

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 2, 2013

A Regular Meeting was held by the Board of Trustees on Tuesday, April 2, 2013 at 8:50 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. Frobels, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto

CITIZENS: Twenty-two (22).

PRESENTATIONS

1. Update on Hastings/Dobbs Ferry Joint Superintendent Pilot

Mayor Swiderski: I would like to read a statement on that issue.

"We have been working through the issues around the Board's concept of sharing a Parks and Recreation superintendent with Dobbs Ferry. As I mentioned in the last meeting, we have been in close discussions with Dobbs Ferry around the particulars of an intermunicipal agreement between the two communities that would govern this one-year experiment. Tonight I am reporting that we have decided not to go forward with an intermunicipal agreement at this time. The reason is that in our negotiations with Dobbs Ferry we have encountered some issues that have led us to conclude that we should set aside for now any plans to share a superintendent between our two Parks and Recreation departments.

We are fortunate to have a more than able acting Parks and Recreation Superintendent in Kendra Garrison, who can certainly manage the program for the immediate future. Kendra Garrison will remain in her role. The boards of trustees of both Hastings and Dobbs Ferry remain committed to the concept of exploring shared services and opportunities in our parks and recreation programs and in other areas. To this end, we will be instructing Kendra Garrison and Matt Arone to actively work together to identify areas of common interests and opportunities for new shared programs and sharing expenses. We will also be looking to our respective parks and recreation commissions the explore concepts, meet with one another, and come up with recommendations on joint efforts that make sense.

In response to taxpayer demands, we as a Board have committed that we would find ways to control costs and identify shared expenses with other villages so as to reduce the tax burden on our citizens. As we are now in budget season, it is painfully clear how necessary and inevitable this process is. Although in the last few years we have dramatically improved our financial condition, and successfully controlled our expenses, the fiscal situation remains a serious challenge. If we do not find and actively explore creative and relatively painless ways to reduce costs such as sharing services we will be forced to either cut services or significantly exceed the state's 2 percent tax levy cap. Thankfully we are not at that point yet, but we are perilously close and we want to avoid it, if at all possible.

During the public discussion at the last Board meeting we heard a number of residents express concern that through sharing services we will somehow lose something that is precious and unique about Hastings. The argument was that if we do not maintain our own separate programs and management personnel we will start down a road that dilutes us as a community. Each one of us can tell stories of Hastings that speak to the strengths and character of this community, qualities that we all cherish and seek to preserve. However, not one of us on the Board feels this spirit will be lost or undermined by cooperation with neighborhood communities because that spirit does not come about from our isolation, it comes about because of our relationships. We are who we are, and we can sustain our identity even as we change and adapt our government and public services.

The Board believes that the most serious, long-term threat to the quality and character of Hastings is a constant death by a thousand cuts that we suffer as taxes rise and costs increase so that old-time residents get squeezed out and families who have lived here for several generations cannot imagine how their kids will be able to afford their lives here. That is what will erode the Hastings that we love. We and many, many of our fellow citizens see this as the critical threat to Hastings. That is what the Board and I are dead set to fight against.

The next steps will be hard, but not impossible. By identifying what services we can share with neighboring communities, we can head off these two alternatives: taxes increasing faster than many can afford, or services dropping quality over time. The Board, and Dobbs Ferry's, is not eager to raise taxes. None of us sitting here want to contribute to the pressures that drive people from our village. We want to lessen them if we can. Nor do we want to be forced to cut services. So we, as a Board, are unanimously committed to

working with Dobbs Ferry, the Town of Greenburgh and other municipalities to find responsible ways to keep our costs in check, because the alternative, a less diverse, more expensive Hastings, is unacceptable to us, as we strongly believe it is to most, if not all, of you.

With these considerations in mind, I would like to address some of the comments we heard at the last meeting. Ms. Harmon offered a path that respected fiscal constraints and yet sought to preserve our independence. It is similar to the one we are taking. Several others spoke eloquently about preserving what makes Hastings unique, and we could not agree more. But some seem to equate uniqueness with separation. The Board of Trustees categorically rejects that notion. We will not forego working with Dobbs Ferry because of an us-versus-them attitude. In fact, exactly the opposite. The very existence of such attitudes is a perfectly excellent reason for us to work more closely with Dobbs to break down whatever barriers may exist and to teach our children by the example of our mutual cooperation.

Yes, we are different as communities. But the people of Hastings and Dobbs Ferry, adults, teenagers and children, are not so different. Many have gone to the same nursery schools and daycare, play AYSO soccer together, and enjoy joint activities and long-time friendships. They are our neighbors and they, too, share of the same concerns and fiscal constraints. We can, and will, work with Dobbs Ferry and other neighboring communities so we can remain strong and vibrant.

There are many examples of cooperation that we want to build on in ways that save us money. For example, the fire departments in the Rivertowns all band together and share training resources. We all share DPW equipment in times of emergency, and aid each other on larger police calls. And now, we must continue to share where it saves money and allows us to concentrate on focusing on what is more important. The overall direction is clear to all of us on this Board. We either work together as a community and as neighboring communities cut costs, or we watch our taxes rise and our neighbors are squeezed out.

With all this said, I want to thank you, all of you, for coming to offer your suggestions and to participate in a meaningful discussion on this specific issue regarding the Parks and Recreation Department. We encourage all of you to continue to dialogue with us about taxes, pressure from the state, with the 2 percent cap and how it affects us, and working out ways to come to terms with

these issues. We are, above all, a community of hard-working, caring people that love this village and want to maintain its unique character.

Mayor Connett has asked that I relay the following statement, as well. 'Dobbs Ferry will continue to look for opportunities to work with Hastings and our other great neighbors to share facilities, programs and/or services where it makes sense, to work to make our communities more sustainable in the long run, which will also help us retain the special and unique qualities we value in our villages.

Thank you very much."

Valerie Harmon, 185 High Street: I would like to applaud both mayors and boards for coming to this great decision. I lived through many rec department groups of people. I know how much my husband meant to this village. I know how much this village meant to my husband. But this current group of staff people have brought us into the 21st century. We have the greatest programs and the greatest group of people putting on those programs, and I am so glad that we recognize this tonight.

Susan Cooper, 378 Warburton Avenue: Obviously, things have changed. I wanted to say that it is a sign of good mental and fiscal health to go forward with shared services and consolidation of these very small villages. On the other hand, it would be a sign of poor mental and fiscal health to not consolidate or share services. We have so many layers of government here in Westchester. In the *Enterprise* article it seemed that the cost savings would be significant. *The Enterprise* stated that if we did share services with Dobbs that it would cost Hastings \$65,000 a year, and if we did not the cost would roughly double. That is \$130,000 a year. Significant. What was not talked about in the article was the idea of sharing pension and health care costs. Those are the costs that are driving budgets all around Westchester and we are seeing major cuts, soon to be in a neighborhood near us. Many of us would advocate towards shared services. For people that object to sharing services, it might help people to understand what is driving these costs. It might help if the Village posted five-year, multiyear budget projections into the future as to what these two items in particular, pension and health care, are going to cost going forward if there is no change in Albany. That could be posted on line and in *The Enterprise*. People need to understand what this could mean, and that would be a sign of good mental health.

Mayor Swiderski: While I do not typically respond, we intend to do something like that in the near future.

Susan Winn, 208 Farragut Avenue: I would like to agree with Val and commend the Board for taking this bull by the horns and listening to the people of Hastings. That was what it was all about, that we would be listened to. It has nothing to do with sharing services because we all realize that is what we have to do. This was a question of sharing personnel. You made the right decision that we would not share a superintendent, but definitely sharing services is a good idea.

Jim Metzger, 427 Warburton Avenue: Are we going to be hiring a superintendent?

Mayor Swiderski: We are not. We are going to do with that we have got.

Mr. Metzger: So we are not spending the \$135,000. We are saving \$60,000. I would like to say to our Parks and Recreation people that the Village needs to support them. Now that we have all been to the meetings and have all said how wonderful a job they are doing, now is the time to put our money where our mouths are. When they need our help, we need to stand up and provide that.

