

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 18, 2013

A Regular Meeting Public Hearing) was held by the Board of Trustees on Tuesday, June 18, 2013 at 7:30 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker (7:40 p.m.), Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto

ABSENT: Trustee Nicola Armacost

CITIZENS: Nine (9)

Mayor Swiderski: Trustee Walker is en route. She was in Washington, and flight delays have held her up. Trustee Armacost is away on business.

APPOINTMENTS

Mayor Swiderski: We have two appointments, David Hutson and Ira Lichtiger, to the Affordable Housing Committee. Our thanks go out to them, ahead of the service they will render to the Village.

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of June 4, 2013 were approved.

APPROVAL OF WARRANTS

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

Multi-Fund No. 1-2013-14 \$ 14,102.83
Multi-Fund No. 2-2013-14 \$321,104.81

PUBLIC COMMENTS

Susie Caramanica, 6 Prescott Place: We are here to better understand the ordinance around basketball hoops in Hastings. About a year ago or maybe less, we installed one in front of our home, which is common practice in Hastings. Here are some examples: in a

half-hour of driving, hitting up about a dozen streets, seeing 30 hoops that are very similar to ours, right on the edge of the curb, whether they be erected in the ground or in a roll-away hoop. I am trying to understand exactly what the ordinance is because we have had some selective enforcement to our home. We went with a fixed structure is because it is safer. We had a contractor put it in the ground so we do not risk it tipping over, which we see in many streets where the roll-aways do tip over. We also thought it was aesthetically nicer because a roll-away typically has sandbags piled on it, and sometimes they are in the street.

We have gotten three letters from the Village: one in September from Mr. Frobel, asking us to remove it; then another one from Mr. Sharma in November asking us to apply for a permit; and then last week we got a letter stating that we will be granted permission if we provide evidence of insurance in the amount of a million dollars, naming the Village as insured. I want to go on record saying the answer is no, we are not going to get a million dollars of insurance. I would like to understand what is the ordinance here and how this applies to us, whereas this is common practice in Hastings. We would be happy to work on some compromise, but I do not think we should be treated this way. We have tons of friends all over Hastings that want to understand how this applies to them, too. Are they going to be asked for the same thing?

Village Attorney Stecich: It is not so much an ordinance on basketball hoops. It is that this is installed on Village property. I just looked through the pictures you sent. Most of them are not physically installed. So it is on Village property. The Village is responsible for Village property. It gets to allow things or not allow things on it. When a complaint was raised about that basketball hoop, they took a look at it. There are precedent concerns, but the two most important things for the Board were one, whether it was safe for it to be there, and then secondly whether its being there would make the Village liable for injuries that might be caused because of this.

We did not take this lightly. We looked at it seriously. On the safety issue, the Manager asked the police department to go out and check; in fact, is it safe. There was some issue raised about the safety and, in any event, you would want to make sure that there were not any safety concerns having it there. In the police department's opinion, there was not a safety issue, at least at the moment. There could be in the future. But then on the liability issue, the Village wrote to its insurance carrier. That is the one who is going to be responsible. The insurance carrier is also the Village's risk manager. It asked whether the Village assumes any extra risk by having this basketball hoop on Village property, when the Village knows about it and it is permanently there. The answer from the insurance company was that if you allow the basketball hoop to remain on Village property you will be assuming some risk. From a loss control perspective, I would recommend not allowing any type of permanent fixture to be mounted on Village property that is owned by the homeowner.

So there is a liability risk, and one way the Village could minimize against that risk is by having you indemnify the Village and agree to defend the Village if there is any suit brought. If somebody were hurt, because it is on Village property they would probably sue you and they would probably also sue the Village. Irrespective of whether the Village could be found to have liability, and there is a good chance that it would be, the Village is going to have to defend itself. And it costs a lot of money. You say one million dollars. I would be surprised if you do not have one million dollars insurance on your house, and then you would just get the Village named as an additional insured on it. I do not know whether you have spoken with your carrier about that.

Mr. Caramanica: No, I did. But they will not allow that.

Village Attorney Stecich: Maybe your carrier will not. It is possible to get it. But there also has to be an indemnification agreement that says that if anybody is hurt playing basketball there or anybody is hurt because of the basketball hoop being there you are going to indemnify the Village.

Let me get to the other issue, because you mentioned the selective enforcement. I do not know, but on these pictures I would say virtually all of them, except maybe one, are those movable ones. The issue here was that you installed something on Village property; the issue was not that there was a movable one. If there is a movable one, if there is ever an issue you just say push it back if there is any danger. But it was installing things on Village property.

Generally, enforcement of the Village code is done by complaints, except for vehicle and traffic violations. You do not have the staff to go around patrolling all the streets to see whether there are violations of the zoning code, to see whether there are violations of the noise code, whatever. It is done by complaint. That is how it is done. It is not just Hastings, it is generally how enforcement is done. That is not selective enforcement. It would be selective enforcement if there were a lot of complaints being made and this was the only one the Village responded to. But, in fact, the Village looks into any complaint it has and then followed up on this one. Then also, as a matter of law, I suppose any enforcement is selective because you pick one person. It is considered selective enforcement only if the selective part of it is based on some impermissible standard such as race or religion or some other arbitrary standard. In your mind maybe it is not really a selective enforcement issue.

