

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 18, 2012

A Regular Meeting was held by the Board of Trustees on Tuesday, September 18, 2012 at 7:18 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Meg Walker

CITIZENS: Eighteen (18).

Mayor Swiderski: Trustee Walker is out on business and could not make tonight's meeting.

APPOINTMENTS - Comprehensive Plan Implementation Committee

Mayor Swiderski: We would like to announce the membership of the Comprehensive Plan Implementation Committee: Rhoda Barr, Betsy Imershein, Mike Jacobs, Jason Jobe, Jim Metzger, Dennis Murphy, and Eileen Baecher. We expect an organizational meeting to happen in early October. The liaison to this committee is going to be Marge, who helped lead the effort to create the Comprehensive Plan and is returning to help implement it. We thank those seven volunteers for the hard work they have ahead of them. We are looking for recommendations in first quarter of next year.

PRESENTATION - Thirty Year Service Award - Bill Finkeldey, Hastings Youth Services Coordinator

Mayor Swiderski: On to a real pleasure, to present a 30-year service award. I would like to read the certificate in front of me.

"The New York State Conference of Mayors and Municipal Officials present this 30-year certificate of public service to William Finkeldey. In recognition of 30 years of distinguished public service to your community, the New York State Conference of Mayors is pleased and honored to public acknowledge your dedication and commitment."

Congratulations, and a round of applause. I would like to present this, and then words from the Board.

Trustee Apel: You may be honored, but we were honored to have you all these years, and all the work you have done. I know, when I have spoken to people in the community, how much you are beloved; I speak to my own children, they say the same. All we can do is say thank you, thank you, thank you.

Trustee Armacost: Thank you so much for all of the work that you have put in. When I first arrived in the Village several people told me that there was a man who had saved the lives of their children. I was curious to know who this person was, and it turned out to be you. Multiple people said that. You have made a huge difference in the lives of specific people, and I know those people will be eternally grateful to you. You have turned children's lives around, and that is a hugely important thing. So thank you from all of us, and thank you for all of those people who were not able to be here but would want to thank you themselves.

Trustee Jennings: I would like to thank you twice: once as a representative of the people of this Village because, as a Trustee, it was my privilege to work with the Youth Council and with you over a number of years. I learned a great deal from you about your work, your skill, your experience, your compassion. I have no doubts whatsoever about the impact that you have made on the lives of the children and, indeed, all of the adults in this village. The second thanks is as a father, as a parent. Because my son, beginning when he was about three, began to take advantage of things that you had a hand in. For the next 15 years or so, he continued to benefit from you and your work and your programs and your contribution to the Village. So in a very personal way, I thank you for a second time on his behalf. Half of your 30 years, he was around in one way or another in your glow. I do not know how to measure this, but as a role model, as an adult of incredible empathy and compassion, you had a great impression, as you did on so many other children. Thank you.

Mayor Swiderski: The ultimate measure of a life is how many people you touch. You reached out and held the hands and helped the lives of those who are very often lost in a community: the underserved, the kids who slip through the cracks. Before you came in the mid-'70s, this town was wracked with a drug program that was literally killing kids each year. Heroin was sold openly in a number of bars downtown, and there was a real problem in this town. It is a different place now, and not in small part because of what you did. It was said earlier that there are people who are alive today that probably would not have been if it was not for what you had done to help nudge them in the right direction. We could only individually hope to have that sort of influence in somebody's else's life, and you have done so many times over. God bless.

Bill Finkeldey, Hastings Youth Services Coordinator: Thank you very much. Thirty years seems to have passed rather quickly. I am proud of many things that have happened in town. Hastings, in my mind, is a very special place. It always has been. I have been

affiliated with it in one way or another since I was about three years old. My grandparents got here significantly earlier than that. I have always said that we have the same social difficulties as other places, but we have them on a smaller scale. As a community we have done a lot to make things better for individuals. I am proud of some of the things that we have done over the years. I am particularly proud of the times we have helped people with problems with Social Security and disability, and proud to say that we have a 100 percent success rate, even though one case took 10 years to resolve. So I am proud of that.

But mostly I am struck with how giving Hastings has been and always, I hope, will be. I remember one very sad occurrence when I first started here. A young ninth grader had been killed in an automobile accident, and her parents did not have the wherewithal or the funds to have a proper funeral. I started out from the old Community Center on Main Street and walked through the Village. I stopped and talked to people I knew, and I went into the stores. When I came back to the Community Center, I had over \$7,000 donated towards that purpose. So I think my fear is, in some ways, that as the poverty rate in the country has gone up, so has it here. The disparity between those that have much and those that have little is also here. It is difficult for me to understand a house that is going to be tens of millions of dollars, and a mile away three generations of a family living without electricity. So I think that Hastings can come to the help of people in the future, as well. And I know I am leaving a program in good hands to do that. Thanks very much.

Mayor Swiderski: Thank you again, Bill. I do want to also add a second thanks. You, too, came to the side of my son at a moment of illness. Speaking of just random acts of good kindness, it was appreciated. Thank you.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing, Regular Meeting & Executive Session of September 4, 2012 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 18-2012-13	\$ 2,500.00
Multi-Fund No. 19-2012-13	\$266,958.99

PUBLIC COMMENTS

John Gonder, 153 James Street: You had a nice woman from Southgate requesting to use Village property for a parking spot. You hit it right on the nose, Mr. Mayor, that you set a precedent. But the rest of the Board, I was a little disappointed. I thought someone would have said how about giving it to the Parks and Recreation manager or the Parks and Recreation commission. Why was there not a public legal notice in the paper? People do not always know what is on the agenda unless they read the legal things. You should maybe have a protocol for it.

Tim Downey, 520 Farragut Parkway: The last meeting the issue of the softball/baseball league was raised. Manager Frobel was going to look into it. When people are through speaking this evening, if you could give us a sense of the Village position and policy on things going forward. I thought the current manner in which the softball and Little League is handled was inequitable. There have been a number of fast fixes put in place. Things are being looked at, some corrections are being done. This is not to question the leadership of the Little League. If anyone attended the parks meeting last week they would have seen the manner in which he handled a vote on that issue in a very graceful and honorable fashion. The problem is, sometimes when folks get so passionate about something they can lose sight of other opportunities, other people around them that can help, or other perspectives. So I would like to hear the Village's position. If one were to examine the funds that have been invested in one location to another, there seems to be a great disproportion there. We would like to see that equal up.

This past Sunday, the girls played in the Uniontown location and had a delightful day. All the parents enjoyed it. The hard work from the president, Gene Calamari, has certainly paid off. We all appreciated that. I have offered to come and help, but somehow the phone did not ring, from the Little League. When I see what they have done, and I see what the future plans are, I happen to be in agreement with the idea of parking spaces. This has been something I have been speaking to for over two or three years here. There are those in the League that may disagree with me, but I see the benefit of that for the neighborhood. I would like to be able to participate in that. Between the visionary and the people who do the blueprints, there is a section that I, because of the trades I have been in, have a great deal of expertise. I can perhaps bring that dream to fruition sooner than if you just go about a capital project and a big checkbook. I have little tricks and strategies, people I know. Things can materialize for free: sod is something I can do and would have done last year for free had I gotten a phone call. There is no one that has a system like I have for putting that kind of stuff down in this village. I could do it so quickly and efficiently.

So I would like you know that a phone call will come to me, an e-mail come to me, that I can help and be a part of this going forward in the future.

Jim Metzger, 427 Warburton Avenue: I would like to request that the Board officially suspend alternate side of the street parking on the two Jewish holidays for observant Jews. They are not allowed to drive on those days. The court has been very nice suspending parking tickets that have been issued on those days, but it would be nice if it were something that we in the Village would not have to worry about.

Andrew White, Elm Place: I have volunteered for about 10 years with the Little League, as commissioner of softball for the last five or six years. About six years ago, softball had a near death experience and a friend and I pulled it out and built a closer relationship with the boys' side. It has been a process, going forward, ever since. I wanted to make sure you had all the information. We have been working towards a plan on Zinsser for a couple of years now. Several of us have met with the rec board about improving Zinsser. Gene has been phenomenally supportive of that. In the spring league we play at Uniontown once or twice a week. We use the batting cages and field for practice. In the spring league we have Hillside, which is an amazing field now that the school district has repaired it so it is a real softball field, as opposed to Uniontown, which is a nice field but not perfect for softball because it has the mound. So we are looking forward to making Zinsser a more softball-oriented, improved field. It needs a new backstop, it needs that final bit of drainage. It is far better than it was 10 years ago, when I started doing softball. The drainage on the field has improved because of the work Ray did. Now we have other things that have to be done, cutting back the trees and so on. We are fully in support of the sprinklers that you are going to talk about. But most important is that you know that softball and baseball have been working towards developing a new joint board. It is partway there. Tim has not been involved with the spring league and his daughter did not play last year, unfortunately. I would have loved to have had her. But this thing that happened this fall was much more of a misunderstanding around the field, and it has worked out well. So we are looking forward to some work on Zinsser.

Eric Blicher, 1 Dorchester Avenue: I am a terrible politician and a bad public speaker, but a pretty OK volunteer. I come to you as a Hastings youth softball coach to tell you that we did have a slight problem with access to Uniontown for games. We were denied games by the Little League president and the Little League board. You can see the e-mail exchanges I had if anybody cares about that. I started in late August, where I was told that Uniontown was all accounted for through October. Maybe it was a misunderstanding that it was closed. It was not suggested that we work it out or that we have the field from 9 to 12, or that they would delay the sod project or let us get a couple of games in before closing the field this

season or any accommodations could be made. We were told that softball games would be at Zinsser and baseball games would be at Uniontown.

Having a team that was within Little League, it certainly was inappropriate for me to go over the president's head to the Village Manager. But I felt justified in asking why because Uniontown is the nicest field in town. There are dugouts to separate the kids, we worked hard, everybody here. There is a big scoreboard so everyone can keep up with the game, with the parents, with the snack stand where everyone can eat hot dogs after the game. I was told that Zinsser was better suited for softball, but I have coached for many years in district Little League World Series softball games, and every one of them was held on a baseball field. At that age, it does not matter that much.

The decision was final. My wife called the Village Manager, and I e-mailed my team, questioning the decision of the league. As a member of the board, I had decided not to accept the decision. I was subsequently voted off the Little League board for usurping the president's authority, which is certainly justified, I would say. And, as well, I have consistently opposed the priority of spending of Little League money on building a parking lot at Uniontown instead of prioritizing the rehab of Zinsser softball field. Much of the Little League baseball and softball budget has been spent at Uniontown field. I have a rough estimate of maybe \$107,000 of Little League money to maybe \$10,000 at Zinsser of Little League money, up until this month. But now, hopefully, the sprinklers are going to go in, and that is going to be great. It is my opinion that until further renovations been formed at Zinsser to improve the softball experience, building a parking lot at Uniontown should be a lesser priority. But that is for the community to decide.

I am encouraged to learn that the Little League will be restructuring the board to avoid incidents like this in the future. I am sure the community will be better off with a planned equitable structure on the Little League board, and a new plan for Zinsser. I fully support the sprinkler system, as I know Ray Gomes had talked about that for all the 10 years that I knew him. I am happy to report that we did get to play four games at Uniontown this fall. Thanks for your continued support of the league, and the community.

