

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 20, 2012

A Regular Meeting was held by the Board of Trustees on Tuesday, November 20, 2012 at 7:44 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobela, Village Attorney Marianne Stecich, and Deputy Village Clerk Mary Ellen Ballantine

CITIZENS: Six (6)

Mayor Swiderski: Apologies for the delay. Today was Project Share at the High School. Totally charming, 550 people were hosted, and it was lovely. I had the enviable job of directing 150 kids to serve all those guests. It was a little frantic there for awhile.

APPOINTMENTS

Mayor Swiderski: We have two appointments to announce to the Planning Board: Michael Ambrozek, filling a term expiring in 2013; and William O'Reilly, filling a term expiring in 2016.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of November 6, 2012 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 27-2012-13 \$209,805.67

PUBLIC COMMENTS

Tim Downey, 520 Farragut Parkway: I was going to speak at length regarding the post mortem for the Hurricane Sandy incident but there is a meeting December 1 at the Community Center so I thought it best to wait until then I would like to address one thing, specifically towards the Mayor: thoughts that the Board, and the Village Manager as well,

might consider between now and that time. What can we ask the citizenry to do when we have these types of incidents? I draw on experience from last year, Hurricane Irene. We have a home in Phoenicia, New York. I went up there on Labor Day to help clean up. We got away relatively easy compared to what happened up there: roads gone, houses washed away, utilities taken downstream. But it was astounding to see the way the people came together. Students, old people alike picked up broom and shovel. They had it cleaned up in a few days.

It was disappointing to see some of the conduct in Hastings during our event last month. I witnessed some good conduct, and I witnessed a lot of selfish conduct. There was a homeowner on the corner of Kent Avenue and Ravensdale who was doing a very thoughtful thing, cleaning the street, doing his part. At the same time I saw a gentleman on number 70 Hamilton blowing his driveway and his house out into the street; making an even greater mess. I saw Dr. Tepper's wife on Burnside Drive clean her yard and carry out into the street, there was a limb out in the road. She thought that was the appropriate place to stack her branches, in the road on the blind curve coming up the hill.

Mayor Swiderski: I would prefer if you do not single people out in this.

Mr. Downey: I understand your point. But these people and this kind of conduct should be shamed, and it should be brought to attention.

Mayor Swiderski: That is not your job, and that is not the forum here to do that.

Mr. Downey: I respect your opinion but I view it differently.

Mayor Swiderski: You are running out of your three minutes so make it quick.

Mr. Downey: OK, since you want to have a hostile tone to me, then I will keep my ...

Mayor Swiderski: I do not like what you are doing, but please continue.

Mr. Downey: I would like to see leadership. Speak to the community that we come together so people just do not sit back and expect the DPW and everyone around to be the only bearers when it is beyond the ordinary. People need to chip in and take pride in the community, not say it is not my job, or walk away. You have homeowners walking around like zombies, looking down at their cell phone with children in tow and not paying attention to traffic while emergency vehicles are moving about. I witnessed this on High Street on Burnside, on Farragut. You have the camera folks out there, thinking this is entertainment. You have the people out there with coffees walking around, walking past limbs in the street.

They could not reach down. Every helping hand makes a difference. It would make the recovery that much less expensive and that much safer. It is not just about singing songs in September at Take Me To The River. It is about rolling up sleeves and the community comes together and we do some work. I am sorry if you are bothered by my bringing it out, but I do not like to talk in this vague manner. The person stood there and lied to me, said I did not do it. But I saw you do it. It is ridiculous that we allow this conduct to happen in a community in such an emergency situation.

Susan Cooper, 378 Warburton Avenue: I have a summary report from the state budget crisis task force that was released July, 2012 by two prominent Democrats, Ravitch and Volcker. It was created due to their concern about the long-term fiscal sustainability of the states and the persistent structural imbalance in budgets. The summary lists the major threats to sustainability and focuses on six states, New York included. They state that certain large expenditures are growing at rates that exceed reasonable expectations for revenues. The lack of financial transparency makes it more difficult for the public to understand the critical nature of problems, such as pensions and other payment obligations. The conclusion of the task force is unambiguous. The existing trajectory of state spending, taxation and administrative practices cannot be sustained. The basic problem is not cyclical, it is structural, although they do state that it was exposed somewhat by the recession. The ability of local governments to respond to stress is constrained by state rules, and may be eased by state legislatures. I would like to ask who of our local elected officials are asking or demanding of our legislator what changes he would make to ameliorate the situation and ease the burden on taxpayers and on our local officials, since this all goes downstream.

Mayor Marvin of Bronxville noted in her column that Peekskill's proposed 2013 budget was released, and calls for the elimination of 40 full and part-time city jobs in terms of absorbing a pension obligation that will increase 40 percent in just one year. She closes that column by saying , "I would argue whichever politician in New York who has the foresight and courage to address this problem here at home is the true friend of the public sector employee, because without reform, our current system is simply unsustainable long term."