Mr. Caramanica: When I drive around probably a quarter of those hoops out of the 30 are fixed. I feel that those people should get the same letter that we got.

Village Attorney Stecich: Well, if somebody makes a complaint.

Mr. Caramanica: Then I want to make a complaint about it.

Village Attorney Stecich: If you want to make a complaint, what we have got now is pictures. I cannot match up the picture to the place because there are no addresses. If you want to file a complaint about any of them, then the Village would look into it. But right now, the only complaint on file is yours.

Mr. Caramanica: So you are telling me if I take that one down and I place a roll-away hoop with sandbags, typical of other people. I am asking because I will comply with it.

Ms. Caramanica: In the same location.

Village Attorney Stecich: I am not saying whether it is OK or not. I only addressed one issue here, and that is a permanent installation on Village property. I said there would be a distinction, right. But that is not to say every movable hoop in Village property is OK. The Village may well say push it onto your own property.

Ms. Caramanica: Then we could push it back when we want to use it? Is that the theory?

Village Manager Frobel: If there is a complaint it was a safety problem.

Ms. Caramanica: The safety problem is the drivers on our street that has three houses on a dead end. There is a total of two cars last year, and the intimidate adults who stand on the street walking their dogs. They just do not want to slow down. That is a safety issue. I will go on record. They harass my children. Mr. Shapiro yelled at my children and our nannies and told them to go back to the Bronx.

Trustee Apel: This is not the place for this. You brought your complaint.

Ms. Caramanica: Then I want to make a complaint about my neighbors.

Village Attorney Stecich: But that is not done here.

Ms. Caramanica: So my interpretation is that whoever yells the loudest gets action by the Village. We are trying to understand before wasting our time and money. Are we going back here in six months asking what is the ruling around roll-away hoops? I do not want to waste my and your time when do that and they call the police, which is how this all started. They raise it with their friends. They have been here a long time. How is that going to work?

Mayor Swiderski: Has the question of the roll-away been answered as far as we can answer it?

Village Attorney Stecich: I do not know what else I can say. I was only addressing the issue of a permanent installation.

Ms. Caramanica: It sounds like the police have said it is not really a safety issue. That is what I heard. And the insurance has said it is a fixed structure that is a liability. I will interpret that as sort of OK.

Dave Skolnik, 47 Hillside Avenue: My question is with regard to the language of the transfer document that has been talked about. I am not looking to argue a legal point. It is more procedural, where I felt the answer I received after you had spoken with counsel left a hole. Should I explain what this is about?

Village Attorney Stecich: I think what you are getting at is the clause in the Reynolds Field agreement. Let me read it.

Mr. Skolnik: You can read it. But it was more directed at a comment that you and the Mayor had seemed to express, which was that the scope of this language was limited to the particular time and exchange.

Village Attorney Stecich: I did not comment previously. I spoke with the Mayor. Any comments I had with the Mayor were privileged, I assume.

Mr. Skolnik: He did not tell me anything.

Village Attorney Stecich: I believe you are referring to a 1946 agreement and a 1947 supplemental agreement that it appears they had to enter into because they did not finish the stuff with the 1946 agreement on time. There was some transfer of properties and a couple of things came up. The sentence you are referring to says, "If, and when, problems shall arise in connection with the Reynolds Field project, as a whole, which are not clearly covered by said agreements, the parties shall consult together and shall cooperate to the fullest extent."

A lot of agreements will define terms. This agreement did not define any terms. But there are several references to the project, and it is pretty clear to me, from reading the 1946 agreement as a whole, that the project they are referring to was the acquisition of the property, the conveyance of the property, discontinuance of streets and improvements to the

field. And, in fact, they referred to the present playground project," evidenced by the plan hereto attached." So the plan was that particular plan. It is talking about the particular project that is described in the 1946 agreement, which is very specific. In addition, even though most of the paragraphs are long and have a number of things in there, there is a stand-alone paragraph four that says, "The school shall at all times exercise full and exclusive control of all said property conveyed to it by the Village or otherwise acquired." And then the next paragraph has a provision that the school can delegate to the Board of Trustees some authority to permit use of the fields when the school is not using it. But even at the end of that, it says, "But this declaration of intent shall not deprive the school of the right to full control of the property at all times." The 1947 agreement said that anything not addressed from the previous agreement shall have force and effect.

I was reading this independently. I do not know anything about the substance of the discussion. But I think the only fair reading is that the project referred to the project described in the 1946 agreement, and not the future use of Reynolds Field, because there is not even any discussion of future use of Reynolds Field in there. And then combining that with the language, it is very clear the school has exclusive control over it. It did discuss one issue on the drainage, but that clearly was a stand-alone and clearly the Village would have involvement. But I do not think that was part of what they were referring to as the project.