Meg Clancy, 8 Travis Place: I am here as a softball kid's mother. Eric is a great coach. He has fought hard for softball, as has Andrew over the years. My daughter has been involved since third grade; she is in seventh grade now. I hope, at least for the spring, she will be able to play at the much-improved Zinsser. I think whatever happened in the fall, and I was not a part of it, we should move beyond that. My hope and optimism is that whatever inequities have existed between the girls and the boys have to be acknowledged and we have to move on. It is the law, and I think it is what everybody wants. Gene Calimari, in my experience, has been extremely supportive of softball. Again, my experience is relatively new. So my

urging is that we move whatever happened in the fall. I was happy not to be a part of it though I was happy that our girls are playing on a wonderful field at Uniontown. My urging to the Board is that there be a lot of attention to equalizing the girls' softball field. I know there are great plans that have been put into place with Andrew and Gene and the Little League softball boards working together. They need money, and that is where you come in. I strongly support anything you can do to begin to equalize that and work on building a terrific field for the girls' softball.

Mayor Swiderski: I am also glad thing worked out. Softball and Little League involve and engage kids in great numbers in this community, and involve and engage the volunteer efforts of a lot of adults for a lot of time. That is done in love of the game and the children. It sets a nice example when things are worked out, for the kids to watch the adults work stuff out, especially to move the quality of the fields and the subsequent games forward.

56:12 AUTHORIZATION TO RECEIVE BIDS – SPRINKLER SYSTEM FOR ZINSSER PARK

Village Manager Frobel: Over the past several months, staff, the league and the Parks and Recreation Commission have been working together to map out a strategy to improve the field conditions at Zinsser. Heavy, year-round use has taken its toll on the turf. We believe that with the installation of an underground sprinkler system it will allow more rapid recovery. We have seen the success that an irrigation system has had at Uniontown. We believe this will be the best way to address this concern. Staff did receive some informal quotes for the work. Those are in a memo prepared by Rich Strobel, so we have a pretty good idea of the cost, anywhere from \$14,000 to \$17,000.

Mayor Swiderski: Is the option of doing it in-house, which was mentioned in that memo, still open or deemed not worth it?

Village Manager Frobel: No, I do not believe that is a viable option. The cost between doing it in-house and the informal quotes we got are so close that it far outweighs bidding it out for the reason that the time to install and use their own forces could take anywhere from two to three weeks. A contractor could do it within a week, perhaps. The material is very close. And, most importantly, we do not have that guarantee on the workmanship. When our own people do it, there is no one I can go to and tell them to fix it at their expense. We are looking for authorization to put this out to bid. We have received three informal quotes, but I am certain there are other contractors that would be interested. The best way for projects of this size is to bid it out.

This project is included in my five-year capital improvement plan. We think it's a terrific addition to our facility. The cost will be shared. The league is coming up with portion of the cost towards the work, and the Village, in its operating budget, has the remaining money to make this project work.

Trustee Armacost: I am aware of the long-standing efforts of the Little League and the softball league to improve the field at Zinsser. This is phase one of improving the situation at Zinsser to make people feel as good as it feels to play at Uniontown. It is wonderful at Uniontown. The efforts of everyone have been spectacular. It has gone from our kids feeling a bit embarrassed that they had to host other people to feeling proud that they can have kids from other villages come and play on that field. So this effort at Zinsser is commendable. The fact that the Little League is contributing to the project is something that the Little League has done, worked in partnership with the Village on all of the improvement efforts and taken a huge amount of the effort, including the fund-raising component themselves, which is laudable. Congratulations to all of you for moving this effort forward. I am looking forward to the day when the boys will be fighting to be on Zinsser because it will look so gorgeous. Hopefully, we can get to that point sometime soon. And thank you, Fran. I know you have been working on getting this moving forward with Ray and with the rest of the rec department. So thank you for your effort.

Village Manager Frobel: The only final point is we will coordinate the installation. The last football game is scheduled for November 17. We will wait until they finish their season and then quickly go in and get this installed before we get a hard freeze.

Mayor Swiderski: What does football have to do with it?

Trustee Armacost: Unlike Uniontown, Zinsser is a field where a number of other sports occur. I think the Little League reached out to some of those other entities and they were short of funding. Is that correct? So the Little League is sponsoring all of the other sports, if you like.

Gene Calamari, 6 Cedar Street: I am a resident of Uniontown. I came here tonight to talk about the sprinkler system. I did not imagine I was going to come here tonight to have to defend myself. I have in front of me what amounts to what we have accomplished at both Uniontown and Zinsser, and the timelines involved. I gladly pass that out to you. What we had in mind with Zinsser was to continue efforts that began in 2009. In 2009, in recognition that there was a disparity between Uniontown and Zinsser, we sat down with Ray Gomes and Rich Strobel to discuss what could be done at Zinsser to make the playing surface equitable with Uniontown. We began with pulling in the grass in the outfield on Zinsser 1 so that only softball and Little League could play on it. It had previously been a men's field that extended

to 90-foot bases; Little League and softball use 60-foot bases. So we pulled the grass in, and that extra clay that was now available we used on Zinsser 2 to create a real baseball diamond that could be used for both softball and baseball, if needed. After that, our attention focused on re-grading Zinsser 1 so the playing surface was of the composition that it would absorb water and play on the level that Uniontown did. That took a couple of years to get it quite right. The majority of our soil conditioning resources went to Zinsser 1. We purchased, with the Village, the soil conditioning resources every year, and it amounts to several thousand dollars on our end, several thousand dollars on their end. Most of that material goes to Zinsser 1.

That has now been completed. Zinsser 1 plays as well as Uniontown plays, it drains as well. We installed drainage pipes throughout the playing surface on Zinsser 1, which worked very well. Recently, we addressed a drainage problem in the dugout area, which becomes a quagmire when it rains. We cut the hill back, and drainage was installed there. That seems to have been remedied as well. Now the problem is, these improvements are not visual improvements. You go by Zinsser and it looks like it always looked until you play on it. The next phase is to do something that involves a sprinkler system because this would allow the turf to withstand the abuse that it undergoes that is unique to Zinsser, really not to Uniontown. You have men's activities on it, you have football, etc. The sprinkler system would be of the type that we have at Uniontown, and it would allow it to withstand the usage. The next step would be to replace the backstop, which has worn down considerably. Then dugouts, some safety fencing along the Victory Garden side, then, ultimately, a new backstop on Zinsser 2. These things are efforts that we make in unison with the rec department, and it is a shared cost. We have limited resources so they have to be allocated to projects as we see the need.

Uniontown has clearly gotten to a point now where the final phase of Uniontown has to do with parking. As Mr. Frobel and I have talked, it is so large a project that it is beyond the scope right now of anything the Village or the Little League can undertake. So it would certainly make sense, then, to pour more resources into what is low-hanging fruit, easier success stories at Zinsser than to wait for a day, who knows when, at Uniontown. It has now reached a point where the things that are put in at Zinsser will be visible to the average person who walks by. We are looking for approval for the sprinkler system and for your future support for these other items that we would like to see at Zinsser so that the two fields can be both visually and performance-wise very equitable. If that can happen sooner rather than later, hey, we are all for it. But it is going to be, on our end, slow going because we raise money by the penny. I will accept any questions if anybody has any.

Trustee Armacost: Will you just accept our thanks for all of the efforts, that you and everyone have put in?

Mr. Calimari: I appreciate it. Thank you very much. I am joined by a lot of board members here tonight. They are here in support of the idea, as well.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to receive bids on a sprinkler system for Zinsser Park.

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

57:12 APPROVAL OF BUILDING DEPARTMENT FEES

Village Manager Frobel: The staff is constantly on the lookout for revenue items that can be appropriately adjusted to more closely cover the cost of the specialized service. This includes parking fees, often times recreation fees, pool fees and, certainly, building permit fees. Our goal is to have the consumer, the one who uses this specialized fee, pay a higher percentage to reflect the total cost of providing the service.

In this case, the building official reviewed Hastings Building Department fees and has recommended that we adjust several of them. He even suggested we create some fees which did not exist before. We believe it is a question of fairness. These fees had not been adjusted in a number of years. They were overdue. This brings us in line with our neighbors, but that is immaterial if our philosophy is more have these cover the costs of providing the service. Even with this adjustment, we are not quite at 50 percent covering the cost of the operation. Our goal will be to continue to be vigilant. If these fees are adopted and current trends continue, they could yield an additional \$30,000 a year in revenue. I think it is worth the effort to go through this and fine tune some of these fees, which is what we will be doing over the next several months to see how it works. We have had our work sessions and our public hearing. I hope the Board is at a point now where you can authorize the approval of these fees, as proposed.

Trustee Apel: If someone comes to the department and they know they are going to do these things, are they informed up front that these are the fees they may incur?

Village Manager Frobel: Yes. Fortunately, Marie has been there for a long time. Those kinds of questions she can routinely answer and inform a resident of any unexpected fees.

Trustee Apel: I think that is important, so they feel they know up front what the expenses are going to be.

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

RESOLVED: that the Mayor and Board of Trustees approve the changes to Building Department fees according to the attached schedule.

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

58:12 AUTHORIZATIONS RE HASTINGS MONITORING TRUST ACCOUNT

Village Manager Frobel: At the last meeting the Trustees learned that Malcolm Pirnie, which is now ARCADIS, is looking to end their business relationship with the Village. They are looking to bid on work that may be in conflict with their service to the Village. The Village needs a new engineer/consultant to represent our interests at that table as they negotiate and go over plans for the waterfront cleanup. We need to be an equal partner when we are sitting there with the DEC, responsible parties, Riverkeeper, and this fits the bill. This firm is very well regarded in the industry. Their fees are very close, if not identical, to what we have been paying through this trust agreement, which I should stress, again, is not paid for by the Village, but rather paid by the responsible parties. We see it a good fit. At the last meeting you heard from Jerry Quinlan, who has been watching this for us. That is his recommendation that we go with this firm. We are looking for authorization to enter into that agreement.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Louis Berger Group, Inc. and Sive, Paget & Riesel P.C., to continue the work involved with reviewing the Report on Supplemental Northwest Corner Investigation Findings dated January, 2009; consulting with the Board regarding the report and their review thereof; and conducting such follow-up activities (e.g., preparation of comments and/or participation in meetings) with ARCO as necessary; and be it further

RESOLVED: that the Mayor and Board of Trustees authorize the submission of the invoices related thereto for payment from the Hastings Monitoring Trust Account.

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

59:12 APPROVAL OF TAX CERTIORARI – RIVER GLEN TENANTS CORP., 645 BROADWAY

Village Manager Frobel: You heard from the Village special legal counsel, Attorney Levy, on his recommendation for settlement. Our defense has been coordinated with the school district. We do plan for these types of settlements. This year in our operating budget, under the line item judgments and claims, we anticipated upwards to \$100,000 in these settlements.

