

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 4, 2013

A Regular Meeting was held by the Board of Trustees on Tuesday, June 4, 2013 at 7:40 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Fifteen (15).

APPROVAL OF MINUTES

Mayor Swiderski: I do have one word change, pointed out very kindly by Marge Apel. Search and replace on the word "hash". It was "issue."

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of May 21, 2013 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 59-2012-13	\$ 97,131.29
Multi-Fund No. 60-2012-13	\$ 12,737.72
Multi-Fund No. 62-2012-13	\$129,207.99

PUBLIC COMMENTS

Mayor Swiderski: We are having a discussion on the leaf blower law later, but we will take public comments now if the Board agrees.

Kerry-Jane King, 7 James Street: I am chair of the Conservation Commission. I want to reiterate the Conservation Commission's support for the leaf blower ordinance. We feel that it is a very important local law and should be preserved as is. Any modification would weaken it to the extent that it would be ineffectual, it would not be possible to enforce. Already, it is very difficult to enforce. There is a lot of frustration with compliance with the law. Police will tell crews to stop using leaf blowers, they will stop, and then they will start again when the police leave or move to the next yard and start again.

We have been looking at ways to strengthen enforcement. This involves an important health issue. Emissions from one handheld leaf blower are more than the emissions from a car or a truck. There is a lot of data on this. Many studies have been done. The emissions are released in gardens when windows are open, when children are playing, when people are cooking. It is at street level, so it is very intense. The pollution that people get in their lungs we consider a health hazard. Many scientific studies have supported that.

There is no need for leaf blowers in the summer months. This ordinance originated from the Conservation Commission and it went through several revisions. We met with landscapers and contractors, and we felt that a reasonable compromise was reached. But it definitely was a significant compromise that the Trustees approved. So we want to strongly state our case that we would recommend that the ordinance stay as is.

Susan Cooper, 378 Warburton Avenue: I question how this fits in with goals to conserve and recycle. I wonder how this fits in with the Love 'Em and Leave 'Em initiative in terms of their inefficient, polluting motors, at least the gas-powered ones. The decibel level can be as much as 100 times the recommended level for auditory safety. An oncologist at Greenwich Hospital says that one leaf blower in one hour pollutes the same amount as 40 cars idling. The American Lung Association of New York State submitted a letter in 2008 commending the towns and villages across the lower Hudson Valley that took a positive step to protect lung health by passing leaf blower ordinances. We are going back in time if we ignore that professional opinion.

Steve Zien, a professional landscaper and executive director of Biological Urban Gardening Services, known as BUGS, an international membership organization of primarily professional landscapers, states they have opposed the use of leaf blowers for many years. It is probably the most overused and inappropriately used landscape tool. It damages the soil, noise creates ill will. The landscape maintenance industry should join BUGS and take a positive approach to blower bans. They suggest that old-fashioned leaf raking can be a renewed service that their business could provide, and it could be used as a selling point: no noise, environmentally sound, and it could lead to business growth and their hiring of more personnel to meet the demand.

Costanza Zordan, 1 Zinsser Way: I am against removing the limitation to the use of leaf blowers. All of us know about the consequences for health. People should be educated in knowing they could use different tools for removing leaves and grass from their yards. I learned that you can use an edger and mulch your leaves and use it as a compost. You do not use bags, you do not need to transport them. So you do not add more pollution to the pollution. It is a hazard for the workers because they are exposed the entire day to the fumes

of the fuel. They should be trained in a different way, and invite the contractors to learn to approach gardening in a different way.

John Gonder, 153 James Street: Technology has changed since you passed the law on leaf blowers. They are much quieter. I was the first one that got a doctor's permit. You did not realize that there are a lot of elderly people that use these leaf blowers at different times in the season. Two weeks after you made the law, you had to change it. I hope you do not change it for people that have disabilities. Now it is only an electric, but you should consider gas because they use them for blowing snow. A lot of people use them to blow debris off their sidewalks, off their gutters. I hope you keep that in the law for disabled people and also people that get doctors' permits.

Sabine Reichert, 18 Chestnut Drive: I have written comments to you about supporting the leaf blower law and re-enforcing it. People are confused about what they can and cannot use. The proponents of change of the law are often people who are OK with an electric leaf blower just to remove pollen from their decks. The public has to be educated about that. On what is proposed: is that gas-powered, is that electric-powered? It is not clear what is proposed here, and the public needs clarification before changing the law.

Mayor Swiderski: It is not the intent here to contradict or speak in response to public comments; however, my understanding is that there is no exception other than for disabled and elderly. We do not distinguish between electric or gas. It is no leaf blowers May 15 to October 15. There is no current exemption for electric.

John Flack, 28 Buena Vista Drive: I am all in favor of the leaf blower law. My main objection is the noise. Some people have made a serious case about pollution. I have nothing against people using leaf blowers if they are below some acceptable decibel level, and if they would be battery-driven or electric-powered. That would take care of the emissions problem and it would take care of the main objection I have, which is noise. Whenever these things start up in the neighborhood, and they were around the neighborhood today, it sounds like a fleet of B-29s coming in. You have to go in the house, close the windows and wait it out.

Mr. Downey: I am the person responsible for bringing this request as an amendment to the blower law. I like to deal in facts and not emotion. This evening we did a demonstration showing the piece of equipment that we are asking for the consideration of. A number of people brought up health concerns; it demonstrates a degree of ignorance because it does not affect them and it does hurt their way of making a living, or perhaps their home is not the type of home that needs it. Not all homes in the community are the same. They are not professionals in this line of work. They may do what they do well. But when they

pontificate that they have the facts and the knowledge it is aggravating because they do not. When the Conservation Commission helped draft this law a number of years ago, I was never asked to participate. Since 2007-08 when that process was going on, I have matured a great deal and have learned about the process. My feelings and approaches now are different than they would have been back then.

No one complains about the trains that move all these people back and forth to the city to their job. The emissions and the dust from the trains going back and forth, or the automobiles to and from work, generate far more in particulate than any blower. This factoid that is put out there consistently about their being more polluting than 40 cars lined up: that is bad science is the politest way I can say it. They never dictate what automobile, what blower, what fuel type. It generates emotion but they do not know facts.

I am the person who started the Love 'Em and Leave 'Em campaign in Hastings. But this village ignored that in 2008. If it was not for the efforts of the people in Irvington, that would never have gained a foothold in the county. So I speak from facts, I speak from science, I speak from trying to do the best thing for the community but strike a balance. These machines are continuously used. Why? Because they are needed. I would help draft a law that protects the rights of the homeowners, the people who hire a service and the people who operate a business. Right now, there is not a balance because the equipment is being used, police are chasing around. It can be drafted in a way that it is enforceable and makes the police work easier. When we left here at 10:30 last meeting, in the Food Emporium parking lot there was a blower being used at low level to help clean the parking lot. Those who enjoy a clean parking lot at Food Emporium, that is how it is happening. Those who have their children playing in the playgrounds, at the basketball courts, the tennis courts, the way that is kept clean is they are using the blowers. It is not happening with a bamboo rake, it is not happening with a broom. Just like your computer has replaced your Corona power return, just like your cell phone replaced your corded phone, these are upgrades in technology. Yes, there was a lack of training among the labor force and a lack of understanding of how both parties are considered in this matter. I would be happy to draft this and sit down with anyone so that we can come to that agreement.

Elisa Zazzera, 68 Southside Avenue: I was part of the group when this was created. It involved Tim in some of these sessions in the Orr Room. We involved a lot of the other landscapers in town. It was arrived at with a full complement of stakeholders.

A range of machines are used. My suggestion is that until that range is narrowed to the point where the machine does not burn fossil fuel and does not make a noise above a decibel level compared to a summer breeze- that is a little too quiet - but until it is guaranteed that all the machines are to that spec, I do not see how any other rule can be enforced.

I do not agree that this is a needed machine. I am not in the business. I have a bit of property to care for, do not use a blower. It is not the only tool to do a particular job. There are many other tools. There is already a hardship clause that says if you have difficulty because of health we will make an exception. That will accommodate a lot of folks that have shown their concern about that. If we are really interested in sustainability as a village and decreasing our carbon footprint, adopting this new amendment to the rule would be a slap in the face of all that and we would be stepping backwards.

Mayor Swiderski: Anyone else on this topic? If anyone has something on another topic, welcome to the microphone.

Andrew Radzkin, 91 Euclid Avenue: I want to comment for the Conservation Commission about the Village's ability to weigh in on the renovation of Reynolds Field. We feel the Village should officially ask for an Environmental Impact Statement for that proposal. There are a lot of aspects of it that affect the community beyond the narrow confines of the school.

There are several bases for our view. The deed of conveyance of Reynolds Field by the Village to the school in 1946 and 1947 specifically gave the Village ongoing rights in the operation of Reynolds Field, including drainage issues, access of members of the community when the school was not using the premises, and several others; the Village retained certain rights. So it is not a clear-cut resource that belongs only to the school and in which the Village has no remaining interest. There is a provision in that deed of conveyance which was forward-looking. It says, "If, and when, problems shall arise in connection with the Reynolds Field project as a whole which are not covered by this agreement the parties shall consult together and shall cooperate to the fullest extent in their solution." So there is an invitation, through at least the spirit and the language of that conveyance. It invites the Village specifically to get involved in future uses of the field.

The 1972 charter of the Conservation Commission was broader than we, and perhaps the Board of Trustees, thought of the Conservation Commission's charge. On our Web page it says the purpose of the Conservation Commission is to advise the Village Manager and the Board of Trustees. But there is some independent authority given, as well. For example, "The powers and duties of the commission seeking to coordinate and assist in unifying the efforts of private groups, institutions and individuals within the Village in accord with the purposes of the resolution," which is generally environmental conservation and protection in the Village. Also, to "maintain liaison and communications with public and private agencies and organizations of the local, state and national scope whose programs can be of assistance to the Conservation Commission."

I am going to leave you the resolution creating the Conservation Commission. We do not have a strong view whether it is the commission, the mayor, or the Board of Trustees, but as a practical matter we should not be standing on formality. We should have a dialogue with the school district. Have a discussion, hear what the proposals are, express the concerns. I believe there is a valid basis for doing that.

Mayor Swiderski: The sunshine laws prohibit a dialogue via e-mail or in person outside of this room by three or more members of the Board. The point of that is to prevent the discussion of public policy outside of the public sphere. So we, as a board, have not talked about this, either bilaterally or as a group. So I cannot speak for anyone else on the Board.

I have seen the conveyance. I passed it to our Village Attorney. We do not believe it obligates us to a discussion with the school board. The Reynolds Field project that paragraph refers to was clearly the project of turning the property over to the school in 1947, and not a use 66 years later. More importantly, that use is very much in keeping with the original goal of turning the property over to the school district. There is no problem here. There is a community tussle over certain issues regarding modifications to that property for a use already in effect, but there is nothing that is affecting the Reynolds Field project. That project has concluded.

There are ongoing obligations around drainage, and we will raise topic with the school to understand our delineated responsibilities. But my position as Mayor, and as one of five members of the Board of Trustees, is the school and the Village domains separate clearly in New York State law. We cannot tax them, we cannot zone them. Our Building Department cannot oversee construction on school district property. All cooperation that happens between the Village and the school district is voluntary. We cooperate when it makes sense and when we mutually agree, but we are both independently elected bodies with independent domains. And to this point in time, in Hastings and in most communities, that boundary is respected. That boundary was put there for good reason. They wanted to depoliticize the school system and keep local village politics out.