2. Budget Priorities – Comprehensive Plan Implementation Committee

Mayor Swiderski: We have asked the committee to present to the Board, as we head into budget season, to understand what impact we may want to account for in planning to implement your ideas.

Mr. Metzger, Chair, CPIC: We are a group of seven that has been meeting since November biweekly. We have had 12 or 13 meetings. We have a consultant who was on the Comp Plan Committee, but no longer lives in Hastings proper, Ellen. Marge Apel, our Trustee liaison, has been doing an extraordinary job interfacing and bringing the concerns of the Board to our committee and bringing our committee's concerns back to the Board.

The Board did a great job on selecting the people on our committee: Eileen Baecher, Rhoda Barr, Betsy Imershein, Mike Jacobs, Jason Jobe, Dennis Murphy, Ellen, and myself. Three of us were on the Comprehensive Plan Committee. We helped not only to educate the other members of the Board that were not on, but they acted as a sounding board to give us feedback on what outsiders are viewing as part of the Comp Plan Committee. Our initial meetings were reviewing chapter by chapter, breaking them out into objectives and strategies. We hung them up on the wall, and then we went through a chapter by chapter prioritization and came to an overall feeling on what we deemed were the most important priorities. Marge asked us to present several of those priorities before your budget discussions so if there were costs they could be rolled into this year's discussion and not have to wait another year.

We had to find a nucleus to build on: what was the most important priority in the Comp Plan; what would be a genesis of everything moving forward. We had to pick a spot where we could use something to generate a good feeling about the Village, to generate potential income about the Village, to generate tourism, all of those things that are important for the growth of Hastings. The downtown was a logical place to start. In reviewing the chapter on the downtown, we came to the conclusion that a downtown management structure would be the single-most important thing we could recommend. Over the years many committees have been formed from within Village government and from outside Village government, and they all tend to get to a certain point and then there is a lack of communication. The committees peter out, there is a little bit of friction. It is very difficult to keep people moving forward. So we are recommending that the Village consider hiring someone whose expertise is in putting together a plan that would incorporate Village government, landlords, business owners, the Chamber of Commerce, the citizens and to look at all of the strategies that have been looked at to improve our downtown. To have that as an official person within the Village government answering to the Village Manager and to the Trustees could take that process and move it forward. The complaints about empty storefronts could be addressed by a marketing campaign. The complaints about Village cleanliness could be addressed by working with the DPW or Village volunteers. This person would act as a clearing house. We feel that if we can get the downtown moving forward, that will be the genesis for everything else that goes on in the Village. It is the issue that we discuss most in private, and it was one of our biggest issues in the Comprehensive Plan.

Not all of these would require immediate funding. Obviously, a downtown manager would. But not rezoning large tracts to enhance future ratables. We have two issues with large tracts. Some are zoned for uses that they are not enjoying; Reynolds Field is zoned for residential, or potentially a light industrial use. We need to bring these tracts into compliance with Village code. We also need to look at the large tracts that are legal. Everything is working fine. But there may be a business model as the economy develops that would give us an opportunity to develop a stronger commercial base in the Village. We talked about ways to raise taxes in the Village. School tax is the biggest tax we pay. If we could get a better balance of commercial to residential use in the Village it could keep property taxes lower while increasing the tax base. The greatest opportunity we have to do that is to rezone some of our large tracts so that should business opportunities present themselves from the current owners we would be prepared to utilize that property to enhance the Village. That was our number two priority. It was in chapter four, strategy 4.1.

Strategy 1.1 in large tracts was to establish a scenic corridor overlay zone. The Village had a person who came in from out of the country and did some preliminary work. Entry and exiting to this village is what sets people up to enjoy the Village or not. We know of

communities where, as you drive in, you ask why would anybody want to live here. Hastings does not feel that way. We want to make sure it is protected so that when people come in there is already a feeling that they are in an enhanced environment. The gateways into the Village would enable us to do that. Rezoning is not an easy proposition but it is something that needs to be done. We have done it in the past, we can do it again. That may not require funding from the Village initially, but it may require funding in the future as we hire attorneys or consultants to help us put this package together.

The third priority is the waterfront, to develop a form-based plan. We have it in the Comp Plan as a form-based code, but I am asking that we start thinking about that as a form-based plan so that it is not an official code. Mr. Mayor, you expressed eloquently why putting a code on the waterfront now was not in the Village's best interests. But what we believe is in the Village's best interest is to start planning for our future. We have a Waterfront Infrastructure Committee who is doing great work, and they have done a huge bulk of the initial work that would need to be done for a form-based plan. We have a good sense of where we can and cannot build on the waterfront. We would like to move this process forward. We believe it is going to be a multiyear process, something that we should take our time and look at carefully, and be prepared that when the cleanup does happen we are not caught in that last moment of thinking what are we going to do now. We should be working towards a goal rather than waiting for that goal to approach us.

Integral with that is looking at the vehicular access to the waterfront. We have two bridges, the Dock Street bridge and the Zinsser bridge. The bridge at the southern end of the waterfront, nobody yet seems to know who has official purview over that bridge. It is an issue that has come up for many years. We believe that we may need to hire an attorney or a planner, or both, to take a look at what is involved in getting control of how we are going to develop that bridge, or if, in fact, if the bridge is going to stay there. In order to develop a waterfront plan we need to have an idea about how we are going to access the waterfront. That may drive where development happens, where development does not happen. We need to understand what Metro-North is looking at, what New York State is looking at because I believe they have control of one of the bridges.

The last priority may not cost the Village money. The Conservation Commission is looking at encouraging the provision and maintenance of sidewalks, stairs and street intersections. We call it out in several different points in the Comp Plan. We talk about pedestrian use, bicycle use, vehicular use. I understand the Conservation Commission is starting to put together, or maybe has put together, a proposal to start addressing that. If we want people to utilize the downtown, and for the stores to succeed and for people to want to come into the Village, we have to make sure it is the most welcoming community we can. Once people get out of a car, the way they move through our Village is going to be tantamount to how long

they are going to spend here, whether they are going to want their friends to join them, where they are going to hang out while they are waiting to get into one of our successful restaurants. We need to look at that level of circulation into and out of the Village. We would build upon that, looking at circulation through the rest of the Village and on to the waterfront.

What we found when we looked at these objectives and strategies was that several had specific ideas behind them and we could address them on a point-by-point basis. But some of them are what we are dubbing "overlay strategies" or "overlay objectives." What that means is, as we look at anything else in the Comprehensive Plan we should be thinking these strategies and objectives should be overlaid as part of the discussion. Trustee Jennings joined us at one of our meetings with Haven Colgate from the Conservation Commission, when we were discussing infrastructure, sustainable infrastructure and environmental infrastructure. We would like to recommend that the Village set aside money for sustainability in its most general form. Any issue that comes up within the Village that would require looking at the sustainable aspects of that issue, whether it is street lighting, circulation, pedestrian or vehicular, any of these other issues that come up sustainability has to be an overlay with that. We like to have some money set aside for that if we need to hire consultants, if we need to put out ads, raise awareness within the Village.

Lastly, when we went through the chapters, to promote opportunities for public art sat rather low within the chapter of quality of life. This is why I ask the Trustees and ask anybody looking at the Comp Plan to review the entire Comp Plan. We have had some sculpture exhibits, we have had art going on in the municipal building, Friday Night Live, we have had music venues. Every one of those items has brought people here from outside the Village. It has raised the level of awareness in the Village that we do not see in our day-to-day life. When you change the landscape of how people view where they live, and you do that in a positive way, people want to pitch in. They want to invite their friends in. They want to take advantage of that. We had a banner art project which, by all means, was poorly run. I am stating that, and I was part of that. But we cannot lose sight of the fact that it drew people from outside this village in droves. On any given Saturday or Sunday, I would walk up to people, we are here to see the banners and, by the way, we are having lunch, or we are going into a store to go buy something. Public art is something that would not cost a lot of money to implement. We have an Arts Commission that is ready and willing to dig in and do the work. We have private concerns within the Village, like 12 Miles North, who have been putting on incredible music venues. And Meg has been helping to run Friday Night Live. I believe we could enhance that within the Village, and use it to bring people in and bring the whole view of this village up. That is why we presented these priorities. They have a basis for something to build on. Some of them cost money initially, some of them might not. But we believe that this is what we should start with in building on the Comp Plan.