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

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

Property Owner	Address Description	Year(s)
RIVER GLEN	645 Broadway	2007-2-12
TENANTS CORP.	Section 10, Sheet 14, Block 0, Lot P124	

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges; now therefore be it

RESOLVED, Counsel to the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

Years	Current AV	Reduced AV	AV Reduction
2007	DISCONTINUED		
2008	DISCONTINUED		
2009	190,000	117,600	72,400
2010	190,000	110,000	80,000
2011	190,000	124,800	65,200
2012	190,000	124,800	65,200

The refund of Village taxes amounts to \$64,693.26.

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

**60:12 SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 1
AUTHORIZING USE OF BEST VALUE PROCUREMENT STANDARD**

Village Manager Frobel: We learned at the last meeting that there was recently enacted a modification to state law that, under the purchasing requirements, a municipality can insert the term "best value" in adopting this competitive bidding statute. What we are looking at now is a public hearing to get public input as to the advisability of this.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Oct. 2, 2012 at 7:30 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law No. 1 of 2012 authorizing the use of the best value procurement standard.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: In my written report, I had indicated that as we began to assemble the data for preparation for the upcoming bond anticipation note, bond counsel indicated his inability to sign off on the tax-free status if we were to include the renewal of the tax certiorari matter which initially had been as part of the bond anticipation note in September, 2010. Bond counsel's position has been that it is not appropriate for communities to borrow for what is perceived to be a cash flow problem. Realizing that without bond counsel signing off the issuance would be in difficulty, we immediately looked at alternatives. One alternative is for the Village to pay off the remaining amount of the tax certiorari issue, \$162,000, from our fund balance: the amount of money that is unallocated, not reserved for other encumbrances. Failing to convince you of that, there is an alternative. We have made arrangements with a local bank to finance the \$162,000 for another year, with a taxable status. There is not a major difference between bonds that are taxed and those that are not

taxed. Right now, the margins are very close. We are in a position, according to the auditors, of having a fund balance that is perhaps the strongest it has been in recent memory. So we do have an opportunity, if the Board were so inclined, to pay off the \$162,000 from that fund balance.

That is our initial recommendation. I see the advantages. In my written report I mentioned that this would be keeping with your plan of not funding, a door closing to you anyway, these tax certioraris through borrowing issuance and avoiding the cost of interest. Obviously, to borrow the \$162,000 for one year there is a cost. Your earnings on the \$162,000, at one quarter of one percent is very low. So it not like you are realizing a lot of interest earnings. You are earning some, obviously. Another concern would be if we paid off the \$162,000, that would certainly diminish your fund balance and would not give you that money to use in future years, let us say, if you were worried about the 2 percent tax cap and you felt we should go to fund balance to stay under the 2 percent tax cap and not raise taxes beyond that which we are allowed under the law.

So those are some risks involved. Strategically, I think it makes sense to pay it off. You are in a position now that we cannot argue convincingly that we have a cash flow problem. This board has addressed our cash flow problem so it is very difficult, or impossible, for bond counsel to sign off with this issuance as a tax-free status. I t wanted the Board to know that there is an option, and how would you like us to proceed. To have it included in the \$3.8 million one-year BAN is not an option. We do have the opportunity to borrow from another institution, paying a little more than we will probably pay in interest rate for the now 3.6 issuance.

Trustee Armacost: Fran, what is the interest rate had it been done the way that we originally anticipated?

Village Manager Frobel: We think it will be a hair over 1 percent 1.25 percent. This issuance goes out the end of the month so we will not know until the bids come in.

Trustee Armacost: Depending on what it is, it is probably 0.5 percent that we end up borrowing from a local bank, instead of packaging it, which was the way it has been set up until this point.

Village Manager Frobel: Yes, that is a fair statement.

Trustee Armacost: In what form did the bond counsel make the recommendation?

Village Clerk Maggiotto: I would say e-mails and phone conversations.

Village Manager Frobel: Yes, and his emails were stapled to the proposal. It all originated with his reluctance to even allow us the opportunity to borrow for tax certioraris going forth, forgetting this renewal. So it was a two-fold problem we are running up against.

Trustee Armacost: But you did give those to us, right?

Village Manager Frobel: Yes.

Trustee Armacost: I did not see them.

Village Manager Frobel: What is his last name?

Village Clerk Maggiotto: Randy Mayer, from Fulbright & Jaworski. I will send them to you if you do not have them.

Trustee Armacost: What is the deadline on this? Are you asking us to make a decision today?

Village Manager Frobel: You will not have a meeting between today and when this is coming due. For the issuance that is going to go out in a few days, that option is closed. The only option now is either pay the \$162,000 from your fund balance, or tell us to borrow the money from another institution, roll it over for another year, a year from now we will make this hard decision.

Trustee Armacost: But when do we have to make the decision about which of those two options we would like to pursue? Because there a number of different implications depending on which way we go.

Village Clerk Maggiotto: The bond anticipation note comes due on September 27. That has to be repaid in some form, either with our own money, or with borrowed money.

Trustee Armacost: But we could theoretically pay it with money that is in the contingency fund, and then make a decision after that.

Mayor Swiderski: To then go out and get a loan to cover the amount we used?

Trustee Armacost: The contingency fund has how much? Is it \$400,000 in it, or \$200,000?

Village Manager Frobel: I want to say \$200,000.

Trustee Armacost: You have not dipped into the contingency fund yet, right?

Village Manager Frobels: No. We have not had any reason to go to the contingency fund.

Trustee Armacost: So we do not have to make a decision today because that money is available for contingencies, which is what this is. And then we could make a decision at the next Board meeting, if we want to. We still have to make a decision either way.

Village Manager Frobels: That would be a decision. That would be a directive to tell the staff to pay off the \$162,000 from the contingency.

Trustee Armacost: But then we could still borrow after that.

Village Manager Frobels: You could still borrow.

Mayor Swiderski: Why would we do that?

Trustee Armacost: Just because it feels like it is a rushed decision to me. I am just saying there is another option which was not one that was outlined.

Village Manager Frobels: Quite frankly, it did not occur to me. It would not have been my recommendation to go to contingency. Contingency is for that unanticipated expense that could occur tomorrow afternoon, and that would put me in a position where you have got to come up with some cash very quickly rather than turning to a contingency. I just would not have recommended that. It did not occur to me, you are right, as a third option, to suggest to the Board turn to your contingency and pay off this short-term note.

Trustee Armacost: I am talking about it as an interim measure.

Village Manager Frobels: I understand. But in my defense, I am just saying that did not occur to me.

Mayor Swiderski: Once that action is taken, the resolution is either to move money out of the reserve fund to cover this or to go out for a loan. From an actuarial point of view, is that something that our auditors will have any problem with, or is that OK?

Village Manager Frobels: I do not think they would have a problem with that. The contingency is for the Board's discretion on how it should be allocated.

Trustee Armacost: But the reason I am suggesting it is, for example maybe there are other options in terms of borrowing. I do not know how quickly this has happened. Did this happen in the last week?

Mayor Swiderski: Last two weeks, three weeks.

Trustee Armacost: So have we exhausted all the possibilities of borrowing, or did we just choose the first one that came along? Did we shop around? It feels very rushed, is all I am saying.

Village Manager Frobel: Well, we feel somewhat at odds because it came unexpected from bond counsel. In the past, they have allowed us to renew BANs that include tax certiorari debt. But I understand the logic. The IRS does not want communities to borrow money to address cash flow problems. They view a tax certiorari the same as a tax anticipation note or a revenue anticipation note. It is a cash flow problem. In other words, you did not have money available to you to pay this expense so you borrowed. And bond counsels and investors like you to borrow money for buildings and equipment and capital investment.

Trustee Armacost: To me, it is cleaning out problems from the past again. Each time we do this cleaning it feels very rushed. Have we shopped around for the best possible interest rate if we are going to borrow?

Village Manager Frobel: No, we have not.

Trustee Armacost: The suggestion I am offering gives us an opportunity to have extra time to make that decision. If we feel that borrowing, which is along the lines of what we had already decided, spreading the burden over a longer period of time rather than paying it all immediately, which is what we keep doing with these situations, so we, as a group, can decide which one is better for us. There are potentially tax implications for the villages, and we should think that through before we make a decision one way or another on it.

Village Manager Frobel: The tax implication for us is, we will pay a higher rate of interest to borrow it than if it was a tax-free status.

Trustee Armacost: That is not what I meant. If we reduce our reserve fund, and there becomes then a discussion about the fact that we have to raise it up again, that becomes part of the tax discussion next year. I do not want to preempt the decisions we are making without us having thought through the option. We may still decide your favored option, Fran, which is to pay it all off in one go, which has been our strategy up until now. But up until this point, we have not had any options the way it was framed to us. I think we might

have a little leeway here, and that if you have a chance to shop around and see whether there are interest rates that are lower, or whatever, we do not have to make the decision in one day is all I am saying. We can get a little more data.

Village Manager Frobel: Susan certainly would shop around. I can assure you of that. We were grateful to find a lending institution that would entertain acquiring this short-term note. That is why we tossed out the fact that it is at least a viable option. Whether we go with that lending institution, I do not know. We have a fiscal advisor. He will help us, and help Susan, place this note. Whether there is a big difference in interest rates, I suspect not, but we would certainly shop around. We would not deal with just the one bank.

Village Manager Frobel: Susan, can you voice any concerns or apprehensions about this strategy?

Village Clerk Maggiotto: No. It is just that you cannot get a commitment of a rate until you put the note out. So we went to the bank that we do business with, and asked them to give us a ball park figure, and he said 1.5-ish. But you do not really know until the day that you sell it. We just wanted to get an idea of whether we would have to spend so much more for the taxable instrument. It turns out because rates are so low now, we do not. They are in the same ball park as our tax exempt borrowing.

Village Manager Frobel: We were quite worried about what would happen if we do not have an alternative to pay it off. And we were pleased that there would be someone taking a small issuance from the Village to cover us for the one year.

Trustee Jennings: I guess I am looking ahead rather than focusing just on this particular transaction. If I understand you correctly, we are not in a position, in the future, to raise money by issuing tax-free bonds for tax certiorari judgments. You refer to bond counsel, and then you refer to the IRS. Is this an opinion? How authoritative is this view that a municipality cannot issue tax-free bonds and borrow money that way for this purpose? Is that the opinion of one law firm, or is that the opinion of the federal government?

Village Manager Frobel: I have confidence in the opinion of the law firm that we have relied on for a number of years. But you are correct in that our fiscal advisor was somewhat taken aback by that interpretation by the firm that they would not sign off on a tax status for a tax certiorari bond anticipation note. Susan, can you offer any response to that?

Village Clerk Maggiotto: No, I cannot.

Trustee Jennings: I am concerned because we have asked our lawyer that negotiates on tax certioraris if he can make a projection of how much we will have to pay back next year and over five years, and he cannot tell us that. Therefore, I view this as an unpredictable expense which we can try to handle year-by-year in our reserve fund, our contingency fund. But if we ever got really hit, we would have to spread the money over time. That is what the bonds do. That is what borrowing against the future does. It is of concern to me if our hands would be tied. This may be the opinion of one firm. We ought to look into this for the future. I do not like borrowing short term and commercially. If we have to budget against these certioraris we are going to have to start making assumptions about how much we are going to owe, and we are going to have to figure out a way to put that much money into these reserve funds. That would be a significant part of the analysis each year of our budget process. So maybe in a few months we could clarify this situation. I would like to know when we do not have recourse to tax-exempt bonding to get us out of fiscal trouble.

