

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 6, 2013

A Regular Meeting was held by the Board of Trustees on Tuesday, August 6, 2013 at 7:33 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: Seven (7).

APPOINTMENT

Mayor Swiderski: Sean Hayes is appointed to the Zoning Board of Appeals, a five year term expiring 2018.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of July 2, 2013 were approved as presented.

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of July 9, 2013 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 9-2013-14	\$ 1,320.55
Multi-Fund No. 10-2013-14	\$413,069.58
Multi-Fund No. 13-2013-14	\$205,750.84

PUBLIC COMMENTS

Steven Kanor, 200 Warburton Avenue: I would like to thank the excellent Village departments: the library, the beautiful summer, year-round thing which is going on in the backyard. They have this crossing guard; beautifully done. I also like the fire department, four departments who are outstanding and the Village ambulance corps, which is terrific.

I would, however, like comment about buildings and grounds and how disgusting they are. I have pictures to show you. Every aspect of what they have done in the last 20 years has been a mess for this village, a village which is otherwise pristine, exceptional. The chairman of buildings and grounds should be removed today. If it cannot be done today, I would be glad to get a petition going to have it done. The man has made a mess of this town and it is an eyesore. You all know what I am talking about. The parking meters are a mess; you cannot read them, some meters are totally destroyed, they are not fixed. There is a stop sign which has been upside down for about a month now. Why should that be? It is because this guy has not done anything, and he should be removed from office. He makes \$140,000 a year to do what? The garbage men do not like him. They do a wonderful job. Yes, they may leave a can or two around, but that is to be expected. The general demeanor of that department stinks, and I would like to get permission from you to remove him from office.

John Gonder, 153 James Street: When are you are going to start for the deer signup? I signed up for the program, I am not on the computer. Where do I get the forms?

You are discussing priorities in the Comprehensive Plan. I was wondering about the gateway. That girl from Bosnia must be hanging on. What are we doing? That should be your number one priority. I am afraid what is going to happen is what happened 60 some years ago. Other boards, had a plan in the and it took 40 years to get the five parks: Ravensdale, Rile, Pulvers Woods and a couple others. I know you busy, professional people work, but you also are elected officials and working for us, the people. I am afraid that is it going to be a long delay. I hope you work on that.

The plastic bags I brought up in April. I hope you jump on that in a hurry because I see these plastic bags in trees and the storm drains and all over the place.

Village Manager Frobel: Mayor, I want to acknowledge receipt of Mr. Kanor's photographs. We have looked at them. We understand there are some areas that need special attention. But our principal focus during this season is roads and bridges. We have been working on a number of catchbasins, we have been addressing potholes, we have been working on boardwalks. The three men Mr. Gunther has assigned to the Public Works department are giving us some tremendous productivity over the last few months. Almost 70 percent of or workforce every day is assigned to picking up trash. They are not out there fixing signs that are bent over. Those are going to be addressed, but I have got priorities and Mr. Gunther has priorities over this construction season. Mr. Gunther has my full confidence in his capabilities of leading that department. I thank you for your comments.

37:13 NEGATIVE DECLARATION - AMENDMENTS TO VIEW PRESERVATION REQUIREMENTS AND SITE PLAN PROVISIONS OF THE ZONING CODE

Village Attorney Stecich: You have to make a SEQRA determination on any action you take. These amendments will have no impact on the environment, so a negative declaration is appropriate.

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

WHEREAS, a Short Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson dated Aug. 6, 2013, a copy of which is attached hereto, has been filed with the Board of Trustees in connection with proposed amendments to the Village of Hastings-on-Hudson Zoning Code regarding view preservation requirements and site plan provisions, Unlisted Actions under the State Quality Review Act (SEQRA) and

WHEREAS, the Mayor and the Board of Trustees, the only involved agency, have reviewed the EAF and the criteria for significance set forth in 6NYCRR § 617.7(c), now therefore be it

RESOLVED: that the Mayor and Board of Trustees find that that the proposed actions will not have a significant adverse impact on the environment and do not require an Environmental Impact Statement (EIS) for the reasons as set forth in the EAF.

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	

32:13 APPROVAL OF LOCAL LAW NO. 4 OF 2013 AMENDING VIEW PRESERVATION REQUIREMENTS OF THE ZONING CODE

Village Attorney Stecich: The one change that was made on this was the sunset clause that the Board asked about. It expires on August 15, 2015 unless we act on it.

I watched the video from the July 2 meeting and heard other concerns expressed. I do not think there is an issue. It is exactly the way it is supposed to read. If any one of those people finds the view could be impacted, whether it is the chairperson, the person that the chairperson designates, it probably would not be both but it is really overprotective, if any one person thinks there could be an impact then the waiver does not apply.

Also from listening to this discussion, I want people to understand that this group does not have to meet. They will all look at it independently, and any one person can think there is an impact. One of the reasons for not calling for a meeting is, it will work to expedite the process. If you have to gather people for a meeting and publish the meeting, it is not a good idea. The reasons it might be a designee rather than the chairperson are two. One is that the chairperson may be away and you do not want to have the person have to wait. Also, it may be that the chairperson thinks there is another person on the Board who would know this better. The chairperson of the Zoning Board may think it is better to have one of the architects look at it, and same thing with the Planning Board. So the only change over the last local law you had is that the sunset provision is added.

Trustee Apel: What was the criticism of this?

Mayor Swiderski: The concern was the one Vanessa Merton was most vehement about, that this removes authority from the two bodies who function as a result of the action of all the members of those bodies and, instead, puts it onto three shoulders: off of ten and on to three. At the time, we discussed the possibility of a sunset clause, which we thought would be an elegant way to at least us reconsider this. We tabled it, and here we are.

Village Attorney Stecich: I think there is a lot of merit to the position opposing the waivers. But it is a policy decision and it was written in such a way that there is a lot of protection. You should understand that there are people on the Zoning Board who were totally opposed to the waiver in the past. But when they saw the way this is crafted they thought that is enough protection; as long as one person finds it to be an issue, then it has got to go before them. My guess is that this is not going to happen. There is not going to be a waiver except in such obvious situations like the statue at the church. They come up periodically. And if in two years you do not like it you can change it. Or if it gets to be a bad provision and you learn it sooner, you can repeal the law. You do not have to wait until August 2015.

Trustee Apel: But is there any balance against the decision? In other words, it comes to the decision and all three of them say yes, let us do it. Then this person, that person or that committee says no, we should not. Is there any recourse to change it?

Village Attorney Stecich: On any application? No, not the waiver.

Trustee Apel: No, it is finished. The way it is written, that would be the final decision so nobody else can make a decision. Is that what we want is the question.

Trustee Armacost: I think that was the point. She was concerned about arbitrariness. The way Marianne had explained it allows us to test. We have two years to see. My guess is there are not going to be a lot of cases that come up where this even gets used in that two year period. But it would be interesting to track to see what happened and whether there are any cases which make us change our mind. We were balancing arbitrariness and trying to create a more fair regime, where you do not have a silly situation like the situation at the statues where you have to get site plan approval because of some very small statue.

Mayor Swiderski: And the serious expense associated with that.

Village Attorney Stecich: Well, no. Site plan approval probably you would still need. That is different. This is view preservation.

Trustee Armacost: But the view preservation issue was the issue with the statue.

Village Attorney Stecich: It was view preservation, right. But I am not sure that would have escaped any review altogether because it probably still needs site plan review because it is outside. We talked about that in another meeting. If you pass this, it is important to make sure that a record is kept in the Building Department of the waivers. If there are any view preservation actions taken at a meeting you have got the minutes or you have the decision. There is not going to be a decision, and Fran, you would take care of that with the Building Department to make sure there is a record of any waiver in the files. It would allow this board to take a look at how often is this coming up.

Trustee Jennings: Everything that amounts to good administration does not have to be written in the code. The concern about the wording will be addressed behind the language of the code in practices such as documentation of waivers. If I were the chairman of one of these committees I would, as a matter of practice and communication with my committee, give people a heads up that somebody has asked for a waiver and I am going to take a look at it. It is not going to be done in secret, and if a member of the committee goes to the site and looks at it and gives me some concern, that is going to factor into the process. A lot of safeguards are not written into the words that we are looking at, but they are written into common sense, good conduct by our volunteers and our Village staff. I am confident of it. Vanessa's question was well taken, but it was predicated on the notion that we will not always have the kind of people that we can trust. It was future-oriented: is this going to work for everybody all the time? The sunset provision will handle that.

Mayor Swiderski: The Planning Board and the Zoning Board can choose their own chairs, and those chairs are reflective of the Board's general demeanor, so they bring that judgment to this decision. There is enough institutional inertia that we can watch this and see how it works for two years, but not have to fear too much.

Trustee Apel: When someone applies for something like this is it posted anywhere or publicized? Let us say they wanted to build a tower down the hill from you and it comes right up in front of you and there was no posting.

Village Attorney Stecich: With what you describe it would be virtually impossible to get a waiver. I cannot imagine it. Maybe one person could get lenient, but to think all three people, it is so unlikely. That is why you do not want to leave the waiver to just one person because then it is really easy. Maybe the person is not a bad person, but it happens to be a bad day. But you have three checking on it. There would not be notice.

Trustee Apel: Are the people making the decision protected by law if somebody disagrees with their statement? Can they be sued directly? I want to make sure they are protected under the Village.

Village Attorney Stecich: No, their indemnification provision holds. It is just like any decision by the Building Inspector.

Trustee Armacost: On recording what happens over the next two years before the sunset clause kicks in, can we have not just the number of times it is flagged but also a description of the situation?

Village Manager Frobel: I assumed there would be the narrative. Probably the photographs, all the exhibits they took into consideration when they rendered their decision.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2013 amending view preservation requirements of the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 295-82 (View Preservation Districts) of the Zoning Code is hereby amended by adding the following new paragraph:

D. Waiver of View Preservation approval. Notwithstanding the requirements of Subsection C above, View Preservation approval shall not be required where the Building Inspector determines that the erection or exterior alteration will have no negative effect on the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way, and that determination is confirmed both by the Chairperson of the Planning Board, or another Planning Board member designated by the Chairperson, and by the Chairperson of the Zoning Board of Appeals, or another member designated by the ZBA Chairperson.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This amendment to the Zoning Code shall expire on August 15, 2015, unless reenacted by the Board of Trustees.

Section 4: This local law shall take effect immediately.