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I want to take this opportunity to publicly thank the men and women of our police department and DPW. This past Sunday our employees participated in the donation drive for families impacted by the storm in Queens, Far Rockaway. I was there watching the men collect the materials, and it was outstanding. We filled two trucks. I was impressed both with the donation of time of our employees but also, and perhaps more importantly, the generosity of the members of our community that so graciously gave the supplies that these families desperately need.

Trustee Armacost: One of the letters that we received after the last Board meeting, where we had thanked the Fire Department, the police and the DPW, noted the important role that the Rec Department played both in taking care of people at the Community Center as well as providing a useful source of information. So I wanted to publicly thank for the important role that they also played.

Mayor Swiderski: Lisa and other members of the Parks and Rec Committee went door to door checking up on seniors, knocking on hundreds of doors to make sure that nobody was freezing, nobody was in dire need. It was unprompted and spontaneous and well-done.

Trustee Armacost: Also Raf played an important role from the communication side. Many people found the e-mails really valuable. Your e-mails will not go out without Raf's help, so he should be acknowledged for that, as well.

Mayor Swiderski: I would call him, whether it was at noon or at 8 p.m., and within five minutes the e-mails would go out. He would then post a voicemail with the full text on an answering machine so people could dial into it. He would set up e-mail addresses, everything in a matter of minutes. It felt like he was available 18 hours a day. The same with Brian, the same with everybody who worked for municipal government. I was impressed with the responsiveness and the willingness to go above and beyond.

BOARD DISCUSSION AND COMMENTS

1. Affordable Housing Proposed Local Law Revisions

Sue Smith, Affordable Housing Committee: After the September 30 meeting, there had been discussion about how the Village might come up with some way to have preferences with workforce housing. We tried to get some opinion and some understanding of how the county might view that. As the letter from Housing Action Council indicates, the county would not want that. No preferences, no how, for nothing, affordable housing or workforce housing. However, I should make the point that the housing that has already been created in Hastings, which was a couple years before the HUD mandate to the county, can still have preferences. Our previous preferences can continue for those units, of which there are 18 in Hastings. So that is one of the things that has been addressed.

We have added a couple of parts, starting on the first page. There is a change from what we had said: 70 percent in A, in the definition of affordable housing unit, a for-purchase housing unit. We had indicated that income could not exceed 80 percent, but then also that the monthly charges could not exceed 33 percent of 70 percent. The county did not like that.

They would like 80 percent, to be consistent with their 80 percent of median income. But as you will see as we go through it, we do mention the intent to have it be affordable to people, a house affordable for ownership, for people at 70 percent income. So the intent is expressed. And it would be a lever to pressure a developer in that case. We felt it was important to be said somewhere, but the county did not want it in the primary definition.

On page two, A-4, which deals with the distribution of units in affordable housing, the primary goal is to have them distributed just as the market rate units would be. This is in a set-aside development, where a developer is building market rate units and affordable units. We have added some language which we think will give the Planning Board some flexibility. Let me start by reading the whole thing. Affordable housing units and workforce housing units shall be distributed among one, two, three, or four bedroom units in the same proportion as all of the units in the development. Then we have added this clause: unless a different proportion is approved by the Planning Board as being better suited to the housing needs of the Village. A village that is built out as much as Hastings, and the properties' strange sizes and so many limitations, it seemed that the Planning Board is the place where as much flexibility as reasonable should rest.

Mayor Swiderski: The county is comfortable with that?

Ms. Smith: I believe they are, yes. We have not shown them the whole thing in its finished form. But I think they are supportive of the flexibility of our intent, but giving some flexibility, understanding our constraints in Hastings. They will have to look at the whole law when it is all put together and has been through the process with you folks.

A-6, on page three, is a similar kind of thing. This is minimum floor area. There has been an added clause to that, also somewhat similar. I will read what was there before. The minimum gross floor area per affordable and workforce housing unit shall not be less than 80 percent of the average floor area of the non-restricted in the development, and not less than, and then there are measurements below for the minimum size. But we have added this wording: unless the applicant can establish to the satisfaction of the Village that development is subject to maximum floor area requirements imposed by federal, state or county funding sources, or a different floor area requirement is approved by the Planning Board as being better suited to the housing needs of the Village.

Again, it is flexibility, because the size of market rate units can be all over the lot, depending on what the real estate market is at the time. And to create an affordable unit, it may not be necessary.

Mayor Swiderski: Did you mean, in the italic portion, to say subject to maximum floor area requirements? Or did you mean minimum? Why would the fed set a maximum? Would they set a minimum that might be different from yours? They said max.

Village Attorney Stecich: They said a maximum on some, which is why that had to be in there.

Ms. Smith: There is some variation, but we are trying to comply or be available to comply with them.

B-3 on page four deals with the preferences. Considering the pressure upon all of us to comply with the HUD requirements of the county, we have used the wording which was in one of the alternatives we discussed in September. The wording would be no priorities. No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchases of affordable or workforce housing units. As I said, there is no give on that issue.