Village Clerk Maggiotto: Certainly school districts and other municipalities do borrow for tax certioraris, as bond counsel told me today, but you have to demonstrate that you do not have the cash flow to pay it. But it is a complicated formula to figure out. I think your suggestion is very good. What we should do is analyze what our cash flow would have to demonstrate in order that we would be allowed to borrow.

Trustee Jennings: A very good way to put it.

Village Clerk Maggiotto: And we could work on that.

Village Manager Frobel: That is what I began my comments with, that we are in an interesting situation. As you get stronger on your road to fiscal recovery, which you are, you are now in a position where you cannot demonstrate a cash flow problem which would enable you to borrow for tax certioraris. You are getting stronger and you have got a reserve now. They look at that and say you should be able to set up a reserve fund for future tax certiorari matters, as we do with capital investment. We are at a point now where next you will hear from me we are looking to set up these reserves so we can begin to put some of this money aside in anticipation of tax certiorari settlements. That is my long-term goal.

Trustee Jennings: I understand. I do not want to beat this to death, but just one last point. It is not just what balance is in the reserve fund at any given year, or moment. We need to have a reserve fund of a certain order of magnitude in order to keep our credit rating. They want us to be over a million dollars, I thought. When you have a cash flow problem, it is not just whether you have the money to spend right now. But if you spend that money, you are never going to have the reserve fund that the financial people want you to have. So you are caught in kind of a loop here, and we must not allow ourselves to get caught in that loop.

Trustee Armacost: To Bruce's point, my question was how do they define not having a cash flow problem? How bad does it have to be? Is it that you have got no money in the reserve fund, is it \$100,000, is it \$200,000, is it \$500,000? If it is supposed to be a million that is in that reserve fund, I would argue we have a cash flow problem still. It is not as bad as it was last year, but it is not like we have millions of dollars in our reserve fund. This is my question about what are the memos, was this written down. I would like a written opinion by bond counsel that outlines these things. It is important that it is defined and that it is not whimsical. It is not like that day the person woke up and felt that it was dramatic.

Village Clerk Maggiotto: No, we did look at our numbers. It was a certain percentage of our budget. And unfortunately, because we now in a slightly stronger financial, we meet the threshold.

Trustee Armacost: Do you remember what the percentage was?

Village Clerk Maggiotto: It was about \$500,000, I think.

Trustee Armacost: So we are just over, basically. So if we spend this, we will be in the position next year where we can that. Which is ridiculous.

Trustee Apel: I would like to know who "they" are that are making this decision. And who are they to say what this level is?

Village Clerk Maggiotto: I think it is an IRS standard.

Trustee Apel: Maybe we should be discussing it with them because this is crazy. We cannot be the only community that has the same problem. They want you to have more money, but then they take it away. This sounds like other things that we hear from the government. I mean, we are the government. But it is just crazy.

Village Manager Frobel: Well, this has helped.

Mayor Swiderski: You think the guidance is straightforward?

Village Manager Frobel: It is. Short-term, we will pay off the \$162,000 from our contingency and the operating budget.

2. Commercial Shoot in Hastings

Village Manager Frobel: I asked Susan mention that Hastings will be the scene of the filming of a commercial in the several days.

Village Clerk Maggiotto: Yes, Friday night, from 6 p.m. to 6 a.m., in front of Rainwater Grill. Volkswagen is filming a commercial. So we may see our little village in a commercial.

Trustee Armacost: Can we charge them?

Village Clerk Maggiotto: Yes, they paid a substantial fee. They are working very closely with the police chief. I have to thank Chief Bloomer because any time any of these people come to town the Chief takes over and spends a lot of time and effort to make sure that it is done with the least inconvenience to our residents.

BOARD DISCUSSION AND COMMENTS

1. Proposed Amendments to Village Code Re Traffic Signage

Village Manager Frobel: Periodically staff surveys our traffic signage throughout the Village, led by the police department taking the lead and working with the DPW. Chief Bloomer has spent quite a bit of time over the past summer, with the policemen going over every intersection in the Village. And what was contained in your package this week was his work along with Marianne.

Police Chief Bloomer: I have to thank Marianne. She has prepared this document. At the direction of the Manager, we went through the code. It is an evolving process. I am sure we will find some other things that need to be corrected. But we found intersections where the code may have called for a yield sign and we had a stop sign, or there were stop signs placed where we now have red lights so, clearly, there are no more stop signs. There were intersections that did not meet up, roads have been changed. Jefferson Avenue is now a one-way. Apparently, at one time it was not; it called for a yield sign on Jefferson Avenue northbound at Mt. Hope. The work that you see here are the changes to make the code fit what the streets reflect. I could go over them one-by-one, or if any of them stand out.

Mayor Swiderski: How many of these require signage change, or is it the reverse?

Police Chief Bloomer: It is the reverse. The signs have been changed. The code has to step up with the signage.

Mayor Swiderski: Is there an opportunity to address any other needs while we are at it?

Police Chief Bloomer: There is a no-parking zone that we are looking to add.

Village Attorney Stecich: This is just a cleanup. It is not a change from what exists. If you look at the local law, this is how the local law to be written. But if you look at the attachment, that shows where the changes are. It is a lot easier to understand that way.

Police Chief Bloomer: At one time, Warburton Avenue went through what is now Wagner Park. There were no traffic lights at that intersection. So there were yield signs, there were stop signs at Edgars, there were stop signs at Fraser, there were lights put in 30 years ago and the code never caught up with those lights.

Trustee Jennings: So this does not reflect places where there is not presently any signage where there might need to be.

Police Chief Bloomer: Correct. This just catches up the streets with what is actually there.

Village Manager Frobel: And the next step would be, Susan, holding a public hearing?

Village Clerk Maggiotto: You have to call for a public hearing on the local law.

Trustee Apel: At that time, would people then bring up other places they want and then they are going to add it on?

Police Chief Bloomer: No, I do not think that would be appropriate for this.

Trustee Apel: People should know this is not to bring up new things. It is only for that.

Mayor Swiderski: Then let us do that in the next meeting. And the call should make clear what Marge references.

Police Chief Bloomer: There is another item. The Safety Council has heard this and approved it. We are looking to add a no-parking zone on Broadway on the east side of the service road beginning at Chauncey Lane and extending north for 52 feet. If you look at the first picture, which shows the crosswalk pretty clearly, cars are parking between that crosswalk and Chauncey Lane. When kids do what we ask and go down the sidewalk and cross in that crosswalk, they are coming out from between parked cars. Somebody that is going north, into the service road, cannot see them. This came about as a request from a

resident. We have installed the sign already prior to this because we were afraid somebody was going to get hit there. We cannot enforce it, but the sign is there so it gets people not to park there. But this is something that we are requesting.

Mayor Swiderski: A separate public hearing?

Village Attorney Stecich: Yes, it is a separate one.

Mayor Swiderski: All right, then let us schedule it.

2. Changes to Affordable Housing Local Law

Sue Smith, Affordable Housing Committee: I have to thank Marianne for helping us get through this; we could not have done it without her, and also Rose Noonan from Housing Action Council. One part that I mentioned specifically is the part about preferences and priorities. Maybe a work session is a good idea for going through this. That is the one big part, but there are a lot of other smaller sections.

Mayor Swiderski: Is it worthy of a work session? I did not find it worthy of a dedicated work session. But we could schedule some time at a meeting. I had a couple of questions that came up. I did not understand the italicized part. But I think we could work it into a regular meeting.

Ms. Smith: The Affordable Housing Committee has been working for the last year on trying to integrate the affordable housing policy from 1997 and the set-aside law which you passed in 2010, so that there would be one comprehensive law, so people looking to do affordable housing in the community would have everything in one place.

The 1997 law was created before we had any experience with it. There are a lot of things that have moved on, in time, so it needed updating. In the meantime, also spurring us on, the county has been in a legal settlement with HUD over the county's incentive for affordable housing not being as adequate as HUD thought it should be, and requiring communities, Hastings being one of them, to be more assertive in creating housing that would be available for racial minorities because we have a low population in Hastings relative to HUD's benchmark.

The county developed a model ordinance. Communities are trying to come in to compliance with that, while also adjusting for what is unique in their own community, in our case, with what had already been the way we have been operating. Some communities have no affordable housing committee and have not created affordable housing. So we are all in a

different place with regard to the county's requests. I sent you the county Q&A about the things that are absolutely essential for them, and we have tried to be responsive to that. There are other areas where there is more flexibility, which we are able to adapt some of the things we have been doing.

One of the big issues is the no preferences or priorities. I wanted to bring that to your attention. We felt, as a committee, that you have to pass the law and that section stands out as one you need to understand the implications. It is a very hard choice, a rock and a hard spot for us. We have worked with preferences or priorities, either word works, for all the years we have been in existence. The housing that we have developed has done that very successfully. By giving preferences to firemen, volunteer ambulance corps members, municipal employees, school employees, we have been able to house many of them. We only have 18 units in Hastings, but at least 10 of them have gone to people in those categories.

So we feel very partial to it, but we are no longer allowed to have it unless we want to jeopardize county funding, all the discretionary funding for housing, as well as all the CDBG money, public land, all those things that we look to the county to help fund for us. So the tradeoffs are severe.

Village Attorney Stecich: Initially the draft that we had sent to the county to review, the Affordable Housing Committee came up with a compromise position: we say that you cannot have preferences if the project is getting subsidies, federal, county, state. That was why the alternative had that language in italics on page four, that says no preferences shall be utilized to the extent that preferences are not permitted under the subsidy program. But when that was sent to the county, the county said no. The only way this thing is going to be approved, and if it is not approved you are not ever going to get money, funding for affordable housing, is no priorities.

Mayor Swiderski: Period, whether there is county money or not.

Village Attorney Stecich: Right. Except for the projects that are already built.

Ms. Smith: If they are already built you can continue to use preferences for those.

Village Attorney Stecich: What Susan has presented is the choice to this Board; you should recognize that if you take that one, the county is not going to approve it.

Mayor Swiderski: This law will set new set-asides that are above and beyond what the county settlement requires, which is 10 percent, right?

Ms. Smith: That is correct. We already have 15 percent.

Mayor Swiderski: Here we are, above and beyond the 10 percent. Now just trying to square the circle, I am assuming the answer is no. But it cannot be that there is no preference for the first 10 percent, but the remaining five percent workforce we could.

Ms. Smith: I do not believe so. They have not had as much experience with workforce housing, so there is not much track record of how it is going to play out in the real world.

Mayor Swiderski: And does workforce count as affordable?

Ms. Smith: The workforce is not, it is self-subsidized at this point. It would not be subsidized.

Mayor Swiderski: Then if we do a 15 percent set-aside and five percent is workforce, that five percent cannot be allocated as we see fit since it not affordable? Do you see where I am going with that?

Ms. Smith: Yes, I see. But I do not think we know.

Village Attorney Stecich: So let us say the language said no preferences can be used for affordable. Just do that.