Mr. Skolnik: I appreciate your supplying that rationale.

John Gonder, 153 James I went around the Village looking at the crosswalks. The ones near the school I give a B-minus. The ones in the Village, and I am surprised Meg Walker does not see them, they get a D-minus to an F. I think you should look at reflecting paint like the signs on parkways, which would help, I think.

Conservation Commission, they were here the last meeting. It was very interesting. I agreed with the Mayor: school boards take care of school education, and property that they own. Police protection: I have gone to football games, I see two or three police. Maybe the school pays for it, I do not know. I think it is a good thing. Also, with all the crazies around, I am not saying terrorists but what happened in Connecticut, our police go in and out of that school. I am glad that we do have that cooperation.

Leaf blowers. Mr. Downey has put on a few shows, and I think you should consider that one hand blower-gas blower so people in his work type can use these rather than raking and sweeping.

Tim Downey, 520 Farragut Parkway: Regarding the leaf blower discussion, it was disturbing to listen to body of thinking and ultimately the construction of the law. When I

read the letters from people speaking both for and against, most of the time when people were against it they were either having emotional spasms or they had no understanding of the facts of what I was actually presenting. They equated the one handheld blower, in most instances, with the uproar of a tsunami.

I would say Trustee Jennings has it closest to what I was trying to achieve here: a level of sanity. When this law was drafted in 2008, there was a thought that if we put a chain or a leash on them during this X window of time then we have done a good job. Whereas what I was saying is, these blowers have been around since the early '70s. What has changed is the equipment, the number of homeowners who use these services. They have gone from a select number of people in the '70s to virtually most homes in the Village. And that several hundred is the silent majority who benefits from the use of this because it keeps their property in good shape and it allows them the freedom to do other things, where they are not enslaved to their property on weekends.

When reading these letters, I see there is a huge chasm for education. But we are not willing to go down that step. We just want to cut to the chase, get to the end as quickly as possible and move on, where that does not solve anything. The vaunted Conservation Commission, who worked on this years ago, was not a balanced committee. Recently in the dialogue with one of the members I said that of the points I brought up were not listened to. One of them was one that you folks finally recognize, five years later, the oak trees. Oak trees just did not show up this season. They have been around for years. The reason you saw them so visibly this year was it was later, but it was also a function of the winds on Memorial Day, where it ripped everything down, tumbled them together, and made their appearance very obvious. There were big tumbleweeds in the road.

Trustee Walker said she had never realized this was an issue because she lived on Washington Avenue. I am sure there are other issues that you do not realize, as well. I put out the offer to the Conservation Commission and the Board members if they would like to spend a day with me to go out and listen to intelligent execution of work and to see what I am trying to compile in some sort of program. Trustee Jennings, you were close. This is an industry that is unique, in that unlike a carpenter or a painter this generates noise. It can be detrimental environmentally. Why not cultivate, with the work of the Conservation Commission, a policy where there is a code of conduct. I do not like to see things blown on the road. There are those people who say get a rake and a broom. They are probably working off their own knowledge or their standards of how they like to keep their property. That does not represent the majority of homes around the community, how they like to be kept. After rake and broom, the next step is put it in a brown bag. The Conservation Commission, who says blowers are a pollutant, terrible to the environment, never thought of the next step.

Whenever you put something in a bag, it is guaranteed to be handled seven to eight more times. The Village garbage truck picks it up, it brings it to Yonkers. Yonkers has a payloader that pushes it around, makes a pile until the big truck comes, and they load the big truck. The big truck then trucks it upstate to Goshen, New York or to Connecticut, where another big machine pushes it around and makes a pile with it. That machine then puts it into a tub grinder. So the whole pollution thing goes right out the window you measure what actually happens.

Whereas the proposal that I was trying to put together was, if we use the right machines, the right tool, the right time. I was saying the small blowers. There should be a measurement. Not a measurement based upon cranky, but a measurement based upon numbers. I thought, I heard about a decibel level of 60 or 70. The machine that I showed you qualified for that, and below. That machine in the summertime. Why in the summertime? When you take the material in the summertime and you blow it back into the lawn space, back into the pachysandra or the ground cover, you have now eliminated that material forever. It is gone. Put it in the brown bag, you are back up to eight trips.

Their report that they gave you about these being more polluting than cars, I got about four pages into and it was not worth the paper it was printed on. Had nothing to do with the model of machines we use around here. There were some antiquated, obsolete machines that you cannot even buy around here.

What this came down to at the end was I had no chance here. It was either listen to Tim and upset the applecart, or upset the Conservation Commission. You had to weigh the balance of the two, and I was going to be cast off and you were going to stick with the Conservation Commission. I understand that very clearly.

Mayor Swiderski: As much as you would like us to give you credit for your thoughtfulness, you should assume good intent up here and not a fear of a particular commission or a group. We considered it carefully. In fact, we addressed the concern about the oak droppings by seeking to amend the law so that Village Manager Frobels can, on a seasonal basis, delay the onset by a week or two if it is bad. The other factors that weighed into our decision were not decibel levels, or whatever. It was considered, and it is set now and done.