Village Attorney Stecich: You know what I think needs to be added? It just occurred to me, when you said this will not apply to ...

Ms. Smith: Existing units in Hastings?

Village Attorney Stecich: Right. Because remember, this replaces the current law. So you are going to have to add a sentence that says this section shall not apply to affordable units created before, and come up with a date.

Ms. Smith: I think that is a good idea, so it is embodied somewhere.

Village Attorney Stecich: It should be in here because this is the only section that it is implied. Priorities do not apply to things, and I think it should be in that paragraph. Rose?

Rose Noonan, Executive Director, Housing Action Council: I agree with you. There is a specific date when the discretionary funding policy came into effect with the county. We could probably use that date.

Ms. Smith: Yes, we will come up with that. I think it is in 2009.

Ms. Smith: On page, B-4, that is the place where we have added the change from 70 percent to 80 percent. And we have added this sentence: To ensure that a broad range of families can afford to purchase the unit and qualify for a mortgage, developers are encouraged to set sales prices to be affordable to a family at 70 percent AMI, average median income.

Trustee Walker: I had a question about the wording of the first sentence. The maximum gross sale price for an affordable housing unit: are you talking about the annual cost of an affordable housing unit, including common charges, etc. shall not exceed 33 percent? But is it the gross sale price? Can it do that calculation? On the first page, they say the annual cost shall not be more than 33 percent. It means the sale price has to be set so that the annual cost...

Ms. Smith: That is right. Or a person is not eligible for it.

Trustee Walker: It is the annual cost, not the gross sales price, that is 33 percent. Is that right?

Ms. Smith: The annual cost cannot be. That is right. Of the gross sales price.

Trustee Walker: Right. It just seemed like that phrase was missing.

Ms. Smith: Could it be clearer?

Trustee Walker: Yes, similar to what is in section 1-A: for which the annual cost of a unit, including common charges, etc. shall not exceed 33 percent.

Ms. Smith: So it should directly mirror that.

Village Attorney Stecich: I think she is right. I will look at it. I know what you are saying.

Trustee Walker: You are still talking about the sale price, but you have to set the sales price so that a annual cost does not exceed.

Village Attorney Stecich: For which the annual cost of the unit, yes. I think it should be the language from A and B, both little A and little B here.

Trustee Apel: And while you are adding the intent, would that cause problems with the person applying for it to say the intent was this, and I should be able to get it? You could say you were encouraging them to do that. Does it matter?

Village Attorney Stecich: I do not know that it is going to do any good.

Trustee Apel: It is nice to say it.

Village Attorney Stecich: It is not going to hurt. Maybe somebody would be encouraged.

Ms. Smith: The Planning Board or someone might require that.

Village Attorney Stecich: You cannot require it.

Trustee Apel: You cannot if everyone else is requiring a different number.

Trustee Armacost: How would one encourage it if there is no stick? Either there is a carrot or there is a stick. So if we are saying there is a carrot, what would that look like? Other than to say we encourage you?

Ms. Smith: It might look like the non-profit Hastings-on-Hudson Affordable Housing Development Fund would not be a partner for them in trying to apply for money. We would have to think about that and do that ahead of time, but it is to their advantage to have a non-profit partner, and they have to have one.

Trustee Walker: So you are leaving open the option that you can enforce this in other ways other than through this ordinance? By availability of funding?

Ms. Smith: I think so.

Trustee Armacost: Could the housing group withhold its support because they have not reached 70 percent?

Trustee Jennings: Answering Niki's question of what is the carrot and what is the stick, would that language not then more appropriately be in a policy statement by the not-for-profit? I wonder about the place of aspirational statements in this document. It is the only one of the kind that we have in here. I have no objection to preambles and prefaces that have aspirational statements in them, but it seems to me odd to be here in a provision.

Ms. Smith: That is a good point. We could try to figure out some other way. Anything come to mind, Rose, or others that have done it?

Mayor Swiderski: Is this county-driven? What is the genesis of this statement?

Ms. Smith: It is trying to give as much latitude to the applicants as possible, to have as wide a band of incomes as possible. If the developer is right up against the 80 percent, the band is really narrow. There are fewer people who are eligible. We are trying to expand the number of people who are eligible.

Trustee Armacost: So you are trying to compensate for the restriction on preferences through this?

Ms. Smith: Not necessarily for preferences. Just general availability.

Trustee Apel: Can it say up front while it is the wish of the Village to have it in this, we are bound by state law to make it that? Why is it being buried in there? Why do we not just say it in the beginning: while it would be our preference to do this, we are bound by state law for that, or we would really encourage those that want to whatever.

Ms. Smith: You would want something broader. Not just addressing this particular issue, but the goals, as a whole, to broaden access.