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	

33:13 APPROVAL OF LOCAL LAW NO. 5 OF 2013 AMENDING SITE PLAN PROVISIONS OF THE ZONING CODE

Mayor Swiderski: Marianne, could you summarize it.

Village Attorney Stecich: Site plan approval is required for construction, reconstruction, alteration, renovation, demolition, enlargement, moving or removing of any building or structure. What was added to that was that except for interior work that does not change the

exterior of the building, in that situation site plan approval would not be required. It shall, however, be required for the construction or alteration of a driveway or parking space. That is not clear in the code now. And it shall also be required for the alteration of a building in such a way as to create an additional dwelling unit. I am going to get back to that later, but this is what is in there.

Then section C was a technical change to coincide with that. Then there is a new paragraph D that says no site plan shall be required for the reconstruction, alteration, renovation, demolition or enlargement of a two-family dwelling or a driveway, parking space or structure accessory to a two-family dwelling unless the alteration or enlargement results in the creation of an additional dwelling unit. There is an exception for one-family houses. No site plan approval is required for one-family houses. It was added that it would not be required for two-family houses either.

Then there is a new provision added. Even though it is not in italics on here, this section two is a new provision. It says that the Planning Board may waive any of the required submissions if it finds, because of the special circumstances of a particular case, that the information is not necessary to assist the Planning Board in making its decision or that compliance with the requirements may cause extraordinary and unnecessary hardship. That does not mean that you would not have site plan approval, but you might be able to put in a truncated application.

So those are the changes in the law. But at the last meeting, I asked if the Board wanted an amendment that was suggested by one of the Planning Board members to the provision that says site plan approval shall be required for the alteration of a building in such a way as to create an additional dwelling unit. You will recall that was put in there because if there is a new dwelling unit it generates the need for recreation fees. Let us say it is a business downtown and it was an office and they are not doing anything outside, just inside, inside does not need site plan approval. But they are changing the office to an apartment, when it has always been an office and they are changing it to an apartment, that new residence is going to generate the need for a recreation fee. You can only charge the recreation fee in connection with subdivision approval, sp that was why we said you need site plan approval.

One of the Planning Board members raised a good question, and the rest of the Planning Board agreed with him. The way this is written now, if a single-family house in a single-family neighborhood was creating a new accessory apartment that would be the alteration of a building in such a way as to create an additional dwelling unit, do you really want to charge rec fees for that? Right now, there are no rec fees for it. There are not because there is no site plan. The thinking was, one of the purposes in enacting the accessory apartment law was to make it easier for people to stay in place, not have to move. There were other purposes for

the accessory apartment law, but one of them was stated as providing economic support for resident families, particularly the elderly and those of moderate income.

So the question is whether you would want to add to A(3). It would be: the alteration of a building in such a way as to create an additional dwelling unit, except for accessory apartments created pursuant to 295-67(D) and requiring an accessory apartment permit. You still need whatever review you have now for an accessory apartment. If you do not add that amendment it means that if somebody creates an accessory apartment they also have to pay the rec fee. That would probably be, because it is most likely going to be a one-bedroom accessory apartment, a \$7,500 fee. The fee is not incidental. If you do not want to charge rec fees for accessory apartments, then you should use this language that I had suggested.

Mayor Swiderski: What do we do now?

Village Attorney Stecich: there is no charge for rec fees for accessory apartments now because they do not need site plan approval.

Trustee Armacost: How much does the permit cost?

Village Attorney Stecich: I do not know, I do not think it is very much.

Village Manager Frobel: And there is a limited number that we can issue.

Village Attorney Stecich: Yes, but we are not close, about 35. I remember that when this thing was passed that was a huge issue. They were going to be all over town. Was there a limit of 100, Susan, or 150?

Mayor Swiderski: Fifty.

Trustee Armacost: So 15 more. Let us assume there is a wild rush to do this in the next year, or 15 more get approved, then there is a moratorium after that? No more?

Village Attorney Stecich: I suppose the Board could reconsider the limit. But it has been an academic question because it has been at about 35 forever. We are not close.

Trustee Apel: So how many people live in these accessory apartments now, and are they single? If we had a mad rush for accessory apartments with 10 children.

Trustee Armacost: It is highly unlikely it would happen.

Village Attorney Stecich: There are limits on the size. They cannot be bigger than 25 percent. If your house is 1,000 square feet it can only be 250 square feet. You cannot make new space; it has got to be an existing part of the building.

Trustee Apel: The reason for the rec fee is to cover the additional uses. The question is, have we had that many people who are using those facilities?

Mayor Swiderski: No. And to me, the primary purpose of the accessory apartment was a provision of cheap housing, the granny apartment, the in-law apartment or to help on rent.

Trustee Walker: In fact, the household sizes in Hastings used to be much bigger than they are now. The population of Hastings used to be 10,000 because there were more people living in each house. Now we have many fewer so, in a way, the accessory apartment is helping us catch up a little.

Mayor Swiderski: I am sorry they do not count toward the requirements for our affordable housing quantity because I think they should.

Village Attorney Stecich: When I worked on the letter to the monitor, I did point out the accessory apartments were another form because that was actually a criticism they had of the Hastings law because the accessory apartments could only be, I forget, but some limitation. And I said, wait a minute, it is providing a whole different form of affordable housing. So they backed off of that.

Trustee Armacost: But do we have any data on the demographic makeup of the people?

Village Attorney Stecich: You could look. What I have seen happen is if somebody who has got a house with an accessory apartment sells it to somebody who maybe does not need to rent out the accessory apartment they keep the permit live anyway just in case.

Trustee Walker: Yes, it adds to the value of the house.

Village Attorney Stecich: Yes, I think that is what is happening. But that were never income limits, just some size limits. So there was never any reason to keep that information. Although you could find it. I am sure they are in a separate pile, the accessory apartment permits, someplace.

Mayor Swiderski: I think the Planning Board has a good idea, and that it should be incorporated as you describe and an exception made there so they are not forced into a rec fee. We do not want to discourage the construction of a range of housing types or a range of

types of people we want to attract. And cheap, small housing is going to keep a certain type of people able to afford to stay here.

Trustee Jennings: I agree with that. I am just extending it to the downtown. How much do we want to discourage the transformation of office space into apartment space, which strikes me as not necessarily a bad thing. We keep talking about how we want walkable Hastings.

Mayor Swiderski: Why are you saying this discourages that?

Trustee Jennings: The scenario was that a conversion to an apartment in a building that is not a single-family house is going to require site plan approval, it is going to require the fee. Is the rationale that a person moves into town and rents an apartment and they are going to use the parks, and they should pay their fair share?

Village Attorney Stecich: Yes. A study was done in 2005 to project the costs per resident. Your point is a fair point, but right now somebody who is converting in the downtown, creating a new residential space, needs to pay the rec fee. This law would not change it.

Trustee Jennings: I understand that is the status quo. I realize the accessory apartment in a single-family house may often be a member of the family, a younger person or a senior. But I also know from my personal experience when I first moved to Hastings, back in the time when there were organizations in Hastings that were employing younger staff members who needed a place to live and were prepared to live in a setting that was less than fully private – in other words, willing to be a roomer in somebody's house – a lot of us lived in accessory apartments, and used the parks and so forth. I am querying in my mind the notion that if you rent an apartment downtown somebody has to pay the rec fee; if you rent an apartment up on Circle Drive nobody has to pay the fee. If the rationale is the fee should cover the new person who lives in town, what is the difference?

Trustee Armacost: A separate question is also how much income we are making from this. Because if it is not making us much income per year, and my guess is it is not, I cannot imagine there are that many conversions that happen each year, and it is discouraging the kinds of things that Bruce is talking about. Then maybe we do not need the provision that requires the fee payment if it is not actually bringing us any income. Is it a lot of money we are making each year?

Mayor Swiderski: On bigger developments, like Saw Mill Lofts on 9A.

Trustee Armacost: But this would not apply, right?

Trustee Walker: I do not know exactly what you are saying. To say that the recreational fee should not apply to one- and two-family houses, in general? Or to take out the accessory apartment fees?

Trustee Jennings: No, I am not suggesting that. I am simply asking the question of what is the rationale for the differentiation between somebody who is a renter in one part of the Village versus another part of the Village. The renter is not necessarily paying directly the \$7,500. It is passed on through the rent. That fee is paid by the owner, I assume. But it is a pretty hefty fee. And if we wanted to encourage more apartments downtown I wonder, in the future, if we should take a look at the automatic linking of site plan approval, which should be gotten in those cases, with the fee. There might be some cases in which we want to encourage people to do a conversion downtown of usage with site plan approval, but not necessarily deter or burden that conversion with a fee if that conversion is really beneficial to the Village. It is not for this vote. Down the road, if we assess our housing stock and we think we do not have enough rental units, particularly in the downtown area, we might want to take a look at measures that we could do to encourage more.

Trustee Apel: Is this an annual thing, or just a one-shot?

Village Attorney Stecich: One-shot. And to answer Niki's question, not necessarily in the CC district but one of the downtown districts, it has only happened twice. It has only been a requirement for about eight years, but I can only remember twice that it was done.

Trustee Walker: This is related to another question that has come up recently. What if a property owner wants to have the flexibility of switching between, let us say, a commercial space or residential space on the ground floor in the areas that are zoning mixed-use, where you could have one or the other. Their decision is going to be determined by the market. Often they cannot rent a retail space on Warburton or Washington Avenue, and they would rather have it residential because they can rent that without any problem at all. But attaching a fee to it is going to make it difficult if they want to be flipping it back and forth.

Village Attorney Stecich: The fee would only be assessed once. In fact, that is the way the Planning Board has handled it. There was one that came in on Main Street that used to be residential, then changed to commercial, then went back to residential. They said they were not creating new residential so that did not have the site plan approval. That happened a couple of times. They did not charge a rec fee because, even though they did not have to pay it in the past, it was grandfathered in. Let us say somebody has a building and he starts out with the space as residential and pays a rec fee. Then somebody says I would like to use this for my office. So they change it to an office. And then five years down, somebody else charges residential. The Planning Board has not been charging the rec fee again.

Trustee Walker: There is a question of how flexible can they become. Do you have to keep getting site plan approval every time you switch it back to residential?

Village Attorney Stecich: That is a different issue. Under this, if they are not changing the exterior of the building they do not have to.

Trustee Walker: If they are switching from a commercial to a residential space they are adding a unit.