Ms. Smith: I think we would have to check with them. There are a lot of subtleties that they understand, from the way HUD is dealing with them, that we do not know.

Trustee Apel: How much money are we talking about?

Mayor Swiderski: Substantial.

Ms. Smith: As opposed to your discretionary funding that you might lose?

Trustee Apel: Right.

Ms. Smith: We are working on one project now where all the funding is coming from them. It is substantial. Rose, maybe you can address that, if we did not have county subsidies.

Rose Noonan, Executive Director, Housing Action Council: In terms of the average subsidy from the county for an affordable housing development, it is ranging about \$100,000

to \$120,000 per unit. So that would not be available if there were preferences in your affordable housing law.

Trustee Apel: If we do that and then we have people that come into the community and we have need to give people like firemen, who are not supported otherwise, being a volunteer fire department, and in the end they cannot find housing here and they have to live someplace else, and then we lose our firemen, and now we end up having to have a paid fire department, what are the costs? What is the tradeoff here: having a paid fire department because we cannot get anybody to live in the community, or do we have a volunteer fire department with the ability to live in the community. That is the question.

Ms. Smith: You are also losing funding for a lot of other things that you rely upon.

Trustee Apel: This is something that has to be thrown in. We talk about 10 people that are housed.

Ms. Smith: They are not all firemen. Some are, but they are in those categories as municipal employees.

Trustee Apel: These are the people we would lose, and therefore we would then have to have paid people in those things. This is long-term thinking, and what is the balance.

Ms. Smith: The hope is we would be able to create more affordable housing so there would be plenty of opportunities. We would create more. The more you have, some of them would be those people in a random choosing.

Trustee Armacost: And maybe some of the people who are in the affordable housing will become firemen.

Trustee Apel: But the priority was to give it to those to keep them in the community. That was our original thought years ago.

Ms. Smith: We encouraged the community to accept affordable housing, and it was a very symbiotic relationship.

Village Attorney Stecich: Hence, the divide on the Affordable Housing Committee.

Ms. Smith: This has been hard for us to deal with. But it is a carrot and stick thing that the county is doing. I understand that. They are requiring you to market very broadly, and they

have set the parameters for the marketing so that there is, possibly, a bigger pool. There will be a bigger pool that is notified of anything that is available at Hastings. Whether they want to come here or not is another question.

Trustee Apel: Are other communities actually providing affordable housing?

Ms. Smith: Some communities are, yes. And some have passed a law, but have not yet figured out how to build housing.

Trustee Apel: Because in the end, for what I foresee, we do it and we are doing a good job and we produce these places. Then we will have a lot of people that are going to apply, and then the people that we wanted in our community ...

Ms. Smith: The goal, at this point, was 770 units?

Village Attorney Stecich: Seven-hundred fifty.

Ms. Smith: It was seven years, and we are a couple years into that already. They want to get momentum going, and I think it is putting affordable housing on the map for a lot of communities.

Trustee Apel: No, I think we are doing an exceptional job. I think you have done a wonderful job.

Ms. Smith: Compared with the other communities and the size of our community, we have been. Although those of us who work on it are terribly frustrated we do not have more.

Trustee Apel: I am just saying that I am looking, and we are going to move ahead and we will do this. Because I know that is what we do. I am trying to look at all the pieces.

Ms. Smith: But, yes, there are tradeoffs. That is our problem, our dilemma.

Trustee Armacost: Is it going to come back? Are we going to have a public hearing?

Mayor Swiderski: We need to resolve internally whether we want to go with or without the preference option. And then if there are any other clarifications, resolve those and then throw it up for a public hearing to be considered as a change.

Trustee Armacost: This proposal you are making to us, is it unanimously supported by the Affordable Housing commission?

Ms. Smith: That one item is not unanimous. Otherwise, yes. There is a minority position on the committee. This is difficult for us.

Trustee Armacost: Do we want to hear the minority position? I think it would be useful.

James Keaney, Affordable Housing Committee: We need to find a way to preserve flexibility to address a homegrown issue, which is affordable housing. In Hastings it was decided in 1997 there was a need for that. I do not think that has changed. The federal government says there is a national problem of fair housing. That is fine. We need to find a way we can work together so they are both met. We have done this in the past. As Sue mentioned, we have created 18 units. About half of those residents were in our categories. That shows there is a need. And about half of those occupants were people of color, which shows that the existence of priorities does not prevent addressing the needs this settlement is supposed to achieve.

What I am concerned with is something Bruce mentioned before, thinking long term. Some day, these 750 units are going to be built. Some day this settlement may settle. It may sunset. Some day a different administration may have a different idea. It just may be then that a local builder comes along and wants to build, using his own money. He does not want to deal with the government. Or it may be that happy day, when the waterfront development is approved and has a housing component, and BP does not want to get involved with the government and use their own money.

When a village puts in a subsidy to a project like that in terms of a PILOT, in terms of a zoning change, in terms of donation of land, it seems totally fair to me that a village homegrown need should be addressed. We can talk about it at a work session, but I would think whenever there is a Village project where some Village subsidy in some fashion is required to make this a go we press the county for a waiver. Otherwise, it is not a go. I can think of the two projects we had needed Village subsidies in some fashion or else they would not have happened.

I would like us to think flexibility. I hope we can have a work session if that is what you want to do, and we can bat these ideas around. But the priority, or preference, category is important. It was important to sell this to the Village, and it is still important now. And some day the national priorities may change or the deal may be off, and we have to be ready to go back to addressing our homegrown problem.

Mayor Swiderski: But my understanding is this is not optional, in the end. If we choose not to go with the language you are recommending, it puts future county funding at risk.

Mr. Keaney: I cannot speak to for the county, how serious they are. I do not know. But I do know that the 750 units may be built, and then the county and the federal government's priorities may change. And we are stuck with a zoning code that does not take that into account.

Mayor Swiderski: But that could be changed at that point. If we want to come into compliance with the requirement, that can be on an interim basis. If the requirement goes away, we are all eager to maintain preference, if possible. But if it puts county funding at risk that is a serious issue.

Trustee Armacost: Is there a way to word it that uses that kind of language?

Village Attorney Stecich: That was the language that was in italics. That was language I thought of to accommodate Jim's concerns, which were concerns of all of us. We included that, and did not highlight it or anything. Just put it in there. And they picked up on it and said no go.

Trustee Armacost: So they rejected that exact language. Is there another way to word it?

Village Attorney Stecich: No. They saw exactly what we were doing. I thought it was pretty clever. And they said it is clear, no preferences. But I thought Peter's idea was good. What about if it said no preferences for affordable and left out workforce. That might be worth floating. It does not get anywhere near as far as you want to go, Jim.

Mayor Swiderski: But the issue is that a developer looking to put up a dwelling that has 15 percent set-aside is going to probably put those units most subsidized into those 15 percent. That is likely to be the affordable because there are no subsidies, as I understand it, available for workforce. So the economic argument probably would be the workaround anyway, in the end. But it is an approach.

Trustee Jennings: I am not quite sure I understand why we cannot see the so-called workforce housing and the affordable housing as two separate requirements. If the county says we need 10 percent affordable, and if the county says that as far as affordable housing is concerned we have no priorities allowed, let us have an affordable housing requirement that does all of that. And then it is our own business if we tell would-be builders that we would like another five percent of the units in their proposed development to be below market rate, however it is defined, and have that be workforce housing. They might say I cannot make a profit building these condos in Hastings if you do that to me. But I doubt it. I have a feeling that people could put together a package that would be very profitable and still give us five

percent of housing that we could then set our own priorities in terms of the qualifications for, plus the 10 percent, what the county wants for racial diversity, broad advertising and eligibility. Why can we not have it both ways?

Ms. Smith: I am skeptical about the response, but I think it is worth trying. But what their response is going to be, they are under pressure.

Mayor Swiderski: But we are giving them the 10 percent they are asking for.

Ms. Smith: That is right. I think it is worth an ask.

Trustee Jennings: And they are not providing subsidies for this other kind of housing anyway, so what concern is it of theirs.

Mayor Swiderski: Without getting too cynical, how about we rip it out entirely and pass it as a separate law? Why would they ever need to quote, unquote, "know." It is not their business. We do a 10 percent law, and then have, separately, a five percent workforce. Pull them apart. They get their law, and we get our five percent.

Village Attorney Stecich: Yes, but I am just thinking about if you are somebody who is going to build in the Village. You look at it: there is affordable housing requirement and a workforce housing requirement.

Trustee Apel: Yes, so? That is it. It is the same 15 percent that they would have had anyway.

Mr. Keaney: I think it is worth looking into.

Village Attorney Stecich: Sue, perhaps the county would be convinced that it would be acceptable if we just said no preference for affordable units and left it at that. Then it resolves everything. So just change that section three to say no preference shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable housing units. That is what they want. I think it is worth a try.

Mayor Swiderski: We are not looking to sneak something. I am, actually. But they want their 10 percent, we give them their 10 percent. They get their vig, we get our vig. They do not have a say over the workforce housing. That is not their purview.

Village Attorney Stecich: Under the settlement, is there any requirement that the county approve the municipality's laws?

Ms. Noonan: No, there is no requirement that the county approve.

Village Attorney Stecich: If the model law says no priority for affordable, and we are providing the 10 percent affordable, I think that would be complying with it.

Ms. Smith: At some point, they are going to see it. But we are complying with it.

Village Attorney Stecich: To be sure, we were not, exactly, before with that language, from their perspective. But I think on this one, it is.

Trustee Armacost: It does not sound like we need a work session.

Trustee Apel: No. Is there anything else that we need to discuss in here?

Village Attorney Stecich: What might be helpful, Sue, and I am volunteering you, is to explain how this is different from the law we have now. A lot of it is already in the law we have now. Some of it is just adding definitions. There were a couple of other substantive changes. You know what happened. We had so many drafts over drafts over drafts we lost sight of what is in our code now. Just send a memo to the Board on what the substantive changes are over what is in the law now.

Ms. Smith: I can put something together on it.

Trustee Jennings: Marianne, do you see a problem with having two laws; an affordable housing law and a workforce housing law?

Village Attorney Stecich: Not theoretically, but they would be really cumbersome code provisions, in addition to which and tell me if I am wrong, if you had a choice between an affordable unit and a workforce unit, would you not prefer more affordable units?

Ms. Smith: That is the negative. We could get 15 affordable, now we will only get 10.

Village Attorney Stecich: The way it is written now you can provide your 15 percent by either all affordable or at least 10 percent affordable and five percent or less workforce. If you separated it, you would not have that option. Then 10 percent would have to be affordable and five percent workforce. I do not want to speak for the committee, but my general sense is affordable is more desirable.

Trustee Jennings: That should be very clearly understood as an implication of this strategy.

Mayor Swiderski: I am not 100 percent sure I understand that.. Desirable from what perspective?

Ms. Smith: The need is great in both areas, but the people with less income have fewer choices. So this opens up more choices for them.

Village Attorney Stecich: Because workforce is still pretty expensive.

Ms. Smith: We are trying to serve the people. Workforce is 120 percent of median income. But you still cannot find a place to live in Hastings at 120 percent.

