from the argument that Fran is making. One argument is one can allow people to pave it for the use of everyone on that street. It happens to benefit a particular set of people. But the point is, on the record it is to benefit anyone who needs to park in that area and to facilitate access by emergency vehicles. The other argument he made was the argument relating to runoff, and I want to understand how this paving, paving of any kind whether it is asphalt paving or whether it is greener kind of paving which could be another requirement that we make which you might not like. I do not understand that argument at the moment.

Village Manager Frobel: If this were to be landscaped and paved in such a fashion that the water that is now already probably sheet-flowing from this pocket, picking up gravel and dirt under the roadway, were to be channeled to the rear of the property, I t saw that as a potential benefit. It is also not uncommon to have a paper street abut a paved area to have the owner required to put in an asphalt apron a few feet in to prevent this kind of runoff from getting onto your paved area. That was just a thought. I saw that as a possibility that if the Board were inclined to grant this, that a condition would be that you have it fashioned so the water flowed backwards rather than forwards.

Trustee Armacost: But is the water is flowing into the park? Out onto Mt. Hope?

Ms. Callas: Where I want to pave, that area, it is so eroded, the road itself is so eroded. There is a hole. That is how I ruined my old car. It would bottom itself out.

Trustee Armacost: I do not know what the effect would be on Overlook, but I think it would be very helpful, because I think what is happening is that the water is going all the way through here and creating a problem down here. Just my observation, driving.

Village Attorney Stecich: I just wanted to clarify one thing that you said, Niki. You said the if Village thinks it is in its interest to pave it, they can. But if it is part of the park that they want to pave, even though it is in your interest, you cannot do it. But what is not clear to me, then, Susan, is did you provide us with this drawing? What is the yellow supposed to be?

Village Clerk Maggiotto: The yellow is all Village-owned property.

Village Attorney Stecich: OK, it is not all Lefurgy Park.

Village Clerk Maggiotto: No, Lefurgy Park is just the part that is all blank. The other pieces to the left, the 25-foot width pieces are taxable: Village-owned, but not parkland.

Trustee Armacost: But the parking is planned on Nepperhan Drive.

Village Clerk Maggiotto: It seems to be, yes.

Trustee Armacost: But how do we know that?

Village Clerk Maggiotto: On the map, to me, the street is the street. There is a stone wall there that Fran and I thought was the little dotted line. The paving would be well above that.

Trustee Armacost: So then it is not in the park.

Village Attorney Stecich: The park starts further back.

Trustee Apel: You cannot walk through there, by the way. It is a mess of brush.

Trustee Jennings: If the property owner is willing, at their own expense, to pave it, but it remains Village property, then anyone can park on the new pavement. It is not restricted for the use of the property owner who paid for it. On the other hand, there is what you call the license or the lease, or there is another relationship that could be established with the Callas

family. This is an area where residential parking is difficult; I m imagine there might be other people who would like to park on this newly-created surface. If we were to go the leasing route would we, in your opinion, be able to do this with this one family? Or would we have to make this lease publicly biddable or available in some way if someone else wanted to enter into the leasing of this area? Is that a crazy question?

Village Attorney Stecich: No, it is not. Legally you are not obligated to do that. In fact, when you sell property, as a general matter you do make it available to the public to let everybody know, and that ensures that you are getting the best price for it. But there is no legal requirement that you have to do that. It is good practice, I would say, for a couple of reasons. One, you are making sure you are getting the best price. And two, just to be fair to everybody else.

Trustee Jennings: It does strike me that there is a certain fairness about this that we should pay attention to. But it does seem, then, odd that we are asking r them to pay for the improvement p and then throw the leasing option open to the public. If the Village paid for the paving and improvement, and then we threw it open for a lease to recoup our investment, I could understand that.

Mayor Swiderski: I think the leasing would follow first.

Trustee Jennings: They would then have to pay for it.

Mayor Swiderski: Right. And it may very well be that there is somebody else interested in not developing that.