Edward Clough, 10 South Drive: The Board of Education may be considering synthetic turf to install at Reynolds Field. While the interpretation of the Board of Trustees' duty with respect to community involvement in this decision is arguable, I think the Board of Trustees has a duty to the community at large, whether it is in the writing that transferred that land to the school, or not, to represent community interests. A synthetic turf field would be

extremely hot. I have been on those fields, and the temperature is the summertime is prohibitive of use of the field. It is in the hundreds of degrees. The field would be unusable for the summer months, as well as late spring and early autumn. This would be a great loss of greenspace to our community, and I urge the Board of Trustees to work with the school district and the Board of Education to urge them to keep a natural grass turf field there. There are concerns that a grass turf field cannot withstand the use that the Board of Education wants to impose on that field. I think that has not been thoroughly investigated. Before they go with the synthetic turf they should be encouraged by the Board of Trustees, as representatives of the greater community, to keep grass turf. This is the central greenspace for central Hastings, and it would be a tragedy to see that paved over with plastic grass and ground up stuff. They are not considering crumb rubber, but it would be either rubber or coconut shells. It would be a great loss to community. The recreation department runs their summer camps there. Summer heat would make that impossible. I urge the Board of Trustees, whether it is in the writing of the deed or not, to protect the green space.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: The governor has introduced some legislation that may offer some relief to the binding arbitration statute. It looks like the governor thinks he has got a pretty good chance of getting this, with some cooperation from the House and Senate. It is looking to impose some new standard of the ability to pay. That is all we have ever asked for when we deal with police and fire unions, to at least have that standard involved. It talks about a fiscally-eligible municipality. It seems as though a majority of communities will fall within that category.

Mayor Swiderski: Do you know if we are considered an eligible community under their formulation, or is the formulation not clear yet?

Village Manager Frobel: The formulation is not clear, but we have reason to believe that the majority of municipalities in New York would fall within that category.

Mayor Swiderski: Could you give the background on what this means?

Village Manager Frobel: Essentially, it is important to us because when the parties are in negotiations and you reach impasse...

Mayor Swiderski: And this is on salary and benefits.

Village Manager Frobel: Principally salary and benefits, but when you go to interest arbitration the entire contract is typically open. So you can have hundreds of issues. What

happens then is, because the parties have reached what is called "impasse," a three-member panel is established, and that panel has to review the contract provisions. Often the benchmarks are neighboring communities. So effectively they do not look at Hastings as a separate entity, but rather part of a larger group. So in other words, you are whipsawed. They look at what other communities have provided in terms of salaries and benefits and they compare, and they begin to ratchet that up.

This could be important because now the arbitrators would at least, if it passes, have some definition of your ability to pay. Often those benchmarks include such things as growth of assessed values or the loss of revenues, a state law that sets a cap as to how much taxes you can raise. In the absence of that, the sky was the limit. An arbitrator could tell you to pay 5, 6, 7, whatever percent they think is fair to bring your group up to the standard of other communities. This could be a great relief, especially in light of the fact that the has effectively handcuffed you in telling you, as a community, how much money you can raise under the tax cap.

Hastings is going to be the scene of another TV movie-video recording. Susan is the one who handles these matters so I asked her to give you a summary of what we can expect.

Village Clerk Maggiotto: I think this is going to be another Hastings happening. Warner Brothers and HBO are coming here Monday, July 8 and Tuesday, July 9 filming a pilot for a new TV series called *The Leftovers*, starring Jennifer Anniston's boyfriend. They were here at our Memorial Day parade filming it because they wanted to see what a small-town parade was like, and they loved it, so they are going to try to reproduce the parade on Main Street, coming around Warburton, on Monday. Tuesday they are going to stage a car crash at the entrance to the Steinschneider lot on Spring Street. I have to thank Chief Bloomer and Lieutenant Dosin because they are working very closely with this crew to minimize the inconvenience to residents and our merchants, trying to make sure that streets are open as much as possible although there will be some closures. Many more details will follow, but they are very welcoming to the public. They welcome an audience. There was a casting call on Saturday at the Community Center. So stay tuned. You will be hearing more, we will communicate with people on e-mail. And it should be fun.

Trustee Walker: Are they offering any relief to the merchants or restaurant owners? I did hear from at least one who is very concerned about losing business when the streets are closed.

Village Clerk Maggiotto: Absolutely. They are very cognizant of that. They do go around and spread money. They are bringing in a lot of people, and we hope that they will patronize the stores, as well. We are trying hard to work with each individual's needs.

Village Manager Frobel: We are trying to minimize the segments of the streets that are closed for short periods of time. The fact is that they have recognized business interruption. They have chosen Monday because in the summer, typically, a lot of the stores are closed on Mondays. So they have been trying to recognize some of those things.