Trustee Jennings: I was imagining some kind of preamble. But I have another thought about what we might do: to simply say we encourage developers to do X. It does not have any legal force. Sometimes, when you cannot require something but you want to try to have at least some of the developers do it, you can put in a requirement that this would be addressed by somebody at the appropriate time to ask the developer to consider. The Planning Board should bring this up and put the developer on the spot, and say show why you cannot afford to do the 70 percent and you have to do the 80 percent or your project will not fly. That is not making them do 70 percent.

Trustee Armacost: It is making them accountable.

Trustee Jennings: It is simply changing the process so that it becomes explicit and maybe it is embarrassing.

Ms. Smith: And they have to go through the process of revealing. Those are interesting ideas that we need to think about. We have got a committee, so I cannot say something for myself other than that we would consider it and try to come up with something as quickly as possible. We would like very much to get this resolved sooner rather than later.

Mayor Swiderski: We agree.

Village Attorney Stecich: I am thinking mainly of getting this passed. Does it hurt much to just leave that language out? If you want to encourage you can encourage it. I do not think it needs to be in a statute. Who would encourage it?

Mayor Swiderski: It could be the policy.

Village Attorney Stecich: It would be you, when you are speaking with affordable housing developers. I am not sure putting it in the statute means anything. And if it is going to make you lose another month, these other changes we have suggested are really tiny. I would not say they are major tweaks. The Board could probably call for a public hearing with those tweaks fixed. This requires going back. That is your choice.

Trustee Armacost: But can we not pass it, and then add a preamble later?

Village Attorney Stecich: Yes, you could.

Trustee Armacost: It would be better to do it before.

Ms. Noonan: I am the executive director of the Housing Action Council, and work very closely with the Affordable Housing Committee on different housing issues. To clarify why it is drafted the way it is, the initial draft came in at 70 percent. The county said they want to see it at 80 percent. But the reasoning behind the county is a subsidy. because if a developer looks at making it affordable to someone at 70 percent of median rather than 80 percent of median, the subsidy amount from the county is greater. But in their own model inclusionary housing ordinance they refer to their own policy, which is a suggestion that I think you made. In the county's housing policy, they said developers should be encouraged to do it at 70 percent of median. So to respond to you, Marianne, I do not think it necessarily has to be in here and that it could be in a policy, either of your own or of the affordable housing group.

Trustee Apel: Unless there was another section that totally dealt with it for those developers that are willing to do 70 percent, and then go on from there. We would then have a section on that: why we want 70 percent, and what are we willing to do for that. What bothers me is that they are talking out of both sides of their mouth. They want 70 percent, but you put in 80 percent. And we could say, OK, we will put in 80 percent but then we would have a whole other section. Our preference is, really, for 70 percent. And for those developers that do 70 percent we are willing; here are the rules for 70 percent.

Trustee Armacost: Could we t say our preference is that the developers act in accordance with the county's policy and not say 70 percent, but know that the policy is 70 percent?

Trustee Apel: If I am a developer I want to know. I want to know what all my choice are, and then I am going to be able to come to you and say OK.

Village Attorney Stecich: When the county said they prefer 80 percent, what would they do if you left it at 70 percent the way you had it before? Not approve the law?

Mayor Swiderski: I would rather not find out.

Village Attorney Stecich: No, this is different though. This is not like the preferences thing which would run counter to what the court order was. This would not run counter to what the court order was.

Trustee Armacost: This sounds as if it is consistent with the county's policy anyway. So do we understand why there is a discrepancy?

Mayor Swiderski: I am going to imagine that 80 percent is something that developers prefer because it is better subsidized, and 70 percent is what is aspirational is probably the way they square the circle.

Village Attorney Stecich: It is better subsidized.

Ms. Smith: It may get the approval more quickly. They are trying to make their dollars stretch as far as possible.

Ms. Noonan: In terms of practicality it makes sense for a developer to price this at 70 percent of median, because then he creates a band of affordability for those who are between 70 percent and 80 percent . It does require more subsidy, though, if you factor it in at that 70 percent level. But again, in practicality, the county usually does that when a developer comes to them because they also want to see a market demand.

Village Attorney Stecich: Then why did they change it to 80 percent? It makes no sense.

Trustee Apel: Right. And we could be broad. We could say between 70 percent and 80 percent.

Village Attorney Stecich: Make it 75 percent.

Mayor Swiderski: So what are we going to do here?

Ms. Smith: So just leave it as is?

Trustee Apel: What do you want to do?

Ms. Smith: Instead of changing it to 80 percent, just leave it at 70 percent?

Village Attorney Stecich: I think that is what you should do.

Mayor Swiderski: Leave it at 70 percent, and strike the italics?

Village Attorney Stecich: That is what your policy was before, right?

Ms. Smith: Yes. So the definition will be the same. So then we will not need this sentence at the end. Leave it at 70 percent, strike the change to 80 percent.

Mayor Swiderski: And strike the italics.

Trustee Apel: So you will have to decide. Is that only in this particular paragraph?

Ms. Smith: It would be in the definition also.

Village Attorney Stecich: It is on page one, it is on page five. And then you strike that sentence.

