

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

A Regular Meeting was held by the Board of Trustees on Tuesday, December 18, 2012 at 7:42 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Meg Walker, Trustee Nicola Armacost

CITIZENS: Nine (9).

APPROVAL OF MINUTES

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of December 4, 2012 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 33-2012-13 \$270,107.43

PUBLIC COMMENTS

John Gonder, 153 James Street: I went by Dan Rile Park, as I have gone by it the last two Sundays and I see a man working out there 6. Terrific job. It happened to be our good neighbor, Tim Downey. The Board should give him a lot of credit, and I hope you look at what he has done in a short period of time. I wish they could do that in some of the other parks like Pulvers Woods, you cannot even walk through the paths.

Thursday, CBS Radio announced a process for deer reduction in Hastings, 2014. I do not believe they meant Hastings-on-Hudson. They probably meant the Hastings way up in Syracuse off Lake Oswego. I thought the Mayor said it would be 2013, so I do not know where CBS got that info. Maybe I am wrong, maybe it is 2014. It seems like it is six or eight years and we do not have one deer gone.

I read your letter, Mayor, to *The Enterprise* addressing Kathy Sullivan's comments. I think both of you have some good points. But what concerned me, a couple of years to negotiate

to find out if BP is going to sell the property. It takes two hours or two weeks, unless you are going to negotiate something that you have in mind other than what the people in this community know about. Either they are going to sell the property or they are going to hold it. Why would it take about two years to negotiate? I think that is a reasonable question.

Mayor Swiderski: The deer reduction program is for next winter, 2013-2014. I cannot speak to what CBS was saying. An article was published in *Newsday* that was picked up by a number of the radio networks. In fact, it is not this winter, but next winter. So it is not inaccurate. It certainly is us. We are the only town in New York at this point looking at that program.

I do not know how long that negotiation will take. BP has indicated they are going to be coming to us with a response to our request for an indication of how they want to dispose of the property, which was made in May. They said that they will have a formal response, which I assume is the first step in the negotiating process, in spring of this year. It took them close to 10 months to come up with a response to my request. I am assuming this process will not go quickly. It may go very quickly, or it may not. But given how long it has taken to date to get them to respond to my request, that sounds about right. We are asking them to indicate what they want to do. It is more than just keep or sell; there are other possibilities. They could propose a joint venture with us, they could give it to us, they could decide to sit on it; any number of things, some better for the Village and some worse.

Dennis Rubich: We are here to attempt to change the zoning criteria for this MR-C zone to allow more uses. We were before the Zoning Board last Thursday night. I understand that there are a large number of criteria, four points, that we have to meet to get a change of use variance, which is very difficult. So we are here tonight to see if we could change the use, because the uses that are allowed there now are very broad.

Mayor Swiderski: For those who did not have the chance to read the e-mail you sent out, could you describe the problem?

Mr. Rubich: We would like to put a hair salon in a commercial space that is existing.

Mayor Swiderski: And this is 7 Washington, at the base of Washington and Southside?

Mr. Rubich: It is west of Warburton, correct, on the decline on that one-block section. It is a vacant space right now, and it is very difficult to find a lessee or a renter. I will introduce you to Gordon Sokich, who is the owner. He can get you the information of day-to-day services and any actions on that block in general. He is the owner of the building for over 30 years, and he does not plan to leave.

Gordon Sokich, 7 Washington Avenue: This building has been in our family for 35 years. I am very familiar with Washington Avenue, all aspects of it, from the parking, to the impact of walking traffic and everything else that goes along in that area. The bookstore was there for probably 35, 40 years or so. In the past year or so they could not pay the rent. So obviously we had to take the space over. The zoning only allows for very few uses: restaurant/bar, which our family does not want because it is going to impact the whole neighborhood in a drastic manner; or offices, but there is not a lot of parking spaces and it does not work out too well over there; and art studios, galleries, and health center. A health center, I do not know where that would even fit in on the block.