I am not a traditionalist by nature, but when there is a tradition that makes sense and that dividing line between the two makes sense to me I am perfectly comfortable in respecting it. I will weigh in when we are asked, when the law requires it or when a process requires it, or when clear and illegal malfeasance of duty requires us, on a moral basis, to speak up. But none of those have happened here. The school board, an elected board, has a process underway that is theirs to determine. I am entirely comfortable with leaving it to them to run their process to conclusion, as they would wish.

Ultimately that body has a bond vote they have now to pass. If they cannot manufacture a proposal that is balanced enough to satisfy 50.1 percent of the people who are going to vote on the bond in October they will lose it. If they pass the bond vote, and individually survive reelection, they have had a public comment period, they have had a bond vote and they have had an election. I do not see what is gained from us as a village entity intervening in that process. Anybody in this room can participate in that process as an individual, and is free to do so, or as a member of an entity external to the village government. But the Conservation Commission, at least up to this point in time, has been considered a Village entity. It is appointed by the Board of Trustees, it takes a charge from the Board of Trustees, and generally does great things the Village Board of Trustees endorses.

This happens to be a case on which I break with the direction the commission would like to take. This is an emotional and a hot button issue, but it is not enough to break the principal. They are going to do an impact statement. I do not know if it will be an independent contractor, but I am not going to tell them that they need an independent contractor or they should do it. Taking a stand on process is the last thing I would do. They have their own process, and they will live or die in the court of a bond vote and in an election on the strength of their process and whether they are perceived as competent, just as we do up here.

That border is one that we cross with some peril. The school district has its own charge and responsibility, and it is a critical one. Many things they do affect the Village as a whole. Taxation, for example. Their tax impact on the average everyday life of the average resident has a bigger impact on people than this field ever will. And yet it would never occur to me to weigh in on their budget vote. It is not my business. They have got to convince people to vote for their budget. It is a domain where a parallel structure exists for a historic reason and very good reason. As one vote up here, I am not inclined to endorse breaking with that tradition. I will turn to whatever Trustee wants to speak to this issue.

Trustee Armacost: What is the appropriate role for us if there is a potential cost to the Village, for example, in the drainage issue. Do you think it is sensible to talk about those things before the construction happens? To me, that does seem sensible.

Mayor Swiderski: That is the one domain I identified, in part because of the document that turned the property over to us and in part because that is a sensible area where we should have a conversation and understand it. That, and the impact on traffic, which will certainly come to us as part of the normal process. The first thing we should proactively reach out.

Trustee Armacost: What is the way that is done so that it is formal, it is in public, it does not violate the sunshine laws?

Mayor Swiderski: Having a conversation does not have to be in public if it is bilateral. For example, every month or two I meet with the school superintendent to make sure there are not issues we should be talking about. This coming Monday such a meeting is occurring.

Trustee Armacost: So it will only be you. It will not be us as a board of trustees.

Mayor Swiderski: Any one person on this board is welcome to join me. Those meetings, in the past, have not been particularly sensitive. In this case, since this topic will be on the agenda, I welcome a second person attending.

Trustee Armacost: So how do we have the conversation to make sure we all agree with whoever is the one person who represents us?

Mayor Swiderski: We do not know what the issue is yet.

Trustee Armacost: We do know that there is a drainage issue and a parking issue.

Mayor Swiderski: But we do not know what the drainage issue is yet. We make sure it is understood that we have an interest and from that point on, both bilateral and public discussions will continue. But it is early stages for that. Parking will come before the Village when it comes before the Village. It will be a normal part of a project review cycle. It is baked into that cycle.

Trustee Armacost: But I thought you said we cannot review the project.

Mayor Swiderski: We cannot review the project. But if there is a recommendation to stripe the street for additional parking or modify something that will affect parking and traffic, and that requires Village input, at that point it has to. Once it crosses the line into our literal physical territory as, apparently, part of the proposal might, then we have not only a need for input but a requirement for input.

Trustee Jennings: Would that work with the lighting, also?

Mayor Swiderski: Lighting is off the table as of last night, but in theory, I do not think so. I am going to overstate the case by saying they could probably put a skyscraper in the middle of Burke and we could do very little about it. The separation is pretty strict. If they wanted to build a vertical school that was 40 stories tall, there is precious little in the law that stops them. I will check, but I think lighting falls under that.

Trustee Jennings: I was talking not about what they are now proposing to do but the principal of what affects people in the Village as opposed to affecting children in school, such that it then falls under our purview as elected representatives. That is the one part of your analysis that was not addressed.

Mayor Swiderski: The answer is very little do we have much purview over. If they decided that the way to teach kids was via loud singing and disco at all hours we would have very little say over that, even if neighbors were affected. The distinction here is pretty strict. It is remarkable to me how strict it is.

Trustee Jennings: I agree that we do not want to politicize the workings and the relationship of the educational system and the Village government because that would be detrimental to everybody concerned. On the other hand, it does seem that the legal boundaries that you described are not the last word on the question before us tonight, because we are also talking about the interaction of trust, authority, communication, dialogue within our shared village/school district. The boundaries between the two, even though there are separate electoral processes, are fuzzier than your analysis suggests. Unofficially, both as citizens and as elected trustees, I do not think we can turn a blind eye to our leadership responsibilities and our influence in the dialogue of the community. To say we can be kind of the three monkeys I do not think is realistic. You think I can draw a clean line between Bruce Jennings as the private citizen saying something and Bruce Jennings as Village Trustee saying something. I think it is naïve to think that is the case, particularly because it is not just as a private citizen, but as the person who is responsible for looking out for the interests of the people whose yards will be flooded, who will pay the police for the traffic control, et cetera.

Can we not have a mechanism of mutual dialogue and study and advice and recommendation? Maybe that is too strong a word. Just an open process of dialogue and raising issues that is more seamless than this extremely siloed and compartmentalized vision of reality that New York state law gives us. I think we should try. I do not think it would lead us down a bad path to political fighting.

Looking back a few years, I am not sure if you were on the Board then, Pete, but Marge and I were. Both Boards felt that there were areas where we needed better dialogue with the school board and we would have opportunities of mutually beneficial cooperation and working together in cooperation. We had a joint public meeting, at least one and maybe two, of the Board of Trustees and the board of education.

Mayor Swiderski: I was on the Board at the time.

Trustee Jennings: Marge and I worked on something that would try to take the next step. It did not work. The board of education did not want to go forward with it. But just because it did not completely go forward does not mean that it was a bad idea to try to get it started. Or even worse, that it was improper or a bad idea in principal. If you hold the opinion that there is, in principal, objection to such matters I respect your opinion. But I respectfully disagree. I think we should try.

Mayor Swiderski: You are presenting a distinction I do not intend to make. On Monday I am sitting down with Superintendent Montesano. It is not the first meeting, and it was set a month ago so it well precedes Reynolds Field, which I have not raised before that meeting. I am not suggesting we do not talk to each other, and I am not suggesting the cooperation you are talking about cannot occur. It happens all the time. We have Village employees physically located in the school building. We have a youth employment service individual who works half-time, on our payroll, in the high school. We have a police chief who spends two days a week, several hours, in the high school, and a youth advocate that works closely with the high school.

So we cooperate on a number of issues closely with the high school, and look for other areas to cooperate we can because we all have the community's interest at heart. The division I state does not preclude cooperative interaction between us a the board of education or the superintendent. Like you say, I sat in that committee and we talked about subsequent meetings. I do not recall why they fell apart, but I do remember we had discussions. But they were cooperative and mutually agreed upon meetings. Without belaboring the point, if we said to the board of education would you like to hear what our Conservation Commission has to say on this topic, and they said yes, I would have no trouble in sharing that. I do not mind asking that question. But I am not unilaterally going to offer recommendations to their process, unless of course you outvote me, without their explicit agreement to cooperate on that discussion.

The distinction I make is that I have no trouble with cooperation, and there are any number of projects we do with them all the time. We are working cooperatively with the school, and Haven Colgate is involved in it, as well, at Sugar Pond on revamping. I can find other examples, as well. I do not preclude that, but I preclude a unilateral interference. To date, that has not happened here. We have not reached out and said this is what we think. If the school board passed resolutions instructing us on how they think we should do business I would be PO'ed.

Trustee Armacost: But I do not think any of us want to pass a resolution on how they do business.

Mayor Swiderski: You are offering a recommendation on how they should run their process.

Trustee Armacost: That is not what I am interested in. I am interested in a conversation about the parking and the drainage.

Mayor Swiderski: And I do not have an issue with that.

Trustee Armacost: It is a bit tricky. It is like you do not know how to start the dance. He is not going to ask, she is not going to ask: at a certain point they have to just ask.

Mayor Swiderski: On the parking issue they have to ask at the point that they are implementing those particular items in their proposal. On the drainage issue, I have zero problem in raising it for the first time on Monday in a bilateral private discussion and then later on in public. I do not think that is a particularly challenging discussion to initiate.

Trustee Apel: I believe in better communication, and I respect the fact that you are going to speak with the superintendent. But that is not an open public meeting, and that bothers me. I would have preferred if the board of ed had said we should discuss what we are planning so that you will be prepared. But they did not do that. So we should say we would like to have a meeting so we have a better understanding of your project. We want, from your perspective, how is this going to affect the people in the community. It is not just that they are going to have a bond. If they are going to have all this runoff and water and other things we do not realize, then the Village is going to have to pick up the bill. So not only are they getting money for the bond, but they are going to have to get money from us. We are not telling them what to do. We want to be informed. I think that is the least we could ask for. I am pleased that you speak to the superintendent all the time. But this is something that has become bigger than one or two people meeting. This is a big issue, and people like to know that it is being discussed in the open, that there is no secret stuff going on. Everybody likes to be heard.

My suggestion is to say we are going to have a meeting, we would like to invite you here, we could go there. But please give us the information on this proposal, where you are at and the consequences for villagers. We have school people that do not live in the Village and pay different taxes. How is it going to affect us? How are the financials that are going to happen, what are the specifics? We talk about transparency, we talk about being open. All we want is the courtesy of giving us the information. You may not know everything, but at least it will be open, and it will be televised and everybody can watch it. We should not have to be guessing, or hearing that this went on at the meeting. They should be informing us, let us talk about it, so you know and you are prepared. Because people do not see the line,

necessarily, and they ask us questions. People come up to me and say the school is doing this and this, and I say it is not my board, I cannot do anything about it. But they do not see that. They see us as a representative of them for their issues and their concerns, and that is what we are there for. You are right, they are going to have to bring it up for a bond issue and it is going to go up or down. But at least it would give more information to the people in the community about what is going on, and they will see that we are respecting each other and working together.

Trustee Walker: I agree with Marge that I would like to request a meeting, in public, where we can discuss these topics and ask them questions. I do not have enough information to tell them what I think they should do.

Mayor Swiderski: You do not have a right to tell them.

Trustee Walker: I know. I understand that issue, and I agree that these are two different...

Mayor Swiderski: It is a core issue.

Trustee Walker: But in terms of the things that are our responsibility: traffic, road improvements on Chauncey Lane, potential parking issues, policing issues, those are within our purview. I do not know that we have enough information now on those impacts to be able to tell them anything about that. At this point, I think it is a good time to have a discussion. They are still doing their due diligence. They do not have construction documents, they do not have even a very well worked out design at this point. They are still gathering a lot of information. So it may be a good time for us to weigh in, but maybe they need to gather some more information before we do.