Village Attorney Stecich: On page one, in 1-A. Yes, the definition of affordable housing unit.

Trustee Apel: So this stays.

Village Attorney Stecich: And then what you would do on five is change it back to 70 and strike that last sentence, the sentence in italics. And that does not apply to rental. That was just an issue on sale, right?

Ms. Smith: Right.

Lastly, we had omitted a section which had been in the previous law. It is at the bottom of eight, section D: the limited sales value or rent levels of affordable housing units or workforce housing units shall be taken into consideration by the Village Assessor in determining the basis for assessment on such units. That is in other places in law, but we felt it was important that it also be said here, as it had been in previous iteration.

Trustee Apel: This is quite a piece of work. Thank you very much. It is wonderful.

Ms. Smith: I appreciate Marianne's help, all along the way.

Mayor Swiderski: Sue, thank you. And the point is well taken, that the changes here are either cosmetic, or we have agreed to them. So do we need to have a revised version before we can call for a public hearing?

Village Attorney Stecich: No.

Mayor Swiderski: So based on the changes we have said verbally, those will be put into the version for the public hearing?

Village Attorney Stecich: Right.

Mayor Swiderski: And we will schedule it for the next meeting, right? Do we need a resolution?

Village Manager Frobel: Normally they have a resolution that Susan will prepare. So at the next meeting she will have it on the agenda for calling for the hearing.

Village Attorney Stecich: I thought the public hearing was going to be the next meeting.

Village Manager Frobel: Preference of the Board, if they would like. It could move it along quicker.

Mayor Swiderski: Let us just have it next meeting.

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, the Board resolved to hold a Public Hearing to consider changes to the Affordable Housing Law for the Village of Hastings-on-Hudson at 7:30 p.m. on Tuesday, December 4, 2012.

2. Public Storm Post Mortem

Mayor Swiderski: We had an internal first responder post mortem last night that was closed door, and a chance to candidly go over problems and issues on what worked and what lessons we learned. We will eventually issue a short report on that, but the essence of the problems tended to revolve around energy. Lack of power for sustained periods of time meant that all sorts of things, especially with the Fire Department, were on edge. I learned that all the engines are plugged in all the time when they are in their bays to keep their batteries powered and the electronic equipment recharging. As a result, they require emergency generators to keep those engines powered.

We also learned that, briefly, through manual error, Andrus was out. They have a very hefty emergency generator that ran for many days. At one point, due to manual error, some air crept into a pipe. It shut down. The reason that is problematic is that all our emergency communication equipment is on the roof. So for one hour the police and fire had a challenge. That is something that is going to be addressed by the new equipment we are getting, which will have a 36-hour battery backup. But it is an example of the sort of thing we will need to address.

This meeting is an attempt to elicit from the public what they could do better next time. We are going to offer lessons we have learned, and see what sort of interest there is in block watches: a hands-on attempt to keep in touch with seniors on the block, shut-ins, sharing of generators, sharing of rooms, whatever. Come up with ideas to see what we can do so we are even better prepared the next time around. This is not oriented toward what the Village can do for people, but rather what people can do for themselves and for each other. It is an attempt to capitalize on the fact that we are all in the middle of this. I reached out to Danielle Goodman, who did something very similar to this 10 years ago. After 9-11, she did a public preparedness thing, where she mobilized on behalf of the Board citizen committees that put together a manual and other things. She agreed to come up with the agenda and helped organize this because that is something she knows a lot about.

This will be a week from Saturday at the Community Center for two hours. It will cover everything from how you might tweak your insurance policy to make sure it covers weather events, to the physical things you might want to store to be better prepared.

Trustee Jennings: Are we going to produce written materials?

Mayor Swiderski: Totally. I want a page on the Web site with manuals, tip sheets and all that, with a goal of pushing information out to people, not having them just rely on us to do things for them. Advice sheets, checklists to what you should be doing.

Trustee Armacost: There are so many from different organizations for different purposes. Creating one which combines some of those different checklists would be helpful. But there are plenty of good ones that already exist.

I have a separate point on the post mortem, which is that some of us are not post mortem, dealing with, for example, telephone poles that have not been removed, and issues about who is responsible for what bits. The point that Tim was making earlier was chip in and be generous and take care of business yourself. That is right, but there are some people who do not know if they should be doing that. Should we chop up the tree that is blocking our road, or should we wait for Con Edison to do it. Those questions would be useful to address: when

are the poles going to be removed, who is responsible for the trees, certain kinds of things like that where it is not on private land, it is on Village land or public space.

Mayor Swiderski: We seem to revisit this every storm event: what is a public tree, what is a private tree, what is the public responsibility, what is a private responsibility. It is easily reduced to a single sheet, and we need to do it and post it and e-mail it to anyone who asks. It came up last night as well. If the tree was on your property it is your tree. If it was a series of branches that came down, you chop it up, the Village will remove it. But if there is a monster oak on your property, it is your property. It is yours to eliminate.