Village Attorney Stecich: But you have to recognize another thing. You would have to be able to distinguish this situation from, I am sure, the hundreds of other situations that could arise in the Village. That is a real problem because it is definitely setting a precedent. There can be reasons that it makes sense here and it does not make sense in the other 399 people who come in. But you better be comfortable with that before you enter into that because you could have a lot of people coming in asking for the same thing.

Trustee Armacost: Here we have a different situation, which is the family wants to pave it. They are not asking the Village to pave it for their use.

Trustee Jennings: No, I understand that. But if a private citizen paves it at their own expense, and then leases it, then I understand that. If they pave it at their own expense then, according to Marianne, they do not lease it, then it is open to, anybody.

Trustee Armacost: Exactly. That's a risk that they run, which they understand.

Ms. Callas: The Callases have lived there for 40 years. They always park their cars off the street because we cannot use our driveway. They see that our car is always there. No one ever questioned it. It is just so much easier for us to park if you guys do allow us to pave it, now that it is all eroded. Anybody else can use it. We do not care.

Trustee Walker: You are saying the family has been parking there anyway, for years.

Ms. Callas: Yes, off-the-street parking because the street is so narrow.

Trustee Apel: If it came to that we could always put a sign up that said public parking at the nodule. The space is wider at one point and then moves in. So there could be a lot more spaces than you think there if you really wanted to have the whole front part, and then more along the wall. There could be more spots for other people.

Ms. Callas: Actually, there is a tree at the corner of that wall, which I hit.

Trustee Apel: There is a lot of space here, I think, when you come around this area. So you are talking about all of this space, it is very large, and you could have a lot more parking back there if you want. It depends upon how many parking spaces we are talking about. So when you get up there and take a look at it you will get an idea.

Ms. Callas: Then how else would you get around then? Like you are backed up, backed up, backed, and your car is all the way down the bend.

Trustee Apel: If you are parking in tandem.

Ms. Callas: I am just like right in the beginning, and then that is easy. I only want this much of it.

Trustee Apel: We are going to take a look at it, and we will have a better understanding.

Mayor Swiderski: We need a site visit as early as Saturday morning. Who can manage doing it?

Trustee Armacost: I can do it Sunday morning.

Trustee Apel: I have seen it.

Trustee Walker: I am going away this weekend, but I will try to look at it another time.

Mayor Swiderski: I will show up at 9.

Trustee Jennings: Yes, I can do it.

Ms. Callas: Do you need somebody to be there in the morning?

Trustee Armacost: I do not think we need anyone. But we should resolve to resolve this soon, and not to let it go on forever and ever.

Mayor Swiderski: Yes, at the next meeting.

2. Future Village Borrowings – Serial Bond/Bond Application Notes

Village Manager Frobel: We wanted to provide the Board with an as to where we are with our financial matters in terms of borrowing. We met today with our fiscal advisor, and what we are going to be doing is proceed with our recommendation that we renew the existing bond anticipation notes. There was some consideration that we should consider folding that debt into a permanent instrument, looking into a serial bond. The governor signed into law just days ago a law which will allow us to keep the issuance as a bond anticipation note beyond five years, so strategically, we have some flexibility now. Our hand is not being forced to take some of those older bond anticipation notes and make them into serial bonds. We will take our existing bond anticipation notes that are due to expire in September, roll those over for another year, and in that issuance combine our road resurfacing money- that authorization we received a number of years ago; there is \$600,000 left in that - and the two new authorizations we received for the public safety radio system upgrade and the dump trucks. We avoid a principal payment so the budgetary impact minimized. It could be a cost avoidance of upwards to \$100,000. The interest rates are still very favorable. We are led to believe that we could have this issuance, when it goes out next month, at a rate of maybe 1.5 percent. Serial bonds right now of this size, although it is difficult to tell, could be upwards of 2 percent. So there is a little savings on the interest; you are avoiding the principal payment, and you have got yourselves probably in a better position a year or two years from now to go serial bonds, which you have to do after seven years of BANS. Also, we avoid some of the legal fees, some of the cost of issuance. Short-term, we can avoid that, since we are going with just the bond anticipation note. We think it is a good plan.