BOARD DISCUSSION AND COMMENTS

1. Draper Park and Building: History and Responsibilities

Sue Smith, Draper Park Review Board: The years go by, and it has now been 24 years that the Village has owned Draper Park. New boards do not always know a lot about it. This is a chance to tell you, and maybe one of you will want to be on the Draper Review Board because there should be a member of the Board of Trustees joining us and, at this point, we do not have one, although I appreciate that the Mayor did a walk-around with us a couple years ago.

Draper Park became a publicly-opened park in 1923. It had been a family property of the Draper family for many years. It was then given, by a will, to the American Scenic Preservation Society. They owned the land and took care of it. The observatory cottage was a home for a caretaker, and they rented out the other houses. The houses on Washington Avenue were built by the family for income back in the 1800s. Although there were caretakers and it was owned by an organization, it was a distant organization which was far-sighted in terms of being one of the first organizations that had this goal of owning land that would be open to the public. But they were not here keeping track of it, and people had no incentive to take care of the houses over the years.

Another important date is 1975, when the property became an historic landmark, which is a higher level than National Register property. This includes the houses and the buildings on the property, as well as the land, because it is a landscape which very much has the flavor of the mid-1800s, when the family was there. Langmuir lived in what is now the Hirsch's house and did a lot to take care of the quarry but also of Draper Park. He had ideas and was on-site, lived right there.

Then American Scenic decided to go out of business and to divest themselves of their holdings, so they looked for a suitable organization to have Draper Park. The Village was the logical one that would be able to respond to the requirements of Antonia Draper Dixon's will, which was that it had to remain open to the public and that the observatory cottage had to be owned by the entity that had the land. It could never be sold, and it would be for quiet

enjoyment, a reading room, a library, or museum. The houses could be sold, but not the land underneath them. This part of the world does not have ground leases like that very much, but there are places like Baltimore and vacation places that have that, where you can own the house and you have a lease for 99 years or however many but the land is never yours. Some banks have trouble with that, and it is an unusual arrangement here.

So in 1989 the Village acquired the property, and then had the problem of what to do with the houses. They hired an architect, Steven Tilly Architect, to do a survey and analysis of the land and of the houses and come up with a protection plan and a preventive maintenance plan for the long term. What you have are the primary pages of that that show the suggested property lines, the zones for what we call a historic district zone and a discretionary zone, a garbage zone and a parking zone. The Village Board approved that, with the exception of no swimming pools. They tried very hard, and I was on the Board when some of this was going on, to normalize the property so the ownership would not be different from the other properties in town, to the extent that was possible. But a pool seemed like it was too much of an intrusion because these properties all have a back door and a front door that everybody sees from the main roads, Washington Avenue and Broadway, but also from the drive entry. They tried to create a private area, that discretionary landscape where you could have playground equipment, for instance; do everything but a pool. But the front façades of the three houses on Washington Avenue and the forge cottage on the park side of the drive, which is on Broadway, would be maintained to the extent possible these days with original kinds of materials and details. The landscape was very important, that that remain as much as possible as it was, and open for the public to view the houses. That is particularly true on the façade side, the historic zone side, of the houses.

So the Village was in the situation of having all these regulations: the ideas of what people could plant, suggestions of what they could do. They had to create somebody to enforce it, or to try to help people get where we wanted to go. So they created the Draper Review Board, which is five people: somebody from the ARB, somebody from the Historical Society; two people at large; and a member of the Village Board, so all interests would be represented. The exterior was their bailiwick. The Building Inspector had control over the interior and what happened there. There were not regulations on what they would do in the interior.

When the houses were sold in 1990, they had two years in which to do the improvements to the house. They were in really bad shape and a lot needed to be done. I do not remember the prices, but they seemed very low at the time compared to other houses in town. People had to invest loads of money, and it is to a high standard: they could not use aluminum siding, they had to use wood, they had to replicate the fancy little cutouts that make the houses on Washington Avenue so charming. There was a lot of expensive work. In some cases, people

did some of it themselves, quite successfully. There was a big push to get it done in two years. They had an extra one year. Marianne, you might have heard about this at the time because your office was involved with this. Since that time, you know, 20 years ago, it is amazing to me. I have been on the Review Board since the beginning. I am the only living memory. It was Neil and myself that knew about it.

We do look at them every couple of years. We walk around with an architect to see how people are taking care of the exterior of the property. There are no enforcement teeth in the regulations, very frustrating for us. We try to use good will and encourage the best possible decisions. We do have control over the façade additions or repairs. They have to come to us for approval of that, and they have over the years.

That is sort of a capsule of what Draper Park is about. It is a very unique kind of situation. The ground leases are 99-year leases. The annual fees for the leases, the original house sale income, and the rental that the Historical Society pays for use of the observatory cottage all go into the Draper Fund which is a separate entity from the Village budget. It is used to maintain the park and the public amenities there. The Historical Society has an interesting arrangement, which has worked out quite well. When they were chosen to be the ones to be in the observatory cottage as a renter, they could not buy it. We were able to do an addition to it and to outfit it with an air conditioning and security system. Those are things to accommodate the Historical Society's use of the building, and it pays for it. But the Village would take care of the main building, which was the legacy that they took on. So if it is a roof, or care of the old building, they do that. Not the amenities for the Historical Society's use, however.