Trustee Armacost: On hiring a downtown manager, do you have more specific elements of a job description other than that the person would be looking at strategy? Is the person really a strategic planner? Is that what you are looking for in the person?

Mr. Metzger: I believe it is a strategic planner, but it is also somebody that needs to have a vision. It is not all about the dollars and cents. Planners are not all about dollars and cents but, ultimately, that is what it comes down to when we make a decision. What we need is somebody who can interface the same way we did when we put our Comp Plan together. The first thing we did was look at 30 years of strategies that the Village had tried to employ in the LWRP, the Vision Plan, all of these various things that have gone on in the Village. None of them ultimately came to fruition because there was nobody, until we had a Comp Plan Committee, to bring them all together, to iron them out, see what made sense at the moment in time when the Comp Plan was meeting, and then build on those strategies.

Trustee Armacost: The person sounds like a mid-term consultant, like maybe for six months or a year, as opposed to a permanent position.

Mr. Metzger: Yes.

Trustee Armacost: But there is an implementation component which is ongoing. Have you thought through the relationship between the planning part and the implementation part? We have a lot of plans, and the challenge is implementing them in a way that changes behavior so that we are living with a different kind of a downtown. I wondered how you had thought through those two elements, or whether they are two separate jobs, in your view.

Mr. Metzger: I think they could be the same job. It depends on how we would write the proposal. We talked about getting a downtown manager from several of the communities, like Hastings, Dobbs and Irvington, who could be looking at the river towns and implementing separate strategies for the different communities based upon what services they offer, how people view them. I do not have a specific job description for you. We talked about this with our consultant. These people do exist. The same way that we have a Village Manager who is overseeing village government, DPW, Parks and Rec, the Building Department, a whole myriad of services, the person that we are envisioning would be overseeing looking at things. This person may take groups of citizens within the community, the same way we had a consultant for the Comp Plan, and say this is what we need from you, this person could get somebody from the community, and say for example we need to identify every building owner in the downtown so that we can reach out to them and try and engage them in a discussion on how to improve their specific buildings and what the benefits might be. That person would also be talking to the Trustees about financial incentives for the business owners to improve their buildings. We do not have that discussion going on now.

We keep talking around that issue. We say that nobody knows who all the business owners are, and we cannot get the shop owners to get together and come up with a plan because that person has a different idea than this person.

Trustee Armacost: This is about putting it into the budget. When you are putting it into a budget it has to be pretty specific. You have to know is it a consultant for six months, nine months, 18 months, is it a permanent position? We have to have some parameters that are very practical to put it in the budget. It could be that you are saying think about this, and maybe it is not for this year's budget, it is for next year's budget. But we need quite practical recommendations in order to incorporate it into the budget.

Ellen Hendrickx, Comprehensive Plan Committee: Our recommendations are a compilation of what appears in the Comprehensive Plan. We specify within the Comprehensive Plan strategy 2.1 in the downtown section: the Village should develop a downtown management structure to market the downtown for special events, prepare marketing packets for various market niches, work the property owners and shopkeepers on façade improvements and other initiatives, work with local brokers' or tenants' recruitment and perform daily maintenance and upkeep of the downtown. Much of what Jim has said.

We did not drill down within the confines of the time that we have spent thus far. We have been trying to get our heads around the prioritization, but are not yet at that juncture, or necessarily empowered to go into that detail. It is something that we would like the Board to consider because it is very important. An overview is that we want to have Hastings as a destination. Not Disney World, but a destination where we encourage people from out of town to come and shop and to avail themselves of various aspects, whether it is the arts that we have created because it is an artistic community, or our restaurants or any number of things. These are all facets that enhance that. If you task us, we will diligently try to come up with more detail on that aspect.

Mr. Metzger: Out charge was not to figure out necessarily how to do these things. That sounds like I am backtracking a little. It was to prioritize them. It may be, if the Board decides this sounds like a good idea in its scope to bring somebody in who could get control of these various things, then the Board would charge a group of people, whether it is our committee or another committee, to do a talent search for this person. We are not going to tell you who that person would be, but we are suggesting that it would be a good idea to find that person.

Trustee Apel: Part of this is also the importance of doing this now, and sooner; we are going to have the waterfront and we better know what we are doing in the downtown. If we do not have anybody who is overseeing all of this, we are going to be floundering.

Unfortunately, the developer will be telling us what is going down there. So we need to know more of what we have, where we are going. Having somebody focus on that I think is imminently important. Every time you pulled out something in that meeting we would keep going back to this one area. Everything is as important, but what is the most effective. Where are going to get the most bang for our buck. If we hire someone, if we invest in something, you are going to make money and you are going to make the community better. The reason it was brought up now is because we are coming up to the budget. This is something that we want to start with now, and what is it going to cost. Do we really want to wait a year, or do you want to start with a consultant with the concept that it may turn into a full-time position. But getting it started was the concept. That was why it was number one on the list.

Trustee Walker: I think it is a critically important position. I am of the mind that it is really an ongoing kind of management position as opposed to a consultant who comes in and does yet another plan. I do not know that we really need another plan because we have outlined a number of steps that could be taken, either independently as Hastings, or in combination with other communities. We have been talking about it at both levels. The Tourism Board is talking about it, I have been having conversations with Dobbs Ferry about joint chambers, joint committees. So there is a lot going on among the three villages, as well as within Hastings and that ad hoc committee, with lots of ideas of things to implement. But one thing I would like to ask you is if you had discussions about how such a position could be supported by the business owners and landlords in such a way that they felt like they had a stake in it. In other words, that it is not the Village telling them what to do.

Mr. Metzger: I do not have the answer to that.

Ms. Hendrickx: The downtown management structure should include the Village Manager and representatives from the Village Economic Development Committee and the Chamber of Commerce. So it would be inclusive, and potentially it is a position that could be shared.

Trustee Walker: As you know, we have no Chamber of Commerce and we have no Economic Development Committee. But the concept is joint.

Mr. Metzger: More to your point, we have not had success in solving that problem on how to get the business owners and the landlords engaged to the point where they feel there is going to be some return on the effort. We are hoping that there is somebody out there who knows how to motivate people, whether it is financially or emotionally or a combination thereof, to get them to step up and start doing things that would help themselves and help the community. We have a lot of volunteers in this community. None of us are doing this for pay. I would tend to think that this Board feels like it giving money back for the amount of

work they do, and I thank you for that. But we need to find somebody who can figure out how to do that. Otherwise, we are going to sit here. A lot of store owners are not making enough money to improve the front of their business. Well, if we could generate more people on the streets of the downtown who might be encouraged to go into that business and improve that business, then maybe there would be the money. We have to start somewhere or else it is a continuous downward spiral.

It may start with having store owners have to clean up twice a day. I am sure there are a lot of people watching who are thinking are you out of your mind. My father owned a store in lower Manhattan, and it was not in the best neighborhood. They were happy to write tickets for him if he did not clean his sidewalks twice a day. That is now the NYU neighborhood. It was not because my father swept his sidewalk, but there was a concerted effort on the part of the city to improve the community. Sometimes you have to put that on individuals, sometimes you do it through government regulation, and sometimes you do it because people want to join that bandwagon. I look at some of the new stores in town. They are doing very well. I would hope that other stores are saying, if I dress up my window, put some new lighting in, maybe I could be doing well, too. We have to set an example.

Mayor Swiderski: In fairness to the Comprehensive Plan Implementation Committee, they were asked to prioritize, not to flush out every strategy and detail. What you have done in identifying these top priorities is useful. They do not each have a price tag. But there is a package here of consulting, legal and personal services that will probably entail \$30,000, \$40,000 over the course of the year, that if we do not have a line item in the budget for, at least we attach some of our contingency funds so that we do not forget about this. That is the way I am taking your charge. It is probably the only realistic and fair way to take it.