Trustee Armacost: So you are saying we are saving about \$100,000 in principal.

Village Manager Frobel: Yes.

Trustee Armacost: And how much are we saving in legal fees?

Village Manager Frobels: In terms of the cost of issuance, Susan, do you have a sense of what that has cost us in the past in terms of the bonds?

Village Clerk Maggionto: I think the legal fees may be about \$3,000 or \$4,000, and I am not sure about the financial advisor. Maybe another \$2,000 or \$3,000.

Village Manager Frobels: Then the cost to advertise.

Village Clerk Maggionto: Which is a substantial cost. Today, he said the cost avoidance is going to be upwards of \$100,000. It is hard to put a clear number on it.

Trustee Armacost: So \$100,000, which is different than the other \$100,000 you are saying?

Village Clerk Maggionto: No, total. But more than \$100,000. How much more is hard.

Trustee Armacost: Like \$110,000, say.

Village Clerk Maggionto: Yes, let us say \$110,000.

Trustee Walker: But that is deferred principal?

Village Manager Frobels: Yes.

Trustee Walker: But there is savings on the interest rate.

Village Manager Frobels: Yes, right off the bat. There is, in all likelihood, a savings in the interest rate.

Trustee Walker: Any idea of that?

Mayor Swiderski: Well, it is a half a percent.

Trustee Walker: But in total?

Village Manager Frobels: Dollars? I do not know. Raf, I do not think he ventured a guess as to what that would translate into.

Mayor Swiderski: What is the total BAN, times 0.5, right?

Trustee Armacost: Is it \$700,000 or \$800,000?

Village Manager Frobel: The total BAN is \$3.8 million because you are rolling the old BAN plus the road resurfacing plus the new equipment. So it is a \$3.8 million issuance. the down side, rates are at an all-time low. The 2 percent for serial bonds; will they go lower, will they go up, 18 and 24 months from now? Obviously, no one would venture a guess. But just to give us some breathing room, at the 1.5 percent, we think the offset is sufficient to recommend that we stay with this scenario.

Trustee Jennings: Since this is a deferral, it is not a savings except for the interest rate. What makes us think that it is going to be advantageous for us to wait two years before jumping to serial you just addressed. So I guess we do not have to wait that long. We can go whenever we want to, can we not, if the rates start going up?

Village Manager Frobel: Yes, you could go to permanent financing during the course of this issuance.

Trustee Jennings: So we need to keep our eye on it.

Village Manager Frobel: We do. And our advisor tells us that he does that, and he looks at our existing debt to see which ones are callable. He looks and determines whether or not we should be refinancing some of their older debt if it is still favorable to us. The added dimension is, we have not put in our radio system yet. You heard from the chiefs, we are pursuing funding sources. So it is conceivable we will not need the full amount that we have got the authority for to pay for that.

Trustee Armacost: So that is another advantage of not tying it into a serial bond. You avoid tying it.

Mayor Swiderski: But you dip into the BAN when you need the money. You are not incurring interest. It is essentially a credit line. It is an authorization that you do not have to draw down in full, and you are only paying interest on what you have actually withdrawn.

Trustee Armacost: Can I make a request that we get regular updates on shifts in the interest rate. I do not want us to be late on that. If it looks like there are shifts happening we need to know immediately.

Mayor Swiderski: Well, the saving on interest rates are about \$18,000 a year, which is not inconsequential. We suffer over finding \$18,000 during our budget process. The other side of that is, if you are not refinancing your home mortgage now you are a fool because it is not going to go lower. And on the bonds, I am not sure how much lower than 2 percent. Our downside risk is low. It is not likely to drop. The upside risk is greater.

Trustee Armacost: But it does not go up by a point at a time. It goes up in small increments. So if we start to see a shift, we know that there is movement happening.