I think when the code was developed, they looked at the block and they put what was there at the time. There are also things that are currently on the block that are not even in the zoning code, like a carwash. We are asking for a hair salon which my family would open up. On that block we are the only ones that did the most amount of improvements in the past 10 years in terms of siding, windows, frontage, a new deck in the back. We take a lot of pride in the property. A hair salon is a service just like anything else on that block. It would not take up too much traffic or impact in terms of parking. It is usually appointments. You are not going to get an inflow like the ballet school across the street, where you have 20 parents at one time picking up their kids and you cannot go up and down the block.

What would even help out if the code could not be changed is the parking. The tenants leave in the morning and the commuters take up Washington Avenue. There is a two-hour parking limit, but it is not enforced. We need meters there for a two-hour limit, and then the town can make some money. I would probably put it all throughout Washington or designate four or five spots so at least the commercial businesses there could survive. I get the complaints from tenants that the commuters come and take their spots. I was there at 5:45, you could not find a spot on Washington Avenue. When I drove by there coming here to the town hall meeting at 7:15, five spots opened up. I was there from 5:45 to 6:15, and all I see is the people getting off the train, going in their car, and leaving. That is another issue, on the side, to address. But because of the economic situation and what is going on, it is very difficult to rent over there. I have my own real estate firm in Manhattan. I have a sign there, I am on different Web sites, I am working with Peter Riolo and a lot of the other firms out there, Mike Gibbons, just to get traffic in there. It is very difficult to rent.

We pay a lot of money in taxes and everything else, and I am just saying to add a couple other little uses onto the zoning code that would not impact the area so drastically. Some of the uses that are currently there maybe the Village might want to reconsider. Who would want a bar over there? Probably the last thing we need is a bar in the town. If the use cannot be there, we really need meters, because that is the only way I could rent it out. For

somebody who wants an office, if it is an architect, a lawyer or whatever it may be, because where are their clients going to park? Even on Ridge Street there are eight spots. It seems like public parking right below the carwash. Then those businesses that want to come in the future could do well, and the ones presently there, and there is not a lot, could survive.

Mayor Swiderski: What did you request at the Zoning Board?

Village Attorney Stecich: A use variance, the standards are very difficult for that. They made essentially the same pitch to the Zoning Board, and I suggested they come back and address those four factors.

Mayor Swiderski: In terms of the process before us, what is that?

Village Attorney Stecich: They are requesting a zoning change.

Mayor Swiderski: How would this proceed if we were to consider it?

Village Attorney Stecich: Let us say you wanted to have a zoning amendment. You would have to have an exact proposal. It could be done by petition, or you could just say we want to consider a zoning amendment. You draft one up, you would have a hearing, you would at least have to go through some form of SEQRA. My guess is it is not going to require an Environmental Impact Statement. Send it to the Zoning Board for a recommendation, and you have a public hearing on it, and then you vote the amendment or not.

A zoning change, depending on what the change is, can be a big deal. Just like the accessory apartment law, that was a zoning change. It was an amendment to the zoning code. You would handle it the same way.

Trustee Apel: It would not have to go through the Zoning Board or the Planning Board first?

Village Attorney Stecich: For recommendation, yes.

Trustee Apel: For recommendation. So they have already made that?

Village Attorney Stecich: No. They are going on two tracks. They have gone to the Zoning Board for a use variance. If they get the use variance it is not even an issue. There is some recognition, though, that maybe they are not going to be able to get a use variance. They are very difficult to get because the standards are so high. The range of uses for this district is quite narrow. You might want to consider this what they are suggesting, that it be

expanded to include not just any use, but I think your suggestion was a personal service establishment.

Mr. Sokich: Correct.

Mayor Swiderski: And personal service establishments cover barber shop/hair?

Village Attorney Stecich: Barber shop, hair salon.

Questioner: Massage?

Village Attorney Stecich: Massage might be under the health or fitness studio. Health, fitness or athletic clubs are allowed. "Personal service establishments include, but are not limited to, barbershops, hair salons, nail salons, tailors, dry cleaning pickup and delivery depots, shoe repair, health clubs, day spas, post office box rental, clothing, diaper service, TV and appliance repair, and linen services."

Trustee Apel: Did those things require special certifications or licensing?