Trustee Walker: If the monster oak falls on the Village right of way?

Village Manager Frobel: Let me elaborate on what Mr. Jennings asked. As the Mayor indicated, we had last evening an after incident report. We sit down as a group and analyze the event. After any critical event we do this. Out of that will come a memorandum summarizing our conclusions. Part of the night was spent discussing among key personnel our role and responsibility during this event, both in preparation for, during the course of it, and now after the event and how we will proceed.

The two takeaways which were most critical were, one, mitigation. Con Ed will be involved once again in a comprehensive program of tree trimming. Their work in the Village began this week, and I gave you the list of roads. We will be working closely with the crews, encouraging them to trim back trees that are publicly owned and get them out of the way of the wires.

The other takeaway is what is included in my capital improvement program: bringing temporary emergency generation to our key buildings: the Community Center, the ambulance building, and the fire houses. We are not in a financial position to bring emergency generation to all our building, but the Mayor has asked us to prioritize. An offshoot of that conversation was the role of our staff in developing shelters. There are policy decisions that we need to address in the near term, as we map out a strategy to be prepared for a storm of a longer duration. This storm was, fortunately, in milder weather. Had this been a severe ice storm in January, and we were out for that length of time, we would be having a different conversation tonight. But we have got the luxury of time to map out a strategy, pick up on the themes that are in my capital improvement program, and begin to explore making our buildings more user-friendly during a long-term power outage.

The Chief and I attended a lengthy conversation today with Con Ed. They, too, are going through an after-action review of the program. They realize there are some shortcomings that they encountered. But quite frankly, this was a storm of incredible proportion for the

company. They had not experienced anything like this, and a storm like this is very difficult to have adequate resources immediately at your fingertips to bring back all the customers within a reasonable period of time. Hastings residents can expect power interruption over the next several weeks. Con Ed has not released all of the out of state crews. They will stay here through December, or until all their equipment has been brought up to pre-storm specifications. So a lot of work is going to be occurring in all our neighborhoods over the next several weeks as Con Ed begins to improve what, in some neighborhoods were just a Band-Aid. They restored people, but they did not do a complete fix. What is going to happen over the next five weeks is another major investment as they bring their equipment up to those standards.

So some power interruptions are going to occur in all likelihood. We are not going to know when those occur. They could be of two-hour duration, that would be typical. It could be half a day. The other point that came out of that is they are going to work considerably on their communication. They recognize that a storm like this was very difficult to effectively tell every community, at any moment, where crews would be. Crews were delayed in getting here on some occasions, they worked longer in other communities than they anticipated. Crews were promised here at a certain time. When they did not materialize and it was the end of the work day, there was a heightened frustration. There were some logical reasons why that occurred. Again, because of the magnitude of this storm the company recognizes that they are going to have to make some improvements going forward. But they felt they could have done a better job in letting the local officials know the whereabouts of the crews and what their overall plans are. So I think out of this Con ED will come out stronger. I know we will. What I am going to do over the next several months is work with our public officials to map out a strategy so that we can begin to bring power generation to our public buildings.

Trustee Jennings: When Con Edison has to do quick repairs, they do something that will suffice. But then they are coming back and they are bringing their equipment back to the standard that it should be. I wonder if they are also, at least in some selective places, planning to do more than mitigation, do adaptation: make their lines more secure, because e these storms keep coming back again and again. If they have been paying attention to which of the transformers always blow up, which of the poles always fall down, they are not just randomly scattered. There are some weak points in our Hastings system that keep going out again and again and again. Is there any chance that they are going to make the wires stronger, at least in these places that keep going out and affect large sections of our grid?

Village Manager Frobel: That was talked about, and that was a frustration voiced by several public officials. The company has made quite an investment over the past several years in their system. There is a lot of redundancy. In other words, there would have been a

far greater outage, and can you imagine that, had they not made the investment that they have made over the past several years. But they have more work to do. They talked about the power poles. Some of them have to be replaced. There is more equipment than ever before on that. There is Cablevision equipment, Verizon equipment; there is more weight load on some of the poles than they have had in the past. So they recognize that they are going to have to go back and do a lot of that work for a more permanent fix.

We also talked about the underground capability, and would it be wise for them given the fact of the soft spots you have talked about, and having to come back repeatedly to the same areas. Should they begin exploring placement of underground cables? The cost is the big factor. They recognize that short of a major cash influx from the federal government it is probably not going to happen, at least not in the near term.

Trustee Armacost: It would be helpful for people to calibrate internally when certain things will happen. So for example, if you had a telephone pole come down near your house, is it your responsibility to remove it, is it their responsibility to remove it? If it is their responsibility, when will it happen? And what should you do in the meantime? Some of those poles are very big and are interfering with things. Some of those poles has lights on them, so now those areas do not have lights. Whose responsibility are the lights, and when will the lights come on?