Mr. Metzger: We looked at the immediacy to implement. How critical was it that we get this going t now because we are going to miss an opportunity, how long is that opportunity going to take. Is this a full-time position for something that happens in perpetuity, or is this a six-month deal. We have not answered those question. We are hoping to put a ratings system against all of these priorities based upon our sensibilities, but we are only seven people. Ultimately, there is going to be a larger discussion, where the Board may say that is critically important but there is no way we could afford it so we are going to move it to the back of the pack, the same way we did with the walkable communities study. So ultimately, we are recommending these four items, with two overlay items. The Trustees are going to make a determination: we do not have money to do this, but let us do that because we can do that for a year without appropriating any funds. Let us get that started because it is critical.

Mayor Swiderski: Agreed.

Trustee Walker: So what you are saying, Mayor, is rather than drilling down on any of these tonight we set aside some money. I think the committee still has more work to do.

Mr. Metzger: We do. We are hoping to finish up in the next three to four meetings. There are dozens, if not hundreds, more objectives and strategies. These were the items that rose to the top in our discussion, and we knew that there was some immediacy to get it before the Board before the budget discussion. For example, a sustainable fund, to have a general amount of money, whether that is \$5,000, \$10,000, \$20,000, so that as the Village starts looking at issues, whether a developer is coming before the Board and we need to hire somebody to oversee something, that money should be available so that we can protect this new green building code. Otherwise, someone is going to challenge. We should be prepared to defend those things that we believe in.

Trustee Jennings: I want to complete the circle and draw a parallel between what you are recommending for the top priority, downtown development and management on the one hand, and the sustainability at the end of your report. Setting up a downtown management structure might mean changing some rules and laws, and building sidewalks and so forth. But it will also mean having contingency funding that is not line item-based that we could tap into. That is part of the idea behind sustainability, downtown development, economic development, and zoning and waterfront planning activities. Each of these are not just line items in an operating budget of a particular fiscal year. They are something that we need to be able to draw upon as the opportunities arise to engage a consultant or provide a match for a grant. You are asking us to be broader in our understanding of what the contingency fund aspect of our budget should represent. My take-home message is to think about this contingency fund in the next year's budget in light of these priorities, and it has to be bigger than I might have been content to have it be. We will need that cushion going forward if we are going to get anything done in the next fiscal year. These are tradeoffs, and there is tradeoffs between taxes, there is tradeoffs between operating lines, there is tradeoffs between hiring new personnel and that contingency fund. It is an accordion. You are telling us not to contract that accordion too much because then we will not be able to take advantage of opportunities.

Trustee Walker: One alternative would be to set aside money in our planning budget. I am not sure how much, and we do not know exactly what we are going to spend it on yet because those discussions have to come after the budget is passed. But we would have something in mind to pay for planning; whether it is for zoning consulting, or to do some work on the downtown, or to do a form-based plan for the waterfront. We will have to weigh those things after the budget is passed. In terms of putting it in the contingency, we really are saying we are going to do some planning this year.

Trustee Armacost: I prefer Meg's solution in the sense that represents an explicit commitment. Of course, there are always going to be tradeoffs. One of the tradeoffs is that we have a contingency fund which is either the same size or bigger, but we choose to put less in the reserve fund. There are all sorts of ways in which we can accommodate it, ultimately, in the budget. In the time that I have been a Trustee we have decimated the planning budget, and I am hearing maybe we need to review that and when we go through the budget process, reallocate money to planning.

Mayor Swiderski: We know how strongly you feel about transparency and explicitness, and I have no problem with that. I will tell you that the management talent in this village is restricted to a handful of people who can implement things. Without those outside consultants and without some help, we are not going to get a whole lot done.

Mr. Metzger: Which has been the issue for many years. We get so close and we never get over the finish line with it.

Mayor Swiderski: This is going to involve resources above and beyond the good volunteers who toil long and hard. The Farmers' Market is a good model. There is an employee there that ties it all together, and there are volunteers who work with that employee. It is as close to an ideal model as I can come to for the downtown. That dedicated attention, from somebody who loves what they do and is not paid a whole lot for it, yields a result tangibly felt by the Village.

Trustee Armacost: I agree with Meg on the planning component and it being explicit, but I am concerned there is not an implementation component, which is what I think you are talking about. It may be that this needs to be, at least for this year, in the contingency line. But we do need to get our heads around implementation.

Trustee Walker: But in the downtown, I think we are ready for implementation.

Ms. Hendrickx: There were a couple of things we also discussed. If there are savings by installing LED lighting, for example, maybe you allocate that savings to that sustainability budget, so it is not just money going out, but how you can re-task those resources. The downtown manager may double as someone who is a grant writer. In grant matching, sometimes manpower is the match. So just being aware of that, and not just thinking in terms of the dollars and cents.

Jason Jobe, CPIC: I am also a member of the Implementation Committee. Our vision was that this would be an employee, not a part-time or a consultant. Their job is to implement. The Farmers' Market is a pretty good model. You have got an employee and a satellite of

volunteers and they make something better. It is a full-time job. We did not write the job description or to scope out what that would cost, but it is a job and it is a big job, but we think it is a very important one.

Mayor Swiderski: It is a job, but first and foremost it is an idea. The first thing to do is find somebody to flesh out the idea and lay out a plan, find volunteers

Mr. Metzger: I would not suggest that Meg take this on, but the downtown ad hoc committee could possibly start looking into the job qualifications of somebody who could do this, and they would become the volunteer group that would implement.

Trustee Apel: If we are entertaining the idea of hiring a person, then that is going to take a significant amount of money out of that contingency fund. But by doing it, we show a real commitment to what we are all about and what we want to do. Are we going to leave it in the contingency fund, or are we going to do it?

Trustee Armacost: It is a timeline issue so it is a bit tricky depending on when the person is hired, what kind of person, what level of salary, how full-time or part-time. I think we have agreed that we are going to have a certain amount in the planning budget. I am hearing different activities embedded in that: related to the downtown, to the waterfront, to sustainability, consultants, lawyers. I do not know whether \$30,000 is enough, but the Mayor threw out \$30,000 as a figure, which we could accept initially. We can always choose to readjust later. We have a contingency fund, and the purpose is to adapt it to contingency, so you use it for other things. But we want to have some money in the planning budget already.

Trustee Apel: If you are really serious about it you have to have \$80,000 to \$100,000 there. Because who are you going to attract? You might say maybe for this year we will only do half a person so we could say \$50,000. But let us be realistic.

Trustee Armacost: Then we are not looking at the Farmers' Market model. We are looking at an employee model.

Mr. Metzger: In an ideal world, this person would figure out a way to enhance the Village so that their salary would be more than compensated by the increased revenue brought into the Village through a fully built out downtown. In an ideal world, everything in the Comp Plan would end up being revenue-neutral, whether it is sustainability initiatives, working on the waterfront so that we get the right tenants when the time comes, taking money in rather than spending money on supporting that.

Mayor Swiderski: There are all sorts of things that never are, and that is just the cost of providing services.

Trustee Apel: But at least we have these suggestions from the committee when we are talking about the budget. These are realistic discussions that we can have.

Trustee Walker: think these suggestions are excellent. If I had been on the committee I would have selected these things, as well. I applaud you these are the critical issues.

Mayor Swiderski: I agree. It is thoughtful and just about right.

Mr. Metzger: It is the product of hours and hours and hours of discussion, people that have lived in the Village for 40 years and people that have been here for three years. Everybody got into the mix, and this rose to the top.

APPROVAL OF MINUTES

Trustee Armacost: We did try an experiment during the last Board meeting, which was that I participated in the meeting from Cambodia and you would never have guessed it, reading the minutes. So if there is a way to record on the minutes the fact that we tried this experiment, and that we are going to look into...

Village Clerk Maggiotto: But that was stated at the beginning of the minutes by the Mayor.

Trustee Armacost: He definitely stated it verbally, but I did not see that in the minutes. So maybe it is there and I missed it.

Village Clerk Maggiotto: I thought it was there, but I will add it.