Mayor Swiderski: Well, that is my point. That 120 percent definition that is used here for workforce, where does that leave the preferred population we are seeking to try to accommodate? Can nobody hit that 120 percent, or is it still going to be useful as a tool?

Ms. Smith: We do not have any numbers to say, so it is just a hunch. But we have always had the feeling that there are public employees and volunteers in Hastings who make a bit too much. They are just outside of the range of what the affordable percentage is, 80 percent. Our interest in workforce was an attempt to try to make an opportunity for people who still cannot afford to be in Hastings, to stay in Hastings.

Mayor Swiderski: And workforce is defined as up to 120. It does not necessarily mean that somebody at 80 cannot get it.

Ms. Smith: That is true, but you have to be able to have income to carry whatever it is. There is an equation to calculate.

Trustee Jennings: But with no preference provision, someone with 120 percent from outside the Village who had never served on the volunteer fire department in the Village or what have you, they could occupy that unit.

Mayor Swiderski: No, by definition workforce is reserved for workforce, is it not?

Ms. Smith: It does not mean your own workforce, necessarily.

Village Attorney Stecich: It is an income amount.

Trustee Jennings: So it is not reaching Jim's community value thing. We have a tradeoff between how many affordable units we are providing for the county, for our broader

community, and how we are trying to served those who have served us. Those are both worthwhile goals, and the only way I can think of to serve both of them is to have two different laws, two different kinds of requirements on potential builders who come into our village. We are complying with the county and all of its requirements in one of those laws, and we are trying to serve our own community value in the second law. Unfortunately, we will probably have fewer racial diversity and lower-income opportunity as a result because we are not going to now have 15 percent affordable.

Trustee Armacost: But is not the challenge that the way workforce is defined is not going to allow us to have people who are employees of the Village or former employees of the Village fit into the category? The way workforce is defined is very broad.

Ms. Smith: It is an income eligibility.

Mayor Swiderski: But we can make it anything we want be preferences. We can do whatever we want, within the usual limitations.

Village Attorney Stecich: Let me give you one other reason I think it would be hard to have a separate workforce requirement and affordable requirement. The way it reads now, you have to have a minimum of 10 percent or 15 percent. So let us say somebody was coming in and they wanted to build 12 units, 12 apartments. Fifteen percent of that is 1.8, which you would round up to 2. If it were 1.1 you round up to 2, actually. The way this is written, it is pretty strict. But even on this example, the 1.8 you round up to 2. Let us take the same 12, and you say 10 percent of that has to be affordable; that is 1.2, which you have to round up to two. Then the five percent you have to round up to 1. So now somebody building 12 units has to provide three, which is 25 percent.

Trustee Apel: But would that not be the same if we told them it was 15 percent affordable?

Village Attorney Stecich: No. Because if it is 12 and it is 15 percent however you pick it, you come up with 1.8, which you round up to two. Even at that, the way it is drafted, the rounding up is pretty generous in terms of providing affordable. Once you break it down further, the math gets very difficult. If you have got big numbers it is not as hard. Big numbers are going to work. But if you have smaller numbers, which we have seen, it is going to be problematic.

Trustee Jennings: On the other hand, one way to deal with that is with the workforce housing provision, trying to create the units that we want to be able to give access to community service people, you can have thresholds. It does not apply well to a 12-unit project. But we are looking at large tracts, we are looking at waterfront, we are looking at

30, 40, 50 unit projects and the arithmetic would be different. I am trying to suggest not getting caught up in a morass of arithmetic. Could we have a law that would require that at least some of the larger builders have to do some reasonable number of units available to the people who serve this community? Would it deter them from building and hurt our tax base? I do not think so, but we have to be careful about that. But that is all I am proposing. That seems to be a separate law. Has nothing to do with affordable housing and the counties and the lawsuit. It is something that we, as a community, might want to do for our own reason. It would be within our jurisdiction to do that if we would not risk being abandoned by all future development because of it. The arithmetic is an issue, but maybe we can work that out but still retain the concept.

Mayor Swiderski: There is one way to do it within the structure of this law, and that is to drop the option to have affordable versus affordable and workforce, and leave it the way it is mathematically computed here and explicitly say that the preferences are for affordable housing. The implication is no preferences for affordable housing, say nothing about the workforce housing. And they do not weigh in on that.

Trustee Apel: But you are saying, then, a two-law thing. Have the workforce be separate?

Mayor Swiderski: No. Have it as written here, drop the reference to 15 percent possible all-affordable. Keep only the option for the 10 percent affordable and five percent workforce, and then say explicitly no preference on affordable housing.

Mr. Keaney: But then you still need to keep our policy alive. We need someplace that has the preferences set out.

Mayor Swiderski: I am not denying, but does that have to be in law? It is not now. They have never been a part of the law. It is all policy.

Trustee Armacost: How do you enforce it?

Mr. Keaney: We adopted that as a law, did we not, Marianne?

Mayor Swiderski: No, we never put the preferences themselves into law.

Ms. Smith: Not in the set-aside law, but in the affordable housing policy.

Mr. Keaney: But we adopted the policy as a law, as I recall.

Village Attorney Stecich: No, there are some things that that incorporate the policy by reference. But I do not think the entire policy is incorporated.

Mr. Keaney: Then how would we be sure that these preferences are going to be met?

Mayor Swiderski: Who administers affordable housing?

Ms. Smith: We have a lottery.

Mayor Swiderski: But there are two different lotteries here. There is one for the affordable, which is done under county law with all the advertising, et cetera. Then there is a separate lottery for the workforce housing, and that is not the county's business.

Mr. Keaney: But the people who organize the local lottery have to know what they are doing and what the priorities are.

Mayor Swiderski: You have a policy in place. You change the words from affordable housing to workforce housing and you are done. I do not mean to trivialize it.

Ms. Smith: Somewhere you would identify what the preference groups actually are, the order of them.

Mayor Swiderski: But that exists now. You have that.

Village Attorney Stecich: That could be worked out. I definitely would not make it a part of this law. Peter, are you suggesting, then, if you go to page two, that it would say 15 percent of all units in such development shall meet either the definition of an affordable housing unit or a workforce housing unit? At least two-thirds of these units shall be affordable housing.

Mayor Swiderski: Drop the words "at least," and drop the word "may" after one-third. Two-thirds of the units should be affordable.

Village Attorney Stecich: No, it is not may. You are taking out the remaining one-third. Two-thirds of these units shall be affordable. Oh, I see.

Mayor Swiderski: And one-third will be workforce. That is the modification to clause one. And then somewhere in the reference to no preferences for affordable housing. I am not looking to be sneaky, but I am being explicit about adhering to their law.

Mr. Keaney: Going beyond it for our own purposes.

Ms. Smith: But we have to at least inform the county, not HUD but the county, of our new direction. It is the Planning Board person who is working on these kinds of laws.

Mayor Swiderski: I do not want to be deceptive. I guess we can. But I do not know why they would weigh in on anything that is not affordable housing, in the end.

Trustee Jennings: What objection could they make if we simply amended our existing law? We decided we are going to dial 15 percent back to 10 percent. So we have straight-out affordable housing, no priorities, no nothing. If we changed our law that way, how could they object to that?

Mayor Swiderski: They cannot.

Trustee Jennings: But, in effect, that is what we are doing.

Village Attorney Stecich: Sue, the only thing that I might see a problem with is were there not a couple of things that were in our law, like the minimum number you started with?

Mr. Keaney: We had 10 and went down to eight.

Ms. Smith: We went to eight, they want it to five.

Village Attorney Stecich: The county says you should start requiring the units once five units are going up; whether they are apartments or houses, you should start at five. Our law starts at eight. They said you should be at five, then they said, yes, but you know what, you are giving 15 percent.

Ms. Smith: That was part of our rationale. We had a density bonus.

Village Attorney Stecich: Yes. And there was another provision where they cut us a little slack because we were at 15 percent. So to say we can just go back to 10 percent, I do not know if that hurts at all. I suppose we could also go down to a minimum of five units.

Trustee Apel: In the end, what is going to happen is you are going to build whatever you are going to build, you are going to see who the applicants are, and you are going to know whether you have a large draw from just our community, or not. Let us say there are 15 units. Ten units, you know right off the bat, they are going to take from all over the place. You have got five units left, and you may or may not be able to fill them with people from

the community or not, or maybe somehow they ended up in the first 10 anyway because there is no preference, and I do not know how that works out. Is that a lottery? And they have been pulled in anyway, so then you have the five units left and you may pull that from the original list from all over the place, or you may fill it with people from the community. So everything is up in the air until you know the people that are applying.

Mayor Swiderski: But you have to have the policies in place ahead of time.

Trustee Apel: No, what I am saying is that there is flexible with this policy.

Mayor Swiderski: You do not have flexibility in the funding. The funding has to be approved for the 10 percent affordable. The deal has to be structured ahead of time.

Trustee Apel: But if the five units, or five percent that are left, say up to that particular amount you may have people that are in the other level anyway. I think you can still have it both ways. I see it as being flexible.

Mayor Swiderski: You may have to dial back to the five units. My bet is that they will want that.

Trustee Apel: You do not have to say anything. Let them come back with it. This is what we have, and let us see if they come back with it.

Ms. Smith: OK, let us see how it flies.

Mr. Keaney: Good. Thank you.

Bob Licht, 1 David Lane: I have been a member of the fire department for 48 years, pretty active. I have been on the committee for probably close to 20 years. As far as Trustee Apel asking questions about how many firemen leave the Village and the aspect of a paid department, my 48 years we have had a lot of young members move out of town because they could not afford to live here, I would say at least 25 active young firemen that were necessary for the fire department.

Trustee Armacost asked about how many are living in affordable housing. There are four firefighters who are living there now. One is moving out this week to move into his parents' house, which he is going to rent to buy eventually. I approached some of the people at 422 Warburton Avenue. They had no interest in joining the fire department. Probably the average age of a firefighter today is 50, and nobody should be running into a burning building at 50 years old but, fortunately, a lot of us are in good health.

I have my concerns for the future of the fire department, whether we will be able to sustain ourselves as a volunteer fire department. The dedication is not there. When I came into the fire department there was a list where you hoped that they would take you in. Now, you try and go out on the street and drag people in or solicit them with campaigns. No interest. If we take in 10 members, we are lucky if two will stay and be a good, productive firefighter.

So these are things in the future that the Board has to consider in the Village. I applaud the Board for trying to find a way to do this for the preferences because it is a necessity to keep the firemen in town, especially the young people now. And they are the ones we need. There is so much training that has to be done today, and it is hard on families. The whole lifestyle of families has changed, where many families now they do sports, dancing, recitals, and the parents are running here, there and everywhere that the firefighters are not able to commit to the fire department as much as they did years ago. It is a scary thought for me. I sit home at night and wonder what is going to happen, and it bothers me a lot. But I applaud you for trying to find a way to do this for the preferences.

Mr. Metzger: I have been a huge proponent of affordable housing and I applaud our Affordable Housing Committee to try and up the amount of affordable housing. I applaud Jim Keaney for saying we need to figure out how to keep people in our village who cannot otherwise afford to stay here. I am not patting myself on the back because there are a lot of people in my neighborhood. We rent apartments that are below the affordable housing limits. We do that because we want to keep a population in this village that is not necessarily a wealthy population, but people that benefit living here. We need to figure out how to start promoting the concept of affordable and workforce housing before we have projects that we present before the community.