Village Manager Frobel: The street lights are the Village responsibility. We have an inventory, we know how many were lost during the storm. I believe it is four, maybe five. We have a cost factor. We will be submitting that to the FEMA application. That is the Village responsibility. But we are going to wait until Con Ed has done a lot of their permanent fixing. I do not want to be in their way. I want them to be the priority to fix the wires and the transformers for permanent fixes, rather than us go in there in between. But it is a priority for us. We will take care of that.

Trustee Armacost: I am not saying you should do it next week. It is communicating to people so they know the plan. People adjust pretty quickly. They can calibrate. They may not be happy, they may be grumpy. But at least they are not constantly thinking it is going to happen tomorrow, when it is not going to happen for three weeks.

Village Manager Frobel: To your point on cleanup, the company sent me an e-mail last week indicating we know we have a lot of debris on the roads. That is going to be the company responsibility to pick that up. The broken telephone poles, the wire, the spools. In fact, the last transformer was removed today from the Village. I have the number of the person to contact, and what I do is periodically send in the location and remind them to pick this up. But they are aware of it, they have crews in the area that will be inventorying what

they have and be picking it up directly. It is very unsightly. And they feel the pressure. We know snow is coming, and the idea is to get this stuff off the streets so our plows are not bumping into it, causing more trouble.

Trustee Armacost: Maybe we should be encouraging people to let you know, Fran. For example, there are places where the wires were put up too low. When tall trucks go past, they have to stop and lift the wires. These are issues that need to be dealt with soon and that need to be registered somewhere. And it is unclear. No one wants to take responsibility. Con Ed does not consider the wires of Verizon and Cablevision to be its responsibility; Cablevision and Verizon think that the poles are Con Edison's responsibility. And meanwhile, the wires are too low. People want to know that they can register the issue somewhere, and that there is a place where they are going to be heard.

Village Manager Frobel: Con Ed has had crews throughout the Village over the past several days conducting surveys. They are people driving around in small sedans or vans. They will take note of low-hanging wires, debris, other information that goes back to their headquarters to have a work order to fix it. But low wires, I can certainly pass all that along to the company. Their goal is, by year end, to have this back to where it was pre-storm.

Mayor Swiderski: We will put out an e-mail. We will have an e-mail set up for just debris or whatever.

Trustee Walker: We spoke at the last meeting about how people kept getting bumped off the Village-wide e-mails lists. They think it is the Village that is bumping them off when, in fact, it is their Internet provider. Can we say something on the Web site to the effect that there are certain e-mail providers that treat Village e-mails as spam? And that they should either find a different e-mail provider or some other way of receiving these e-mails. It was a wonderful service, Peter, what you did for everybody. And there were some frustrated people who could not get them.

Mayor Swiderski: Right. AOL specifically.

Village Manager Frobel: Raf explained all this to me, and I do not have my notes in front of me. I will have him advise people how to address it.

Trustee Walker: Yes, if he could advise people on the Web site.

Trustee Jennings: We should remind people that all these e-mails are on the Web site. So there were other ways to get them. I think people do not know that. They think if they are not on the Village e-mail then there is no other way to get it. But that is not true, right?

Village Manager Frobel: If you go to the homepage there is a list of messages. They can just click on that.

Mayor Swiderski: And we do have a radio station.

Trustee Armacost: The Parks and Rec Facebook site was very helpful.

Village Manager Frobel: It was not kept as current or up to date as we would like, but it was another place.

Trustee Armacost: People loved it. Several people mentioned it to me.

Trustee Jennings: There are ways that anything you post on our Web site can be automatically be put over onto a Facebook page of the Village. So all those e-mails would have been on Facebook, too.

Mayor Swiderski: They were. There is a Village site that they were all posted on, both Parks and Rec and Hastings Village sites. Yes, we need to get all that stuff out. Part of preparedness for the Saturday meeting is all the different channels that we have.

Trustee Armacost: I think everyone lives on a block where there are other people who can take care of them. In situations like this, you have to get very old-fashioned. It is important to check in with people personally, both before so that people know what to do, and afterward.

Mayor Swiderski: Father Fernan was reading the e-mails at his service, and Chief Drumm posted then at the apartment buildings so people in those buildings were aware of them.

3. Update on the Downtown

Trustee Walker: Friday Night Live continues, with the Village tree-lighting ceremony on December 7. I think it is an opportunity. We are going to be talking to merchants about staying open late and having some promotional sales that evening.

The ad hoc committee is moving forward with ideas for recruiting new businesses for our empty storefronts, for engaging high school students in helping with this effort. We are going to meet next week. We need to talk about making this into less of an ad hoc committee and more of a formal committee.

Trustee Armacost: Are they enthusiastic, or are they losing steam?