Mayor Swiderski: And certainly in the next year. The Fed has clearly indicated, through 2014, the rates are not going anywhere. And the Fed will lead those rates, and they have said it is not going anywhere. So we are clean through this year and the better part of next year.

Village Manager Frobel: So we will start the paperwork tomorrow. Again, no guarantee of the rate, but our best guess right now is it will be in the vicinity of 1.5 percent. I am confident, he is confident, that we will attract some investors. In the past we have done well in terms of some competitive rates.

3. Update on the Waterfront

Village Manager Frobel: Staff attended the pre-construction meeting with ARCADIS on the Tappan Terminal site. Mobilization of equipment began today on the site. This was the kickoff for the phase that is going to be occurring over the next several weeks, the insulation of the groundwater injection system. What will happen over the next few days is some clearing and grubbing of the site, taking down of some trees. They have the authority to remove upwards to 27 trees. They are only going to remove the trees that are in the way of the installation of the six wells. They are not going to clear-cut the entire site. Eventually, all the trees will have to come down. But for the time being, they are going to focus on that.

They will be bringing a construction trailer and some poles to bring in temporary power to generate the pumps and the construction trailer needs. There will be six wells. Four of them are extraction wells, two are injection wells. They will be about 20 feet deep. They are going to be working five days a week. They could work additional days if they have interruptions due to the weather or product. But their goal is five days a week. They will begin at about 7 in the morning until 5, or dusk. I mentioned our concerns about noise control, dust, air monitoring, traffic and safety. All those issues will be standard procedure, as ARCADIS adhered to during the phase last summer on the same site, when they began to move soil. They will have the air monitoring device at both Riverside Park, as we requested a year ago, and two on-site to regulate and detect any kind of air monitoring concerns. Dust will be controlled with water or some kind of a suppressant, and they have been working

closely with the Chief of Police on traffic concerns. The matter is before the Planning Board Thursday night for site plan review. I am hopeful that the Board will render their decision and not delay this further.

Mayor Swiderski: What is the basis of the Planning Board's right to review this site?

Village Manager Frobel: I will let Marianne answer that, but it is a site plan review.

Village Attorney Stecich: Yes, they are going to have structures there, and you cannot put up any structure without having site plan review. Plus it is in the view preservation district.

Mayor Swiderski: Even if they are temporary?

Village Attorney Stecich: Yes. It is really important. There was a proposal on the waterfront for security lighting, and I said that they had to come before the Planning Board. In fact, it was a very intrusive project. There was going to be awful light, and you would not have known that except they had to come before the Planning Board. The Planning Board had a lot of concerns. They ended up walking away from it and we have not seen them again. So it is very important for the Planning Board to review anything like this.

Trustee Walker: Do we have any idea how long this process will take?

Mayor Swiderski: Two to three years was the estimate. Which is seven or eight years faster than nature would take care of it, since what you are doing is accelerating a natural process. The benzenes and other mostly gasoline byproduct leftovers apparently decay over time. Part of that decay is spurred on by bacterial agents in the soil. They are placing pumps that are going to force what is essentially Miracle-Gro and a very low concentration of bleach, which is high in oxygen, to force a bloom of this stuff to accelerate the process. So it is a biologically-driven remediation. It is not experimental, but it is certainly leading edge. There is something very graceful about the land taking care of itself and us helping along.

I know that Exxon is also beginning to plan its portion of the remediation.

Village Manager Frobel: They are. They are meeting with us to talk about water site control, drainage sediment control at this same meeting that their engineers were present. They are working with Deven to begin to address some of the concerns in advance of their work, hopefully to start this year, as well.

Mayor Swiderski: And they are indicating that the fill, 18 inches of which they are responsible for, may come in by barge?

Village Manager Frobel: I spoke to their lead guy at this meeting and I reminded him of that commitment. He indicated that should not be a concern for them, that that is achievable. Actually, he said barge or rail, which made me think that I thought they had abandoned the effort to bring a spur to the site. But he mentioned rail besides.

Mayor Swiderski: I heard from ARCO at one point that there was an operating spur there.