Mayor Swiderski: But they have gone before the Safety Council already. And, in fact, they do not owe this board a discussion about parking. Nobody else does.

Trustee Walker: But they are talking about reconfiguring a Village street to have head-in parking, right?

Mayor Swiderski: Yes. If it requires our approval, obviously they will be here. If it does not, then we have no right to ask them to come to us and explain something. It is an important distinction.

Trustee Walker: I believe that planning should be approached differently. I understand there are two different silos, I understand that we have two different public entities here. But in many instances, in other cities and other states, public entities get together and they

discuss these things. And stakeholders are involved from the very beginning. I could cite numerous examples of where this happens. When we are planning the waterfront or when we are looking at our comprehensive plan, we have invited the board of education to participate in the process. We believe in stakeholder involvement from the very beginning of a process. That means property owners who are affected, that means public entities that are affected, the state, county and so on. Whether it is required or not, it behooves us, as a board, to invite stakeholders to get involved at the very beginning of a process. With a private developer, too, there should be stakeholder involvement from the very beginning. These things have to be looked at much more broadly than we have looked at them, in this day and age. We have to look at them holistically. We have to look at them in their broader impacts, in their long-term consequences. I am afraid that often in our society we do not do this. And then we have unforeseen consequences because stakeholders have not been involved in the beginning. Emotions get heated because people are not invited to be involved early on in a process. This is part of a responsible public process to include all public entities and stakeholders. They have had public comments and they have been to the Safety Council. But if it were our board, I believe we would have invited them to a discussion. Asking us our concerns is important.

We are hearing a lot from the public. So we could express some of the things we are picking up. In terms of making any decision as a board, I may have strong opinions about what they are doing, but I would never propose solutions or make suggestions without hearing the public, as well. We as a board, cannot vote on any aspect.

Mayor Swiderski: Setting apart the stuff we have domain over.

Trustee Walker: The other stuff that you have talked about. Even when we come to make suggestions, if they even ask us for our recommendations I do not think we can make those suggestions without public input. So as a board, we want to hear from the public just as we did on the leaf blower law. I am not going to take a personal stand, and if we are asked for our opinion or recommendation, I would like to do that with public involvement.

There are potentially unforeseen consequences of this kind of project. I have done a lot of public space projects, and you need to think these things through thoroughly. I would love to have a discussion with them about it. Maybe the time is not right yet. Maybe they are still gathering information and they are not ready, but at some point it would be useful.

Trustee Armacost: One other thought. We are in an enviable position because we have this amazing waterfront which we do not have complete rights to yet. We cannot dispose of property yet. But there are lots of interesting potential uses which we can talk about. I know from having spoken to people that when they answered the questionnaire, many said they

would love to see sports facilities there. People have talked about Irvington and about other interesting sports facilities at the waterfront. The board of education cannot talk about that. They can only talk about improvements on Reynolds Field because that is the only property that they have to play with. Another value of having a conversation is to talk about possibilities, not making any promises because we do not own that property. But even to open up the possibility that some of the plans for Reynolds Field could conceivably happen in another place. That might be a gift to them. It may be something that they prohibited themselves from talking about because of the Chinese wall you have been discussing. I am a proponent. All of us have been saying that having a discussion is a healthy and good thing. I do not think any of us are saying that we should be making recommendations or telling them what to do.

Mayor Swiderski: I do not want to address the waterfront proposal because it is ten years out. You are entirely right. I cannot talk hypotheticals about property we do not even own. The problem with their field and track is not ten years out, it is today. Whatever relief they might see in the possibility that Exxon may cede land to us and we may, as a community, decide to do fields down there in ten years is nice, but incidental.

I am hearing strong support for a request for discussion. If they do not think it is appropriate or it is too early, it ends there. But I am willing to make that request on the behalf of the rest of my board, because I would not make it, to initiate that discussion. And I will phrase it that way: that the Board would like to reach out and have a discussion about how the alternatives may affect Village infrastructure.

Bringing this back to the Conservation Commission statement, I have not heard a consensus that we should back that statement and making it something we are comfortable in being released either under the Board of Trustees' name or under the Conservation Commission's name. I want to get a sense of the Board on the release of that statement.

Trustee Walker: It was fine for the Conservation Commission to issue their statement to the board of education as their own personal opinions. It is inappropriate for them to issue it as a Conservation Commission speaking for the Board of Trustees. I would be uncomfortable making recommendations to them without being asked and without a public process around it. I have my own personal opinions, as well. But I need to represent the views of the Village, and just as with the leaf blower law, there are many views out there. I am not going to represent my opinion about the environmental consequences of this. The issues that impact us as a village, like the traffic, we can weigh in on. But I do not believe that we, as a board, should weigh in on the environmental impacts.

Trustee Apel: I agree with Meg. Before policy is set out by a commission it needs to come to the Board first. I do not want to tell the school board how to handle their process. What I do want is for them to communicate with us and for us to be more open and discuss some of these issues that are going to affect us when it comes into our territory. We can deal with parking and sewers. It does not mean that we cannot voice concerns when we have a discussion about the unintended consequences and how they will affect Village residents, although I am sure the residents themselves will tell them, quite well and articulately, how they feel about the project.

But only things that we have control over can we have influence over. It is a matter of communication and respect and outreach. That would have been the right thing to do, whether it is sooner or later. They probably were not thinking. They are just going on their way and doing it. But now that we have brought it up, and I am sure some of them may be watching, they will see our concerns. Discussing future possibilities of land that we do not have control over is saying this is a thought way down the line, so instead of spending \$200,000 or \$400,000 maybe you want to scale it back to \$100,000, with the possibility that this may happen; we cannot promise it. They could have asked us what our plans are for there, and we would have said we do not have any control, but this is what we would love to be able to do. That is how these two entities work well together. We are here for the kids, we are here for the adults, we are here for everybody and we have to work together, even though we have two different silos.

Mayor Swiderski: I would say we do that quite well. We do cooperate on many axes with the school system.

Trustee Apel: But those are the ones that nobody sees, or they see them but you have done them so well there is no issue.

Trustee Armacost: And we do not even know about them. I had no idea you were meeting with the superintendent once a month. Maybe we should chat about what you find out.

Mayor Swiderski: I am happy to bring that back. It is usually are there new avenues for cooperation and are there any problems with existing programs or issues worth bringing up. You stuck our guy or woman, in a dingy office. Could you move them to a nicer one? That was not actually one of them, but that is the sort of thing that we discuss.

Trustee Jennings: It is important for all the boards to speak as a board only with the foreknowledge and approval of the Board of Trustees. If the charter of a board says they are an independent entity and can do what they want, we should amend that charter because it is too chaotic and disjointed, and undermines credibility and trust.

It is important for the Conservation Commission to stay in contact with us about their concerns, and that we make a decision about the things that are issued as advice and concerns and statements on behalf of the Village. That has got to be carefully done. On the other hand, part of the reason that we have boards and commissions and volunteers is that we have a tremendous fund of expertise and energy and talent in this village, and we are trying to mobilize that in an efficient way. The question is not how to muzzle it, but how to use it.

Mayor Swiderski: That is not the question. But yes, go ahead.

Trustee Jennings: I am suggesting that should be it. With that question in mind, we should remain open to a number of options. One option would be that the Conservation Commission study something and comes to a certain view, and comes before us and says we think this view should be made known to other entities, like the board of education, to inform their decision-making process. Sometimes we might say we are going to vote on it and we are going to issue it in our own name. Sometimes that might not be the best course. We might say issue it as your commission. We are going to stay out of it, we will not commit ourselves to as a board of trustees. But we want this view out there, we want to have some attention paid. This is a less high profile way to do it. Other times, we might say no, this is out of bounds, you have to do this as private individuals. My point is we should always have a range of options open to us. But our commissions should not take it upon themselves to issue statements before coming into communication to see what is the best way the communication should be issued.

Trustee Walker: You mean, then, there is a middle way. Or maybe there are several middle ways. We could have said tonight issue it as a commission, but do not put our stamp of approval on it. Is that what you are saying?

Trustee Jennings: Once again, we get so hung up on stamps of approval. There is a statement issued by the Hastings Conservation Commission, with the names listed, and it is coming from them. There is a statement issued by the Board of Trustees with our names listed as coming from us. Obviously, we gave permission for the first one to happen. So it has got our stamp of approval, but there are stamps of approval and there are stamps of approval. We all know more about how politics works than we are seeming to in this conversation. And, of course, another board always has the prerogative of saying this is our call, thank you very much for your opinion, we are simply going to disregard it.

But that is a public act also. When you make a recommendation, another entity responds to it, that becomes part of the public image and they have to deal with it. There is no such thing as a politically neutral act of public communication. Nor is there any such thing as a

politically neutral decision not to communicate, especially when a lot of people are paying attention and the decision to be made is an important one.

Mayor Swiderski: It is especially then.

Trustee Jennings: We should be careful.

Mayor Swiderski: That distinction between a commission or a board of trustees' statement is really parsed for what it means. But I would say there is not much of a distinction at that point, in the public's eyes.

Trustee Jennings: If that is it so be it. You know, boards of trustees get things done without their direct voicing of something. You know this is the way it works. But to reiterate the point, boards and commissions should not go off on their own and issue things. So even there is not a big public controversy. The buck stops here. We ultimately are accountable for what the boards and commissions do and say. If they want to say something as private individuals they have to be careful to label it as such. But it is not just on hot-button issues. I do not think the Safety Council ought to be talking to Joe Smith about his bushes on their own, either. That should be part of a coordinated thing we do in the Village about traffic safety.

Trustee Armacost: We have a talented and amazingly committed and thoughtful Conservation Commission, who spent a lot of time thinking about this issue and crafted a statement which represented what it was charged with doing, which was addressing sustainability issues and environmental concerns in our village. They spent a lot of time carefully choosing the words to be thoughtful and helpful in moving a process forward. I think they thought they got permission. The e-mail exchange was a little bit weird. I know you did not think that.

Mayor Swiderski: Yes, they do not think that either. It was an accident that the e-mail went out as it did.

Trustee Armacost: In any case, the e-mail chain was a little weird around that. They tried to get permission from the Board of Trustees. The set of e-mail flows that flowed was a little unclear whether they got permission or did not get permission. What is important is for us to have a protocol, moving forward, where it is clear to boards and commissions, irrespective of how they were chartered in the past, and irrespective of the intention of the people who are in that group, which, I believe, is always going to be well-meaning. It would be helpful if we are clearer about what the process should be. It is important that if a board or commission comes to us with strong opinions that they have signed as a group, that we take that seriously

and listen to it. They do not do that frivolously. They are very busy people. They have got a lot of other things they can be doing with their time. And if they have taken all of that time to come up with an opinion it is because it is important. We need to make sure that we do not blow off that work. It is a combination of us being respectful and thoughtful of their work, and finding a process to allow a view which a group of people who are chosen by us to do exactly that thing, even if we disagree with it or it makes us uncomfortable, gets a chance to voice that view. We cannot decide it tonight, but I would like to recommend we think about a process for doing that in the future, where the discussion can be public.

Mayor Swiderski: I completely agree. As the woman in charge of volunteers and committees, I would love for you to draft the first version of that protocol. We will deal with it the moment you bring it before the Board.