Trustee Apel: It is mentioned at the front of the public hearing. It says that you are absent and then the Mayor says Niki is South Korea or maybe Cambodia. She is wired in, hearing this, but we are not going to take this as "present" for the meeting.. Then you said, "I'm in Cambodia" and the Mayor said, "I'm pretty sure this is a first." It was mentioned there, but not mentioned again at the Board meeting.

Village Clerk Maggiotto: I will put a note in there to reference the same thing in the regular meeting.

On MOTION of , SECONDED by with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of March 19, 2013 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 50-2012-13 \$98,386.05

PUBLIC COMMENTS

John Gonder, 153 James Street: I reside with the deer at 153 James Street. I have something to talk about, Mr. Jennings and maybe Meg Walker, in regard to downtown commercial merchants and recycling. We have a lot of these plastic bags. I love them, but I know they are no good for the environment. I use them, but I should not. We recycle them. However, people like me, and a lot of other people, do not do it, unfortunately. So what can you do? You can ask the merchants to eliminate all plastic bags by next April 2, when you have your meetings about these plans. If they comply, great. If not, say April 2 we are going to have a hearing and we are going to make an ordinance to eliminate them. Usually, Hastings is always first or second or third. I want to just read this:

"Larchmont Is Latest to Ban Plastic Bags.' Larchmont, the village, joined the city of Rye, the village of Mamaroneck on Tuesday in banning plastic bags. The village board voted unanimously to eliminate the single-use plastic bags typically given out at point of sale. Merchants have until October 1 to dispose of the existing inventory and convert to alternate packaging material. The move is an effort to improve the environment."

I think you can do it with just talking to the merchants. If not, next year make an ordinance.

Trustee Walker: I think it is a fantastic idea. I think the Conservation Commission is doing this, am I right, Elisa?

Ms. Zazzera: I am a member of the Conservation Commission. We have been discussing it, but given that the agenda is so full have not yet brought it to the Board. You are correct. Municipalities all over the nation are getting rid of the plastic bag. For now, as Gandhi does, be the change and people will follow. We will get there, sooner rather than later.

Mayor Swiderski: I did see the same article. I forwarded it to Kerry-Jane King and suggested the conservation committee consider bringing it before us. So all for it.

Sue Smith, Affordable Housing Committee: Questions have come up about the Affordable Housing Development Fund. I have given you a memo which I will read into the record. I also gave you a copy of the IRS non-profit verification and our bylaws. I have given the Village Manager a packet with all the official documents, all the various levels of government that have to verify this.

"The development fund is called the Hastings-on-Hudson Affordable Housing Development Fund." It is a non-profit corporate entity, originally incorporated in February, 1999 through the volunteer services of Joseph LoCascio who served as our lawyer on that project.

The purpose of the fund is to develop affordable housing, and to do that it is required to be a corporate entity so that contracts can be entered into, and money such as grants and loans can be received. We have bylaws and we file annual federal tax returns, both of which are required by the IRS. Hastings also has an Affordable Housing Committee, which is appointed by the Village Board in order to advocate locally for affordable housing and to do the necessary planning to bring a project to fruition. But the committee is not legally able to build or enter into the legal contracts itself with developers who might be doing the building. There must be a corporate entity for that purpose.

The committee's members are appointed by the Village Board. The committee then elects some, or all, of its members to be on the Development Fund Board. Only indirectly, then, does the Village Board actually have influence on the fund, and that is an intentional precaution to separate the functions from political influence. Someone who is not on the committee could be on the Fund board, but obviously it is important to be current on the work of the committee.

The current Fund Board members are Tom Donohoe, Nick Frascione, Jim Keaney, Bob Licht, Arthur Riolo, Elise Smith and Sue Smith, and there is no pay for serving on either the committee or the Fund Board. I think that would probably be illegal for a non-profit organization of that sort. We would have to be formed in a different way.

One of the questions was about the monies of the fund. Applications are made to receive loans to do preliminary planning for a project. The fund has gone to Community Capital Resources, a county organization, and I do not mean governmental organization, but supported by the county with some funds as well as others, that provides loans to small businesses and for affordable housing.

There are many up front costs of planning a project, like title reports, surveys, appraisals, environmental studies and architectural concept designs, that must be done before the project can be considered by local planning or zoning boards or by any funders of the actual construction.

It would be wonderful to have money for these tasks, but we do not have any and we rely upon loans. I should add that those loans, then, are paid for out of the development costs at the end of the project. That is the goal, at least. Currently, the fund has \$12,000 from CCR that is due for bills on two of our projects which we are hoping to develop ourselves, 52 Washington and 184 Farragut. When the project pro forma is created, there is a modest developers' fee included. Our experience with 331 and 333 Warburton Avenue is that the fee was used for contingencies and none was left for the bank account. We understand that is the usual scenario, since the budgets are always very tight. It is not like we are developers with the deep pockets which we all think developers have. That is not the case for us. In the case of 422 Warburton Avenue, which was built by a professional developer, the fund received \$8,000 to cover expenses for the future, which is, in Hastings, 99 years affordability, for unit marketing and maintenance of the interest list for potential applicants."

Those are the ground rules.

Mayor Swiderski: Thank you very much. It is a recurring question. It is nice to have a memo. It is something we would like to publish out.

Trustee Armacost: On the Web site of the Village we could have a description about the committee and a separate description of the Fund.

Trustee Apel: If, as explained in the project for 9-A, he wants to spin off building three, that would go to this committee?

Ms. Smith: That is an option, yes. He would essentially be, I think, giving it to us. We do not have any funds to buy it.

Trustee Apel: Yes, but what would that mean in terms of what would be your responsibilities for that property?

Ms. Smith: We would be responsible for the building because it would be rental. We would have a management firm do it. That would be built into the budget that a management company would take on the daily task of running it, but we would be the owner.

Trustee Apel: And once it is in your committee's hands, laws that pertain say it cannot change from being affordable.

Ms. Smith: It is in the deeds. It is 99 years in Hastings. That is always a problem; there are so many deed restrictions for affordable housing. Not all the banks want to get involved.

Trustee Apel: So you not manage it, you would give it to a management firm.

Ms. Smith: We would hire them.

Trustee Apel: They would have to get the money from the rent.

Ms. Smith: Yes.

Trustee Walker: Is there an advantage to having you manage it over the developer?

Ms. Smith: There might be, but we do not have any staff or professional capability. But there are organizations that have done that, have created that themselves. And that might be the scenario. It is like really growing up, I guess. It would take the fund to a different level of responsibility.. I am not sure that we would want to take that on, but there are organizations in the county that do it.

Trustee Apel: In the 9-A project, if the affordable housing units were mixed in the three buildings, then he could not separate that out.

Ms. Smith: That is right, because there is not anybody who would finance it, that is the problem.

Trustee Apel: Because you could not then turn it into a co-op because some of them would be co-op and some of them would be rental.

Ms. Smith: Right. Part of that is that there is different financing for the different kinds of housing, for ownership as opposed to rental. We are committed to having this as a rental. It would continue to be rental for 99 years. But in this case, it is his financing. In terms of development projects, it is big for Hastings but it is not big in terms of the world of funding, so I think it does not have the critical mass to justify what they might be able to do in the city with these huge projects.

Village Attorney Stecich: How does 422 work? Who rents out those apartments?

Ms. Smith: There is a joint responsibility. It is a little frustrating, in that case. We do advertising for it, we maintain an interest list of people. He is still working off the original list from when it was first rented in 2008. Anderson is doing the income verification, which is the critical piece of it.

Village Attorney Stecich: But he is the landlord.

Ms. Smith: Yes. He has a separate corporate entity that has maintained ownership of it.

Village Attorney Stecich: And collects the rents and you supervise.

Ms. Smith: Yes, supervise and attempt to work together. It is a little challenge with him. The people that we have on our list get included in his process. In the case of 331 and 333 Warburton, and this would be true in the things that we have developed ourselves, we have to deal with income eligibility. We are not qualified to do that, but we have an organization that does that. That is an essential ingredient, that the funders have to have verification of income eligibility. But that is one of our responsibilities is to be sure that that is done. We can hire it out, or we can have somebody else. In the case of the Housing Action Council, we do not pay them but they are funded by the county and others to do that task, and we use them.