Village Attorney Stecich: No. They could, but not under our code.

Mr. Rubich: You could also even make an argument that a hair salon, under the code, says artists' studio, and technically, you are doing artwork on somebody.

Village Attorney Stecich: The problem with that interpretation is you could say, could it not fit into a fitness club? If the code, in another section, specifically allows a use, which it does with personal service establishment, if it is not listed in the other districts it is not allowed. So there is no way to interpret, the way the code is currently written, to include it.

Mr. Sokich: We do not know how to renovate the space because we do not know what is going in there. That is the other problem we have. I can set up as an office, but then I have somebody who says I need a restaurant and I do not need all the other things in the building. So that is another big issue. I have to get the tenant first. Or if we could open up a business, which would be my fiancée's hair salon, it would be in the family and we are not going anywhere. It would aesthetically help that block, I believe, tremendously. That block needs a lot of help. We love trying to keep it up. You get a higher rent roll, you get a better tenant area in there. I mean I will sit on an apartment for two months until I get the right tenant and not just let anybody come in and cause havoc in the neighborhood. There are some other landlords over there I know who do not care, they do not do background checks or anything, then there are problems. If it looks nice you are going to get more people who want to come

into the town, who want to walk down that path instead of just the train commuters. It would be nice to have somebody go over to the other side of the bridge, walk back down, and there is an overall improvement. Everybody has the same goals, to make the Village a nicer place, a prettier place. This way, you want to walk the whole length. You do not want to hear, oh, you are on the other side of the bridge. You know how many times I hear that when we have apartments for rent, you are on the other side of the bridge? I want to make that other side of the bridge desirable. We have only good intentions. I think it is low impact overall. Whether it is a hair salon or a different business, I think it should be something like that.

Village Attorney Stecich: I want to clarify one thing. Their building is a mixed-use building, which is also a permitted use. But in the mixed-use building, the nonresidential uses have to be one of the permitted uses on the district.

Mayor Swiderski: Anything that populates an empty storefront that does not seem burdensome, we will certainly entertain. I am inclined to turn to the Village Attorney and understand what the next step would be in thinking this through. You are not talking about an establishment that would significantly vary from the other uses there in terms of an impact on traffic or parking. My personal reaction is not negative. It is not like you are asking for a fast food establishment.

Village Attorney Stecich: It can be done one of two ways. They can file a petition for a zoning amendment. If you call me, I will tell you the section. I do not know about this application. I happen to know Dennis because he had an application for a long time in Irvington. I do not want you to think we are friends, although I like you. Or the Board can do it on its own. The Board can say we want to amend the code this way and ask me to draft an amendment. You can do that, or you can have them file a petition.

Trustee Jennings: If we amend the zoning code, then the entire zone will be amended. It is not about one building. It is about wherever this zone is, whereas the difficult pathway through the Zoning Board is an exemption for one building.

Village Attorney Stecich: Yes, it is the MR-C district. You would have to look at not just their building, you would have to look at the whole district. But my recollection is that it is a tiny district. That was a new district created when they did the downtown zoning. Meg would be familiar with that because she was involved in that as the planner. But, Bruce, it is a good question, because let us say it was in a district where there was a lot. Then you have to look at every single property and see how it might affect it. You have to do it here, too; it just happens to be a simpler task because it is a small district.

Mayor Swiderski: Marge, do you want a petition, do you want to move as a board?

Trustee Apel: I think it is a reasonable request. Since it is a small area, if Bruce concurs that it is small enough or wants to look at the map again, we should try to expedite it as quickly as possible. Otherwise, it will be months. So if we could get a copy of the map.

Village Attorney Stecich: I can draft an amendment to give you the map.

Mayor Swiderski: And in terms of the neg dec on SEQRA, this is not a greater use than the other uses for the area. That would be done at that time?

Village Attorney Stecich: Yes, we should neg dec. But we will do an Environmental Assessment Form.

Mr. Rubich: Which is already filled out.