Village Attorney Stecich: Oh, yes. Where there was not one before, let us say in such a way as to create an additional dwelling unit. I say that is not an additional dwelling unit. It was there before, but it is a fair point.

Trustee Walker: There is a case where you have to keep track of this pretty carefully.

Village Attorney Stecich: The property owners do, I will tell you, because in both of them, they were tried to be assessed. They said no, this used to be an apartment.

Trustee Walker: I wondered about this A-4: except in provided in subsections blah, blah, blah site plan approval shall be required for, and A-4 is any land use not involving a building or structure. What does that mean?

Village Attorney Stecich: I do not know, but it has always been there and I do not want to take it out, because sometimes you cannot envision something, and then that happens and you say why did I take that out. It is harmless to have it there. But I remember it coming up once, maybe. I will give you an example: the parcel on 9-A. They wanted to use it for parking cars. There is no building there, they were not building anything. But it was under this that we said if you want to park cars there you got to come for site plan approval. In that situation you would want site plan approval because there are cars coming in and out.

Mayor Swiderski: So the motion before us is the text as it has been read, plus the addition of an exemption for the accessory apartments.

Trustee Armacost: What are we going to do about the discussion which we have just had? We are going to handle that at some other point?

Mayor Swiderski: If you would like to stick it on the agenda for the next meeting or the one following, sure. But right now, I am trying to get this piece off our agenda here.

Trustee Jennings: That future thing will come up in many contexts. It will come up in the Comprehensive Plan, with the downtown development. It will come up with the walkable thing the Conservation Commission is looking at. There are lot of different times and places in which we can take a look at our housing policy and how our fee structure impacts our housing stock and the incentives thereto.

Mayor Swiderski: If there are no problems with that proposed amendment, a motion.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 5 of 2013 amending site plan requirements of the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 295-104 of the Hastings-on-Hudson Code is hereby amended as follows (new language in *italics*; deleted language ~~stricken~~)

§ 295-104. Necessity of site plan approval.

- A. Except as provided in Subsections *C and D* below, a site plan, approved by the Planning Board, shall be required for:
- (1) The construction, reconstruction, alteration, renovation, demolition, or enlargement, moving or removing of any building or structure, *except for interior work that does not change the exterior of the building or structure.*
 - (2) *The construction or alteration of a driveway or parking space.*
 - (3) *The alteration of a building in such a way as to create an additional dwelling unit except for accessory apartments created pursuant to Section 295-67D and requiring an accessory apartment permit.*
 - (4) Any land use not involving a building or structure.
- B. Where a site plan has been approved by the Planning Board, no building or structure on the property encompassed within that site plan, or on any portion

of that property, shall at any time be constructed, reconstructed, altered, renovated, demolished, enlarged, moved, removed or used, nor shall any land partially or wholly encompassed within an approved site plan be used, unless expressly permitted by the site plan or by an amended site plan. In particular, without limitation, no building, structure or land encompassed within a site plan shall at any time be altered so as no longer to comply with a condition contained in an approved site plan without Planning Board approval of an amended site plan expressly permitting that alteration.

- C. Notwithstanding the requirements of Subsection A above, no site plan shall be required for the construction, reconstruction, alteration, renovation, demolition or enlargement of a single-family dwelling, *or a driveway, parking space, or structure accessory to ~~on the lot of~~ a single-family dwelling*, provided that the owner of the lot certifies, in writing, that (s)he has no intention to construct or to have constructed, at that time or in the future, either on that lot and/or any adjacent lots, more than one single-family dwelling. For purposes of this subsection, "owner" includes the record owner and any contract vendee, lessee, assignee, licensee, subsidiary, parent or affiliate of the record owner.

- D. *Notwithstanding the requirements of Subsection A above, no site plan shall be required for the reconstruction, alteration, renovation, demolition or enlargement of a two-family dwelling, or a driveway, parking space, or structure accessory to a two-family dwelling, unless the alteration or enlargement results in the creation of an additional dwelling unit.*

- E. Where a site plan is required by this section, no building permit or certificate of occupancy shall be issued until the site plan has been approved by the Planning Board and until all of the requirements and conditions of the site plan have been met. Continued conformance with the site plan, including all conditions contained in it, shall be a requirement of the continued validity of the building permit and certificate of occupancy.

Section 2: Section 295-106 of the Hastings-on-Hudson Code (Application for Site Plan Approval) is hereby amended by adding the following new paragraph I:

- 1. *The Planning Board may waive any of the required submissions if it finds, because of the special circumstances of a particular case, that the information is not necessary to assist the Planning Board in making its decision, or that compliance with the requirements may cause extraordinary and unnecessary hardship.*

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately.

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

38:13 AUTHORIZATION TO SIGN INTERMUNICIPAL AGREEMENT WITH VILLAGE OF DOBBS FERRY FOR THE DPW CONSOLIDATION FEASIBILITY STUDY PROJECT

Village Manager Frobel: Hastings and Dobbs Ferry secured a grant under that local government efficiency program. We formed our steering committee and we have drafted our RFP for consulting services. That went out today. This agreement formalizes some of the responsibilities between the parties. We have the RFPs coming back to us at the end of the month. We will invite a couple of firms in for interviews and make our decision. We should begin this study late October or early November.

Trustee Armacost: The \$5,556 match: was that embedded in the contingency fund or is it somewhere else in the budget?

Village Manager Frobel: That is in-kind. Already, we are working on that, because there is my time. I drafted the RFP. Hastings mailed out the documents. So already we are beginning to work down our half of that amount, which is \$2,600.

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 authorize the Village Manager to sign the Intermunicipal Agreement with the Village of Dobbs Ferry for the feasibility study of the consolidation of the Departments of Public Works of the Villages of Hastings-on-Hudson and Dobbs Ferry.

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	

39:13 AUTHORIZATION TO SIGN DONALD PARK FIRE PROTECTION DISTRICT AGREEMENT WITH TOWN OF GREENBURGH

Village Manager Frobel: There is a long history of the Village providing fire protection services to the residents in Donald Park. Because of all the effort that we put into justifying the prices Greenburgh did not quibble with our cost. This reflects the full amount that we have asked for. A lot of thanks go to the Fire Department in supplying me with the information, and the fire services. A one-year deal from last year. Greenburgh will only go out one year at a time. It does not really matter. We are geared up to justify the expense, and we will be prepared next year.

We have really done a nice job in revamping how we submit the data. This reflects almost a four percent increase over what they paid in calendar year 2012. I think part of it is our relationship now with Greenburgh through our VOC. I see the benefit in working with the two members who attend all our meetings. We have a very good rapport with those two councilmembers. That goes a long way in getting this through the Greenburgh council.

Trustee Armacost: How much does the four percent reflect?

Village Manager Frobel: About \$12,000.

Trustee Armacost: A \$12,000 increase, great. Thanks to the people who negotiated this.

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 authorize the Mayor to sign the agreement with the Town of Greenburgh to provide fire protection services to the Donald Park Fire Protection District for the period January 1, 2013 through December 31, 2013 for \$309,267 payable by the Town to the Village of Hastings-on-Hudson.

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	

40:13 AWARD OF BID FOR ROAD RESURFACING

Village Manager Frobel: Again, I turn to the VOC, the Village Officials Committee, in taking the leadership role of getting the communities together. To attract six bidders is remarkable. The price is up a little, reflective of the cost of petroleum. I am convinced that had we tried to go out alone we would not have done as well. As for the communities, they share in that opinion. A special thanks to Mike Gunther in putting together a good list of roads. During the year he is conscious of where he thinks we should be focusing our efforts. Mike has already met with the contact at the company. They are going to be poised to begin as soon as possible in Hastings. We got this out a little later than normal, but our goal is to have at least the lion's share of the work done before the start of school, weather-permitting, but that is our goal as to when we would like to start.

Mayor Swiderski: Are we the first?

Village Manager Frobel: I think we are. I told Mike that it was on the agenda for this evening and to stress to the company that we will be ready to start Wednesday morning. Mike has already begun to do some of the work in prepping the streets for this program.

Trustee Armacost: Can you explain the streets that are circled in red? Are they if the other ones get done, then those get handled?

Village Manager Frobel: No, it is fully our intent to do them. They are probably not going to be done by this contractor. The contractor is mostly geared up for larger, wider roads, even though our roads are not that wide. But Prince and the other one are that much smaller, and we think we are going to need a smaller contractor going in with a paving box that is a little smaller. Also, there is some drainage work in that area that Mike wants to focus on. So the ones circled in red are going to be accomplished, and funded, under this program but will probably not be done by Laws Construction Company.

Trustee Armacost: Are we going in on the smaller contractors with the other villages, or are we doing that on our own?

Village Manager Frobel: That will be on our own because it is that small.

Mayor Swiderski: Will there be a separate award for that, or is it under the threshold that is required?

Village Manager Frobel: It is under a threshold that does not require it. It is a firm that we have a relationship with that has done some of this spot work for us in the past. Although Mike will shop around for competitive prices, he is comfortable with their unit prices for the asphalt.

Trustee Jennings: Could you remind our audience and us of the big roads that we are not responsible for paving, such as Broadway? People see problems on those roads, and they assume that the Village is supposed to fix those roads, and we cannot.

Village Manager Frobel: The two major ones are Broadway and Farragut. Mike, do you want to address some of the streets that are not our responsibility that are major thoroughfares?

Superintendent Gunther: New York State owns Broadway from Dobbs line to the Yonkers line. Westchester County owns the entire length of Farragut Avenue to Amjo's where it turns into Farragut Parkway. Then at that point where it turns into Farragut Parkway, Saw Mill Parkway is owned by the state. Farragut Avenue, down towards, say, my house, is owned by the Village. Warburton Avenue is owned by Westchester County from Broadway to the Yonkers line.

Trustee Armacost: And what about Ravensdale?

Superintendent Gunther: Ravensdale is owned by the Village. Years ago, many years before my time, it was a county road. It was turned over to the Village.

Trustee Armacost: And do we also own Villard?

Superintendent Gunther: We own Villard.

Village Manager Frobel: Ravensdale is a road that is going to require some attention in the near term. This summer Mike is replacing a number of catchbasins on Ravensdale to address the drainage, but you are probably going to see that street come up. It has been resurfaced not too long ago.

Superintendent Gunther: In 2004 it was resurfaced.

Mayor Swiderski: If you are talking about every 10 years, then next year.