Mr. Metzger: I kind of wish I had known that this discussion was going to be on the agenda tonight. There are people in the Village, myself included, who are very interested in following this. As Sue knows, I do not know the specifics of how this works and I have been questioning if there was a potential for conflict of interest. I am not accusing anybody of anything, but if the same people are making a decision about what the affordable housing should be who are the people that are acquiring the funds to manage that, there may be a discussion about maybe this would be a better affordable housing but it would be more difficult to finance if we did it another way. I do not know the specifics. I am not a finance person. But it would be nice to know a little more. Maybe the information that is going to get posted would answer those questions so I am not asking for a response. I am just saying I have some concerns about that.

Mayor Swiderski: I am going to post it, but I am going to ask that you check models elsewhere before asking that question, because any implication that something is a conflict without a countervailing model that shows how it is done elsewhere is not constructive.

Mr. Metzger: When Elliot Spitzer ran for governor one of his comments was "public-private partnerships are the most corrupt form of government because, in fact, there is no

oversight from the public part to the private part." Again, I am not accusing anybody of anything. I am questioning the process. Sue said that the fund works not quite under the purview of the Trustees, yet the Affordable Housing Committee does. But it is one and the same group. Again, I am asking is there a potential. I would like to know more about how that operates, and make sure that everybody is being protected.

Trustee Armacost: There is a way to ask the questions that you want an answer to, Jim, that is less accusatory. What you are trying to do is a good thing, which is protect people and the situation from potential underhand or hands in pockets where they should not be, that kind of stuff. But it comes across as if you are questioning the integrity of this group. That is a group that has worked very hard for many years for something pretty thankless, with a lot of opposition from people. I think that we can ask those questions in a little different way.

Mr. Metzger: I am personal friends with a number of people on the committee, and I have applauded the Affordable Housing Committee for the work that they do. So that is why I am trying to get you to understand I am not trying to accuse, I am trying to understand. I have raised the issue before. As an example of where I get confused, when the developer for 9-A says we have had meetings with the Affordable Housing Fund and this is what we are doing, it is being presented in whole cloth that it is going to be a separate affordable housing building. And members of this committee, and myself and other members of the public, have had issues with the fact that there appears to be a separate but equal. The Affordable Housing Committee said we have reviewed it and we think that is OK. But those decisions were made without overview of the public.

Trustee Armacost: That is not true. I, at least, was in many meetings on exactly those topics. So I do not think they were happening secretly. You were there, Peter. Others were there.

Mayor Swiderski: I am going to take Jim's comments as looking for good government. We are going to post it, and ask him to take a look at what is posted and look at other models, and figure it out.

Mr. Metzger: I appreciate it. Again, I am not casting aspersions. I want to understand the process.

Mayor Swiderski: I am always conscious of requests around process.

Ms. Smith: The funding agents, which are state, county, federal, have a great deal of oversight. There are loads of hoops to jump through. Constantly they are checking and verifying the income eligibility, that sort of thing. They have a lot of clout with whoever has

developed it for the period of time that the financing is still viable, which is now a long time. It is different on different projects. Some organizations I have been on as a volunteer ask people who sit on boards to sign conflict of interest statements. If that seems to be appropriate in this case, I certainly would recommend it. We all serve for no fee, and I am not aware of any conflict of interest. But if that helps people feel better about it, that is OK.

Mayor Swiderski: I am not aware of a conflict either. You are not personally investing in these properties and you are not receiving an income, so I do not think the conflict issue is there.

Ms. Smith: Somebody might be a partner in some organization that gets hired for something.

Mayor Swiderski: That is separate. I think what Jim is getting at, without putting words in his mouth, is good government cross pollination between two tightly-wedded organizations, and if that is right or wrong. From a good government perspective is that a good thing. It is worth looking at other models and understanding if that is done elsewhere. I have no objection to that. I do not see any conflict, and I know how tirelessly you guys work.

Ms. Smith: I appreciate the transparency.

Mayor Swiderski: Exactly. That is all it is in the end. I am going to take it that way, and I think that is the way it was intended.

Trustee Armacost: On the conflict of interest, what one has to do is declare it. It is about hiding a conflict which is a problem. So even if there were a conflict, if someone states the conflict it is no longer a conflict at that point.

Ms. Smith: Right, so then everybody knows. Just so everybody is aware.

Mayor Swiderski: Then it is recusing and something that has to happen.

24:13 ARBOR DAY PROCLAMATION

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

WHEREAS, on January 4, 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was observed with the planting of more than a million trees in Nebraska on April 8, 1874, and in 1875 became a legal holiday in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; now therefore be it

RESOLVED: that the Village of Hastings-on-Hudson, recognized as a Tree City USA Community by the National Arbor Day Foundation for twenty-nine (29) years, desires to continue its tree planting ways, and be it further

RESOLVED: that Mayor Peter Swiderski does hereby proclaim Friday, April 26, 2013 as Arbor Day in the Village of Hastings-on-Hudson and urges all citizens to support efforts to care for our trees and woodlands.

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

Village Manager Frobel: The staff will be putting together a program to commemorate Arbor Day sometime this month.

BOARD DISCUSSION AND COMMENTS

1. Update on the Downtown

Trustee Walker: The ad hoc committee feels it is important that in order to work with the local landlords and business owners, they want to be perceived as being independent from the Village government. I am involved in it, of course.

Mayor Swiderski: At some point, realistically, that would have to sever if they want to be truly independent.

Trustee Walker: On an ongoing basis it is certainly connected to the Village government. We are picking a date in the last half of April to have a meeting with downtown business owners to offer them the opportunity to get involved in the Discover the Rivertowns weekend in June. We want their ideas, we want to offer them the opportunity to be involved in deciding what we do in the downtown. If the meeting is not successful in getting a lot of input, we have a team of people that want to go around and talk to each business. We do want the Discover the Rivertowns weekend to help our local businesses. The whole point, besides promoting the Aqueduct and the South County Trailway and recreational opportunities in the Village, is about bringing people into our downtown. We want to have something great going on that day, plus a lot of opportunities to shop and dine so that they can see what a fantastic downtown we have, and they come back. We want to engage the businesses in doing this. It is a first step in talking to them about other opportunities to partner with this committee and ask them what the committee can do for them.

We are talking about what kinds of activities we would like to see in the downtown. We have volunteers who are working on musical events. There will be a Friday Night Live on the Friday night of June 7. June 8, we are talking about, of course, the Farmers' Market and want to promote that, and some musical activities in the downtown, which Jeff Puccillo is putting together. The Purple Crayon is looking into getting involved in having some kind of cosponsored event with WFUV Saturday night. Dobbs Ferry is stepping up to put together a cycling/bike riding day on Sunday to promote cycling; maybe rent bicycles, work with our local bike stores to get people out on the trails, the South County Trailway and the Aqueduct.

Friday Night Live is working on a big kickoff for the first Friday in May, with a DJ and dancing in Boulanger Plaza, along with closing Main Street for a section and inviting the high school teenagers. There are several great groups, and they are going to be playing, as well. So we are working on that and the June Friday. July, we are working together with the group that is planning the big laser show on the Palisades. WE are going to forego a Friday Night Live in July in order to concentrate funds and the promotion on that Saturday night event in July.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: We are very much aware that there are many potholes. The asphalt plants are not open yet. The nearest one open is in Queens, by the Whitestone Bridge. By the time we get the hot mix and bring it back, it would be ineffective. Mike assures me within the next 10 or 12 days, we will be doing a full court press. As soon as a plant opens that is nearby we will be getting the bituminous asphalt and filling potholes. If everyone could be a little more patient, it does not seem profitable to buy the cold patch, it does not last. So we are aware of the potholes on our local streets, although the county has made several repairs along their roads in the Village, which is appreciated.

The staff is working on Village-wide cleanup day on be Saturday, April 20. As usual, Lisa O'Reilly will be in charge of coordinating that. That will be a Saturday and Sunday event, although the main event is Saturday when we feed all the volunteers at the Community Center at noon. But if everyone would be thinking if they have some time to devote to that program that weekend that would be very much appreciated. That is also the same day of the Little League parade. That morning will be the parade, as the Little League season begins.