Trustee Walker: The Conservation Commission is charged with giving opinions to us, to the Planning Board. I do not know about the Zoning Board. Certainly when there are development proposals before us or before them, that is one of their charges, and there is a protocol. I am just saying, for Niki's benefit, that is pretty clearly spelled out. We have to make sure, in fact, that we ask for their input. Sometimes it y slips, and we do want their input on all of these. But this is one that is different.

Mayor Swiderski: It is not us.

Trustee Armacost: It was opinion for another group, and it is a very unusual situation.

Mayor Swiderski: It is a complicated issue. I am going to add another item to your consideration when you draw that protocol up. Boards and commissions should react to charges set internally by Village government, where appropriate, either Board of Trustees, Planning, or whoever is the agency allowed to request that assistance. Unless specifically stated in the charters, they should not be reacting to outside input.

Trustee Walker: Not reacting to outside input. What do you mean?

Mayor Swiderski: I am not sure they should necessarily engage in projects at the behest of private individuals that come before the board and ask for it. Or if so, we need to talk about how that works as a part of this mechanism just to nail it down.

Trustee Armacost: We need to have a conversation about what you mean by that, because that can have a muddling effect. Say, for example, on the deer issue. Let us say we do not charge them, but there is a deer infestation in our village. And they, as people who are dealing with those kinds of issues, feel they should bring it up

Mayor Swiderski: Yes, fair enough. So to wrap up, in terms of next steps, is there anyone who at 7:15 a.m. feels like joining me at Montesano's office Monday morning?

Trustee Armacost: I can join you on Monday.

Mayor Swiderski: I will compose an e-mail to the head of the board of education with that request for cooperation, and a discussion on items of mutual interest. I will vet that with the Board first before it goes out.

Mr. Radzkin: When you are discussing the direct interest that the Village has on Reynolds Field we talked about drainage. Community access to the facility is also clearly spelled out in the conveyance. The proposed plans may have an impact on that, as well. I think that is fair game also for discussion.

Mayor Swiderski: I will take a look at the conveyance and see if I agree and if our attorney agrees.

Ms. King: I want to thank the Board for this extremely thoughtful and interesting discussion. I think we understand the little bit of muddle that happened this week. I do not think anybody intended things to turn out the way they did. We appreciate the kind words, but I most of all wanted to thank you all. I felt this was a very valuable conversation. I felt you all had very interesting perspectives on this and all very valid. It was certainly very helpful to me. It gave me a deeper understanding of the issues. So thank you.

Mayor Swiderski: You are welcome. I agree, it was really interesting. This is as good as this gets up here.

30:13 CHANGE OF MEETING DATES

Mayor Swiderski: I am not certain whether we move to a single meeting each month. What big ticket items do we have in the next few months? The green building code is the single biggest immediate item that requires Board input. Last year we had two in July and one in August. Maybe one of those in July or one of those in August is a green building code work session instead.

[Discussion of dates]

Mayor Swiderski: So July 2 and 9, and August 6. July 9 may be the green building code, it may be the comprehensive planning recommendations.

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

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

1. July 2 and 9, 2013
2. August 6, 2013

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Hastings will be sponsoring the Moving Wall, a replica of the Washington, D.C. Vietnam Veterans' Memorial. Lisa O'Reilly of Parks and Recreation, who has headed this project up, would like to remind everyone that it will be here from July 3 through July 8 at Draper Park. She is asking for any volunteers to join her on June 18 at 6 p.m. at the Community Center as she continues her logistical preparation for this event.

Mayor Swiderski: And over July 4 holiday. That is a remarkable honor.

Village Manager Frobel: It is quite an accomplishment. She has been working on this for a number of years, and we have been on a waiting list.

Trustee Walker: It is going to be amazing. I have a feeling there are going to be people from all over coming to see it.

Village Manager Frobel: A few weeks ago I mentioned how Hastings participated with some of our neighboring communities in a ribbon campaign to recognize May as Mental Health Awareness Month. This afternoon, a member of the board of directors of this program presented the Village with a certificate of appreciation for your participation in this event.

Mayor Swiderski: If we are mentioning successes, our ladder company won an award as the best ladder at the firemen's meeting upstate in Westchester. A real honor.

The Hastings High School Student Conservation Committee is going to be honored a week from Thursday at the Lenoir center. They are one of two groups being honored. They have won two years in a row in this ecological competition against, where they get together and answer questions and carry out tasks testing their knowledge and skill against other high schools. We won the first time we participated. Kerry-Jane is not here, but her daughter led the group the first year that won the competition.

Ms. Zazzera: The first time they came in first and they came in first again. It is all about sustainability and environmental issues of the time. It is state-wide.

Mayor Swiderski: Finally, Patty Speranza, head of our Planning Commission for many years who recently stepped down, is being honored this Thursday by the Westchester Municipal Planning Federation.

BOARD DISCUSSION AND COMMENTS

1. Proposed Zoning Amendments Regarding Site Plan

Village Attorney Stecich: The main change was to say that site plan approval would not be required for interior work that does not change the exterior of the building. All of these other changes are related to that. We also added that you would need site plan approval for the construction or alteration of a driveway or parking space, because a driveway does not fall into the definition of building or structure; and the alteration of a building in such a way as to create an additional dwelling unit.

One important thing to remember is site plan approval has never been required for single-family buildings. But if you are, let us say, in the downtown, and you have an office on the second floor that you are converting it into an apartment and it does not have any structural alteration, you would need site plan approval. The reason for that is that the Village charges a recreation fee for any new dwelling units because new dwelling units generate a need for additional recreation space. You can only assess recreation fees in either site plan approval or subdivision approval. So if you are creating a new dwelling unit you have to come in for site plan approval, and that way the recreation fee is in place. Or maybe somebody has an office downstairs and one apartment upstairs, and they are converting it into two apartments. That would not create any alteration. It would otherwise require site plan approval, but you do have to come in for site plan approval because you created the additional space. So you get the recreation fee for the additional dwelling unit you create.

Trustee Apel: Does that put on extra hoops to jump through, when what we are looking for is just a recreational fee? In other words, they are going to have to spend a lot of money and do all these things, and all we are going to get is a \$25 recreation fee out of that?

Village Attorney Stecich: No, the recreation fee is not \$25. It is \$7,500. It is not an incidental fee.

Trustee Apel: But the person who is going to have to go through the site plan is now going to have to spend whatever they have to in order to get that.

Village Attorney Stecich: Yes, there are a lot of requirements for it. But they would be mostly irrelevant. They could just say it is not relevant.

Trustee Walker: But that is an interesting question. Because they have to come before the Planning Board. Why is the Planning Board going to bother even to look at that when it is just an interior renovation and a fee could just be assessed?

Village Attorney Stecich: No, it cannot.

Trustee Walker: I know, but what is the Planning Board going to review besides the fee?

Village Attorney Stecich: Maybe only that. Maybe they will look at what they are doing, and parking issues. Then you make an assessment: is this generating a need. It does not always. There have been applications that have come and they said this is not generating the need because it used to be an apartment that they made into an office, and now it is going back to an apartment.

Trustee Walker: And the Planning Board can determine that, then.

Village Attorney Stecich: They have. That has happened. So that is the first set of changes. We discussed those at the last meeting.

But Buddy Minozzi raised that he did not think site plan approval should be required of two-family houses. In fact, for the most part it has not been done, but the code did require it. So I added paragraph D that says that no site plan approval is required for the reconstruction, alteration, renovation, demolition or enlargement - pretty much all the same things for single-family, except you do have to come in for the construction of a new two-family house, because the rec fees would be required of a two-family house.

Trustee Armacost: So it is referring to an existing two-family house then.

Village Attorney Stecich: Yes. If you are constructing a new two-family house you have to get site plan approval, which is what the law is now.

Trustee Apel: What about this part that says enlargement of a two-family dwelling? If it got large, at what point is it too large that we should be looking at it?

Village Attorney Stecich: It still has to meet setback requirements. Now the two-family are treated exactly the same as one-family, which has been the practice. It is not the way the code reads, but it has been the practice. This just codifies the practice, except it does say that you need site plan approval for a new two-family house or conversion of a one-family to a two-family. Those are the changes.

Trustee Armacost: Were there any other changes like that, where the practice is different than the code?

Village Attorney Stecich: No. For the most part this reflects the practice. There were other things that the Building Inspector thought should be exempted from site plan approval, but there did not seem to be general agreement among the Board. Whether that was the practice that they were not requiring site plan approval I do not know.

Trustee Armacost: Where did you come to on the point of certain things being the discretion of the building manager or the Board, like the issue of the little statues?

Village Attorney Stecich: It is not we did not get to that. What became clear in the discussion were the things that a building inspector might think are incidental the Board did not feel would be incidental. One of the perfect examples was a generator, where the building inspector does not believe a generator should have to be reviewed, that it is insignificant. My feeling, and I think other people on the Board, would be that a generator can be significant. I can remember when it was a big deal at the Gyro Deli when that equipment went behind it. Generators make noise or air conditioning things. The statues are a good example. It did seem to pull somebody in for a review that may not have served any purpose. But it is hard to come up with an exemption that is not either under-inclusive or over-inclusive. It is problematic. What happens on those kind of cases where it is just minor, they get it in and out of the Board quite quickly.

Trustee Armacost: Is there a way to waive a fee on something like that? It seems like you are meeting the letter of the law, but when everyone comes in you want to dismiss the case when you see it.

Village Attorney Stecich: The way the law is written the Planning Board does not have authority to waive anything. The state enabling law says the Village can give Planning Board waiver approval to either waive site plan approval altogether or to waive certain requirements of site plan approval. But the Village never did that, so they do not have any waiver authority. In terms of waiving fees, you could give them the authority to waive the fees but you would have to specifically do that. It would be, I think, difficult to say.

Trustee Armacost: Yes, in which situation. It might be awkward for people.

Village Attorney Stecich: Although I have to say, the applicant never complained about it. Plenty do. I have been representing the Planning Board for close to 30 years. I have rarely seen insignificant cases come before it. It happens. I do not know how to legislate around it. We did it with the view preservation. But there is more flexibility in modifying the view preservation law because that is a Hastings creation. Site plan approval is not a Hastings creation; it is authority granted by the state law.

Trustee Jennings: I would be in favor of coming back to the question of whether we want to pass legislation that would give some waiver authority to our Planning Board. It is true that any discretionary authority may create difficult judgments that have to be made by the responsible officials. So, welcome to the world. But if we think we have a problem of over-inclusiveness, it seems to me that is the only way we can address it, because we cannot single out a name, individual instances, like we have done with the interior renovation here. I am not yet convinced that we do not have a significant problem of over-inclusiveness and unnecessary cost. I like to collect the fees for sure. But the mailing costs, the transaction costs of having to go in for de minimis site plan approval may be more frequent. It may be something that we should pay legislative attention to. I would like to come back to that question.

Village Attorney Stecich: Could I make a suggestion, Bruce? That authority exists in the code for the subdivision requirements. For whatever reason, it was never written into the site plan requirements. Let me read you the provision for the subdivisions. It says, "Where the Planning Board finds that because of the special circumstances of a particular case" –it is a pretty exacting standard here – "extraordinary hardship may result from strict compliance with these subdivision regulations, it may modify the regulation so that substantial justice may be done and the public interest secured; provided, however, that any such modification will be consistent with the spirit and intent of these subdivision regulations."

Trustee Walker: And that would include a fee, potentially?