Superintendent Gunther: If you drive down Ravensdale and you see a lot of white boxes, all those are catchbasins that were replaced. The only skilled laborer we have is out there repairing those basins. But usually they break them up some. I just reverted to another practice of precast. You basically just dig a hole, put in a big one-piece catchbasin. We will be taking that on tomorrow and by the end of next week we will be finished with that. I think there are eight or ten catch basins on Ravensdale, and six will have to be totally rebuilt.

Trustee Walker: But that means you have to cut a bigger hole?

Superintendent Gunther: Not so much bigger. Depending where the pipes are located. Sometimes the pipes go in a way. And then the condition of the pipes we run into, a lot of the old pipes, sometimes we have to. On Ravensdale, we are going to try to keep it into the confines to the size of the basin. Because, again, it is a busy road.

Trustee Walker: I noticed some on Villard that were big squares. Were those catch basins?

Superintendent Gunther: They might have been some old patches. Con Edison just got around to doing a permanent patch from when they did all that gas work on Villard.

Trustee Walker: If you have bumps as opposed to potholes, washboard effect, I know you can fill potholes. But can you cut off those washboards, or bumps?

Superintendent Gunther: You wait until they become potholes.

Trustee Walker: I have noticed people swerving out of the way to avoid them, and get going into the oncoming lane.

Village Manager Frobel: That is a problem with the underlining. It should all be taken out.

Trustee Walker: You cannot just shave it off.

Village Manager Frobel: It will just recur.

Superintendent Gunther: That is why we do milling of the streets today. We mill them down, level them, get a grade course. And then we put the asphalt back so we have a level, smooth surface where, hopefully, it drains properly.

Trustee Armacost: Are we still patching holes or has that season finished?

Village Manager Frobel: No, Mike is out there continuously. I have the statistic you gave me as to how many tons of asphalt we put down during this last season.

Superintendent Gunther: It is probably a little over 100 tons. Most of the trucks are eight tons, so since April we have been out there. We switch around the crews as far as having the garbage guys double back.

Village Manager Frobel: Roads are now going to be resurfaced. For example, Southside was one that really needed attention.

Trustee Armacost: I happened to notice today a sinkhole in the middle of Dorchester.

Superintendent Gunther: We will take a look at it, no problem. Sometimes pipes give way underneath and create sinkholes. We will take a look at it.

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

WHEREAS, the Greenburgh Village Officials Committee, which includes the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Tarrytown, Irvington and Sleepy Hollow developed plans and specifications for the paving program for 2013, and

WHEREAS, the paving program is designed to save each of the participating Villages cost based upon greater quantities and less mobilization, and

WHEREAS, on July 22, 2013, the Village of Ardsley, as the Village responsible for the joint paving program, opened bids for the "2013 Road Rehabilitation Contract," and

WHEREAS, Six (6) bids were received, and

WHEREAS, the lowest responsible bidder is Laws Construction Company, Pleasantville, New York, per their bid of \$80.00 per ton to furnish and install bituminous top course (asphalt); now therefore be it

RESOLVED that the Hastings-on-Hudson Board of Trustees does hereby award the 2013 road milling and paving contract Laws Construction Company, 34 Irvington Street, Pleasantville, New York.

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	

41:13 INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR PRISONER TRANSPORTATION

Village Manager Frobel: We are looking to renew this business relationship with the county. It is an increase of percent each of those two years. IT seems to be keeping in line with the cost of providing the service. Over the past three years it has averaged about \$18,000 in revenue. The Chief assures that pretty much covers our cost.

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 authorize the Village Manager to sign the Intermunicipal Agreement with Westchester County to provide prisoner transportation between the Village of Hastings-on-Hudson and the Westchester County Jail for the term commencing January 1, 2013 and terminating December 31, 2014.

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	

42:13 APPROVAL OF TAX CERTIORARI – KRAUSHAAR PROFESSIONAL CENTER, 623 WARBURTON AVENUE

Village Manager Frobel: You received a memo from special counsel on this with his recommendation. The defense has been coordinated with both the town and the school district. This is one that we did anticipate be settled during this fiscal year, and we do budget for these types of settlements.

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

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

Property Owner	Address Description	Year(s)
KRAUSHAAR HAST PROFESSIONAL CENTER Block 631, Lot 9A	623 Warburton Avenue Section 12, Sheet 10	2010

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges; now therefore be it

RESOLVED, Counsel to the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

Years	Current AV	Reduced AV	AV Reduction
2010	40,000	30,250	9,750

The refund of Village taxes amounts to \$2,203.99±.

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	

43:13 APPROVAL OF NON-UNION PERSONNEL SALARIES

Village Manager Frobel: We began discussion during the budget process. I have supplied the Board with a number of exhibits demonstrating what is occurring with our neighbors and their adjustments for the non-union employees. These employees did not receive an increase in the last fiscal year. We are looking for a two percent cost of living adjustment across the board, with the exception of two positions for which I am recommending three percent.

Mayor Swiderski: This was discussed in executive session. It has been awhile.

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

RESOLVED: that the Mayor and Board of Trustees establish the following salaries for non-union personnel effective June 1, 2013:

Deputy Manager/Village Clerk	\$ 98,444
Superintendent of Public Works	\$111,653
Building Inspector	\$104,373
Acting Supt. of Parks & Recreation	\$ 73,447
Director of Youth Services	\$ 66,300
Youth Advocate	\$ 51,000
Technology Director	\$ 63,898
Cable TV Director	\$ 37,506
Secretary to Village Manager	\$ 45,000
Senior Office Assistant	\$ 52,000
Payroll/Personnel Clerk	\$ 51,000
Court Clerk	\$ 49,440
Assistant Court Clerk	\$ 30,905
Recreation Assistant	\$ 41,280
Recreation Assistant	\$ 36,320

Part-Time Personnel

Deputy Building Inspector	\$ 21,216
Fire Inspector	\$ 20,080
Senior Outreach	\$ 19,091
Youth Employment	\$ 18,519
Parking Enforcement Officer (2)	\$ 13.44/hr
Clerk	\$ 17.00/hr.
Bookkeeper (Finance Office)	\$ 17.00/hr.
Recreation Assistant	\$ 16.00/hr.
Recreation Bus Driver	\$ 15.30/hr

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

**44:13 SUPPORT LETTER FOR GRANT APPLICATION FOR SHORTESCAPES
MARKETING PROGRAM**

Trustee Walker: This is similar to the grant application that we submitted last year for the Rivertowns Tourism Board communities for the three river towns. We were successful and got a grant of \$17,000 from New York State Office of Tourism to promote our special Discover the Rivertowns weeks. This year the tourism board is working with the Historic Hudson Rivertowns as a larger group to go after a bigger sum of money. They saw what we did. They thought this is a good idea; why do we not do this as a larger organization. So Bruce Bolger, who is our consultant for the Rivertowns Tourism Board, has proposed to submit this grant application for HHRT. He is looking for letters of support, backed up by resolutions, from all the communities in HHRT who want to participate. Beacon has submitted one, Tarrytown will submit one and so on, and our Rivertowns Tourism Board group will submit them.

There was some discussion as to why we want to give up our little grant to go for this bigger chunk of money. But we decided we are promoting a region. And, with HHRT behind us, their Web site is very popular and they get a lot of hits. There are links to all of our Web sites and the tourism board. We are looking at it as a larger, regional effort. But we will still get money to promote the way we want to promote.

It is a good way to go after a grant like this because you are more likely to get a grant the more municipalities you have. We can still use the money as we see fit. Some of it will go, probably, to developing the HHRT Web site. But we can still do radio advertising, if we wish, next year. I think it is the best of both worlds. And there is no match for this grant. The Rivertowns Tourism Board asks each of our three communities to pay \$1,000 a year toward the work of the tourism board and Short Escapes, which is Bruce's company. So we will just keep giving the \$1,000 a year.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to write a letter of support for the Consolidated Funding Application of Shortescapes.net to develop a destination marketing program to help promote tourism in Hastings-on-Hudson and other Hudson River communities.

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	

45:13 SUBMITTAL OF RECREATIONAL TRAILS PROGRAM (RTP) GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR QUARRY TRAIL PHASE 2

Trustee Walker: At our last meeting in July we approved a resolution for a grant application also to OPRHP, the Office of Parks, Recreation and Historic Preservation for the completion of design and construction documents for Quarry Park, and the completion of construction for Quarry Trail. Right that meeting we realized there is another grant program that we were not aware of when we passed that first resolution which is perfect for our Quarry Trail. This is the first time in five or six years that the federal government is providing transportation monies to states to pay for trail programs, specifically trail construction and specifically trail construction projects that are shovel ready. We figured ours is ready to go so we asked OPRHP if we can do both, and then they will choose which they want to fund. So they could fund the trail under the first grant, which is for the park and trail, or they could fund just the park under the first grant and the trail under this grant. Or

they might choose only to fund this one. It gives them more options, it gives us more opportunities to find funding. This grant is an 80/20 grant so the match is much less than the other. Our match is only 20 percent of the total construction cost, which is \$123,500. I do not think there is any negative to submitting the second grant application. And it is easy to tack it on to the first, which is what we are doing.

Trustee Armacost: This is a \$25,000 match and the other one had how much of a match?

Trustee Walker: \$60-some thousand.

Trustee Armacost: So if they are both accepted we then have a \$90,000 match.

Trustee Walker: They will not accept both because they will choose which one to give us. They are not going to give us two grants for the same project. We asked them that question. We said is this confusing, are you going to give us two grants? But they said the way the CFA grants work now is that they look for the right match, so to speak, the right grant for each project. So they may want to do some trading, they may want to give another community the parks grant and give us the trails grant. It just gives us more options here for funding.

Trustee Armacost: Can this match be in-kind, or does it have to be in cash in both cases?

Trustee Walker: It could be in-kind, but there is not much the Village could do on that trail, which is very steep. There might be some minor rooting and grubbing but there is so little we can do because we do not have the right equipment. We talked to Fran about that. It is not an easy thing for our staff to do without the appropriate equipment. So it is just easier for us to contract it out.

Mayor Swiderski: The project costs what the project costs.

Trustee Armacost: So are you hoping that we get this one, then? This one looks better.

Trustee Walker: This one looks better for the trail construction. If we got this one, and then they paid for Quarry Park out of the other one, that would be perfect, because the other one has a match that we do not even have to provide for the Quarry Park design and construction documents. That would be the ideal situation, but this opens up both options for us. I am sorry, we had not done all our research before the last meeting.