A couple of more things on the waterfront. In September, we need to move the process along on Building 52. Specifically, we have to figure out what we are going to do with that building. It is not a decision that can be put off any further because BP needs to begin their engineering design on the waterfront. Our Infrastructure Committee, while doing two scenarios, one with and one without 52, is doing more work than is necessary for a decision that has to be made anyway in the near-term future.

So at the September meeting I would like to lay out a request to BP to ask them to seek out from construction companies at least two bids for what it would cost to mothball that building, 52, to keep it in a state of preservation for a use such as a parking garage. We are not asking for an over-engineered solution, but a basic keep the building intact, and see what we get back in terms of a response. The driving question is there is \$1.5 million left in the kitty that BP has put there for investigation and saving these buildings: is that sufficient to cover the cost of the most stripped-down version of such a mothball?

There is no point in waiting. If this building needs to be save, and can be saved, we need to specify that now so BP can plan around that because it will drive their engineering design. And if in the final analysis the cost is way beyond anything they are willing to bear, we need to know that to figure either out how we cover that difference or authorize that building to come down. But that decision cannot be put off any further. It is time to decide. If we put this off, and the remediation is completed and it turns out that it has got to come down, that would shove the remediation off even further. We would have to start all over again. There is contamination under that building. If the building comes down, then the contamination has to be removed. We have got to decide this thing. We have pushed it off until the last possible moment. This is that moment.

Mr. Gonder: Mr. Mayor, how about that committee that you have? Are they not going to give you some information shortly? Can you wait for them?

Mayor Swiderski: They are attempting to come up with a broad site plan for where the parks and where roads will be. They have been tasked with coming up with two site plans: one with the building in place, and one with the building gone.

Mr. Gonder: We cannot wait for them?

Mayor Swiderski: We could, but the engineering design is beginning a week from now. The DEC and BP are sitting down and beginning to talk engineering design. Whether the building stays or not affects a significant part of that site, and we have got to determine it.

Mr. Gonder: But you may be blowing \$1.5 million of some money that you could use someplace else.

Mayor Swiderski: That \$1.5 million is not our money. BP has made it clear that that is not fungible money. So if it is not used to save that building, it is not likely we can use it elsewhere, unfortunately. We did request whether that was a possibility, and we were told it is not. However, your point is well-taken. Because they could blow that \$1.5 million, mothball that building. We need to hear if there is a risk that the building could still suffer structural damage from the remediation nearby, which could affect the pilings, which could affect the site. We need to hear a construction company, based on an engineering report that we spent a lot of money on or that BP spent a lot of money on, tell us this is what the mothballing is, this is what it will do, this is what it will protect and not protect. And then we will have something, as a board, to talk about.

Trustee Jennings: If the decision is made to take the building down, then the foundation of the building will be there and there is contamination under that foundation. The other foundations that are in place, are they going to be considered part of the remediation and left there, and nothing is done underneath them? Or will they be torn up and then contamination removed?

Mayor Swiderski: Logically, that is what I thought, that a slab is a slab whether there is a building on it or not. But the way the ROD was written, it is a building that counts but a slab that does not. And most of that site has slabs on it. It was dense with buildings. But where the contamination lies under other slabs, they have to break it over the site and take it out.

Trustee Armacost: My comment relates to the people who were adamant about preserving that building. Last time they came not very well prepared in terms of the issues relating to cost, and even inconsistencies in terms of what it took to preserve Building 51. They need to be notified now if this is going to happen at the first meeting or second meeting in September.

Mayor Swiderski: The head of that group is on the Infrastructure Committee, and understands the story arc of what is going to happen here. So he not only is going to be

aware, but I am going to ask him to help create the bullet point description of what level of remediation/mothballing we are looking for that is appropriate, and specify that in a term that will help drive the engineering firm's estimates.

Trustee Armacost: I know he is on the Infrastructure Committee, but there were other people, and if he can be charged with notifying them. The other question related to objectiveness of the choosing of the engineering firm. If it is firms chosen by BP, how do we feel about that? Do we feel like we need an independent, do we need this group to recommend a separate company? Clearly it is in BP's interest if the building comes down.