Mayor Swiderski: Does the Village reap anything from that sale?

Ms. Smith: No.

Mayor Swiderski: So if they invest in their building they see the results of their investment.

Ms. Smith: Absolutely. In fact, you see that now. People were amazed when they saw the price of the house for sale. It has been 20 years, but it also has been taken care of by successive owners. I think it is an example to the other people, to any of us, the difference of when you care for your property and your house, the value that is gained, as opposed to letting things slide over time.

The Draper Review Board has expressed the intention to meet soon after the closing on that property with the new owners, and I know the current owners have conveyed this, so there is an understanding of who we are, what our intent is, and how we can work together. Another

owner was in the Village office the other day, and allowed as how a lot of free architectural advice has been given to the owners there. That is the benefit. We always try to have two architects on the committee so we are able to help them make them make some decisions in areas they are not necessarily savvy about. It was a farsighted idea to have architects required to be on the committee.

Trustee Walker: You say you have no teeth for enforcement. Could the Building Inspector issue a violation if the exterior was not being maintained properly?

Ms. Smith: Yes. It is nothing special, it is whatever would apply to any building in town.

Trustee Walker: So if the letter of the law is not being met, let us say in terms of preservation of particular exterior details that do not necessarily fall under the normal building code violation, he can issue something.

Ms. Smith: That is right, yes.

Mayor Swiderski: Do you need teeth? Do you want teeth?

Ms. Smith: I do not think the Draper Review Board wants teeth, but I think it would be helpful. I am not sure how hard it is to get them after the fact. I am looking at Marianne.

Village Attorney Stecich: I would have to see the agreement, but my guess is you have already got this contract in place and both sides would have to agree to modify the contract. I imagine that is what it is: a contract between the Village and the property owner?

Ms. Smith: Yes. And there are deed restrictions.

Village Attorney Stecich: Unless there is a provision in there that says the Village can change it.

Ms. Smith: Yes. They are very heavy deed restrictions.

Trustee Apel: But the property owner is the Draper Review Board? Who is the property owner?

Ms. Smith: No, individuals own the buildings.

Village Attorney Stecich: They own the houses, they just do not own the grounds.

Trustee Apel: So the property owner, the owner of the land, is the Draper Review Board?

Ms. Smith: No, we are just advisory.

Trustee Apel: So who is the owner?

Ms. Smith: The Village owns the land.

Trustee Apel: So we own the land. This house that went for sale: do they benefit, or does the agreement pass on to whoever the new owner of the house is?

Ms. Smith: Yes, the deed restrictions travel with the sale of the property.

Trustee Apel: So if you were going to change it, it is already, as you say, after the fact. They have already bought the house so I do not know how you would change the law.

Village Attorney Stecich: That one is a possibility because there has to be an assignment of it. It has not come up yet.

Trustee Apel: I think what we need to find out is what are the teeth that are needed so we have a better sense.

Mayor Swiderski: Marianne, could you take a look at the agreement as it now stands?

Village Attorney Stecich: Yes, but I need more specific advice.

Mayor Swiderski: An enforcement mechanism to compel new owners to take proper care of the property.

Trustee Jennings: I am familiar with communities that have negative prohibitions as distinct from positive obligations. You cannot tear the window frames off and put something in. You cannot paint it bright red. You cannot put up big fences. But how do we get people to positively do things to the outside of their home that maintains this historic character, maintains the aesthetics and the quality of what we are trying to achieve visually and historically in the Village. I have no idea what the deed restrictions are. I can see putting teeth in the negative restrictions. It is harder for me to see how we can put teeth in the affirmative obligations except persuasion and getting people to buy into the whole idea of Draper Park.

Ms. Smith: Yes. And certainly there are some people, originally everybody, who felt that

on some level: wanting to be part of it, and enchanted by the buildings. I would think that the market effect would be a fairly strong one, when you see that somebody can sell their house for a nice sum of money. But they have got to put money in it, and they have different abilities to do that.

Trustee Jennings: I was wondering if we might want to cooperatively enter with the homeowner into a positive renovation to bring the thing up to a high standard. Would it be desirable, and possible, to enter in through the Draper Fund to some of the financing of these improvements? I realize that they get the equity back when they sell the house because they now own the house as opposed to renting it. Maybe there could be some sort of side deal about a sharing of some of the equity 20 years from now. You have a fund, and it seems to me an appropriate use of that fund to maintain a high standard of appearance.

Trustee Walker: Or another idea might be to provide people with very low or no-interest loans from the fund. That is something to sleep on, and we can talk about it. I have read those regulations several times. In fact, I made an offer on the forge cottage whenever it was auctioned off. But is there a way you could look at some of the maintenance requirements as being necessary for the preservation of the structure? So whether it is a roof or a paint job or to repair rotting boards, that is part of the actual preservation of the structure.