Jim Metzger, Chairman, Comp Plan Implementation Committee: I had sent an e-mail to the Mayor and the Trustees earlier today. I had occasion to talk with Chris Lomolino, who is

the chair of the Quarry Park Committee. She asked if the Comprehensive Plan Implementation Committee could write a letter in support of the grant. I have heard back from several members of the committee who are in favor of it. I want to know if the Trustees would be prepared to allow me to present a letter on behalf of that committee for Chris to submit as part of the grant application.

Mayor Swiderski: I would imagine if we are approving this resolution there is no problem.

Trustee Armacost: What is your letter going to say?

Mr. Metzger: In the course of preparing the Comprehensive Plan, the importance of greenspace within the Village, and interconnectedness of greenspace within the Village and from areas outside the Village, are very important to the health and welfare of our community. One of the things we spoke about specifically in a subsection within the Comprehensive Plan is to complete Quarry Park as it had been started. I will be citing that chapter, the fact that the community had weighed in on its approval of working on this project, and, as part of the Comprehensive Plan Implementation that we presented to the Trustees we are recommending that the Village move forward with completing this project.

Trustee Walker: Jim, would you write two letters? One is for the trail, which is what we are voting on tonight. The other one is for the design and construction documents for the park and the trail.

Mr. Metzger: I will take of that tomorrow. Would you like me to forward it to the Board before I send it?

Mayor Swiderski: That would be good.

Trustee Jennings: As part of the proposal do you make a projection of the utilization of the trail if it is constructed? What are we expecting in terms of how many people?

Trustee Walker: We did say that we probably will not have bicyclists and cross-country skiers on the trail. That is an interesting question because it would be great if we could, and talk about how many visitors we will attract. But we have not hazarded a guess.

Trustee Armacost: There are groups in the Village that might use it more than others, like Boy Scouts and Girl Scouts who already spent a little time cleaning it up.

Mayor Swiderski: And especially if there was a stairway down from Warburton.

Trustee Walker: Yes, that would increase the number of users. Rowley's Bridge trail does not seem to be getting very much use. This might help pick up the use. You cannot go onto the waterfront from this trail, that is a future attraction, but this does lead you to Rowley's Bridge trail. It enables you to do a nice loop.

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

RESOLVED: that the Mayor and Board of Trustees authorize and direct Francis A. Frobel, Village Manager, to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program, in an amount not to exceed \$99,000, with the Village providing matching funds not to exceed \$25,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings-on-Hudson for the completion of the construction of Quarry Trail (Phase 2) and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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	

STATEMENT FROM MAYOR

Mayor Swiderski: Before we go on to Village Manager's report, I just wanted to say that a couple of meetings ago the question of the rules around public comment came up. In fact, we do have, in our procedures, a limit of five minutes on public comment. We can easily say here, as a board, that should be three minutes and put that into our rules. I would prefer that. Over time, the public comment period has gotten longer as a conversation has developed with people making public comments, sometimes taking up too much of our meeting. I am trying to not engage in a back and forth because that is not the purpose of public comment. Public comment is not public question and answer with the Board. To that end, I should say that to date, unless it is slanderous or a personal attack on a resident or going over the time

limit significantly, I have not tended to intervene. To tie that back today, while a resident was unkind to one of our superintendents that is not slander. It is a personal opinion on the quality of service. Our silence does not mean we endorse or agree with that. But it is not mine to tell somebody their personal opinion about a service provided by the Village is wrong. It is just not my role.

I do not want to discourage people from speaking their mind in their anticipation that we are going to argue with them. That does not mean, however, our silence is necessarily a tacit agreement with words said. Unfortunately, in public service we all suffer being told we suck. It is going to happen, and that is part of the lumps of being paid the big bucks that we are not paid. I am not going to correct it. I am going to correct one fact. Our Superintendent would love to be paid \$140,000. He is not. He is paid substantially less than that. We just raised it to \$111,000. And I do not believe parking meters fall under him. They fall under the police. So two points of fact I want to correct. But an opinion is an opinion, and I just want to say we do not agree by our silence. We just allow it to be said.

Trustee Armacost: But you are not proposing that we shift from five minutes.

Mayor Swiderski: No, it is a separate discussion. I would love to formalize it at three because is it what I have said verbally. What the text indicates as five, is that something we can only do once a year or can we shift it any point?

Village Attorney Stecich: You can change the rules.

Mayor Swiderski: So I will throw it open to what the Board thinks.

Trustee Armacost: We rarely get people who show up to our meetings. I commend the few who are here and who volunteer their opinion. It is a sign of respect to allow them to have five. We have one devoted member who is sitting here, who comes to pretty much all of our meetings, and his comments are productive. There is no harm in keeping that. I find it instructive when we hear from people. I end up learning something new. Hopefully that will not be abused moving forward. My view is let us not shift it.

Trustee Apel: Three minutes is fine. If you check with other governments, you will see that three minutes is what they give. If you say three, it could end up being five. If you say five, it can end up being ten. If you have checked some our minutes you can see how long some of these conversations have gone on as opposed to simple comments. It would be better served if it was three minutes.

Trustee Walker: I have been under the illusion that it was three minutes, so I would prefer to stay the three minutes, although I do appreciate the comments and I do encourage them, and I would not want to discourage them. I think we learn a lot. There are many times when I would like to respond, and I do not because I know we don't have the time to respond to every comment. Maybe there are other ways we can respond.

Trustee Jennings: I am content to leave it as is, as five. I do not think it makes a huge difference what is written down in our manual. I think you, Mr. Mayor, have used your discretion well when people become overly repetitious. You have been good at being a timekeeper, not according to a minute, but according to the context and the flow. That is the best way to do it. It is a hard job, but I am happy to have you continue to do it. In addition, sometimes people watching on TV may get the wrong impression. I am glad that you said that our silence does not mean agreement or should not be interpreted that way.

Trustee Armacost: Or disapproval. It is neutral.

Trustee Jennings: Or disapproval, that is right. People should be aware that when someone asks questions or had a specific thing that should be followed up on in a public comment that when we are not saying anything, it does not mean we are blowing people off. There should be the behind-the-scenes communication with staff or even with the Trustees, off camera, to follow up on what needs to be followed up on. People who are effective advocates for their perception of what the Village needs are do that already, but I am not sure the general public understands quite how the governmental system works. The fact that we are not answering a question or not responding in any way does not necessarily mean that the issue is being ignored. It should not. One thing that does concern me is that sometimes factually incorrect statements are made and the public does not know that. And it stands because we do not say anything about it. I do not know what to do about it. I agree that if we get into a back and forth during public comment it could take a great deal of time, I am not sure what to do about it. But we should be attentive to that and perhaps, like newspapers, occasionally correct the facts maybe at the next meeting. Maybe it is not a big deal. But occasionally it could be worrisome if only because people watching on TV might get the wrong impression.

Trustee Armacost: You do a great job of moderating and correcting in a gentle but firm way.

Mayor Swiderski: Well, thank you. You stuck me a two-to-two decision. Since the rules read five minutes, being a conservative creature of habit when it comes to procedures, we will leave it at five and dial back to three if we agree, at our organizational meeting next year, that those five minutes have been abused.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: At this time each year we discuss our capital improvement needs. I presented you with a series of exhibits showing how we have done in our five year capital improvement plan and indicating the top items that we are going to need to consider for purchase over the next 12 months. I also gave you some concept of our debt payments because an important part of this equation is the cost and how we will structure payments. I would like to discuss the capital improvement items that need to be addressed short-term. We spoke during the budget presentation about the need for replacing two fire department vehicles. The chiefs are here to talk about their need. Then I will talk about the next four items behind that that we need to focus our attention on.

Chief Russak: We are requesting that two of our command vehicles be replaced as soon as possible. Chief Sarfaty has been driving his vehicle very gingerly; the transmission is failing very fast. It labors to get up even the slightest grades. Steering and suspension are a major concern. This is a 1992 Chevrolet Suburban. It has got a quarter of a million miles on it. Severe rust problems, the door latch on the passenger side will fly open at any time and his wife has learned to use her seat belt when she is in the car. Also, because of rust and debris in the car you cannot fill the gas tank up more than halfway or it will leak out all over the place. That vehicle is very unsafe and needs to be replaced as soon as possible.

The other vehicle is a 1996 Ford. It has got well over 200,000 miles, the transmission is slipping very badly; again, steering and suspension are a major concern. It is very difficult holding the road. It is a very difficult car to drive. Again, it has seen better days and needs to be replaced as soon as possible.

We have done some research at the request of the Village Manager, and we found that both the state and county vendors, through their contracts, are offering the Chevrolet Suburban or the Chevrolet Tahoe. When Chief Sarfaty, my predecessor, started this in the spring, we were estimating that the vehicles would cost about \$58,000 per. That would include radios, lights, equipment, et cetera, et cetera. Fine tuning our research, we found that the state contractor is offering a 2014 Chevy Suburban Series 1500, which is a half-ton. They will modify the suspension. They gave us a cost of approximately \$48,000. That does not include an additional \$3,000 to \$3,500 which we would need for radio transfers, lettering, lighting. That would bring the total up to approximately \$51,000.

The county contractor is offering the 2013 Chevy Suburban, the 2500 Series which is a 3/4-ton suspension. The overall package through the county was much superior to that of the state. It includes the lighting, the equipment, the radio transfers and came to approximately \$52,500. So there is a little difference but a much superior package overall.

Mayor Swiderski: What are the miles per gallon of each?

Chief Russak: The Tahoe would probably get a little better mileage, but the Suburban is more fitting to our needs. Our recommendation is based on the comments and recommendations of the other Battalion 14 chiefs. Battalion 14 is the mutual aid designation for our area including Ardsley, Dobbs Ferry, Irvington, Tarrytown, Elmsford, Fairview and Hartsdale. We work with them all the time, we compare notes. It was pointed out that the newest command vehicle in our fleet is older than the oldest vehicle of any other fleet in Battalion 14.

We are recommending we go with the county package. The option package is much greater. We like the Suburban for the reason that the Suburbans are a much stronger-built car. They are much more durable, the cargo space on them is much greater than that of the Tahoe. A lot of the complaints that we have been hearing from the other battalion chiefs who have the Tahoe are they are not as durable, not as powerful, and they are going to have to replace them a lot sooner. We suspect that with the preventive maintenance program that Jerry Daley has we should be able to get 10 to 12 years out of a Suburban as opposed to six to eight years out of the Tahoe.