Village Attorney Stecich: I will check; it is possible that the fees are required by the site plan regulations, and then you set the fees in your fee schedule. Let me see. It is a requirement of site plan approval, a fee in the amount set by the Board of Trustees. So yes, if it says you can waive any of the requirements, then you could waive the requirement of the fee. It would not be a big deal, if everybody agreed, to add a section worded the same as the subdivision waiver authority to the site plan law.

Trustee Apel: What is the downside of putting that in there?

Village Attorney Stecich: The downside is that it could be abused. But that is another thing I have never seen. People have come in and argued to the Planning Board, I do not think I should have to pay the recreation fee because these people are not going to be using the stuff. And the Board says sorry. Mostly it is used to say you do not have to submit that because it is irrelevant to what you are seeking. I have never seen that abused, and you always have strong people on your Planning Board. I cannot imagine it would ever be abused. I have to say it is a pretty exacting standard. It has to be extraordinary hardship, but they could try. In fact, this waiver is often in site plan regulations.

Trustee Armacost: But to Bruce's point, it would be useful to know how often it would have been helpful to have it, how many situations where it has been frustrating. I do not know whether that is recorded in any way, but it would be useful.

Village Attorney Stecich: It would be recorded in my head, because I sit at every single one of those meetings. Once a year? It is not frequent. But it also depends. You could have a Building Inspector who reads the code more strictly than another one, and then maybe it could come up more. I would suggest you put in the provision. I think it is a good idea.

Trustee Armacost: Is it too late?

Village Attorney Stecich: No. If, other than that, you are ready to go forward with this you could call for the public hearing. If you feel ready with this it is not a bad idea to do it now so then it can get referred. You have to get the input from the Planning Board and the Zoning Board, and then they can discuss both at the same time of the view preservation amendment, which is just getting to them. Their input would be very helpful.

Mayor Swiderski: I think we are prepared to vote on it.

Deputy Building Inspector Minozzi: I am in favor of all this, and I am very in favor of a site plan waiver.

On A-1, for clarification, the new wording would say "except for interior work that does not change the exterior of the building." Windows, roofing and siding: they are not structural changes, though windows and roofing do require permits. Would they need site plan approval?

Village Attorney Stecich: I would not think windows if they are the same kind of windows, same dimension. If you are going from a flat window to a bay window that is changing it.

Deputy Building Inspector Minozzi: No, I did not mean that. I mean take that window, put a new window in. That is not interior. That is exterior.

Village Attorney Stecich: But then you look at the beginning of it. Is that construction, reconstruction, alteration? Remember how alteration is defined in the code. It is renovation, demolition or enlargement of a building.

Deputy Building Inspector Minozzi: No, it is none of those. It is replacement.

Trustee Walker: Why is it not renovation, though?

Village Attorney Stecich: It is not renovation of a building.

Trustee Walker: It can often be part of the renovation of a building.

Village Attorney Stecich: Part of a renovation of a building, and then the whole thing is going to be looked at. But somebody just wants to change the windows, more energy efficient windows.

Deputy Building Inspector Minozzi: That is my question.

Village Attorney Stecich: If it is the same, I do not know, it is a footprint. But my reading of it would be it does not require site plan approval. You are the building inspector. But I think that would be a fair reading of it.

Deputy Building Inspector Minozzi: I do not want to under-enforce or over-enforce the new law if it becomes new law.

Mayor Swiderski: Legislative intent. So let us move to public hearing, all right? Do we have to vote on this?

Village Attorney Stecich: No, just call for a public hearing. I just want to clarify, not about waiving site plan approval altogether, but waiving any requirements of the site plan approval.

Village Clerk Maggiotto: What are we calling the public hearing on?

Village Attorney Stecich: A local law to amend the site plan approval provisions.

Trustee Walker: Are we adding the waiver?

Village Attorney Stecich: That is all part of site plan approval. It will be another provision

2. Leaf Blower Law – Consideration of Modifications

Mayor Swiderski: We put out to the Village an e-mail soliciting input. We received 92 responses by e-mail up to today: 50 in favor of keeping the law the way it is, and 42 looking for a change. Generally, it seems people interpret it as personal use, but an occasional e-mail indicated professional use, as well. We have gotten a greater input from the public on this than I can recall on any one item.

Trustee Armacost: It is certainly a good, organized campaign.

Mayor Swiderski: It did not feel that way. It felt like people were reacting emotionally. In a fake grassroots campaign there is language you see from e-mail to e-mail. There is no repeating language here. People spoke from the heart. And they were everywhere from no, exclamation points to two-page essays on why we should or should not.

Trustee Walker: You did ask people to weigh in, did you not?

Mayor Swiderski: Yes, this was in an e-mail to the community a week ago. I put the Board's e-mail in there, if you are wondering why your inboxes were flooded, because I did not want that to fall on me. We did really get a reaction. You will never see a room packed with that many people other than maybe on the fields. How does the Board wish to proceed with this?

Trustee Apel: It was discussed, there was a committee, we have a Comprehensive Plan that is looking for environmental things. This was already discussed, and there was already consensus. We came up with a well thought out compromise after a lot of discussion. The compromise looks like it would be eaten away.

Mayor Swiderski: Marge, can I stop you? I want to say what we were talking about specifically for the camera. The change is a request for handheld electric or gas blowers. The distinction is made between the backpack things. I do want to add two variations we received. One was to shift the date from mid-May to end of May or mid-June because this is when a lot of stuff drops from the trees. At least three of those comments asked for a date slip. Most of the comments specified personal use versus contractors running around. It gives us a potential range of options to respond to. So sorry, continue.

Trustee Apel: The reason that I do not want to entertain it is because I do not know how we would enforce it. They are not enforcing it now. I wish we would spend a little time on figuring out how to do that. IF we cannot deal with what we have now, making it more liberal and changing it is not in the best interest of the Village. I cannot foresee that the policemen are going to run all over the community every day checking out to see whether it is the company using it or an individual, or are they using the gas or the electric, what time are they using it. The police are going to end up not doing it. And then someone will say, if they are not doing it why do we not just do it the whole summer anyway. So the discussions on the environment, the health of individuals, the noise and so forth would be for naught. We came to a very good compromise years ago. If you have a handicap or it is a problem you can get it. My feeling is that we should leave it the way it is and we should not continue with this discussion.

Trustee Walker: I was quite surprised at the impassioned pleas on both sides of the issue and how many there were. Those who voiced an opinion to change the law were just as strongly opinionated as those who did not want to change the law. I would prefer not to change the law. I agree with Marge that enforcement will be very difficult. I noticed just today a number of landscape contractors using mostly handheld blowers in my neighborhood. I heard loud ones in the distance, as well. It made me realize, as I was working from home today, the reason why we have this law. We are a village with small lots, densely populated, and a lot of people work from home. It is a nuisance, and it kicks up a lot of dust and allergens, not to mention the pollution that they create.

I would not change it. The question about moving the date is an interesting one, but that was not what we were addressing. It is something to consider in the future, but I am not ready to answer that question. People said there are so many droppings after May 15. It is true. The streets are full of this oak stuff. I did not used to have that on Washington Avenue, now I do up on the hill. But that is a separate issue, and we can address that another time.

Trustee Jennings: I got the impression that the people who want to leave the law alone and not change it were more impassioned than the people who wanted to change it, but maybe it was closer to 50-50. Many made a statement about rejecting any change, period, no matter

what. It has become a symbol or an established baseline, after only a few years. I am concerned about the differentiations of personal versus commercial, the type of machine that is being used either by a person or by the commercial entity. These kinds of nuances complicate enforcement tremendously, and may lead to confusion. There is virtue in simplicity and cleanness, even if it is a bit arbitrary. I am nervous about trying to fine tune in ways that make it more complex and, hence, might even undermine the enforcement that we have. If we do any change the rationale for the change should be that we did not get the date of the law correctly corresponding with nature. We could tweak that and keep the rules the same. As a tradeoff or as a complement to doing that, I would be in favor of much more concerted efforts to address the enforcement problem. I do not necessarily mean police prowling around the neighborhoods. The contractors are the key. We have to sit them down, and everybody that does business in Hastings should be told that they have to obey our law and if they do not we will try to take steps to preclude them from doing business in Hastings. I do not know if that is possible, but that is the serious way to enforce this. I am not sure that we have tried it. I was not on the Board when this thing was first passed, so maybe that had been tried and failed. It is an ongoing work in progress. But nevertheless, that would be palatable for me: tweak the dates and, in return, get serious about enforcement.

Trustee Armacost: I agree with Bruce on the tweaking of the dates. Just on my street it has been so obvious that there is extra debris that is not there in the summer. That is an important thing to consider.

One thing on the issue of enforcement, the statistics the police department gave were quite interesting. The number of summonses seems to have gone up a bit. It would be interesting to know more about what it happening with the unfounded ones. Is this people who are just calling? Is it the same person who is calling in each time, or is it a series of unfounded calls? Are people mistaking the sound of a blower for a lawnmower?

Village Manager Frobel: I could answer that partially. It is exactly as you pointed out. Sometimes it is a mistake: it is a lawnmower or something. Or by the time the policeman gets there, the crew has finished their work.

Trustee Armacost: It reminds of other examples where what you prosecute one entity, but it is as a result of another entity that you have a problem. The reason you have the problem is that homeowners are hiring people to use these big machines. Should the penalty go to the homeowners who are allowing those machines to be used on their property? Do they have a responsibility not to allow those machines to be used in the time period where it is not allowed? That is a different kind of an enforcement. It shifts the burden. It makes the person who is having the garden cleaned up responsible, then, as well as the contractor. You can have two people responsible in different ways.

Village Manager Frobel: That was discussed during design of the program.

Trustee Armacost: And what did you decide?

Village Manager Frobel: In this case, we worried about giving it to the proprietor and not the men working. We do give it to the man who is physically working the machine. So we thought that was a way to address that; to bring a stronger point home that there is a problem with not complying with the law, and that the worker gets the fine.

Mayor Swiderski: But people are often typically not home when the abuse happens on their property.

Village Manager Frobel: And they maintain they did not know, they were not certain. They told the man not to use the blower, but evidently he did.

Trustee Armacost: A number of people who were looking for a change were already covered. Quite a few were talking about having an exemption because of being elderly or other things. So another part of it is to see who is being adversely affected. If the change in date happened, and if we take out the people who are already covered under the existing law, would the objectors be, in fact, much less. It looks like it is almost 50-50; 50 to 42 feels very split. I am thinking that 42 might be less. So I am in favor of extending the date, but not changing the law. It is very confusing. We had the demonstration earlier today, and it is difficult for me. I was trying to remember what one sounded like versus the other. I do not think I would be able to tell the difference between a small handheld and electrical versus a bigger one.

Trustee Apel: They all sound loud and, as the statement was made before, the lawnmowers sound loud, the weed whackers. They are all making noise and I do not know why we picked on the leaf blowers and we did not do the weed whackers and the other stuff. I am not saying we should. I am just saying there was a reason the blowers...

Trustee Armacost: It is the combination of the noise and the dust. It was not just the noise.

Mayor Swiderski: And the core necessity of what is being delivered. Hard to do lawn mowing by hand.