It has been my experience that despite the best efforts of the Affordable Housing Committee to find locations, a lot of members of the community feel this is being stuffed down our throat, it is going to reduce our property values, we are going to have rusty cars on cinder blocks in the front yard. That has not been the case of the affordable housing that we have now. They have been incredibly great neighbors to have.

That brings me to the second point. All of the affordable housing that exists in Hastings right now exists on about a quarter-mile stretch of Warburton Avenue. Has not been a detriment to the area, but the concept of affordable housing is to distribute this throughout the Village. As I understand it, the way the federal law was sent, down the area in the Village where we have all of our affordable housing currently, does, actually, not need to comply with the federal regulation because we already have enough distribution of different income levels and different racial makeup that we do not have to comply.

So we have to figure out, if we are going to start complying with federal regulations, how to get the other nine-tenths of the Village to start picking up some of the slack. It is going to be an uphill battle. There is not a lot of land left. When we talk about we will have 10 units of affordable here and five units of workforce there, I do not think anybody is building 150 units of housing anywhere in this village. We are talking about six, eight, ten units. There is a location on the other side of 9A that may come up there could be slightly more than that, but we need to deal in real numbers and how we are going to address this. I understand the concept of we will allow you to build market rate here if you will build affordable someplace else. Let us make sure that that affordable does not just get pushed into one neighborhood. We need to raise everybody's concept of what the benefit of affordable housing is.

The last thing that has not been addressed, but something affordable housing should be looking at and something we talked about in the Comp Plan: as some of the larger rental units are turning into condos those units should be required to have a set-aside. It is the largest set of housing that would be available to generate affordable and workforce housing. There is housing right outside this building that turned recently, there is housing up on Broadway that is going from rental to condo. We should address that issue so we can take advantage of these few large areas of housing stock that we have.

Mayor Swiderski: Is there a rule around conversion that we can adopt?

Mr. Keaney: We did look into it a couple of times over the past few years. We scratched our heads so hard that I got boils on the back of my head. We dealt with Marianne. He is right, we have thought about it. We just cannot find a way to do it yet.

Trustee Armacost: Meaning that you could not find model law? What was the constraint that you had?

Mr. Keaney: We could not find the legal hook to force sponsors to make so many units affordable.

Village Attorney Stecich: They do not come to the Village at all.

Mr. Keaney: They did not come to the Village for anything.

Trustee Armacost: So a stick rather than a hook.

Village Attorney Stecich: They do not come to the Village for this conversion. It has nothing to do with that.

Mr. Keaney: Right, it is regulated by the state. We sent a letter to the state Attorney General, saying we think because of all these issues you should force sponsors.

Mayor Swiderski: So you do not get a new C of O when you convert to a condo or something. We do not have any sort of control; "hook," as you put it.

Village Attorney Stecich: No, we have nothing to do with the form of ownership.

Trustee Jennings: So why does HUD not sue the state.

Mayor Swiderski: I think we have beaten this down. You have got an approach to try out, and let us see what they say. I hope we have not totally thrashed your effort. I think it is actually a minor change, and it might yield a better result.

Trustee Armacost: Thank you for all your hard work. I meant you, plural, and you personally.

3. Parking Permit Lottery Procedures

Village Manager Frobel: We are about to embark on our annual program of awarding the parking permits. We will have 190 plus residents competing for about 150 spots. We have tried different approaches, two since I have been here. Most recently the one we have been relying on is the lottery. What generated this being put on the table tonight is a suggestion that some consideration be given to those residents age 65 and, giving them a preference. I do not think there is an easy way to go about this distribution. We tried the first-come, first-served. That raised everyone's stress levels. This program has got to be stressful for someone who needs a parking space to get to work every day, and he or she may be closed out because we have limited spots to sell. We do give preference to the next year's lottery to those that were wait-listed and never ended up getting a spot. We do work off that wait list as the year goes by and we can move them over. This year it looks like we have about 24 out of the 150 we will sell already committed.

Mayor Swiderski: What is the thought? Is it open-ended, that any number of slots could be reserved for 65? Or do we cap it in some fashion? How is it represented? A check-off box in the form that they submit?

Village Manager Frobel: Yes, because I think one of the submittals is your driver's license so we can easily verify the veracity of someone saying their age. But on the application, they could check off age 65 or above.

Trustee Armacost: Do we take a photograph of a driver's license? Could we work out how many people are above 65 or above 75 who are in the group who apply? Assuming that the person who applies is the person who parks, which is a separate point. Do we take a photograph of people's driver's licenses, or do we just look at them?

Village Clerk Maggiotto: No. And you raised an interesting point, which is the applicant does not necessarily have to ...

Trustee Armacost: That was immediately what I thought of when I read it. It reminds me of rent-stabilized apartments in New York, where it has been in the family for multiple generations. You want to make sure that the people who need it are benefiting, not the people who have clever families who are benefiting from it.

Village Clerk Maggiotto: Right. Mr. Newman is here. It was his letter that started this.

Jeff Newman, 7 Jordan Road: I do not know how many people that would affect. You might have to try that out and see. For many years, and I will turn 70 before the end of this year, somewhere around September I begin to get nervous that I might not be included in the lottery. It would be a real disaster for me. I would probably have to find some unusual way. I would probably have to go lie to my doctor and tell him that I was disabled, which a number of people do, and get a handicap permit and that would make it easier for me.

It seemed to me that a number of us who are over the age of 65, have lived in Hastings, which I would stipulate because I think that is relevant, for more than 15 years - I said 15, it might be 20, it might be 10, whatever you wanted to do - would automatically get a permit if they could show that they themselves, and that was my point, regularly commuted to the city. Not necessarily for work, but for whatever reason, they went to the city regularly and that this was important to them, and they were willing to pay the fee for prepaid parking, which is a disincentive for a lot of people anyway.

I do not think, and I might be wrong, there is going to be a huge number of people who would be affected by this. I have been here 27 years, and I am not proposing that it be 27 years or more. But it would be one small way of compensating our senior citizens so they do not have to move out of town, so they have one small incentive, and it is small to be sure compared to the issue of affordable housing. I am embarrassed to be sitting here all this time and talking about this because this is not as important an issue. I understand that. But for a number of us it is important. If I found myself without that permit which I have had all these years, I would be extremely disturbed and disappointed, and feel that the Village had let me down. I think a number of people who are friends of mine over the age of 65 would similarly feel that way. So I was suggesting that this might be a way. And maybe it is a disaster, and

maybe in the end all these people will have their 28-year-old granddaughters use their parking permit. And that would be a shame. But if we made that point clear to people, that they should be using it themselves or their spouses in a similar condition, I do not think you would have very many people, my guess maybe 10 or 15 people, who would meet these categories that I described. So that is why I proposed it, and I do not think the issue of who uses it, in the end, would be a problem. But if it is, a year from now we could revisit it.

Mayor Swiderski: I am inclined to agree. If it is a problem in a year's time there are easy things you can do. This is not meant to be a joke, but a gray dot on the permit that indicates this.

Village Manager Frobel: I would drop the suggestion of longevity.

Mayor Swiderski: I do not think longevity should count. It should just be age. We do not have longevity on anything else, and I do not think we should start.

Trustee Apel: The thing to know is of the ones we have sold before, how many people fit that category.

Village Manager Frobel: We do not have those statistics. We do not know if 10 percent of the number we sold are age 65 or above. We do not have that information.

Trustee Apel: You would have to know the names of the users, and then you could look them up in the voter registration rolls if you really wanted to know.

Mayor Swiderski: That is hard work. I say we try it and see what numbers we get.

Mr. Newman: I would appreciate that. And I can tell you, from having parked there almost every day for the last five years, there are not very many people with gray hair like me who walk out of their car. We could get some fraud, but it would be a relatively small amount. I think Hastings by and large, and it is one of the reasons I love this village, my wife and I have stayed here all these years, is because there is an innate honesty. Most people would not abuse that.

Mayor Swiderski: Small towns, it is hard to disguise yourself.

Village Manager Frobel: It is self-policing, too. People will point out things.

Village Clerk Maggiotto: So we will add the 65, by December 31, shall we say? The permit starts January 1. All right, we will let you know how it goes.

Mr. Newman: Thank you very much. I appreciate it.

Mayor Swiderski: It is not silly. You said that you felt like it is silly compared to the affordable housing. It keeps you in town and, in fact, it is not theoretical like affordable housing. The affordable housing issue, for the foreseeable future, is a theoretical discussion. This is real and practical.

Trustee Armacost: We should perhaps draw this to the attention of the Senior Council since they have an outreach to senior citizens.

Village Manager Frobel: Sure. Susan, could you send a note to Ann?

Village Clerk Maggiotto: We certainly can do that. We do send letters with the application.

Trustee Armacost: You do not want to promote this?

Mayor Swiderski: It is going to be promoted on the mailing that goes out with the ballot. It is self-promoting. Everybody who is applying is going to know about it, and those are the people who are going to apply.

Trustee Armacost: But the Senior Council, it is kind of relevant to what they do, is it not? They are trying to improve their lives.

Village Attorney Stecich: But if they are working they are probably not active in the Senior Council.

Mayor Swiderski: But even if they are working and they are plus-65 and they park at the lot, they will know because they will be applying to the lottery and there will be a check-off.

Trustee Apel: Are you afraid you might encourage more people?

Mayor Swiderski: Yes.

Trustee Armacost: That is what it seemed like. I feel like it is something that would be valuable for the Senior Council to know. If they listen to our meeting, they will hear.

Mayor Swiderski: No, I do not think I am inclined to encourage it. And the users of the lot who are of that age and are anxious will be relieved. That is the population we are talking about.

Mr. Newman: This would be a real advantage for senior citizens which the Village could feel proud of if it works well. We are not saying that when you achieve a certain age and you are a resident of this community you get some extra respect. So promoting it in one way or another, whether it is to the Senior Council or whatever, is not a bad thing. I would think it would be a nice thing for you all to say. And I do not think it would increase your vulnerability. You are paying for it. We are not asking, and we have to make it clear, we are not saying it is free.

Trustee Armacost: So he is grudgingly agreeing. I will write to the Senior Council.

Trustee Apel: There may be seniors that work part-time in the city. I do not know if there is a concept of sharing a parking permit with somebody else because you go in half a day.

Village Clerk Maggiotto: You can share a permit now. You can have up to four cars on a permit. And we do have a few people who share.

Trustee Armacost: How can that work? Is it not related to the number of spots?

Village Clerk Maggiotto: You can only use it on one car at a time. But this could my day to use it, and tomorrow it is your day to use it on your car. So it works for people. It is still one permit, one space.

Village Clerk Maggiotto: You did mention one thing, but I wanted to say it again. If people were shut out of the lottery last year, they will automatically get one this year. Not everyone who is on the waiting list because the list grew from the initial people that were shut out. People moved into town and got on the waiting list. Those people do not automatically get a permit.