Ms. Smith: Yes, a central part.

Trustee Walker: If you do not do that you may lose that architectural element. Or if you do not repair the roof you are going to get water in the house. Those sorts of things prolong the life of the structure, whereas some other things may just be cosmetic, they may make it more attractive. You might be able to make a distinction between those types of things when looking at enforcement.

Ms. Smith: I think the idea of offering some kind of very low-interest loan, that is good incentive, something they could not get elsewhere. That might be worth speaking to some of them about. Having somebody who is in the situation there comment on the ideas.

2. Leaf Blower Ban Enforcement

Mayor Swiderski: This is on the agenda because at the last meeting we acknowledged that enforcement was an issue and we wanted the discussion to continue. Village Manager Frobels, I want your input on how you think that enforcement is going these last few weeks and your feedback on the police if you have any.

Village Manager Frobel: I have seen the number of complaints drop off to very few. In fact, this year I have not gotten a single phone call. I typically will get phone calls because normally the violations occur during the workday when everyone is elsewhere and there are just a few people home. I have toured the community with the Chief on a number of occasions during the workday, going through almost every neighborhood, and we have observed no violations. That is not to say they do not occur. Susan sent one to me in her neighborhood just over the weekend, so we know they are happening.

Mayor Swiderski: I called in a couple, too, to the police.

Village Manager Frobel: You are right, Mayor. I know they are out there. The Chief and I want to heighten patrols' awareness. During the day we often have two policemen out there. If they are on a call they can be tied up for 45 minutes to an hour. But we have stepped that up. We will continue to do that. My thought was to call in some of the known violators because it has been isolated to two or three firms that push the envelope. There is one new firm in the community that may not be totally familiar with the law. Often the excuse is that they know Yonkers was not until June 1. But by and large I think it is working. Although the first few years were difficult, I am seeing less complaints and better compliance. Part of the issue has been the fine being very low, even though it is supposed to increase in time. If you do not get them on that first or second time it is very low. And what we have found, in my conversation with the court, is that often when the summons is issued, the violator does not show up. They are not about to issue a bench warrant for that kind of violation. .

We need to work with the court to make sure they are comfortable with the law and that they understand the seriousness. One concept that has been mentioned, and it was talked about when we developed the law, is whether the summons should be issued, in fact, to the homeowner. We debated that. If I felt there was a problem I would recommend it to you. I do not think we are ready to go that level yet. I still think another season or two of working through it will have continued success. So give us a little bit more time.

Mayor, you said you want to revisit this at the end of the summer. At that time we will be in a better position that to tell you that we issued 10 summonses or 12 or five; three of them paid their fine, two are dismissed. We will have a batting average like we provided to you a few weeks ago.

Trustee Apel: Do we still have people confusing the sounds with the mowers?

Mayor Swiderski: Mine was eyewitness. I saw the same firm in two cases.

Village Manager Frobel: Yes, it has happened. From the policeman's perspective, when he responds if it is unfounded because the guy's working a lawnmower or a weed whacker.

Mayor Swiderski: What I have not seen is the army of four guys descending on a property. That seems to have gone away.

Village Manager Frobel: And I have not seen any of the kind that they walk. You know, you used to have the ones on wheels. They use those typically with the leaves, but I have seen them used in the spring, as well. That has dropped off, from what I can see.

Mayor Swiderski: It is, without a doubt, an improvement, which is why so many people beg for it not to be relaxed. But if you thought there was need for further enforcement mechanisms, we are open to it.

Village Manager Frobel: Let me again counsel with the Chief. We knew it was going to be a difficult law to enforce. Part of it is public education. Bu I see some bright spots. I think it is working.

3. Update on Deer

Mayor Swiderski: Professor Rutberg is still preparing his final permit application on behalf of the Village. We have 61 people interested in participating in this effort. We need to fill in information on people, like where they live and their willingness to do various tasks. We will not necessarily be able to use all 61, but we will be sorting that out. We have had a number of people step forward, interested in carrying greater responsibility, whether it is management or owning a chunk of it. Over the next month this is all going to coalesce into a concrete plan over the next year. The professor out of Cornell that we spoke to when we were speaking to the DEC has passed on the protocols we needed. Mr. Downey proposes a proxy for trying to figure out how property is damaged. You cannot rely on anecdotes. It does not work. Mr. Downey recommended using hostas. At Cornell they use oak seedlings. Either can work. We now have a protocol over how that is done, and we are going to need to find volunteers who are willing to host the seedlings, or the hostas, distributed geographically over the Village, so we get a good sampling.

The state asked us to set aside the proposal to track wildlife and birds, saying it was pointless, that you will never get a meaningful population sample and will not see results in the five-year window because the habitat restoration that theoretically would lead to more brown nesting birds simply will not happen meaningfully in five years. So set aside that metric in the final proposal.