Village Attorney Stecich: Yes, but this would have to be different, Dennis, because your EAF was done in support of a use variance. I am not sure if you rezone whether it is a type one or an unlisted. If it is type one we have to do a long form EAF. There are a couple of details I have to look at, but that is not a big deal.

Trustee Apel: And when could this come before the Board?

Village Attorney Stecich: I could have it ready by the end of the week. But my suggestion is you consider the draft, you discuss it, and then you would call for a public hearing.

Trustee Jennings: I do not have an objection to this at all. But if we are going to alter the definition of the permitted uses within the zone, even though it is a small zone, I would like to revisit the rationale for why we created a one-block zone in the first place. But as long as we are doing it, and I do not want to drag this or prolong it necessarily, rather than just add one use that somebody has proposed to us, a hair salon or whatever, why do we not take a look at the uses that we want in that zone and amend it accordingly? I do not want to have to do this the next time somebody wants to do a hot dog stand or whatever else. And I know all the owners that have the properties over there.

Mr. Sokich: And I know all the owners that have the properties over there. Chris owns the other bookstore on the other side, also. He had both sides. There is a good shot, in a year or two, he will not survive. I know that owner will probably come to you for some other use, depending on what you could rent it for. But whatever you comes up with next, if there were meters you would solve a lot of the people coming back saying there is no parking, we cannot get anybody in.

Mayor Swiderski: A separate issue.

Mr. Sokich: Yes, it is a separate issue, but I think they coincide a little, because you already have the law, from 8 to 6 p.m. a two-hour meter, but it is not enforced. Nobody ever gets a ticket. If I wanted to park my car there all day I could sit there and not get a ticket. So I would also look at it as a revenue stream.

Mayor Swiderski: We can easily address that.

Village Attorney Stecich: If you were doing that, I suggest you would take the uses from the commercial district. However, there are some of those uses that just would not make sense because the buildings are too small or there is not enough parking, like a funeral parlor. I do not know who would be helpful to sit down with me to decide. Or I can just write the other uses in.

Trustee Apel: I object to when we have a zone and say it includes everything from that zone.

Village Attorney Stecich: No, I would list them. Some things obviously do not make sense. Municipal parking lots, that does not make sense. So I will write up the list of uses, exclude the clearly inappropriate ones, and then you could just cross them out.

Mayor Swiderski: Trustee Walker was responsible for this. I do not mean to back the bus up over her, but she was the one.

Trustee Jennings: I am very taken by one of the things that was said. I would like to see this block, in this part of the Village, become a part of the Village and become a better mix of uses, and a place where people want to go. So if we are going to amend the zone, let us try to fix the zone so the zone facilitates this block.

Mayor Swiderski: Within its limitations of parking, et cetera.

Trustee Jennings: Within whatever the limitations are.

Mayor Swiderski: I agree.

Trustee Jennings: But let us not do this use by use. Let us think of it as the whole block and how it can best fit in to the whole Village.

Village Attorney Stecich: The other way to deal with it, and in this Meg would be very useful, is rezone it CC. It used to be the Central Commercial District. For some reason, this one block was pulled out. Maybe it should be put back in, I do not know.

72:12 CHANGE OF MEETING DATES

Mayor Swiderski: Board meetings are the first and third Tuesday of the month. The first Tuesday of the month happens to be January 1 so this is for a change in meeting dates.

Trustee Apel: I will not be here January 8, but if you want to hold the meeting that is fine.

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

RESOLVED: that the Mayor and Board of Trustees hereby schedule the following Regular Meeting dates:

1. January 8, 2013
2. January 22, 2013

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Our new dump trucks have been delivered to the dealer, who will now install the dump, the plow and the hydraulics. The trucks, in other words, have been manufactured. They have a chassis, the cab, the engine and transmission so now they are in the next and final leg of their journey to us. A little behind schedule, we now expect delivery mid-January, which is not bad given some weather delays that may have caused it being backed up.