Village Manager Frobel: I spoke to the Chief in early May, when we anticipated this law going into effect. We try to anticipate problems. The last two weeks in May, we typically issue more warnings than summonses. Part of that is the confusion. Yonkers does not go

into effect until June 1; sometimes the operator claims ignorance of our laws. We show a little bit of latitude. This year it got worse because it was a very cold spring and a lot of these things that are coming out of the trees would have happened maybe two weeks or 10 days ago. We might not have seen it quite as bad because they could have used the leaf blowers. What will happen tomorrow is, I meet the Chief and tell him that we have got to step it up. I do think, over the last two days, we were being tested. A couple of these firms were caught and they should have known better. They pleaded ignorance. But we will be issuing summonses and stepping up an aggressive effort over the next several days.

Mayor Swiderski: Again, it was evenly split. The intensity was on keeping the law the way it is. That is where you saw the exclamation points and the capital letters and, in some cases, almost desperation that the law not be changed because of health issues. And lots of people who work at home, and complained.

For me it comes to down to arguments of convenience versus quality of life. It would be convenient to have a device, but for people here during the day their quality of life is definitely impacted. In any choice between those two, I will err on the side of quality of life. I would also make another point, that there is a distinction in the people making the requests. A number of them have larger properties or, indeed, there might be a burden to clear those properties by hand. I have sympathy for that position. Not that I have large property, but I understand the point that a long driveway or walkway is more difficult to clear.

We apparently are having problems as it is enforcing the law, and adding distinctions and nuances will make it unenforceable. So I am in accord with the Board to not pursue this. I add my vote to tweaking the dates. I am going to be watching for when the leaves fall this year. June 1 to November 1 may be more logical, and also easier to remember than May 15 to October 15. I do not mind shifting it a little. And the litter is remarkable. The oak stuff is almost tumbleweeds in the street.

Village Manager Frobel: The law does give me flexibility. If there is some extraordinary circumstances I can extend it.

Village Attorney Stecich: Now the law says if the Village Manager determines that an emergency situation exists in the Village. I think that envisions after a storm. You could add a paragraph that the date could be extended if the Village Manager determines there are seasonal conditions, whatever. That way it is not always November 1 to June 1. This year does seem unusual.

Trustee Jennings: I like that also. The situation we face is not a permanent shift of seasonal activity, but one year this, one year that. That warrants a discretionary waiver

flexibility that some official should have. It will be a little confusing, but it is manageable. But we do not have to make it every year June 1. So that would be a less radical change and a much more nuanced, minimal change.

Mayor Swiderski: I like that.

Trustee Walker: Do we have a way of alerting the contractors?

Village Manager Frobel: Sure. It comes down to the six or seven that operate here. We will be contacting them again this year to remind them of their obligation. That is not unusual. I have done that in the past. I called them when there seemed to be a rash of violations and testing.

Trustee Apel: Would there be any reason to alert the Conservation Commission who worked originally on this that this is what the flexibility is?

Ms. Zazzera: I will do that.

Trustee Apel: It sounds to me like it is a two-week shift, not a month all of a sudden.

Village Manager Frobel: If necessary.

Trustee Apel: It could be a week.

Ms. Zazzera: So I am clear, we are meeting next week. The concept is, we are leaving the law as it stands?

Mayor Swiderski: As it stands.

Ms. Zazzera: But adding an amendment that due to some seasonal changes that are occurring the Village Manager may have the discretion to say this week you can use it because we are having tumbleweed blow through the Village.

Mayor Swiderski: Right.

Trustee Walker: We are trying to avoid all this stuff going down into the storm sewers. So there is an environmental reason to it.

Trustee Apel: Provided we make sure they pick up the stuff and they do not put it in the street.

Trustee Apel: Are the landscapers required to show up in the Village before they can start with a client to get the rules and regulations? How do we get them this information?

Village Manager Frobel: The way it works now is, we have it in a printed form in both English and Spanish, which we bring to the scene if we are responding to a complaint.

Trustee Apel: But it is only based on a complaint. There is nothing proactive, where it says all landscapers have to come to the Village once a year to pick up the notification.

Village Manager Frobel: When we were educating the first couple of years, we went through that. But since then, I have not done that.

Trustee Apel: How do we know there are not new landscapers?

Village Manager Frobel: There could be.

Mayor Swiderski: And when they violate, they learn of the law. It is not an unprecedented law. That was one thing that a number of the writers made it sound like: we were doing something crazy here. In fact, it is up and down the river towns now. It is common.

Trustee Apel: But how about educating the new people that come into town? Is this part of the materials that a real estate broker might hand out to people?

Mayor Swiderski: It is a good idea. There is a welcome packet. We can ask for it to be included.

Village Clerk Maggiotto: I can take care of it.

Trustee Jennings: Could we have a registration requirement that you need to come to us at first, we will tell you what the rules are. We will get your contact information so it will be easy for us to communicate with you because we are going to have to communicate with you from time to time. Is that impossible? That would be more desirable than what we seem to be doing now.

Village Manager Frobel: When I have communicated with them in the past, I have simply gone to the Yellow Pages and mailed out letters to them at their business address.

Mayor Swiderski: They will not know to come to us anyway until they are in violation and we reach out to them.

Trustee Jennings: It is a startup problem. But we need to keep a central database, we need to inform the people of the Village who are hiring these companies what that list is, and if they hire somebody that is not on the list, they might let us know so we could contact the company. We need to keep a closer eye on this. Otherwise, enforcement of our law is going to be hit or miss. And also we do not have any leverage against them except the fine. If we could take away their registration status, that would be a more serious economic consequence to noncompliers than any slap on the wrist we are doing now.

Trustee Apel: Unless we wanted to make it the homeowners' responsibility and not the individual. And then you might ask the homeowner to let us know whether they are going to be hiring a private contractor, or doing it themselves. They should know there are rules and regulations, and they have to let them know.

Trustee Jennings: We will never get very far if we put the responsibility on individual homeowners one at a time. But our funnel is the contractors themselves. There is a much smaller number, much more manageable to control. But it is hard enough to control them.

Mayor Swiderski: You create more bureaucracy, you expect it to yield a better result. We have a fairly crappy result with known entities who are here every year and choose to ignore the law daily. So creating an infrastructure when even the known ones are not behaving, the argument may be to up the fees.

Trustee Jennings: We have to impose more cost on them because right now the incentives are not working.

Trustee Armacost: I think part of it is also the difficulty of proving that they have violated it in some of these situations. How do you prove it unless they are caught? To your point of regulating them, if there are only seven then you know who you are dealing with. The challenge is that there are quite a few people who are lone operators. They are not part of that seven. That is where it becomes more difficult.

Mayor Swiderski: Yes, but the violators, at least all the ones I have seen, are trucks we all know and love.

Village Attorney Stecich: The thing is not the enforcement. Based upon all the things we are hearing, what the people are hearing, nobody is getting fines.

Trustee Apel: We could see how much money we have collected. I do not think we have gone out after anybody to fine them.

Mayor Swiderski: Or up the amount.

Village Manager Frobel: They are given summonses. Whether they appear here in municipal court is another matter.

Trustee Armacost: But not so many. What was it, five last year?

Trustee Jennings: We have to appreciate what the business model is for these folks, and how much money they save by having their workers use these machines and violate our law. They are saving X and we are fining them Y. The difference between X and Y is so great, their behavior is not changing. It will not change until Y comes close to being equal to X.

Mayor Swiderski: But X has to be handed out and it has to be paid. Talk to the Chief, let us talk about it next week. Enforcement next meeting, the enforcement issues around this. We have got two takeaways here that we should probably do this summer. Next meeting, talk about the change to the law to enable the Village Manager to shift that date.

Village Attorney Stecich: Do you want me to draft an amendment?

Mayor Swiderski: Please.

Village Attorney Stecich: Draft an amendment, and then if you want to call for a local law at the next meeting.

Mayor Swiderski: Do that. And we could also talk about enforcement at the next meeting because I think that is the real issue.

3. Saturday Drop-Off at Public Works Garage

Mayor Swiderski: The last meeting there were three of us and we talked about several options. The three alternatives are rolling it back to one day a month; keeping it as it is, but having a pay-per-throw system; and the third is no change at all.

Village Manager Frobel: Or eliminate it completely. There are four options. After that conversation I put together a note summarizing all the options and offering some suggestions. We have yet to have a strong feedback from the community. We did the flier those two weeks. We had a couple of residents here voicing support to keeping it as is. My recommendation is let us try it for July and August to eliminate it. Come September, see if you want to go with, say, once a month or to continue on the path. Personally, I see the value

of the service. It is very popular, a number of people use it. I demonstrated the amount of trash we pick up. The direct out of pocket expense is less as I price it out for the complete amount. We have some costs in it which do not go away, even if we eliminate the Saturday pickup. But if the intent is to wean it off, Mr. Skolnik made the point that if you are going to have it once a month you might as well eliminate it completely, because that is the person who brings the household refuse and it does not make sense to have it just once a month.

I thought the convenience was for that homeowner that has the bulky waste and is cleaning out the shed, the garage, the basement, who would just as soon bring it down rather than bring it to the curb. For that individual, once a month would serve that purpose. I have always advocated the pay-as-you-throw. I indicated in my memo that nationwide that has been the most successful effort in bringing about the more aggressive recycling program in any community. I saw that as a way to begin. If you were going to continue the Saturday service, have that homeowner pay a premium for the privilege. I suggested what that would be for a truckload, for a pickup truck or a van, or per bag. The Village Clerk's office could handle that situation, either with a coupon or we could go as far as the bags that some communities sell for the pay-as-you-throw. I tossed out a number that I thought was fair as a beginning point: three dollars per bag, or \$50 per truckload.

Trustee Apel: And that does not preclude that you could still put your stuff on your front lawn once a week.

Mayor Swiderski: For free.

Village Manager Frobel: Sort of for free.

Trustee Jennings: What we might be thinking about in the future is how do we reduce our waste stream, how do we get people to create less garbage in the first place no matter where it is picked up or dropped off, but we are not there yet. If we do not eliminate the Saturday program altogether, it is reasonable to charge a fee to offset the cost to the taxpayers. Otherwise, the whole Village is paying for a service that only a small number of people use. That does not seem fair. A user fee thing seems to be appropriate. I would rather not charge a fee. I would rather not have the Saturday program at all. I think we could scale it back to once a month and see the response. I do not think we should institute a fee straight up. But I brought the fee up at the last conversation because the conversation was drifting toward why do we not just keep it as it is. An alternative to keeping it as it is would be a fee.

Of the alternatives, I would prefer to eliminate it as experimental period, two or three months, and see what the reaction is. People would get over it and get used to not having it. But maybe there will be significant dislocation. I would also go along with scaling it back to

once a month, but I would not slap a fee on right away. Then we can gradually wean people off of it over a longer period of time, and do it maybe once every two months or something.

Trustee Armacost: There are some people who really love it, and it is beyond just being able to throw their garbage. People congregate and chitchat there. It is a place where people socialize, which is odd, but happens to be true. I would recommend that we cut it down to once a month so that those people in that community who value it have a chance to tell us how it has had an impact on their life, or not. I was not part of the discussion of the pay-per-throw, but anything that encourages the Village to move toward more recycling, toward less use of stuff, I still think even though it had its problems the swap facility that was down there was quite valuable from that point of view. It was a recycling thing. It had many problems, but any moves that can move us more in that direction would be great. For now, my recommendation would be to move it to one or two days a month, depending on how quickly or slowly we want to move in that direction, and with no fee.