BOARD DISCUSSION AND COMMENTS (continued)

2. Update on the Waterfront

Mayor Swiderski: On Building 52, we have nothing before us yet from ARCO, though certainly they have telegraphed their intent. In properly thinking about how we are going to deal with the request for a demolition permit, I have been sorting through how we should begin to prepare for that. Full disclosure, Meg and I sat with Stuart Cadenhead and a waterfront redeveloper in Yonkers and elsewhere who has a lot to offer in terms of how to think about the things you worry about. First, I am going to be asking Marianne to advise us on what our obligations and options are once that request is presented to us. I want to know what our rights are. Second, there is the entire issue of liability that BP/ARCO has for the pollution in and under that building. I would like to understand, from our environmental counsel, what the survivability of that liability is. If the building remains and we ask for it to be torn down 10 years from now, what is BP obligated to do? I want to understand their liability and what possible avenues they and we have, to keep, or pass on, that liability.

I will telegraph my own personal sentiment, which is not a liability I could imagine the Village ever wanting. It is something that typically remains with the polluting agency, and I would expect it to do so. But that is my own personal sentiment, and that is not worth 10 cents in a court of law. I want Mark Chertok to weigh in on that.

Third is around financial issues. We have both an engineering estimate for the state of the building, and then a three-page, in other words very preliminary, construction estimate for what it would cost to warehouse that building. It came to around \$6 million. We have asked our engineering firm to take a look at that estimate. They came back with their estimate for the cost to look at that estimate, and my initial reaction was sharp and negative. It was \$17,000, and I thought that was a lot of money for professional advice. I have swallowed my bile and gotten past my initial reaction, and would like to ask the Board whether they agree to ask Fran to ask them to moderate what we are looking for and to come back with a more reasonable estimate, to take a read on that number, and tell us if it is in the ballpark. Is it \$6 million, \$4 million, \$8 million? Just give us a sense of whether these numbers are real.

Then finally, and part of this will be driven around what the environmental lawyer tells us and what Marianne tells us, but let us say the building is left on-site. One thing that is missing here is ensuring that the Village is not left with a white elephant. It is a 2.2-acre structure, 100 square feet. It is not in terrible shape, it is not in great shape. It is not fire code, building code, anything compliant. To render it usable for a range of uses is going to be a lot more money than the \$6 million. The \$6 million is simply mothballing this thing. I do not know how much that is, and I do not know if it makes financial sense. But I do know that it would make sense if the Board had some idea of what that was.

To that end, somebody like, and I am going to throw out the name Jonathan Rose because this is a responsible consultant and developer who has taken old buildings and renovated them, to tell us this is \$50 million and, given what you are likely to do with the waterfront, you will never be able to find a developer who is willing to absorb the cost of doing that. Or, this is \$10 million, and it is a slam-dunk, no problem. I would love to get a sense so that we do not head down the road of inflicting a white elephant on the Village. Conversely, not fear that we are doing so. I want that knowledge so that when it comes time to engage this issue we are engaging it intelligently. I do not know if this permit is coming in a week or two months, but I do know I do not want the Board to hold up the engineering design and this process for one minute longer than we have to. This process has been held up long enough. But that does not mean we should make a hasty decision without some informed advice from people who can provide it to us.

I have checked with Fran on what the thresholds are for the RFP process for somebody like Jonathan Rose. It is not as much of an issue. We can ask Jonathan Rose or somebody who could advise us what such a thing would typically cost, and then contract directly without going through an RFP process. Meg offered that it would be helpful to reach out to DEC and get their input on the liability issues and understand what is involved there. We do not have to pay for that one and we have allocated money for the Infrastructure Committee which was never spent for engineering and consulting input. We do have engineering monies left in the

funds with ARCO. But I want to remain truly agnostic and driven by facts, and not by sentiment, one way or another. We should all be that way.

Trustee Apel: That \$18,000, could it not come out of the money they...

Mayor Swiderski: It certainly could. I just would like to see less of it spent.

Trustee Apel: But out of that mothballing \$6 million?

Mayor Swiderski: No, out of a big pot of money that has been set aside to pay for engineering costs, our engineering expertise we hire. There is a pot sitting there specifically for that, and ARCO has said specifically we could hire this firm and use it for that. So that is already covered. Even though it is "ARCO's money," it is still a defined pot and I do not want to spend it down too quickly.

Trustee Apel: I think going back and explaining to them that we know what we want, we do not need you to redo the study.

Mayor Swiderski: Right. No, we want to verify. And they have cooperated. They claim they are confident about their numbers.

Trustee Apel: Then they should not mind.

Mayor Swiderski: And they have not yet. I do not expect a problem there. I just do not want to spend \$17,000.

Trustee Apel: Right. There was a discussion that the \$6 million they were talking about, that some of it was not for mothballing. It was for other things if they needed to yank that out. But I think that is a good idea.

Trustee Jennings: We, the Village, asked them to get two estimates, which they did not do. So in effect, the cost aside, just the doing of a task, we are trying to get done what we wanted them to do originally.

Mayor Swiderski: Effectively we are double-checking work. Though even if they got two estimates in the end probably we would need to verify whichever estimate was lowest anyway, just to be sure of what we are talking about. This is part of why we need to speak to various attorneys, if they do not want to spend the money, what their obligations and our ability to do anything there is.

Trustee Walker: We could ask Louis Berge to give us a reduced product. We do not necessarily need to have a big report. They could make a presentation and go down the list of the items in the cost estimate, and say whether or not they think this is valid. They are going to have to do work to get to that point, but we do not necessarily need to pay for a product that sits on the shelf. So that might reduce the cost somewhat. Negotiating them down is possible.

About bringing in Jonathan Rose or somebody like him to look at the building. I wonder if it would be helpful to look at it in the context of what the Infrastructure Committee is doing, so that if we are spending the money that we set aside for the Infrastructure Committee we are spending it on a consultant that is going to work with the Infrastructure Committee, but look at Building 52 in this context. From a planning standpoint, it does not make that much sense. If you are thinking about possible uses, it is one thing to say is the building sound, is it structurally stable, how much money will we put into it. Those are facts. But in determining uses and determining an estimate for its redevelopment, its renovation, you have to know what the uses are. It could be any number of things. It could be filled, you could build it up with floors inside, you could hollow it out like a donut and put housing in it, you could put an Eileen Fisher type of corporate headquarters in it, you can do parking. We are not asking them to look at a whole slew of uses, but in looking at what the Infrastructure Committee is doing, especially when they get to the public input part and we are talking about what the open space is going to look like and where it is going to go, that would help a developer get a picture. We have not done our planning or our form-based plan yet. If we had, we would have a much better idea of what we could use that building for.

Mayor Swiderski: I still do not understand what you are saying.

Trustee Walker: You are asking a planner to come in and talk about the cost of redeveloping that building.

Mayor Swiderski: A range of costs.

Trustee Walker: He has got to have some idea of what uses are going to be there. And you are asking somebody who has an imagination, too, and is creative and has worked all over the country doing really interesting adaptive reuse projects, and is interested in sustainability. That is why Jonathan Rose is a good candidate, and also has a planning consultant arm to the development firm. But we are asking him to think about it in a vacuum when, in fact, we are in the process of planning the waterfront. I do not know specifically what I would ask him to do in terms of working with the Infrastructure Committee, but I do think that the work that they are doing is relevant to his investigation.

Mayor Swiderski: I see the connection. Part of the conundrum here is that you are talking about uses eight years from now without having a site plan or a real idea. You have got a lovely dream out of Doug Alligood for that building, but part of the value that Rose brings is an experience with sites and laying out a sense of the overall density. If the site, as defined by the Infrastructure Committee, can support only so much square footage of housing, et cetera, I would imagine the developer who has done this a lot will say, well, then a common building of 100,000 square feet is going to be hard to support if all you have is 50 units of housing.

Trustee Walker: Yes, and you need to see it in that bigger context, because it is surprising how much open space the Infrastructure Committee has given us by saying that you cannot build on a certain percentage of the waterfront. It means that we have to support a lot of open space, but it also means you have less land on which to build. So in looking at that, less land on which to build, what then is the implication for this 100,000 square foot building?