Our radio system is near complete. The police and DPW are now narrow band-compliant, operational for the last several days under the new system. The fire department will be, if not already, on narrow band. DPW is on it, but they are using the fire department frequency

right now. We have petitioned for four different new frequencies, which will take DPW off the fire system. All the cabinetry has been installed at Andrus. Out of our six new antennas, three have already been installed. So we have made good progress there, too. Which is left to do is a lot of the reconfiguration in the police department. The cabinetry has been ordered but has not been installed yet. We are within the letter of the law. I am very pleased that we have met the deadline. It seems to be working very well. A little bit of tweaking last Friday, but we are very satisfied with the installation and the quality of the radio system that we now are enjoying.

BOARD DISCUSSION AND COMMENTS

1. Request for a Library Board Liaison

Mayor Swiderski: I asked this to be put on the agenda. We generally stepped away from what was, for years, a liaison system, where members of the Board also attended meetings of other boards, but the library has requested a liaison. I have not reached out to Trustees to ask if there is an interest or availability to serve as a liaison. The library, compared to the other boards, is unusual and different in that they have their own budget and their own board, and a tighter and formal integration with our efforts is probably appropriate. I think there is some merit to the request. Any comments, volunteers?

Trustee Jennings: I was the official liaison for the Library in the early 2000s. I would certainly be willing to talk with the other Board members about it. I do not think it is a bad idea, especially for the library because it is a special case. I enjoyed very much working with the Library Board. That I do remember very well. So I am not averse to it, and I might even volunteer to be considered for that position if we decide to go forward with it.

Mayor Swiderski: All right. I do not see a natural reason to say no.

Trustee Apel: Sounds like a good plan.

2. Hook and Ladder Requests Regarding Tree Trimming and Parking

Village Manager Frobel: In your packets you received a copy of a letter from the Hook and Ladder. I may have dropped the ball on this somewhat. When some of these issues were first brought to my attention I had asked Mike Gunther to work with the department to identify some of the areas that need special attention. For whatever reason, we were not able to execute that. We identified a few spots, but the list was somewhat long and we felt that maybe some additional input would have been helpful. I am going to suggest that Mike and I, over the next several months, focus on the list that has been provided to us by the men of

the department. We will go around and we will look at those areas that need attention. In my conversation with Mike Gunther last week, when the letter first arrived, he admits there are some areas where there are public trees that need to be trimmed and we need to spend a little attention on that. Some of the trees on the original list are privately owned. We will have to identify those and work with the property owner and let them know that it presents a hazard to the execution of our responsibilities as firemen and that they need to be trimmed. We will have to work, hopefully cooperatively, with homeowners. I would like to pick up where we left off last summer, work off the list, and identify some areas that need attention.

Mayor Swiderski: This particular request is from the Hook and Ladder. There are tree limbs that extend out over the street and hang too low. It forces the truck to veer to avoid having the rear cab struck by the limbs, and it poses a danger to the individual in the cab and to the very expensive piece of machinery that is that vehicle. The request from the fire department was that we take a look at a list of these limbs and work through them. In terms of the legal issue here, Marianne, if a private individual's tree has a branch extending over the street and poses that risk to a Village safety vehicle, what is the law? Are we allowed to take it down without due process? I would like to go armed into these discussions, knowing whether we can just do it. We will ask, of course. But if somebody says no it would be nice to know that we can say we are doing it anyway.

Village Attorney Stecich: I will send you an e-mail on it tomorrow.

Trustee Jennings: I assume we are talking here about the DPW performing the work.

Mayor Swiderski: No, I do not assume that.

Trustee Jennings: You do not. So the homeowner may be faced with the personal expense of cutting them.

Mayor Swiderski: I do not know if we can impose that. Can we?

Village Manager Frobel: I will let Marianne find out.

Village Attorney Stecich: So that is two questions. Part of it is a general law question, but part of it has to do with whatever our provision is on streets and sidewalks, which I do not have with me.

Village Manager Frobel: The second issue raised in the same letter talked about our relationship with a private business that, as you know, goes back a number of years, probably back to 1995-96, in which they lease some space.

Mayor Swiderski: Just to set the context, we are talking about the Hook and Ladder building next to the Community Center. It is the only building that is actually Village property. As a result, the Village has the right to lease parking spaces in the parking lot that is behind that building. The question posed by the fire department revolved around the use of the spots that we currently lease out to the taxi company and whether they are overusing the allocation, whether it is property compensated, et cetera.