Much larger cargo area. The command vehicles of the Hastings Fire Department are mini rescue trucks. We carry pumps, we carry water rescue gear, we have heavy duty tools, air packs. We answer a lot more calls than you are probably aware of. In calendar year 2012 the chiefs responded to anywhere from 372 to 424 calls individually. For a lot of these calls we do not respond the rest of the department. We go on gas leaks, we go on carbon monoxide, we go on specified things the police cannot handle. We are out there all hours of the day and night, and it becomes a safety issue. Rather than have a department response and bring everybody out, we go out ourselves. It eliminates the noise from the whistle.

So these vehicles are constantly running, and we do need this equipment and the durability. The workload over the last few years has been climbing and is probably going to continue to climb. Listening to your comments about the Town of Greenburgh, based on the number of calls it has been increasing over there. You are going to get a lot more money out of them next year. Here you go with the EPAs: city EPA for the Suburbans are 15 miles to a gallon versus 21 on the highway. They would probably be about 10 percent less than that based on the weight of the equipment we carry. But that is necessary equipment. So we are requesting that you grant us the two vehicles, that we go with the county bid as opposed to the state bid because we are getting a stronger vehicle, a better package. Even though they are saying the state will modify the 1500 half-ton higher, I am a little leery of any type of modification. At least with the 2500 Series we know we are getting a durable vehicle.

If we go with the state we have until September 30 to get the bid in or we lose out until next year when you can expect a substantial increase. The county bid we have to get it in by September 1. Being that is a 2013 model, we understand from the vendor that General Motors is trying to get this area cleared out, get these vehicles cleared. And they are discontinuing the 2500 Series next year. Again, based on our needs and our experience, we would request the county bid for the 2013.

Trustee Armacost: In the capital improvement five year plan that you just gave us, Fran, are the items that the Chief is referring to the fire chief's vehicle, at \$44,000?

Village Manager Frobel: That was the estimate when I presented the plan a year ago.

Trustee Armacost: So the idea now is that the \$44,000 from 2013 and the \$44,000 from 2014 are both going to be moved into 2013, and the amount is going to go up?

Village Manager Frobel: Yes, that would be the recommendation.

Trustee Armacost: So that will increase the full line item by more even.

Chief Russak: That \$44,000 you are talking about is just the base price for the vehicle. That does not include the upgraded commercial units.

Trustee Armacost: But was that in the budget, the upgrades?

Chief Russak: Like I said before, the initial estimate last spring when Chief Sarfaty started this was a complete vehicle with all the bells and whistles would be \$58,000. We have been working it down. There are a lot of toys and trinkets that were offered that we eliminated so we could the price down. The most reasonable price we can get from the county bid was \$52,500 and \$51,000 for the state bid.

Village Manager Frobel: But in answer to your question, if I could, when I put that together in the summer of 2011 I was working on assumptions of a different vehicle and a lower price. Ford makes a vehicle that, as the Chief's has indicated, does not meet their needs. I was working on a low end of that spectrum. Now we are on the other end of the spectrum and two years later.

Trustee Armacost: I am just trying to understand if the additional things that you are talking about that need to be associated with the car, those are not embedded in any other budget line item. So, for example, they are not subsumed in protective equipment. That is still an additional cost.

Village Manager Frobel: No, they are talking about radios, the lights, the striping, the amenities that are physically part of the vehicle.

Trustee Armacost: So it is almost \$8,000 more per vehicle.

Chief Russak: The handout that Chief Gunther gave you there was to give you an idea of what inventory we carry in the vehicle, not what we are requesting. So that photo you have and that list is just the general equipment we carry in that vehicle.

Trustee Armacost: I understand. I am just trying to work out the relationship between your request and the budget, just to see how much more than the budget. Is something going to go away from another line item in order to accommodate this, or does the bottom-line line item go up is my question.

Village Manager Frobel: No, it is going to be entirely different, because that plan, as I said, was put together in the summer of 2011. For example, you will notice that in that plan I had envisioned the need to replace the ambulance in the current fiscal year. That will now be pushed to a future year.

Trustee Armacost: No, the ambulance is at zero.

Village Manager Frobel: But what about in 2014?

Trustee Armacost: For 2013 it is zero, and 2014 it is \$176,000, so you are not planning for that in 2014. We need to know how it fits into the general plan if other line items have shifted.

Village Manager Frobel: That would be one that would have shifted from the current year. And certainly, as you can see, the radio, as I indicated in my narrative, we took care of that in the past fiscal year because of changes in the federal regulations. This plan, that was put together a number of years ago, has modified over the past 24 months.

Trustee Armacost: Well, I guess we should be looking at the new plan.

Village Manager Frobel: The new plan, that is why we wanted the preview tonight. The Chief's is just one item, but we have other capital items that we are looking to have you consider for purchase during the current fiscal year.

Trustee Armacost: So were there other things the fire department wants to talk about?

Chief Russak: No, that is pretty much it, those two vehicles. As a footnote, if these two command vehicles come in place we will be able to reflect a cost savings to you next year in terms of vehicle maintenance. If we have two newer vehicles, the maintenance costs, which are substantial for these two vehicles and ambulance 12, will go down.

Trustee Armacost: But you still have a cost for the hook and ladder building and you still have a cost for the emergency generator, or are those not needed this year?

Village Manager Frobel: The hook and ladder building is an item that is contained in the capital. But the department has been working on their needs through their operating budget. There is a line item in their budget called capital outlay buildings, and they have been addressing those needs in the building through the operating budget. This capital plan just shows you what some of these big ticket items are that they anticipate being needed and trying to anticipate what fiscal year they will hit.

The generator, and that is on my list to talk about, because of this moving up of the two command vehicles, I am going to talk to you about just addressing the emergency generator at the Community Center; not at the hook and ladder, not at Uniontown, not at ambulance, not at protection, not at Riverview Manor. We will let that slip a year, and just focus on the Community Center during the next 12 months. So there are some recommendations, there is some shifting going on in terms of our recommendations and priorities. But for the department, these are the only two items you are looking for.

Trustee Armacost: So if they are replaced this year, you are not going to need a similar vehicle next year. So that line item ends up being removed from the budget for next year.

Chief Russak: That is correct. The other command vehicles are '06, '08. They have got over 100,000 miles, but we are anticipating a life expectancy of another five to eight years, based on preventive maintenance the DPW has been giving us. So once these two are replaced, we will not be back for command vehicles for at least five to eight years.

Village Manager Frobel: The problem is the timing. I do not see how we can place an order for the vehicles by September 1. Our next meeting is September 3. We are going to need a resolution authorizing it and we need to coordinate with our borrowing.

Trustee Armacost: We also need to know, or I at least would like to understand, how this plan has changed.

Village Manager Frobel: Remember, the capital plan is a plan. It is a snapshot of what we think we need, going out to the year 2017-18. When it was put together in 2011, we made our best guesses as to what the price would be at this point in time.

Trustee Armacost: No, it is not about that. It is just about understanding, for example in terms of the debt schedule, how much is it going to be this year and what is going to be in the line items. With a budget you just adjust. What is our adjusted plan for the years moving forward? For example, for the fire department there is \$176,000 for the ambulance. Is that coming up next year, or is that being moved to the future? Just so we have a sense of what is desired and what we would like to approve for this year, and how it looks, at least as of today, for next year. It may shift again. But if this is out of date we need to see a new one. This was generated in 2011.

Village Manager Frobel: For five years. It was to take you to 2018.

Mayor Swiderski: Right, it just needs an update to reflect these discussions and the other things you are bringing before us so these columns reflect the latest understanding. If you include the original one for a delta so we see what the original idea was that is great.

Village Manager Frobel: Well, that is what we did. We gave you this to give you a sense for where we have been treating this as a guidepost. But also, the other bit was showing you what the cost would be, short-term, over five years to borrow under a bond anticipation note.

Trustee Armacost: This is fantastic, but it is not giving us the details. It is not telling us what is shifting from one column to the next, or whether any items have gone completely.

Village Manager Frobel: OK. If I could, Mayor, let me just continue then. We can prepare a resolution authorizing the purchase through the county bid process, if that is the intent. It saves us the time of preparing specifications, going through the advertising and selection. And that same evening, I can take the five year plan that I put together. I think it is a pretty good plan. I was trying to say we have stuck pretty well to it with this kind of shift. Last year, we did not get a command vehicle for the fire department. This year we are going to get two because we focused on our communication needs. So there has been order to this process as to how we can address our needs with a sensitivity, as I said in my narrative, to the fiscal impact to the taxpayer. I have got to be able to structure this debt. But let me then just keep that in mind. And let me just, if I could, spend a few more minutes on some of our other needs that we envision, short term.

Trustee Jennings: Before we go on to the other details of the capital plan, could we summarize what the Chief has just proposed to us? It seems to make sense. I am in

agreement with his argument that the Suburban vehicle is the better choice and that the county offering is better than the state offering and that two vehicles need to be purchased this year, and if we agree with all that then we are operating under a deadline of September 1 and we will take advantage of the county offering.

Chief Russak: One other comment regarding the state versus the county. The county vendor is located in Mamaroneck. So if there is any warranty work needed to be done, he is local. The state contractor is out of Rochester, New York, which may create a problem.

Trustee Jennings: I think we should have a sense, for the Board, that if that is the way we want to go then Fran and Susan will work out the details. Then we can talk about the rest of the capital plan.

Village Clerk Maggiotto: Can you not authorize it tonight?

Mayor Swiderski: You do not need a week's notice or anything? Then why do we not just authorize it tonight?

Village Attorney Stecich: You can do a resolution whenever.

Mayor Swiderski: I am ready to do that.

Trustee Armacost: We should authorize this and let it move forward. We do need another meeting prior to bond issue.

Mayor Swiderski: This is a time-sensitive event. I do not think the other ones have the same sense of immediate urgency, right?

Village Manager Frobel: No. They will be all bundled. It will be a bond anticipation note listing the various items, provided there are other items we find besides these.

Trustee Armacost: But if there is nothing else beyond these two, then we do not need a bond for \$100,000.

Village Manager Frobel: I would hope there are other items.

46:13 APPROVAL OF PURCHASE OF FIRE DEPARTMENT VEHICLES

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 approve the purchase of two (2) 2013 Chevrolet Suburban command vehicles for the Fire Department under the Westchester County contract expiring Sept. 1, 2013 in an amount not to exceed \$52,500.00 each.