Trustee Walker: The last month or so we did not meet because I had so many conflicts. We need to have a committee that does not depend on my schedule, that has a life of its own. There are several people who are very enthusiastic. Local residents who want to make something happen in the downtown. I do not want to be the one that stands in their way because I cannot meet. So if we can figure out a way to make it happen without depending on one person, that would be great. We can discuss that at another time, how we can make this more formal and appoint people to this committee. But right now, it is more of a discussion forum. We are looking to implement things next year. Looking at the empty storefronts, engaging landlords in discussions about what they can do as a group collectively; looking to try to bring the Chamber of Commerce back, and discussing with the Building Department how we can streamline the approval processes for new businesses in the downtown.

4. Update on the Waterfront

Mayor Swiderski: There is a 50-foot crane on the waterfront that is worth mentioning.

Village Manager Frobel: That is for sure. The ExxonMobil site, limited activity in October as a result of the storm. There was some adverse weather conditions. But the crane is there and they have begun to offload the 24,000 cubic yards of fill. I am pleased that we insisted on that fill being brought in by barge. They also continued on the ExxonMobil site with removal of the trees. Most of the trees are gone now, and the site preparation continues. Once this dirt has been offloaded and they begin to spread it around the site, they are going to stabilize it by the end of the year and then come back in the spring to do the plantings and stabilize the shoreline.

At the Chevron site, the Uhlich site, very quiet, again, because of the storm. Because the wells have been installed, the activities have dropped off there. You may have noticed, because you received the air monitoring reports, they did have a problem with fugitive dust one day last week. As they were breaking up the concrete pads, there was a register of a higher dust concentration than is allowed. They immediately shut it down. The contractor felt that he was keeping the site moist enough, but evidently he was not. That has since been corrected. They are very sensitive to any kind of fugitive dust.

Trustee Walker: How were you made aware of these fugitive dust incidents?

Village Manager Frobel: I get a daily report. There are two monitoring places: on-site and up in our Riverview Park.

Trustee Walker: And it was simply dust? It was not any kind of toxic material?

Village Manager Frobel: No, not at all. Strictly dust from the concrete, breaking it up, and the way the winds were flowing, it picked it up.

John Gonder, 153 James Street: I know there was significant damage in Kinnally Cove and the tennis courts. I was wondering if anybody assessed any damage to Building 52 after the flooding.

Mayor Swiderski: BP is aware that Building 52 had a couple of feet of water in it. They have not done an assessment of the damage that was done, if any. I do not know if they will before issuing their report on the cost of remediation and next steps, which may guide the discussion in its own right without even a damage assessment. They are doing their own assessment of how much it would cost to remediate that building for eight years, to mothball it. Those numbers, even without any other damage, may be pretty high.

Trustee Armacost: And is that their own assessment, or is that also the assessment of the Doug Allgood team, as well?

Mayor Swiderski: Not yet. They have waited. But there is a bidding process underway. There have been a couple of bids. Doug is going to have free rein with the responses and the numbers.

Trustee Armacost: When is that issue going to come before us?

Mayor Swiderski: Shortly, meaning in the next month or so. They have also had a change of personnel there. Eric Larsen has moved on, promoted. We have a new guy, who I have had a chance to meet and is supposedly good.

This coming Wednesday at 7 p.m. at the Community Center the Waterfront Infrastructure Committee will be presenting what they have come up as far as an approach to laying out where the roads and parks will go, and then soliciting input on the location of the major potential uses of the park: where a marina might to, or a dock, or whatever. We are encouraging people to provide input on the major uses and locations of the parks. This is no longer a theoretical exercise. Where we indicate where a dock should go, BP, in their engineering design, will armor that part of the waterfront to accommodate that dock.

Trustee Walker: It is interesting, in light of what happened on the waterfront in the tidal surge, to think about how the design of the parks and river's edge can mitigate the flooding.

It may be more complex than they are getting into at this point, but it does raise the questions that we need to ask. We may need additional expertise in thinking about it.

Mayor Swiderski: Coincidentally, last week there was a forum about how sea level rise in storms will affect the Hudson Valley. One of the committee members did go, as did Jim Metzger. Much of what we are thinking about doing is in line with best thinking. So a slope into the water is infinitely, apparently, preferable to a bulkhead. With a bulkhead, the water slams against it and delivers all its kinetic energy and shatters it. Sloped, it runs up and runs out of energy. So the approach that we have taken, and that Riverkeeper has endorsed, seems to be what will make sense in the future. Also, the height of the waterfront is going to go up five feet. In a non-storm surge scenario, that covers us. Whether it will cover us in a hurricane plus two feet of sea rise, separate question.

Trustee Armacost: But is not only part of it going up five feet? I thought only the top end.

Mayor Swiderski: The BP end. The other part is going up a foot and a half. But it was not as flooded. It is already higher and more sloped than you would think.

Trustee Walker: It would be interesting to have satellite pictures of the water level at its highest.

Trustee Armacost: I am sure Google Maps has pictures.

Mayor Swiderski: Cloud cover. It was very short-lived. It was gone by the next morning.

Trustee Walker: So we are encouraging people to come next Wednesday. The public's ideas and input are welcomed. It is not just a presentation.

EXECUTIVE SESSION

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

ADJOURNMENT

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