Village Manager Frobel: What I was going to say is, this is a business relationship we have. It is unusual that we have a local businessman that pays for spaces for his employees to be used. It is a revenue stream and one that we cannot ignore. On my daily walk I often tour that as one of my stops. There may be times when there is a car over the four that are allowed. But when brought to the attention of the owner it is usually quickly corrected. If we are about the business of being business-friendly, I see this as an amenity that the businessman is willing to pay for. If it is an inconvenience, at times, to the Hook and Ladder members I will carefully monitor it and make sure it does not go over the allocation, and make certain that it is kept in a neat and tidy manner. Short of that, I do not see any reason to discontinue the relationship. Obviously, it is the Board's decision, but with some close monitoring I would like to give it a little longer time to make sure that it is workable for us.

Mayor Swiderski: Are the spots clearly marked?

Village Manager Frobel: No. But as you go down the drive, it is to the left. Right now, cord wood, for some reason, has been placed there. It is an obstruction to where the businessman normally would park his vehicles, so he has to park a little further out. Maybe that exacerbates the turning radius of the driveway. But it seems to be temporary. Aside from that obstruction, normally it is to the left of the parking lot.

Trustee Jennings: Do you know what the revenue is?

Village Manager Frobel: It is \$2,400 a year.

Mayor Swiderski: It is not a lot, but it is not nothing. We take it where we can.

So regarding the tree trimming, that is not likely to be a DPW responsibility. We are going to have to rely on the community or somebody?

Village Manager Frobel: In some cases, yes. We do have a bucket truck if we can use that, if Jim Sugrue can do that. Nothing too heavy. I do not want to put him in any danger. But in all likelihood, the community.

Mayor Swiderski: Do you know the number of trees we are talking about?

Village Manager Frobelski: That was part of our initial concern, that it is rather extensive. But with Mike Gunther and I surveying it, we can make some informed decisions and narrow it down. But I cannot tell you that.

Mayor Swiderski: More than 10, more than 30?

Village Manager Frobelski: Oh, yes, more than 30. Yes, more than 100.

Mayor Swiderski: I assume the situation is exacerbated by snow.

Village Manager Frobelski: It is. But also, a few weeks ago I gave the Board the list from Con Ed. Mike Gunther also aggressively steers crews into those areas that he knows are a problem for us in other parts of our operation. We have been pretty successful in that. I am hoping that this list has been culled down a little over the past 18 months.

3. Request to Waive Building Fees for Hurricane Repairs

Mayor Swiderski: We got a request from an individual who suffered structural damage to his house asking for a waiver to our customary building fees because of the expense incurred as a result of Sandy. We did a little bit of work on this, Fran.

Village Manager Frobelski: We did. Susan surveyed some of our neighboring communities. Of seven neighboring communities, we have found out that Mamaroneck and Croton-on-Hudson have waived the building fees for those homes damaged as a result of the storm. In Tarrytown, tonight they are having a public hearing considering it. So out of the seven, we know two are doing it. We have given you a list of homes that we felt would in all likelihood be looking for building permits. There were three that had what we consider major structural damage to their homes. Only one has taken out a permit so far for those repairs. Others have come in to inquire and begun to spec out the level of work.

Mayor Swiderski: What is the customary building fee?

Village Manager Frobelski: It is 1.5 percent.

Mayor Swiderski: And is that typically borne by the individual, or is it borne by the insurance company?

Village Manager Frobel: It is my understanding that it is part of the cost to restore your home. So it is part of your homeowner's insurance. Now obviously, homeowner's insurance has a deductible. Could you logically say that the first \$5,000 or whatever my deductible is out of pocket and the Village should offer me some relief? I do not know.

Mayor Swiderski: But that would not matter. It would only matter if the entire cost to repair, plus the building fee, was below the deductible. Otherwise, it is just part of the repair. Any thoughts?