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

Village Manager Frobel: The other items, this one is a priority for me. It does not receive the same notoriety perhaps as the fire chief's command vehicle, but it is equally important. That is a 4-wheel drive that Mike Gunther uses. Mike also has a vehicle that is aging and aged. The floorboards are gone, the doors do not close tight. It is a hand-me-down from the police department. Mike is out in all kinds of weather, whether leading crews, working on sewer blockages, a host of matters. He must have a reliable vehicle. He does not have one now. He does not have one that is safe either. His vehicle does not demand the specifications that you heard from the fire chiefs, but he does need a vehicle that is 4-wheel drive and can accommodate a crew. The cost is about \$28,000. So that is something that I am going to come back and recommend.

Trustee Armacost: So that is not on this list. It is not in the 2013 list, or is it here somewhere? Is that the 4WD truck?

Village Manager Frobel: I was looking to buy that last year, as indicated to you in my preference. I tried to prioritize it and tried to reduce that list to a minimum amount, and that was one that I let slip another year. This year, I cannot go another year without Mike having reliable transportation.

Trustee Armacost: But is that the truck?

Village Manager Frobel: That is the truck, yes.

Trustee Armacost: Is it \$30,000?

Village Manager Frobel: No. Mike has got a ball park number right now of about \$28,000.

He searched state and county. It is not on their list right now. If they bid the 2014 year model, then he would be looking for that, or Mike can find something that is available on a lot that addresses his needs. Again, he does not have the same requirements of the fire chiefs so he has the luxury of finding a vehicle that is not specific to superintendent of public works, but more in the construction line. We are working off an estimate of about \$28,000.

Mayor Swiderski: That is not a Suburban at that point. It is a Ford.

Village Manager Frobel: Mike is open. He is open to the Expedition. The Ford is what I tried to sell the fire chiefs on. It is that much cheaper. But, again, this needs to be addressed this year going into this winter. Mike is going to need something that is reliable.

Trustee Armacost: And the reason they need the different truck is because of the heaviness of the equipment, whereas you are saying that Mike does not have as heavy equipment.

Village Manager Frobel: Yes, Mike carries more construction equipment. He has got the blocks, he might have a grate, he may have sawhorses. He has a host of things. He will have sand bags, he will have a pump. Whatever he needs to go to that specific job.

Trustee Walker: Is it a truck that you need, or an SUV?

Superintendent Gunther: It is an SUV.

Trustee Armacost: But this is called "truck" here.

Village Manager Frobel: Yes, 4-wheel drive truck.

Trustee Jennings: We could purchase this from an automobile dealership?

Village Manager Frobel: We could. But your best bet should be in the volume purchasing. When the county or state does bid it, we will be watching. Hopefully, it will be soon. The New York State police are using the SUV as their regular cruiser. But whether they will have the same heavier-duty suspension that Mike needs, we do not know.

Trustee Jennings: How long can we wait?

Village Manager Frobel: I would like it before winter. He needs something that is reliable. Again, the floor boards. You did not see his vehicle in the parade. It is just a work vehicle all day long. It is in awful shape. And because of the metal fatigue on the doors the roof has come down. So he has trouble even opening the door now.

The third item we are going to need is a police cruiser. It is a regular cruiser, not a 4-wheel drive vehicle. It is one that the Chief was looking to include in the operating budget, but I said no. If we are going to get one, let us go with the capital. The old Crown Victorias have been eliminated. It is a Taurus. The cost complete is in the neighborhood, according to the Chief, of about \$30,000. So you are going to hear more about that.

Trustee Walker: Does that also require new equipment, or is it just transferred?

Village Manager Frobel: A lot of it is transferred because he is going to be taking one off the line, although it is a different make and model car so I do not think the Crown Vic cage and the plastic will fit. In answer to your question, it is probably new because the car has been reduced in size.

Trustee Armacost: Is that the \$25,000 vehicle line, or is that in addition to the \$25,000?

Village Manager Frobel: No, that would be the price of a car when I did this plan.

Trustee Armacost: So it is the same thing, but \$5,000 more expensive now.

Village Manager Frobel: Yes.

The next item, which we have talked a lot about, is the emergency power generator at the Community Center. I went into this project intending to batch all our buildings under an umbrella, bringing emergency power generation to them. I spent a lot of time sketching out specifications, meeting with contractors, interviewing electrical engineers to help us design our needs. The soft cost for this project became so expensive that I decided to hold off on that approach and I am recommending focusing our attention on the Community Center.

Mayor Swiderski: What do you mean by "soft costs?"

Village Manager Frobel: About \$15,000 to \$18,000 for the engineering. To hire an electrical engineer that would do a survey, specifications, bid document, take you through the entire process to bring emergency generators to all our fire departments and the Community Center. I felt that given the constraints we are operating under, let me focus our efforts on the Community Center. What we are thinking is to recommend the Community Center power generation, but look at it through a design build approach. Some of the contractors we met with who gave us prices are in the business. They have installed them at Children's Village, they have installed them at the Graham School. They know what we need. They know the size generator, they understand our need capacities.

I have to explore it further, but to avoid the engineering cost, I was thinking to have the design build. Tell the contractor here is the building, here is what we want to power up, here is what we want it to do. You tell us what our needs are, and spec out that project and install it for it and be responsible for its successful operation. That is one way you could avoid having to go to that soft cost. The danger is that that contractor is not working for you, he is working for himself. He is going to tell you what you need. You have got to have the wherewithal, the knowledge, to say that is not going to do the job, we need something different. But when you are getting those proposals from several contractors, and you have got some expertise, I think we can make an informed decision as to what generator would be sufficient for our needs. I do not see that being in place by this winter. It could be if we really pushed, but that is something over the next 12 months I want to address.

Trustee Armacost: So what is the cost there?

Village Manager Frobel: It is \$125,000.

Trustee Armacost: And we have \$30,000 in the plan?

Village Manager Frobel: No. The emergency generator I was looking to spread out over the two years. When I did this plan I was not thinking of the needs for the fire stations. The fire stations have a generator that we secured through a legislative grant which is portable, and can address the needs in the various fire stations, with the exception of keeping all their equipment powered up. As we got more deeply involved in this, we began to realize that the ambulance, the hook and ladder, and Uniontown and Riverview Manor all need an on-site emergency generator. We are going to have to come to that sometime in the future.

Trustee Armacost: But I am just trying to understand the numbers. So here, you had budgeted for \$30,800 this year and \$30,800 next year. What you are saying now is that in terms of your revised estimate it is actually double that amount.

Village Manager Frobel: Because I was not focusing on the Community Center. I felt that if it was going to happen we were going to continue to pursue legislative grants, we were hoping there were some other opportunities. When I did this plan it was pre-Sandy, and the frequency of the loss of power and the duration was not reality to me yet. I had not thought that far, that we need to look at the Community Center as a shelter.

Trustee Armacost: I am not quibbling with your reasoning. Your reasoning sounds very sound. I am just trying to work it out.

Mayor Swiderski: It is in addition to the numbers here. It is a new line item.

Trustee Armacost: And it is also for this year, or were you planning to spread that over two years?

Village Manager Frobel: No, it would have to be in one year.

Trustee Armacost: So that has gone from \$30,000 projected for this year to \$125,000 for this line item. I think it is important for us to see back to what was planned in 2011, what happened; what was planned in 2012, what happened; what was planned in 2013, what happened. And what is being shifted. Some things got purchased earlier, some things have been on hold for a while. Some of these line items are quite big.

Trustee Jennings: I would recommend that we make the Community Center generator a high priority and manage it for this coming storm season, if we can. It is clear that we need that building functioning during a power outage. It is a fundamental and prudent expenditure.

Village Manager Frobel: The final item in my priorities, and it is not in the capital improvement plan, jumped right to the top. It is the Reynolds Field playground apparatus and redesign. If the bond issue is successful, now would be the time to look at giving a facelift and upgrade to our play apparatus at that facility. Kendra, and Ray Gomes before her, talked about replacing play apparatus periodically. That goes anywhere from \$45,000 to \$50,000. Now might be an opportunity. Again, it is an option.

Mayor Swiderski: This would not be this year.

Village Manager Frobel: No. This, in all likelihood, would not be this year.

Mayor Swiderski: Right. The plan for Reynolds Field, if it is approved, would be for summer of 2014.

Village Manager Frobel: But I want the Board just to be aware that it is on the list, and if it is something you are inclined to support that is our working estimate. I have not met with any installers or contractors. I do not know if that is comprehensive. Kendra thinks it is a good number, \$125,000, for a new playground.

Trustee Armacost: So the playground apparatus for 2015 and 2016, which comes to \$100,000, are those different playgrounds?

Village Manager Frobel: We were looking to upgrade some of the play apparatus at both Uniontown and Reynolds Field, and that is what our future plans reflect. In answer to your question, yes, that is what we envisioned. We still have the luxury of time. Now might be the time where we have got to shift and take advantage of that work.

Trustee Armacost: But there is nothing for the tennis courts until 2017. The tennis courts are in desperate shape

Village Manager Frobel: We thought we had a plan to reduce the rapidity of the deterioration. There was a plan when Ray was here, with Mike and myself, that we thought we could capture the water to the rear of the tennis courts, make some superficial repairs to the surface, and give you a longer life expectancy. That has not occurred. We are getting increased pressure to completely rebuild the tennis courts. But that is why I had it in the future. I thought we could do some short-term repairs, get you over that hump into the future. And then if your recreation fees kicked in, some money started to come in that was dedicated to this kind of a project, you would have some cash available and I would not have to come to looking for a bond anticipation note. So that was the vision on that.

Trustee Armacost: But quite a few of these things could fit into that category. If the 9-A project happens, then several of these things do not need to be a bond anticipation note.

Village Manager Frobel: Right. This plan, what you see here, is half of the equation. The other half is the financial. I had indicated to you where I saw funding sources coming in. We talked about some being through the operating budget, some through impact. Some had, I thought, grant opportunities. So there was a whole second equation. This is just the expenditure side. I wanted you to focus on the needs, and what you are hearing from us is what the needs are.

Mayor Swiderski: Agreed. And a comment on the items you brought up, Mr. Gunther's vehicle and the two fire department vehicles, and the cruiser and the generator, they are not want-to-haves. They all have the feeling of urgency. In terms of bonding and timing, given where interest rates are heading that is also a factor in how we think about when to pay for these things. It is going to more expensive in two years' time. So the fact that it has to be done now lines up well with the cost of funding. I do not have a problem.