Trustee Jennings: Do you have any feedback on people going to the lot at 11 a.m., say, and not finding a space?

Village Clerk Maggiotto: We are encouraged by Metro-North to oversell. If we did not oversell, you would have a half-empty lot most days. So we try to hit that point where everybody does get a space without saying you are guaranteed a space. Very occasionally, rarely, does someone say to us I could not find a space. When that happens, I remind people that we have 17 spaces that face the river in the lower Steinschneider lot that face the river that are for permit parking until 11 a.m. Occasionally, people will say, I went all around and could not find a space. Then we will direct them up there, and there definitely are spaces.

Trustee Jennings: I belong to a group of people who go into the city very rarely, and often late. At 11 a.m., I often have a problem finding a meter.

Village Clerk Maggiotto: The meters do fill.

Trustee Jennings: So that is a different issue. We can talk about that on another night. But there seems to be so much wasted, vacant space on the other side of Washington Avenue, which is not a very far walk to the train station. It is certainly within the radius of reasonable parking. Toward the DPW, before you get to the DPW, off to the side is such empty space. It is not even full of trash. It is empty.

Mayor Swiderski: It is a complicated space. It is not ours.

4. Update on the Deer

Mayor Swiderski: A couple of weeks ago I had a conference call with Dr. Rutberg at Tufts and Barbara Stagno, who has offered to do some fund-raising here. It was what I would call a gut check. We have submitted the application to Fish & Wildlife, and before we wrap this up into a real program I wanted to verify that Dr. Rutberg's timeline was realistic in terms of getting the approval out of EPA, the new formulation, and that Barbara was somewhere along in her fund-raising. We have gotten confirmation that \$12,000 is raised, which is half the commitment she made to raise for this program already, and ready for delivery to the Village when we are prepared to write a letter for that. She feels the other half should be pretty straightforward. So the funding appears to be there. Dr. Rutberg has indicated that the EPA approval is on the order of five or six months. It is not insurmountable, he can get it, and we will begin preparing those documents so we can begin to wrap up in the spring.

What is on me, over the next few weeks, is to come up with a timeline indicating what has to happen, in what order, over the next year and a half for this to happen. When we kick it off, Dr. Rutberg is looking for a time slot in late October, early November to come here and present to the community. At that point we will begin to formalize a citizens committee that will help run this thing. So finally, a commitment of money, a commitment on the application for the EPA grant, and forward we go. Dobbs will not be joining us. For now we will be going this alone. I got a call from Westport, Connecticut. They want to run this program as well, but they are way behind us. So we will see where that goes. This is going to be a busy fall between this and Building 52, etc. I still owe the Board a rough draft of a letter to BP requesting the cost to tear down 52, or preserve it.

5. Update on the Downtown

Mayor Swiderski: Meg is not here for the update on the downtown

6. Update on the Waterfront

Village Manager Frobel: My source at ARCADIS reports that crews are making good progress. The Zoning Board of Appeals granted the view preservation permit, so they were pleased. I can tell you how stressed out they were on that concern. They are beginning to set the utility poles. They are doing some concrete forming for pouring the concrete for the pads for the temporary building. Some concrete bracing, staging for the trenching that will have to occur as they link the various wells. But all very good progress

7. Other

Trustee Apel: I have a question on Jim Metzger's request for the Jewish holidays. Is that going to go through?

Mayor Swiderski: That is going to require a hearing, et cetera. First, it would require a definition of the high holidays.

Trustee Apel: Are you going to be able to do it for next Wednesday is the question.

Mayor Swiderski: Is that something we can do in that short of a time frame? Does that require a local law?

Village Attorney Stecich: I do not think so. I would think it is similar to parking.

Village Manager Frobel: It is in the local law. It is the law, you enumerate all the holidays.

Village Attorney Stecich: But is there anything that says no alternate side parking on certain holidays?

Village Manager Frobel: No, it is just meter holidays.

Trustee Armacost: But can we not have an unofficial practice.

Village Attorney Stecich: Just like you do when you do not have to pay at the meters. I do not think you would have to pass a law. I do not think so, but I do not have my code with me. I do not ever remember seeing that in the code.

Mayor Swiderski: So what precisely would we stipulate? What does "no alternate" mean?

Mayor Swiderski: It is not a meter thing. It is which side to park on. And what precisely is it that we are permitting?

Village Attorney Stecich: Suspending alternate side of the street parking.

Mayor Swiderski: Do we do this for other holidays?

Village Manager Frobel: No.

Trustee Armacost: But could the observant Jew not park on that spot that day? It is like if you know you cannot drive your car, would you just not park in a place.

Trustee Apel: Jewish holidays start the night before. They would have to not park there before sunset of a Jewish holiday. So Tuesday, before it became dark, they would have to be parked in the correct spot.

Trustee Armacost: I did alternate side parking in New York so many years, and I did not have a religious reason why I could not move my car. I just organized my parking so I did not have to move it on an occasion when it was difficult for me. So we can change the law, or we can suggest to people that they plan ahead.

Mayor Swiderski: I am not being cheap here. But it does not look like it is a loss of any significant revenue. It is not like giving up parking meters, which is money. What we are forsaking is the occasion ticket that is written. So this is not a money issue, but a convenience issue. What is the downside of doing it?

Trustee Armacost: There is no downside. You have to apply to everyone. There is no way to restrict it.

Mayor Swiderski: Jewish only? You certainly cannot, I agree.

Trustee Apel: No, you have to say alternate side of the street parking has been suspended for that particular day, period, that is it.

Mayor Swiderski: Is there a downside to doing it that we should not consider it, other than the fact that people could just plan ahead? Do you care, Fran? Do you think the Chief will care?

Village Manager Frobel: No, I do not think the Chief would have a problem. He already has some latitude he is granted on other holidays of a similar nature.

Village Attorney Stecich: What are the other holidays?

Village Manager Frobel: I am trying to remember. I know it has come up before, and that is how I knew meter holidays are specifically spelled out in the law.

Mayor Swiderski: But does it free up more parking spots, so by suspending it you are able to fit more cars in by St. Matt's. Is there a benefit to number of spots that are freed up because you can now park on both sides, or anything?

Village Manager Frobel: I do not know. I cannot answer that.

Mayor Swiderski: But Jim's request was not explicitly for next week, even though the next high holiday is then. It was generically. Was he asking specifically?

Trustee Armacost: He did not explicitly say it, but probably he knew that it was a holiday next week which is why he raised it today.

Trustee Apel: He must have noticed that it happened today and yesterday because it was Rosh Hashanah today and yesterday. You might want to question Jim to find out more information.

Mayor Swiderski: I would rather have a list of days and do it right.

Trustee Armacost: If the point is that we are recognizing this restriction for a particular group of religious practitioners, of which the whole Village benefits from it as well, we should work out which other ones are affected potentially. If there are restrictions in other contexts.

Mayor Swiderski: If that is the purpose of the law. There is a subsidiary purpose for the walking restriction or active work restriction, which I understand. But is there anything gained in terms of number of parking spots? Why do they suspend it willy-nilly in New York City and not just on Jewish holidays?

Trustee Armacost: Because it is really inconvenient if you have to move your car.

Village Attorney Stecich: But why is it more inconvenient on a holiday than non-holidays?

Trustee Apel: Because more people are around and their cars are there, as opposed to getting in their car and going to work. All those spaces are freed up, so that is the difference. In this instance, the kids are off from school, some people do not have work whether they are Jewish or not. Therefore, they need more parking spots.

Trustee Armacost: I do not think we can compare this to Manhattan. I think it is a totally different situation.

Mayor Swiderski: Other than the work restriction in Jewish law, what else does a Village gain so that we would understand if this needs to be applied to others. Are there other reasons we would want to do this?

Trustee Apel: The other thing is that if it is a holiday, and the person that you normally would employ to go out and give tickets are off, then no one is going to be giving tickets anyway. So why do you not let the people park there. You are not cleaning the streets. So what is the reason for alternate side of the street parking to begin with?

Trustee Armacost: No, this is a specific thing, which is, there is a religious restriction preventing you from moving your car. The point I am making is, if your religious restriction happens to come from a religion which is not Jewish it should apply to you, too.

Mayor Swiderski: But my point is, is there a reason to do this other than religious?

Trustee Armacost: I do not think so. The less times you have to do it the better for the Village, because people are not confused. But we are doing it here in deference to a group of people who have a particular restriction. Let us make sure we are including everyone who may have that kind of a challenge.

Trustee Apel: You are certainly not going to say this law only applies to people that are Jewish. You are going to make a law for everybody.

Trustee Armacost: No, you are going to make a law for the days when it is a problem. It is actually not even for Jewish people. It is for a small subsection of Jewish people, because most Jewish people move their cars.

Trustee Apel: That we know of. I presume you are correct, but I do not know. It might be helpful for us to have a better understanding, if people that abide by that ruling would let us know. Maybe a little survey how many people would need this.

Mayor Swiderski: A stupid little request turns into a not-so-trivial thought.

Trustee Jennings: A better way to think about it is let us designate a certain number of days, with our eye toward religious holidays, and say we are going to give people a break. On these days you do not have to go into the routine of moving your car, end of story. No reasons, no questions asked. Just do it. Our major problem is we got to have a communication system that lets people know this; it is not fair if we only send it out by e-mail.

Village Manager Frobel: Well, he can staple the notice on the poles.

Trustee Armacost: You send e-mails out saying the rules are being suspended for this reason.

Village Manager Frobel: Snow removal.

Mayor Swiderski: An e-mail, and the Jewish community can circulate the fact on high holidays. I would tend to make it also a couple of other holidays, as well, because otherwise we will be answering a thousand questions about why we do this.

Trustee Jennings: We pick a list of days, and we make sure we cover all the necessary bases. It is not that hard.

Mayor Swiderski: No. It is probably five or six days a year.

Trustee Armacost: It is a lot more. It goes beyond people who are Jewish. Other groups have restrictions, which is not a reason not to do it; I just think it may be more than five days.

Mayor Swiderski: But you go for a representation of the population. If it turns out that in the Rastafarian religion you cannot do it on July 1 we are probably pretty sure that that is not an issue for us.

Trustee Apel: I think the Police Chief can probably get back with a recommendation.

Village Manager Frobel: I agree.

Trustee Armacost: I wanted to know if we have an opportunity to meet with the auditors.

Village Manager Frobel: With Meg not being here tonight, I did not want to hold it this evening. I want to make sure the full group is here. But they are very much available.

[Discussion of dates. Meeting will be Oct. 17 or 18 depending on availability of Trustee Walker. First choice is Oct. 18, 7:00 p.m.]

Trustee Armacost: May we have an update on the bedbugs in the library. It is a happy ending. But there are some things I would love to know the details of.

Village Manager Frobel: We have two library employees that have bedbugs in their homes. So we are doing some screening and testing, and determination of that.

Mayor Swiderski: Yes, the library personnel were really inconvenienced by this. It is a lot of aggravation and discomfort.

Village Manager Frobel: We will know tomorrow as to whether or not the treatments at the library worked. That will be the test, when the dog that is used to detect the presence of bedbugs comes back to determine whether there is evidence of any more.

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 10:30 p.m.