Village Manager Frobel: I mentioned that if the homeowner was able to demonstrate that his homeowner's insurance was not going to cover it, and if Deven was absolutely convinced that the level of repairs was directly related only to storm damage, no other work being done on the home at the same time, coincidentally while this is being undertaken, would be isolated. Those kinds of conditions have some possibilities. It was an unusual storm. We do have, as I indicated, three, maybe four, homes that will fall in this category of requiring building permits to bring about the repairs. Others are moderate in nature and will not need permits: broken gutters, window replacement, the corner of a home broken.

Trustee Apel: How much money are we talking about?

Village Manager Frobel: One homeowner is estimating the damages at \$80,000. He has taken out a permit and his permit cost him \$1,235.

Trustee Apel: And do we know whether or not it is covered by his insurance?

Village Manager Frobel: I have not asked them. It is none of my business.

Trustee Jennings: I like the hardship exemption route if that is kosher and legal. I suppose that if we are only talking about, say, four structures, and let us just say for the sake of argument that the insurance does not cover them, we are talking about roughly \$1,000.

Village Manager Frobel: Per.

Trustee Jennings: We are looking at \$4,000 in lost fees. I do not think that will actually be the case. But that is a worst case scenario from a financial point of view of the Village. I think if it was demonstrated that this was hurricane-related repair and nothing else ...

Trustee Apel: And not covered by insurance?

Mayor Swiderski: And not covered by insurance.

Trustee Jennings: It would be the right thing to do. I think it would express our values as a village, and that would be worth foregoing \$4,000.

Mayor Swiderski: But that is Fran's formulation that it is not covered by insurance.

Trustee Jennings: Well, that is the hardship exemption criteria. So if that is not objectionable from a legal point of view to do it that way, then administratively that would be the solution rather than pass a policy and say we are not going to charge any fees. We are still going to have to specify how these people prove that it is Sandy-related and not just taking advantage of an opportunity to do other things.

Village Manager Frobel: That was our concern. And you do raise the point, Bruce, that we had asked about whether it was legal, whether this was viewed as not a gift, but something that a village could bestow on someone. You know, other people have hardships, as well. You have a fire, your home is lost and insurance does not cover any of it. It does not cover the building permit. Should the Village help in that regard? I just toss that out as another example that we were concerned about: hardships for an individual beyond Mother Nature-related. The gentleman who brought the petition to us is indicating that his repairs could be upwards of \$150,000.

Trustee Apel: We went through all those meetings of why we charge the fees. It is because we are sending somebody out with all that time. It is not that it is going to be less time because it is an exemption, and we are going to spend the same amount of time. That is the other part of what goes on with it. That is what the fees were for: to cover those costs.

Village Manager Frobel: Exactly.

Trustee Jennings: Our goal was to try to make the building inspection process a user fee-based service rather than a general taxpayer subsidy.

Mayor Swiderski: Marianne?

Village Attorney Stecich: I really do not think it is a legal issue.

Mayor Swiderski: It is not? So then it is free to be waived.

Village Attorney Stecich: The municipalities are split on it. Some are doing it, some are not. First of all, is somebody going to challenge it? If they are not going to challenge it, it does not matter.

Mayor Swiderski: It is less a challenge and more a precedent.

Village Attorney Stecich: Yes, let us say it is. I can think of arguments for why somebody would say you should not do it, that, as Fran suggested, it is a gift. Secondly, how do you rationally do it? There is no rational distinction between this hurricane and an accidental fire. How do you distinguish them? I do not know. So I can think of arguments. But on the other hand, there are municipalities that waived it. Presumably they felt it was within their power. I think whatever you come to as a policy we would be able to support. I can think of arguments on both sides.

Trustee Apel: Whenever it rains and it gets bad, my basement could flood and it could ruin my whole thing. And then I would have to go to the insurance and call that in. And then I am going to ask for a waiver because it rained that day?

Village Attorney Stecich: And that was not your fault.

Trustee Apel: It wasn't my fault. I feel for these people. I understand, and I understand it is the biggest storm we have ever had and it really affected some people. But I just question whether doing this is right. I understand the social reason to do it, but the implications in the future of what that would bring is always a question. That is the only question I have.