Trustee Jennings: We should clarify that we are talking about not having a truck and personnel there on Saturday mornings. Anybody can go any time, Saturday morning or weekdays, and do recycling. We will have to confront the fact that some people may drop off stuff that is not recyclable, but do not put it in the truck. But right now, we are only talking about not having the truck there because that is what costs us, \$8,000 a year

Trustee Apel: The thing that always confuses me is the difference between recyclable stuff they are bringing and trash. If I hear it correctly, it is people that want to bring their trash at the end of the weekend: their foodstuffs, garbage that they normally would put out once a week. But the once a month thing is more for recyclables. It is not for the trash. They can do it anyway. So that is why I keep getting confused in terms of what people really want. If I understand correctly, there are people that want to bring their garbage, their coffee cups, their foodstuffs, and they want to dump it there as opposed to leaving it in a garbage pail by their house that is going to be picked up once a week.

Trustee Armacost: Some people do not like having garbage in their garbage can for too long. Sometimes it is because of animals. There are all sorts of reasons why people do not want their garbage there. Sometimes it is people who do not do it very often, they are just cleaning out their garbage or whatever. It is not a thing that is happening every week. But there are people who go down there who are regulars.

Trustee Apel: Those people that want to have their garbage once a month seems ridiculous, to me. They are not going to save all their garbage up for once a month. It is that one week that they can take their garbage down. So I do not think that is going to make a difference to them because the other three weeks they are going to have to keep their garbage.

Trustee Armacost: But there are other people who are cleaning out their houses.

Mayor Swiderski: That is what I use it for.

Trustee Armacost: Exactly, and that is different.

Trustee Apel: But we are talking about differentiating for those people. Because then you are going to have a truck that time because they are going to bring other garbage. The truck is for the garbage, not for the recycling.

Village Manager Frobel: Right, it is for the garbage. The dumpsters are for the cardboard.

Trustee Jennings: And the stuff you get out of your garage when you clean it out is not recycling, for the most part. It is debris, and that is going to go in the truck.

Village Manager Frobel: In the truck, except metals. If people bring metals we pull it out, we have a separate truck for that.

Trustee Apel: I do not understand how this is going to help somebody who normally brought their trash once a week because they did not want to keep it in their house and now they can only bring it once a month. So one weekend out of a month they can do it. It seems like why bother. It is not going to help. Then if you want to have it every week, three dollars a bag is not enough. I do not know how many people are coming down there, but it is not enough to pay for that truck. It is more like five dollars a bag or something.

Village Manager Frobel: I am trying to just pick up the coverage of the tipping.

Mayor Swiderski: Right. It is \$120, roughly, a Saturday.

Village Manager Frobel: I am trying to just cover the expense. And that is why it is \$50 for the pickup truck or the van, that much more.

Trustee Apel: Well, I would say you could say three dollars a bag. But if it is not enough, I would be upping it to five dollars.

Mayor Swiderski: But what does that mean you come out in favor of?

Trustee Apel: If we are going to accommodate the weekly trash depositors, then we have to keep it weekly and they have to pay, and we keep doing the recycling as we normally do. If that does not cover the cost, and we decide to eliminate it, then we have to eliminate it. It is either one or the other. I do not see any other way.

Trustee Walker: What do you want to try first?

Trustee Apel: I think you say we are going to institute a charge for those people that have trash. That is what I think we should do, because once a month is a waste.

Mayor Swiderski: It would accommodate those cleaning out closets.

Trustee Apel: Would that not be recycling?

Trustee Armacost: You could charge them. You could charge all of the people who are cleaning out closets for each bag.

Trustee Apel: No, I am saying if you are cleaning out your closet all that stuff should be recycled.

Mayor Swiderski: It is a chunk of carpet, an old chair fragment. It is all sorts of things being thrown into the back there.

Trustee Apel: They might decide to throw it in the bag and you do not know what is in it, and then call it trash.

Mayor Swiderski: But that is not my point. My point is that when I go down there it is not the sort of thing I want to leave heaped up on the curb because there is only a 50-50 chance it is going to get picked up. It is easier for me to just bring it down and do it. I am a prototypical user. A lot of people are like me with hunks of lumber and fragments of Sheetrock and whatever it is that is left in the basement.

Trustee Jennings: But it would not be a hardship to just do that once a month, would it?

Trustee Armacost: No, that would be perfect. It is spring cleaning. Every so often you have to do spring cleaning.

Trustee Apel: But I am not talking about those people.

Trustee Armacost: But we need to know how many are in each category.

Mayor Swiderski: Everybody we heard from is in the garbage people group. The half a dozen e-mails we got were for regular garbage, garbage that we have in our waste can, but either they have large families or for whatever reason.

Trustee Apel: If we have people that do not want to accept our regular garbage plan and want to come down on the weekend, and we have to hire an extra truck to do that, then they have to pay for it.

Trustee Armacost: They remember when garbage was picked up two times a week. In their mind their service has already been cut from twice a week to once a week. Their way of coping with that is they are helping us by bringing their garbage to us because we are not going to them to pick it up. So in their minds, they have been hard done by in that, and they are participating as good citizens in that process. We need to be cognizant of that position. They are probably still going to be unhappy, but I am recommending we move from going to once a week to once a month to see. It may be also, over time, their behavior has adjusted and they have less garbage. It is possible that they are recycling more, because all of our behaviors, hopefully, have changed over this time period. But I think that is the mindset of a lot of those people. Do you agree with me?

Mayor Swiderski: I agree with everything other than they are trying to help us out. I do not think it is that. I think they are compensating for a deficit they feel in a Village service, and it is not accompanied by a spirit of helping us out. I would not say they resent it.

Trustee Armacost: But they are a bit annoyed.

Mayor Swiderski: They are annoyed, and this is cranking the service back that much more. And of the choices, I myself weigh on the once a month idea. There are logistical issues around issuing the coupons, and it will be never-ending. There is going to be a stream of people who do not get the memo on that and, for the next two years, they are showing up without their coupon and it is just a headache. We treat it as an experiment and we move to once a month, and see the degree of blowback and whether it is something that fades over two or three months.

Trustee Apel: If we were to do that, I would not cut it out in the summer, because in the summer is when people are going to be out and about and yanking their stuff out of the garage. .

Mayor Swiderski: Then start September 1.

Trustee Armacost: It could also be seasonal.

Village Manager Frobel: Four times a year is another fallback.

Trustee Armacost: I did not mean that. I meant that over the winter months it is once a month, and then over the summer months it is twice a month.

Mayor Swiderski: Harder to get people adjusted to that. They will be showing up at the dump constantly. If anything, we start a little later so that the heat and garbage issues do not exacerbate public resistance, and maybe set it for September.

Trustee Walker: I am of a mind that we should do it once a month and see what the reaction is. We do not know how many people rely on this weekly garbage depositing. This way, we will probably find out. Then we can look at the pay-per-throw option. But initially we should do the once a month. At some point somebody suggested something like the swap. One of the reasons people love to go down there is that they are fishing things out. People are throwing out perfectly good things.

Mayor Swiderski: Yes, I have an elliptical machine that I picked up at the dump. Working, brand new.

Trustee Walker: If we cannot do a swap because we do not have physical room for it, could we do a local Craigslist where people announce that they are going to put it out on the street, and somebody else can come and get it.

Mayor Swiderski: There is Freecycle. It is a mail list that you put stuff out. Come get your cycle, come and get your sofa.

Village Manager Frobel: We provide a list of names. When people call in for a pickup we will suggest they can call someone to pick up their furniture.

Trustee Walker: We could be a local version of that if we were concerned and wanted to try to make it easier for people.

Trustee Apel: We could have a community swap day, and everybody can put out the things they are willing to swap on their front lawn.

Trustee Walker: That is a good idea as well. But to begin with, I do agree with once a month.

Trustee Apel: I am willing to go for once a month and try it and see.

Mayor Swiderski: If I could get Ms. Zazzera's input. Probably you do know a sense of what the personal garbage is. You have spent some time down there. What is your take on the drop-off?

Ms. Zazzera: I have not been down there all that often recently. I have been down a few times. So I will see on occasion, it is a small percentage of people that are taking their weekly trash. It is more people emptying out their garbage, their home, their mother's home. There is an event that has happened that they need to get rid of a lot of stuff. That is 80 percent of it, off the top of my head.

Mayor Swiderski: And on the freecycle concept versus things left on lawns versus a shed down at the facility, you have also bounced up against variations of that. A one-sentence reaction to what you have heard on that?

Ms. Zazzera: I love dumpster diving. We have lots of stuff in our house that came from the trash, and if I had the time I would walk around the town more often on garbage day and probably find more stuff. The concept of the TILI (Take It Leave It) shed, have any of you seen the TILI shed on Gedney Way in White Plains? I do not know how well that works. At the end of the season they are left with whatever is there, and then they have to find Goodwill or something to do that. So there is a lot of coordination.

Mayor Swiderski: Somebody has to run it.

Ms. Zazzera: Right. That was built by the DPW in White Plains and they have volunteers who man it. I do not think the entire operation could rest on the backs of volunteers. It needs to be a cooperative endeavor between DPW and volunteers. But they are limited. They do not take upholstered furniture, they do not take clothes. You can get a lot of kids' books and toys there. They are only open seasonally. I am not sure of the dates, May to October maybe, Wednesday midday and Saturday during the morning. It is a very limited operation time and it takes a lot of management.

You did not ask about this, but I am hoping that this is not just about saving money and costs. There are four hours of diesel fuel going into the air every time we do this. The concept of the convenience is great, and I understand constituencies and wanting to appease. But sometimes we need to be told what is best for us.

Trustee Walker: One other point is that we have really increased the number of items that we recycle in this county now, especially when they went up to the plastic. So I find I am

recycling so much more than I used to, and reducing my trash by quite a bit because I am not throwing out all the plastic packaging anymore. That has made a huge difference, and that certainly justifies the once a week pickup and even reducing the amount of trash that is brought down there on Saturdays.

Ms. Zazzera: Yes. And not to sound like spin, but to your point, Niki, that people are feeling they have lost services: they have actually gotten more services with the once a week pickup, because we are saving tipping fees, which is a benefit to everybody, and they are getting three pickups a week now. Again, it is a perception.

Trustee Armacost: It is important to keep saying that it went from two pickups to three pickups. That is a valid point.

Ms. Zazzera: I would recommend, if you are going to do it, disregard the season because it is going to be hot next summer, too. So start the once a month ASAP. But also keep a close eye. Does this then extend routes for garbage pickup? Is that going to be an issue? If we get rid of this, do we find that the truck is out for another hour?

Mayor Swiderski: What is the sentiment on when we start? While I hear the comment that next summer it will be hot, my thought was simply that it is easier to educate in temperate climate than in hot climate, where there might be resentment.

Trustee Walker: Starting September?

Trustee Apel: Yes, September would be fine.

Trustee Armacost: That is fine for me.

Village Manager Frobel: I have September 7, we could go the first Saturday each month.

Trustee Armacost: Peter, we have had many pieces of evidence of how great a communicator you are. The work you did during the storm was really fantastic for me, as well as for everyone. I do feel that the results of the waterfront survey are a direct result of people really reading your e-mail and responding. You have done a huge public service with that, and people really appreciate it. In that spirit, preparing people and teeing them up and giving them a couple of months notice will also help to ease things.

Mayor Swiderski: I agree. Thank you for the nice words, and let us move on.

4. Schedule Work Session for Proposed Green Code Consideration

[Discussion of dates]

Trustee Armacost: So July 9, then August 6 is the backup , and July 2 or another day as the backup to the backup.