Mayor Swiderski: We could ask them to prepare the bidding document and run that ourselves. It is a valid concern. Have them prepare the RFI, have that RFI reviewed by a Doug Alligood, and then have the Village run the RFI process. That would certainly eliminate the concern that anything is said in a quiet voice to a construction company to highball it.

We have examples elsewhere where, done right, it is a major addition to the waterfront. But it is an historic building with some tough issues around it. The first 1½ inches of the concrete in the building has to be scraped off because it is contaminated with PCBs. The outside is going to have five feet of fill up against it because the rest of the property has to have five feet of fill. You have this weird, sunken thing. Effectively, you are going to be going down into it. So the dynamics of this site are not clean and easy like some of the restoration sites elsewhere that there are lovely photos from. But if we can preserve it, and it can be done within a budget proposed, or supplemented by, BP let us see what can be done.

Trustee Jennings: Has anything been decided yet, or discussed, about the water tower?

Mayor Swiderski: Nothing. Has not come up. The water tower sits on top of a pocket of contamination identified as a 12-foot deep remediation. It is going to have to get taken down. They have indicated that if it comes down in a condition that can be stored and replaced originally they would do that. We will find out.

Trustee Jennings: I seem to remember that the look they took at that storage was a very high price tag for storing, dismantling and storing.

Trustee Apel: I think it was very high. But I also remember that the scrap value of that is enormous, and so it might offset a lot of that.

Mayor Swiderski: If we want to scrap it.

Trustee Apel: I am just saying, in and of itself it is worth a lot of money.

Mayor Swiderski: It is an icon for a lot of people. If I pointed randomly in the street, I would get a love it or a hate it. There are very few soft opinions.

Trustee Apel: I love it when I fly in and I see it. I know where we are. Drop me off.

Trustee Jennings: When do you think they will have to make some decisions about that?

Mayor Swiderski: I do not know if that decision will be made any earlier than when they begin to take it down and see the condition of its state and begin to probe it. If it is rusted steel it is not going back up again.

One other issue. Marianne completed an analysis of the ownership issues around the southern bridge and who is responsible for its upkeep. To what we can ascertain, and it seems pretty clear, the structure itself is Metro-North. We are responsible for the planking and access on either side, the road access?

Village Attorney Stecich: I did not bring my materials because you did not tell me you would be talking about it tonight. But my recollection is the accesses on each side are whoever's property it is. On that side, I think it is on Uhlich's, and on ours I think it is on Village property.

Mayor Swiderski: The entrance begins on Exxon and traverses over Uhlich.

Village Attorney Stecich: But there were some easement agreements between the various properties over there, who is responsible for the access area.

Mayor Swiderski: I have spoken to Jerry, and we will seek a meeting with Metro-North later this summer to present our findings, get their reaction, and begin talking about replacing that bridge.

Trustee Walker: We have been talking about this for 10 years, 12 years.

Village Attorney Stecich: Susan just asked me last month.

Trustee Walker: Marianne, oh, my goodness.

Mayor Swiderski: We worked with a title company for six months, and they declined after awhile. And it turns out that it is in the law rather than in the title.

Trustee Walker: I think Marianne gets a prize.

Village Attorney Stecich: No, what was good was that the title company got the various documents so we had all the documents. I do not have the document as to ownership. What was very clear from the document is that Metro-North is responsible for the structure of the bridge.

Trustee Walker: Even if it was built by a private company?

Village Attorney Stecich: I think they built it.

Trustee Walker: I remember that Metro-North's right of way is pretty wide, and some of Southside Avenue, in fact, belongs to Metro-North. So we might want to make sure that the ramp is not Metro-North, as well.

Mayor Swiderski: That is a good point. But it also begs a second question, which is that the bridge on the north needs to be razed ultimately. So the timing around that; how that happens in concert with the major industrial exercise that the remediation is beyond it. But it has to happen, as well.