Mayor Swiderski: It does set a precedent.

Village Manager Frobel: It does.

Trustee Apel: Yes. And every time there is a something, you are going to get this.

Trustee Jennings: Yes. And another consideration, is I do not believe this would kick in if we simply did this in relationship to Sandy as a special exemption, Sandy-related only kind of thing. But if we go generally down the road of if your homeowner's insurance does not cover it we will consider you for a waiver, then that is giving people a perverse incentive to get weak insurance, is it not? To pay less in premiums.

Village Attorney Stecich: On that one, I would say the insurance company who is going to look at it is saying you do not get reimbursed for it because your municipality would waive it if we do not pay it. So it sounds good. I do not think that would work. In addition to which, Peter, you were suggesting something earlier. Somebody's costs, including the building permit, to the repairs is \$21,000. I am making up numbers. It is \$21,000 and they have a \$5,000 deductible. So the insurance company pays them \$16,000. Did that \$16,000 include

the \$1,000, or not? As a practical matter, I do not think that would work. I hate to say it because it sounds so unsympathetic, but there are problems.

Mayor Swiderski: I respect the problems, and I respect the danger of setting a precedent. I also do not want to sound unsympathetic. But if Sandy was truly hideous and it was hundreds of homes, ultimately there have been other incidents in town where there was flooding on Nepperhan and multiple homes were damaged. We did not, at that time, grant exemptions. I am inclined to not set the precedent.

Village Attorney Stecich: Fran, you did mention the municipalities that did not do it. But I think Dobbs Ferry is charging, Ardsley is charging the building permit.

Village Manager Frobels: Pelham, Irvington, Scarsdale.

Village Attorney Stecich: Irvington is charging the building permit. So actually, most of our immediate neighbors are.

Village Manager Frobels: You are right.

Village Attorney Stecich: Mamaroneck and Croton are removed. Our closest neighbors are.

Mayor Swiderski: Without being callous, I am inclined to say no.

4. Update on the Waterfront

Mayor Swiderski: I have nothing here. Fran, I do not know if you have updates. I see the crane at it.

Village Manager Frobels: Yes. The Exxon Mobil site, they expect to have all the fill and soil offloaded by this week onto the site, off their barges that have been coming in. They expect to have all the soil in place by the end of the month. They will be hydroseeding certain sections beginning this week, and they expect to have all the hydroseeding done by the end of January. So they are pleased with their progress.

Mayor Swiderski: What does that term mean?

Village Manager Frobels: That is that mixture of seed, fertilizer and mulch that they will spread on the entire surface to begin to establish it so it is stable and you are not getting dust problems and mud. Some vegetative growth will start to stabilize the site.

On the other site, at Uhlich Color, this week the company is going to be continuing to install some additional monitoring wells. They are performing some wiring and electrical work to energize the groundwater mediation system. They do not expect any work to be performed between Christmas and New Year's. They will come back early January to do some additional work. But this week will be some electrical work and two additional monitoring wells. They are pleased with their progress, as well, in speaking to both engineers.

Mayor Swiderski: A sidebar comment on the Waterfront Infrastructure Committee, I am going to be exploring with them over the next few weeks the opportunity to include considerations such as sustainability issues as were raised during that meeting, in a letter to the editor, discussion with Trustee Apel, and just careful consideration. Sandy brought home some realities, and citizens have raised it both in that meeting and other venues that it makes sense to also incorporate that into any infrastructure plan for the site. I am going to ask that one of the members of the Infrastructure Committee work with some designated members of the Conservation Commission to make sure that sustainability considerations are considered. That may mean nothing, but at least they should be considered.

5. Update on Downtown

Mayor Swiderski: Trustee Walker is not here for an update on the downtown, so that update passes.

ADJOURNMENT

Mayor Swiderski: I would like to adjourn in memory of the victims of the shooting in Connecticut, both in honor of children's lives lost and the truest of public servants, the teachers, who died protecting their charges. A moment of silence.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting in memory of the victims of the Connecticut shooting at 8:40 p.m.