Mayor Swiderski: Right. But the concern is that members of the Conservation Commission who were responsible for the drafting have a chance to be there to respond.

Trustee Jennings: It is important for Marianne to be present and at least two or three of the members of the Conservation Commission and/or the actual drafting group, which is not the same group of people. After this work session I assume there will be some revisions. And at some point, we need the public hearing. I would like to have the public hearing and the final disposition on this in the month of September. Is that possible?

Mayor Swiderski: I think so.

Trustee Jennings: So could we do our July and August in such a way as to make sure we are on that track?

Mayor Swiderski: I would like to pick up a thought there. There was a statement made that Marianne wanted to raise some issues. What is the nature of the issues you want to raise?

Village Attorney Stecich: As I was going through the document, I saw a lot of things that were questionable, I was not sure it made sense. I asked Bruce how should I do this. Should I make the changes as I am going along? Write up the questions? Bruce said take what is there, eliminate any obvious repetition or obvious mistakes, and line things up right. That is what I did. But I cannot tell you, from little things to big things.

Trustee Armacost: Questionable in what sense?

Village Attorney Stecich: I did this more than a month ago. You guys just got it. I did it a long time ago, and it got lost.

Mayor Swiderski: Maybe there is an advantage of queuing it up in June so we can provide guidance on the spot so what we are looking at in July is more finished. Would that make sense here?

Village Attorney Stecich: As I was going along, I have a version for myself with all the questions on it. Bruce thought it was better not to circulate that at the same time. I can do that. I am not sure how understandable it is. It takes a really long time to do this. It is really hard to work with. And whether I can get it in June, I do not know. I will try.

Trustee Jennings: When Marianne and I talked about it, as she described it she put it into a certain format and made a few changes, but not really substantive changes, that had occurred to her as she was working on it. She made note of those substantive changes and questions. I asked her if she could defer that until we had a work session on the document. Now, Sharon and the others have looked at the changes that Marianne made at that time, and there was a little back and forth. But basically, they are good with all those changes. So we have the best document we are ever going to have, right now, to plunge into the final analysis and debate and discussion. We are not going to get another one. It will take forever if Marianne then does substantive changes, goes back to Sharon, et cetera.

Mayor Swiderski: I am not asking for that.

Trustee Jennings: So we are poised right now. We got the text we need. Marianne has her concerns and her issues, and we need a forum for her to bring those up. Other people may very well also. But the text is ready to go, so let us go.

Village Attorney Stecich: Bruce, my understanding from Sharon was, I am done with it, we did what we were going to do, now it can go to the Board of Trustees and they do what they want with it. I think it is a good idea to have them there to answer some questions that come up.

Trustee Jennings: Exactly.

Mayor Swiderski: But your issues did not leave blank holes in the document because you felt we needed to weigh in on a policy issue. Were there?

Village Attorney Stecich: No, there are no blanks. The same questions I came up with are questions anybody else might come up with.

Mayor Swiderski: So there is no advantage to answering concerns you had in the drafting early, before you get to a final review. You think it is in a shape to do a review, and you can interject where appropriate.

Village Attorney Stecich: Exactly.

5. Update on Deer

Mayor Swiderski: Dr. Rutberg and I spent time in New Paltz at the regional office yesterday. After a tense beginning...We had senior people on to phone and in the room. We are getting attention. After it became clear that we are set on immunocontraception and not a lethal approach, and understand that this is an experiment, it evolved into a useful discussion. The line that was the most important was that they are going to give us the permission to use baiting and drop nets, which means that we no longer have to worry about 500 foot perimeters. If there is that habitual path down a strip of woods that borders somebody's house, it becomes a place we can think about baiting and dropping a net over the deer. The whole Village is now open to the project instead of Andrus Children's Home and maybe a third of Hillside Woods, which is huge because that means we have a shot at pulling this off.

Trustee Jennings: So it is going to netting, and then injecting and tagging.

Trustee Walker: No tranquilizer darts.

Mayor Swiderski: We would need a tranquilizer dart because deer will not hold still for tagging of the ear.

Trustee Walker: But in close range as opposed to shooting a gun.

Mayor Swiderski: That is right. But it is somewhat traumatic to the deer. It might push up the cost because you have to hire people who participate in the restraint. I do not know the specifics around it. I do know that the state was eager to provide us with the options to make it work. Professor Rutberg was hesitant to ask for baiting because he was afraid they would say no. I did, and what about drop nets? They were eager to give us the tools to maximize the number of does we get. They are skeptical, but they have been from the beginning. One of the participants on the call was Professor Paul Curtis, who is running a sterilization-based program at Cornell, where they have gotten 95 percent of the does sterilized on campus, which is exactly the same size as Hastings: two square miles. It has been largely ineffective. The reason he has tentatively identified for that, the way they sterilize leaves the does with the ability to go into heat. When they are pregnant they are not in heat. When they are in heat every month throughout the year, more bucks are coming in. So the bucks are compensating for the lack of fawns.

Trustee Walker: Is our immunocontraception any different from that kind of sterilization?

Mayor Swiderski: It is not different. We do not have an assault from four sides like they do, but it is an issue.

Trustee Armacost: So do we have a plan?

Mayor Swiderski: Not yet, but it is interesting. It is an issue, and there are other issues. They do not have the car strikes and coyotes we have, so the downward pressure is not there like we have here.

Trustee Apel: So we might have more deer.

Mayor Swiderski: Success in population dropping, but it is an experiment. We are going to find out. The state has asked for a draft permit; they will offer a final round and suggestions before they approve it. They we are likely to get a permit, which is great. The EPA has also weighed in and asked for a letter on the delivery mechanism. So we are going to have our EPA approval and our state approval, which is all a big deal. It is great, but it is terrifying. because it means we can end up doing this.

I always thought that plane flyover with infrared was the way to count deer, the gold standard. Apparently, it is very ineffective in our communities because there are a lot of fir trees that do not drop leaves. You can miss 30 to 50 percent of the deer. In the Midwest you get 100 percent. Here, it just does not work. Relying on volunteers, which was one of our plans, they do not want. They think it is ineffective. What they propose, and we are going to get the protocol out of Cornell, you put up 15 or so cameras that are tripped by motion or whatever. They cost about 100 dollars, it will be part of the program. It is one per 50 acres or so. That gives a statistical sample over period of a few weeks that yields a number that is within five percent of the actual number. These are called "camera traps."

Trustee Armacost: Those cameras will be in the woods or around the Village?

Mayor Swiderski: I do not know, but however it is done is the way you do this properly. It can be done in backyards, wherever it is allowed. The privacy issue is a separate issue. The implementation details are going to be grist for all sorts of discussion.

Trustee Walker: But you still have a role for volunteers.

Mayor Swiderski: A huge role. The state does not want to bother having us collect bird and animal sightings. They have indicated that is useless.

Trustee Walker: What about cordoning off that area in Hillside Woods where we want to see the vegetation?

Mayor Swiderski: They think it is useful, and they do not think we are going to see it within a five year window. They think it is useful what happens within the fencing. They do not recommend doing it in the middle of the woods because there is enough shade that not enough stuff comes up to provide anything useful. You do it at the edge of the woods, where there is more light. We had suggested at the volunteer meeting having 40 volunteers in people's gardens. See if the number goes down over time. Cornell is doing exactly that using oak seedlings which are equally attractive. It is called the "oak sentinel protocol." So we were not off track thinking about that, but we will use whatever the protocol is that Cornell is using. There has been no drop-off in Cornell.

Trustee Armacost: How many years?

Mayor Swiderski: Eight, on the seedlings. The numbers have not gone down, and the seedlings are being consumed at the same number they were eight years ago.

Trustee Armacost: But what about the population of deer?

Mayor Swiderski: Not a significant drop-off because of the buck problem. But it is a different geography. They have woods on all four sides. We have more pressure on the south and north.

Trustee Armacost: Are there that many bucks that are coming in from other places that it is bringing the population up?

Mayor Swiderski: No, it is compensating for the fewer fawns.

Trustee Jennings: They eat.

Mayor Swiderski: there are fewer fawns because 95 percent of the does are sterile. But they are in heat every month, and that puts up a pleasant odor that draws far more bucks. Enough new bucks are drawn because of the sheer number of does in estrus that it compensates for the fewer fawns being born. So the overall number has not gone down. The immunocontraception on Fire Island, where it was not island-wide, only for sections of the island, it did work.

Trustee Walker: Because they did not have an influx of bucks swimming across.

Mayor Swiderski: Not enough to compensate. Again, it was only on a section of the island. It is a 30-mile long island, and it was only a square two miles. It worked, and it worked in Maryland on the government campus there. There was a decrease of 35 percent.

6. Update on the Downtown

Trustee Walker: This weekend is Discover the Rivertowns Weekend. We have Friday Night Live on Friday night, closing down Warburton; it is the Spring Thing. Saturday we have the Farmers' Market but we also have some great new activities. Christina Griffin is giving an architectural tour of downtown on Saturday. We have music from 1 to 4 at VFW. A lot of the shops and restaurants are offering specials, freebies, sales. The merchants have really come on board for this weekend. Many of them are going to be open on Sunday. Two Web sites have more information: www.rivertownsnyc.org and www.rivertownsguide.com. We have sent out a Village-wide e-mail, we will send out another. We will send out what we are going to do in case of rain. We are advertising on WFUV, on Metro-North, on a number of other sites. We have got something in the *New York Times* this Friday, we have got stuff in the *Journal News* and *The Enterprise*. So we have done a lot of work. We have a very enthusiastic committee, we have high school students involved. We even have our own intern from the high school. We have three pop-ups. We have a pop-up gallery. Upstream is a cooperative gallery in Dobbs Ferry. They are going to have a pop-up at 8 Main Street.

Trustee Armacost: We have a pop-up lasagna shop, which is really delicious.

Trustee Walker: And a pop-up prom shop. So we are filling the storefronts. We are doing all the things we wanted to do. It is really exciting. We are going to have another go at this in October, but we will see do. It is really exciting. We are going to have an intercept survey. For particular events, we are going to ask people where they are from and how they found out about the event, and see if we can gauge how many visitors are in the Village.

7. Update on the Waterfront

Village Manager Frobel: Waiting to hear from Uhlich Color-Chevron for their plans for the covering of the site. Other than that, nothing to report.

Mayor Swiderski: Third round on the survey went out. We have had more than 600 responses out of 1,800, and we may hit 40 or 50 percent which is apparently unheard of. The results are going to come in a fully packaged form with all sorts of interesting statistics on what works in terms of outreach. The e-mails went out in various flavors, some of them appealing to communitarian interests, some appealing to personal and some not. The amazing thing is the amount of comments and how interesting those comments have been.

Beyond that, they are barging in the fill?

Village Manager Frobel: Yes. As I have mentioned before, the plans are being drafted. There has been one copy sent to the DEC, waiting for comments to come back. If everything goes according to plan, they should begin to offload that 30,000 cubic yards of fill late summer. The goal is to have it all in place before the cold weather so it can germinate and begin to cover the site.

Mayor Swiderski: The south end will still have a couple more years of percolating up the volatile organics, but within a couple years it will be done.

Trustee Armacost: But is not the vision for things like the sports facility would be down on the south end. I guess it is not being placed anywhere.

Mayor Swiderski: Nobody has been explicit, and there are traffic issues.

Trustee Armacost: There are bridge issues.

Trustee Walker: Private property issues.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 11:10 p.m.