EXECUTIVE SESSION

On MOTION of Trustee Walker, 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 selection of committee members and Village personnel.

Village Manager Frobel: Before we break could I revisit one issue? During my presentation on fiscal matters, I mentioned our plans for the bond anticipation notes and our new issuance. I mentioned the DPW trucks and the police public safety radio. I did not mention tax certioraris. They are not included in this scenario, but I want you to know that. Our plan was not to have to borrow on tax certioraris. That is not intended, and it was omitted on my part purposely.

Trustee Armacost: But they were included in what we discussed.

Mayor Swiderski: They are included as a possibility, but they are not included in the numbers you proposed.

Village Manager Frobel: Right. We received the authority at the last Board meeting to borrow that money, but we are telling you we are not going to exercise that authority. It is not advisable from a legal point of view. And it has been the intent of this Board, as we understood it, to pay those expenses out of pocket.

Trustee Armacost: That was our intent. But we had the discussion at the last meeting, and it had to be worded in a specific way.

Mayor Swiderski: To preserve the right in their discussion with bond counsel, whether they decide to go with it or not, to come back to us.

Village Manager Frobel: But we are not going to exercise it.

Trustee Walker: The option was there.

Mayor Swiderski: Right, the option was there, and the option is not being exercised.

Trustee Armacost: But I thought that the point was that if we included it, then we could choose to or not. And now what we have done is, we have precluded our ability to do that. So we cannot now include it in a BAN if you have not included the number, right?

Village Manager Frobel: Right.

Trustee Armacost: So you have already made that decision then, Fran.

Village Manager Frobel: Yes.

Trustee Armacost: We should have made that together.

Village Manager Frobel: We did that on the basis of what we heard from the Board of Trustees, and your desire to pay that through the general fund. In the evaluation in my original scenario, I anticipated \$200,000 in payments over the course of the current year. We are already a quarter of the year through, and we have not paid any. So that we think we might be able to get through this fiscal year without borrowing. Of, if paying out of pocket, it will be late in the fiscal year and we will know better then. So we think it is in our best interest strategically not to include that borrowing of \$200,000 in this BAN issue. Is that not in keeping with your philosophy?

Mayor Swiderski: I thought so.

Trustee Apel: I think that was part of our discussion.

Trustee Armacost: Anyway, we had a discussion about it. Then it changed, now we are back again. I think it would be better to have a memo on that rather than it comes out at the end of a meeting.

Village Manager Frobel: I just did not want you to think that I omitted that intentionally. It was an oversight on my part not to stress the fact that the BANs that we are looking to issue at the end of September will not include the \$200,000. Our plan is to pay that out of pocket during the course of the fiscal year. Even though we had the authority that we could include it, we are not exercising that authority.

Trustee Jennings: But that is not a decision that has been taken yet. It is your intention, at the end of September, to do something. And if we did not want you to do that, we would talk about it and tell you to do something different at the end of September, right?

Village Manager Frobel: No. We are proceeding on that basis: that it would not be included in the bond anticipation note issuance.

Trustee Jennings: I am just trying to get a sense of when that decision was made or has to be made.

Village Clerk Maggiotto: The timing was such that we had to have those bond authorizations that you passed at the last meeting. Fran was not here, and we were not able to counsel about it, the two of us. So the Mayor and I agreed that it would be prudent to have that option just in case we needed to go ahead and borrow that money. But subsequent to that, we had a discussion with our bond counsel, who advised us that it is not recommended to borrow for certioraris, in any case. Even though the Village has done it in the past and other places have, the thinking on it has changed, the oversight on it has changed. It is difficult to do. This is what he advised me. But understand, this was all happening at the same time that we had already prepared the resolutions, and we had the meeting. It is unfortunate that it got all truncated like that.

Trustee Armacost: But if you can do a proper memo on these kinds of things because it shouldn't slip in, like this. It is an important thing. We had agreement that we didn't want to do it, then we made an agreement that we were going to do it. And now, the meeting could have passed by and we would not have realized.