Mayor Swiderski: I do not know, I hope somebody like a Rose can. I understand that it is very rough. We are talking eight years out, but he or somebody like him should give us a sense of whether this is just a pipe dream/white elephant, or doable.

Trustee Walker: He might come up with other ideas. He might say I have done a lot of adaptive reuse around the country, and I know when a building is great to preserve, and this is not one of them. Or because you have so little land to build on I think you need to clear the decks. We do not know what he is going to say, but looking at it in this larger context would be helpful.

Mayor Swiderski: We do not know, and right now we have nothing. It is extraordinarily irresponsible to take on the risk of saddling the Village with a white elephant if, indeed, that is what it is in the end, because where would that leave us?

Trustee Armacost: It will not be developed is what will happen.

Mayor Swiderski: Right, a waterfront that is left fallow. And that would be...

Trustee Armacost: A disaster.

Mayor Swiderski: ... a disaster. So we need guidance, and nobody here is up to that and probably nobody in the Village is up to that.

Trustee Armacost: And we have money to fund it. So it seems to me is a no-brainer to do that.

Mr. Metzger: The point of mothballing the building is so that six years down the road we have the ability to use that building if there is a real use for it, or it gets torn down at that point.

Mayor Swiderski: No way. We do not start a remediation all over again in six years' time if we did not come up with the answer to that ahead of time.

Mr. Metzger: ARCO did not give us any specific information about what is underneath that building. They said we have a couple of hotspots, but we do not really know because we have not tested. I asked them why did they not do core drilling, and they said because there are parts of the ceiling that are unstable. I said so you build a scaffolding and you work underneath that. This is not rocket science, and it is stuff that happens all the time. I would suggest that anybody Google "adaptive waterfront reuse."

Mayor Swiderski: Jim, I am not arguing with you.

Trustee Armacost: We are asking for a second opinion. I think we are reinforcing the point you made.

Mr. Metzger: The other name that I would throw out is Michael Van Valkenburgh. I have no personal relationship with him. A friend of mine in the Village does work with him. All of those beautiful parks you have seen underneath the Brooklyn Bridge on the Brooklyn side, that is Michael Van Valkenburgh. This is a guy that knows adaptive reuse in tough neighborhoods. He has said the Hastings waterfront is extraordinary. There is a possibility he might spend a day up here, meet with you and throw some ideas out. We could certainly ask if that is something that you might be interested in. To only go to the people whose sense of what the waterfront is about is liability, trust me, as an architect I understand what liability brings.

Mayor Swiderski: Right. That is why I want to do this.

Mr. Metzger: But we should have the people from the other side who said that liability is counterbalanced. When you go to sell the property, that building is going to be worth, and I am throwing a number out, 20 times what it would have cost it to tear it down by saving it. There are firms out there. I agree with you, we should engage them. But they are separate processes that we are looking at. It is not you have to do this, this, this and this. They can be happening independently, but they need to happen now.

Mayor Swiderski: That is exactly the point.

Trustee Walker: You could even have a team of consultants come and probably do it for free. I have heard from a number of architects and planners who have said I would love to walk that site and walk through the building with you for nothing.

Mr. Metzger: I believe when Jerry Quinlan was initially meeting with the DEC he said, so what would it take to convince BP/ARCO to save this building. Their answer was, if the PowerPoint presentation that you showed us does not convince them that that building is worth saving, and that is Doug Alligood's presentation, we are not sure what would. It was an extraordinary, fairly quickly thought out this is what could be the crown jewel on the waterfront.

Mayor Swiderski: We agree.

Mr. Metzger: So I think the direction you are taking is good. I would like to phrase it in a more positive manner, despite the fact that I had some negative things to say earlier. We should be looking for the leverage to convince BP/ARCO it is in their best interest financially. That would be the only thing that would convince them to save the building.

Mayor Swiderski: That is exactly my point.

Trustee Walker: One other point about the DEC. I would love to ask George Heitzman, as project manager, about the hotspots in the building, because they have been looking at these tests for a long time, and do they think that these are serious hotspots. And have they remediated things like this in buildings under the roof, with the building remaining intact.

Mr. Metzger: At an architectural meeting I was at two weeks ago, there is a company in Connecticut but based in Canada that makes a bioremediation coating for concrete for carbon-based pollution that soaks into the concrete. In the same way they are remediating the pollution on the southern end of the waterfront by biotechnology, they have a product that will do that in concrete. They then have topcoatings that render the concrete totally impervious.

Mayor Swiderski: If that satisfies the DEC I would be willing to consider anything. But I would want to hear it and, again, the overall financial model.

Ms. Hendrickx: I do not think that you can necessarily think in the future what the uses are and try to construct some sort of budget. But maybe it would be instructive to look at other adaptive reuse buildings, such as the Eileen Fisher complex, and how they arrived at that. Look at many cases because there is some element of taking chances. You do that in as

much of an educated way as you possibly can. It can be helpful in understanding the process to see how they arrived at their concept to develop in the first place, and then market it to developers. See how many successful projects have come about that way and what made them successes. That might help give you as a board and we as a village a level of certainty and security.

Village Attorney Stecich: Just so you know, Eileen Fisher is the tenant, but Bridge Street Properties is the owner of all those buildings.

Mr. Gonder: I am fine consultants, but be honest with them. Tell them we possibly need a new bridge. That T-bridge is no good, and that you are going to put five feet of fill around that building.

Ms. Hendrickx: Because Mr. Gonder brought up the bridges, and circling back to the CPIC recommendations, one of the reasons for putting that as a priority is, getting all the players to the table is a lengthy process. And then, therefore, I do not think that is a cost issue.

Mayor Swiderski: No. And my head hurts about the sequencing issues of replacing a bridge concurrently with a remediation. I do not even know where to begin on that one.

Trustee Apel: Was there not something that they have to raise the bridges anyway?

Mayor Swiderski: At some point, for the two-story trains.

Trustee Apel: So now they have gone through all the work, and all those bridges have to go up anyway. So as long as they are bringing them up.

Mayor Swiderski: They are obligated to bring up the one by the train station. The one at the south, we do have an idea of who owns it. But whether there is an obligation to replace it, we have only begun to have those discussions.

Trustee Apel: Then they will take it down. But they have to do something.

3. Other

Trustee Armacost: We have an Eagle Scout who is doing a project which will benefit the Village. Mr. Frobel, thank you for granting him permission. He is going to repair the stone walkway located on public property between Jefferson and Hamilton Avenues and, if possible, the walkway between Hamilton Avenue and Prescott Place. His name is Padric Gallagher. He is having a fund-raising dinner Sunday to raise funds to help him do this

project. We have a number of other Eagle Scouts who are poised to make a contribution to the Village. They go through Mr. Frobel so the projects are authorized properly by the Village.

Mayor Swiderski: And will be overseen, hopefully, by somebody.

Trustee Armacost: Mike Gunther is overseeing this.

Village Manager Frobel: The origin of the project was a citizen comment to you that the stairs needed repair. That began the wheels turning, and in meeting with the chief and Mike Gunther we said this might be a great idea for a young Scout.

Trustee Armacost: The way it works with an Eagle Scout project is that the boy takes responsibility and then it is a Tom Sawyer activity. He has to encourage other people to participate in it and help him. His job is to congregate others to support that process. They are not allowed to use power tools, so it has to be done the old-fashioned way. They are under a certain age, so they cannot use heavy equipment. But he is going to clear out all the weeds and make it look very attractive.

Trustee Apel: Apropos of that, are they working on the stairs to the train station?

Village Manager Frobel: No. We will do routine maintenance on it. I know there was recently an observation about the condition. The grant we applied for was not funded, so any repairs we will do with our own people. It will be minimal.

EXECUTIVE SESSION

On MOTION of Trustee Jennings, SECONDED by Trustee Armacost with a voice vote of all in favor, the Board scheduled a meeting for advice of counsel and an Executive Session to discuss personnel immediately following the Regular Meeting.

ADJOURNMENT

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