4. Update on Downtown

Trustee Walker: Last week we had a Friday Night Live rained out, unfortunately. But the Discover the Rivertowns weekend went forward, with a lot of advance publicity, both regionally on radio stations, on New York-New Jersey Trail Conference media, Metro-North and local media. It was an interesting experiment to see if we could attract people from out of town. The results are mixed. We saw a more bustling downtown on Saturday than usual. A number of the merchants had specials and sales and even freebies. We had music at VFW in the afternoon. We had pop-up gallery, a pop-up prom shop. We were trying to fill some of the empty storefronts and see how that worked out on a temporary basis. We want to try that again, use it as an experiment for somebody who is thinking of moving a business to Hastings or opening a gallery. We did surveys with merchants. Some people said we saw more customers than usual, some said less, and some said no change. We did talk to people from Manhattan, from Brooklyn, from Riverdale who were there because they heard the promotions on WFUV. Christina Griffin was kind enough to do an architectural tour, and we had between 20 and 25 people, mostly locals.

Where does that leave us going forward? We are thinking of switching gears, we meaning the Tourism Board and our Hastings Downtown Collaborative, for the fall and maybe doing several weekends that align with the Hudson River Valley Ramble. That goes on for four weekends in September. Each Village is going to take a weekend and do some walking tour event. We are going to do an architectural tour again and focus on the walks because those seem to be very popular. Irvington had between 50 and 60 people for the Aqueduct walk, and around 40 people for the village historic walk, and they did attract quite a few people from out of town. We are going to take September 21 and 22, and we are going to have an architectural walk on Saturday and an Aqueduct walk on Sunday. We are going to see if we can tie some other promotions and events into it. It is going to be a change, but I think it is the right thing.

Friday Night Live, many of the restaurants were disappointed that we had to cancel. They were hoping we would do it in July but in July we have so many things going on. Friday Night Live is good for the downtown restaurants but I do not know that we need a big community gathering when we are having several in the first two weeks of July. I would be interested in your thoughts. But I am thinking maybe we do one the first week of August, and try to close the streets and do something to pump up business for the restaurants since they missed out on the Spring Thing.

The Hastings Downtown Collaborative is continuing to meet. Next they are going to be talking to landlords about empty storefronts and starting to work on that angle. It is a

fantastic group of volunteers. I want to thank them publicly for everything they did. I have to thank particularly Iris Dudman who took a leadership position and organized the events. A number of other people lined up the music. And there is that terrific wall, the chalkboard at the bottom of the stairs facing the station. This is a group of mostly high school sophomores and their idea was to publicize the events in the downtown on an ongoing basis. The committee and the high school group did a tremendous job, and we are appreciative.

5. Update on the Waterfront

Mayor Swiderski: We have reached out, seeking possible legal assistance on talking to the MTA about fixing the bridge in the south. But beyond that, I have little to report.

Village Manager Frobel: Chevron is waiting for approval from the DEC for bringing on that soil.

Mayor Swiderski: There is activity on the BP side as they do further sampling. along the water's edge. The DEC has asked for further samplings as part of engineering design.

The survey concluded. Made a 37 percent return on the survey, which was off the charts for these sorts of things. While the results are posted on the Web site, I would like to put out an email specifically on what they say and how it speaks to our future.

Trustee Walker: It would be interesting to let BP and the DEC know about those results.

Mayor Swiderski: Yes, that is a very good idea. With over 700 people it is a statistically meaningful sample, even if it is a self-selected group.

6. Other

Trustee Apel: The Comprehensive Planning Implementation Committee has met, and they are going to be meeting again June 25. They are hoping they will be able to present to the Board on July 2.

Trustee Walker: I am not going to be here on July 2, unfortunately.

Mayor Swiderski: On July 2 we start off the meeting with members from the school board to discuss traffic and drainage, the two areas in the Village domain. I have asked the Conservation Commission if they have questions to provide those to work into our discussion. They seemed to be a logical entity to reach out to since they have an interest on the traffic side with their streets initiative, and on the drainage side as a part of storm water.

Trustee Walker: Are they going to present, or is this just an opportunity for us to ask questions?

Mayor Swiderski: We have not specified the format. But I have asked them to present on those two issues. It is mostly an opportunity to ask questions. And the idea is to share questions ahead of time so meaningful answers can be provided in the meeting, instead of raising questions that then filter off and cannot be answered on the spot.

Trustee Walker: I will provide some questions ahead of time.

Mayor Swiderski: Yes, as soon as you can. I will provide those to the school board and post. That way, the school board has a chance, if there is something they can gather materials for, to answer meaningfully.

Mr. Skolnik: At the joint presentation will there be any questioning from the public?

Mayor Swiderski: If it is relevant to the particular questions at hand, and the meeting is not going too late that is appropriate on issues of traffic and drainage. We are not opening up the floor to all issues. That is not the purpose of the meeting.

Mr. Skolnik: And the Planning Board, were you also able to reach out?

Mayor Swiderski: No.

Mr. Skolnik: Because they, historically, have had quite a bit to do with traffic. So if there is someone available, that would be a good idea. Thank you.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 8:55 p.m.