Village Manager Frobel: I do not remember the agreement that you would do it, except you kept the option of passing that resolution for that flexibility.

Trustee Armacost: Well, that is what I am talking about. We spent a long time discussing it at the last meeting.

Village Manager Frobel: I watched the video and I did not pick up on that.

Village Clerk Maggiotto: I have to say I did not think so either.

Village Manager Frobel: But again, legal counsel is saying that option may not even be available to Hastings.

Mayor Swiderski: It mirrors our own fiscal philosophy, that we do not want to incur debt.

Trustee Armacost: But it shifts the BAN amount that we are talking about.

Mayor Swiderski: In a good way.

Trustee Armacost: In a good way, but it still shifts it. I would rather have a proper memo about these kinds of things in advance so that we have a sense, and we understand the implications, and we understand the amounts of money that we are talking about, the benefits to us. In fact, at the end of the day it is not just \$100,000 better. It is \$300,000 better.

Village Clerk Maggiotto: No, those were not included in those numbers. That is what Fran is telling you. We did not include the \$200,000 in those numbers.

Trustee Armacost: But we included them in the numbers we discussed at the last Board meeting.

Mayor Swiderski: We did authorization. I do not know if we did a dollar amount.

Trustee Armacost: We did, we had \$200,000. That is what we said.

Village Clerk Maggiotto: But that was simply authorizing. That had nothing to do with borrowing. It is a totally different thing to authorize. We authorized \$2 million in 2004.

Trustee Armacost: But we need to match up what we authorize and what we spend. There is a point at which we sit up here and we authorize, and then a whole set of other numbers come out at the other end. We need to have a match-up of those things, I think.

Village Clerk Maggiotto: Not in this case, I do not think.

Trustee Armacost: Well, I think.

Trustee Jennings: I do not have a quarrel with the policy decision not to borrow against the certs. But I am confused about the sequence of decision points. If we, at our last meeting, authorized a flexibility to have an option to go one way or another, that is one decision point. The second decision point I would call the decision about exactly how much to borrow. And what I do not understand is, when that decision was made and by whom. It was not made by us explicitly. It was not in the form of a resolution. It a procedural question. Is that something that the Village Manager and Village staff determine and should determine? If so, that is fine. Is that something that would better have an explicit Board of Trustees vote on it?

Mayor Swiderski: Is there a vote on the BAN itself?

Village Manager Frobel: No, once the authority is given to the staff to implement it we proceed with getting the mechanism in place to borrow the money, do the prospectus, do the public notice and proceed.

Trustee Walker: In other words, we did pass resolutions giving you the authority. There were numbers attached to those resolutions on those specific items that we discussed.

Trustee Jennings: So you could not exceed the number, but you do not have to go the full number, and that is your discretionary thing. I was not clear on it before, and I do understand that. I think the whole Board should be comfortable with that procedure or else we ought to think of a different procedure. But I understand what you are saying. Because, Niki, your point is you want us to make a decision about a specific hard number. And instead, we are giving a ceiling and then letting the staff work below that ceiling if they determine that that is the best course of action.

Trustee Armacost: I do not even have a problem with that. I want to know what the number is below the ceiling, which is still vague to me at the end of the day. I heard \$3.4 million, and I thought it was \$800,000 because the other amounts are rolled in. So I think this kind of a thing requires a proper memo. It needs to be explicitly framed: we have made a resolution, we resolved up to this amount for this, a decision was made which was different than what we actually recommended, which was to roll together a bunch of BANs which become a different kind of thing because we had anticipated that there might be a serial bond. So a whole bunch of things shifted. And you explained it, but it is not in a memo, it is not outlined in a way which is something that we have a physical copy of. We have the minutes of the meeting ex post facto, but that is ex post facto. So for me, that kind of is very significant; it is very large amounts of money and it should be in a memo form. It is great

that you did not go over the amount, but it is still unclear what exactly happened under the amount because a bunch of things shifted.

Village Manager Frobel: OK.

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:10 p.m.