Village Manager Frobel: That is right, Mayor. And that is why we included the chart that shows you what has happened to the interest rates and how, over the last few months, we have seen it begin to move. That chart is very revealing. We also thought in the timing, and that was the other chart I exhibited to you, in 2015-16 your serial bond debt drops off dramatically. Some of those issuances in the '90s are paid off. So you have got the luxury of

some capacity there if you do choose to address some of these capital needs in 2014 and 2015. We thought the timing was working out where you could slide in a new debt for these critical needs and have a minimum impact on your tax rate. You would not see the tax reduction that you would have liked had your debt all fallen off, but you would be substituting that for these new items that you know you have to replace.

Trustee Armacost: But the chart that you have shown here shows a significant increase for 2014 and 2015.

Village Manager Frobel: Next year there is an increase, and then the serial bonds drop off in the next two years.

Trustee Armacost: But we need to know what is in them. One way for it not to be so high is for less things to be packed into those two years. For example, what is projected for 2013? Is that including these expenses already, or is that this chart here?

Village Manager Frobel: Right. Under the rules we can hold off paying any principal payment in the first year, which has always been our practice. We try to spread that payment out and give you that first year of not having to pay principal, just interest. But let me spend the second meeting in September on getting into some greater detail. Tonight, all I wanted to do was preview what I think are some of the short-term needs you are going to have. Let us redo this chart with an eye towards what has happened over the last 24 months, and reexamine the future years.

Trustee Armacost: Fran, do not just redo it.

Village Manager Frobel: I am going to give you a vision as to where I think changes have occurred in 2015, -16 and -17.

Trustee Armacost: But will you give us, going back to your original, seeing what you planned 2011, 2012, 2013? It is important if there were things that were shifted forwards, that did not happen that were in that plan that we are seeing now, we need to see that and things that shifted back. In the same way as, this year, we are absorbing something that was planned for next year in terms of a chief's car, we need to see that difference and to see what is stacked up for next year that is making that much more expensive. The next two years are pretty stacked, and we need to think that through. Whether there is a way to spread that, or whether strategically it does not make sense because of where we think interest rates are going to go. But we need to understand what is packed in there and what is likely to shift.

Village Manager Frobel: Let me work on it. But in this chart, I tried to spell out what is in it. It is not packed. It is what we think are the critical needs. The next step to my discussion is going to be that even some of these have become a lower priority. For example, Mike would like to see us purchase another small dump truck, an excavator. Our payloader is in need of replacement. In my narrative, I indicated that given some of the uncertainties regarding our operations we may be forced to hold off acquiring some of that heavy equipment until a feasibility study tells us where we should be going. So that was part of my approach, too. That even the department has identified needs that, in their estimation, are important to the operation, given this study and what may come out of that maybe we are going to have to hold off another 12 months.

Trustee Armacost: So is that everything that is being planned? Or is this illustrative?

Village Manager Frobel: This big sheet is what we thought would be the needs over the next 12 months. Even with that I have dropped the DPW excavator, the DPW dump truck and the loader. So I am looking at Reynolds Field, the chief command vehicles, the emergency power generator, the police cruiser and the Public Works 4-wheel drive.

Trustee Armacost: But, for example, it does not include protective equipment, it does not include the hook and ladder building.

Village Manager Frobel: Because this is the debt. Those items you just mentioned are paid through the operating budget. They are not debt. This is only those big-ticket items that you would borrow money to pay for, and spread it over a 5-, 10-, 15-year period. The capital plan makes no distinction as to the funding source. And some of those are funded through the operating budget.

Trustee Armacost: Maybe when you give it to us you can color code it so we can see which things are being included a bond versus in cash. Because we are going to have to come up with the cash, as well, right?

Village Manager Frobel: Let me work on that for the next meeting then.

Mr. Gonder: Generators, there are three types: gas, diesel and Con Ed underground gas. Why do you not consider one generator for the hook and ladder, the ambulance corps and the Community Center, with conduits running from it? One would do the whole job pretty good.

Village Manager Frobel: We looked at that. There is a list of reasons why the experts would not recommend that we go with one generator for that reason. We are disappointed to learn that the generator cannot be natural gas. It has to be diesel. Con Ed cannot supply

sufficient flow of gas to power the generator. That was something that we were hoping for. So we have spent a lot of time in this, but thanks for that suggestion.

Trustee Walker: I know this is not the time to bring up other expenditures. But in thinking long-term I think some capital improvements to the public spaces in the downtown and the parking lots will be necessary in the next few years. Particularly the stair down from the Steinschneider parking lot to Southside. I know we applied for grant money for that. I just think it is going to need replacement in the next few years. It is something to think about. Maybe less of a priority is the Steinschneider lot and sidewalks in the downtown, but it is something to consider.

Village Manager Frobel: We agree Steinschneider, especially, is in terrible shape. I have been reminded that Zinsser is in very poor condition, the commuter lot. Our plan, and again management has to think far ahead, we would like to look at a fee increase at the commuter lot with a dedicated intent to have it go into that lot.

Trustee Walker: That is a good idea. Or maybe we have it redeveloped.

Village Manager Frobel: We worked on that, too. That was the plan I had with that German firm that was going to build a garage for us. But forgetting that, I am reluctant to make a big investment there with the uncertainty surrounding the waterfront. I suspect you are going to need a parking garage some day in some location to service that area, and you are not going to want that on the waterfront. You want a parking garage somewhere back. So we are trying to hedge through that, but we are coming up with some plans as to how to address that. The stair tower, Mike does not know this yet but I am going to work with Mike and his crew, and maybe with a small contractor, and turn them loose to make some improvements that will make it a lot safer and more appealing that it is today. We have tried patch work. It works for a few months, but it needs something else.

Trustee Walker: The railing is at the wrong height, and certain dangerous conditions that could cause some problems.

Mayor Swiderski: And poison ivy all over.

Village Manager Frobel: Steinschneider needs some real work, too. It is just awful.

My only other announcement is a reminder that the DPW yard will be open one Saturday a month beginning September 7. An ad will appear in the local paper over the next several weeks reminding everyone that every first Saturday of the month it will be open. But the other Saturdays it will be closed so you will not be able to bring your trash in bulk.

Trustee Walker: Are people being informed on Saturday at the DPW, the people who come on a regular basis?

Village Manager Frobel: The word has been pretty well out there. Mary Ellen tells me that people call her downstairs and say is the Saturday facility still open. It is beginning to get out to the community that there is a change. But we will be running this ad.

Trustee Jennings: Even though they can bring garbage to put in the truck only on the first Saturday, at any time you can bring recycling. That will be correct, right? And it is not clear to me what the definition of "bulk trash" is. People bring electronic waste and they put it on the ground near the recycling containers. Since we do not have a gate, people are going to be able to do that all the time, seven days a week, right? I am concerned that this announcement not make people think they cannot bring their recycling anymore if they want to.

Mayor Swiderski: The ad states that.

Village Manager Frobel: Paper and mixed recyclables can be brought at any time. We will have police presence to monitor it. Raf is working on improving video capability of the site.

BOARD DISCUSSION AND COMMENTS

1. Dr. Martin Luther King, Jr. Breakfast

2. Proposed Green Code Revisions

Mayor Swiderski: I am going to drop the first item for later. It is simply requesting Board support for the institutionalization of a breakfast that was held this year, but make more of a Village event. We have both the Comprehensive Plan and Green Code to discuss. What is the sense of the Board? What do you feel we can tackle tonight?

Trustee Jennings: Even if we do not discuss further the Green Code and the revisions that have been made since we saw it last, is it possible for us to earmark a date for the public hearing, anticipating that at our September 3 meeting we will finish up the text. September 17 is our second September meeting. Does that work?

Trustee Armacost: That might be a difficult day for me. But if everyone else is here.

Mayor Swiderski: The public hearing on the 17th and Sept 3 to finish up the final markup. I do not think we need you for the public hearing, Marianne.

Village Attorney Stecich: You need me for the discussion.

Mayor Swiderski: And the discussion, it would give the Conservation Commission a couple more weeks to plug some of the orange sections they said they need to fill. So it might allow them to finish it.

Village Attorney Stecich: There is probably not a lot more. I do not know if you saw my version. I made a lot of changes, and I have to assume they agreed with them if they did not comment on it.

Mayor Swiderski: No, they put out a document here that only addressed the red lines that there were any questions on. It did not address all your lines, but it addressed the open questions.

Village Attorney Stecich: Only the open questions. What I provided them was with the red line document and a clean copy. They took the clean copy and made some comments on it, which were mostly addressed to the open questions I had. So, again, I am assuming that they were OK with all the other changes, which were pretty much changes that the Board had agreed on. There are a couple issues I have that I will talk to Sharon about that I think are real problems, where they said they disagreed. I would not insist on it except I think it is a real issue. I am not talking about substantive things. I am talking about what the language would apply to. But I have a feeling that on the 3rd there is probably not a lot. If the Board is comfortable with the changes, if you spend time going over it and you are comfortable with the draft, I do not see there being a lot of open issues.

Mayor Swiderski: I agree.

Village Attorney Stecich: And like you said, there are some holes that still have plug that I think they are working on.

Mayor Swiderski: They are relatively minor.

Village Attorney Stecich: They are important, though.

Mayor Swiderski: But they are important. And I did take your red lines and compared it to their comments. Your red lines are either what we explicitly said you could change or are not controversial. I think the dialogue that happens back and forth between you guys in the blue and yellow copy is on the salient points.

Village Attorney Stecich: Right, I agree. They are important, but there are not a lot. So I think it could be done at the meeting on Sept. 3, and then the final changes it will not take me long to make and put it in a local law.

Trustee Jennings: As long as there is not a legal problem in terms of getting the definitive text available to the public before the public hearing, then this will work.

Village Attorney Stecich: No, I have always turned the things around in a couple of days.

Village Clerk Maggiotto: You need 10 days' notice in the newspaper.

Village Attorney Stecich: If you settle it on Sept. 3, you will have it.

Mayor Swiderski: All right, so let us take that off this agenda and let us do the comprehensive planning priorities.

3. Comprehensive Plan Priorities

Trustee Apel: You have sheets there with the outline. I was asked at the last meeting to start moving this along. The objective was to pick some things that we could start with out of the plan. You have the copy of the July 2 meeting, which I am going to refer to on the worksheets that you have been given. There are three topics here that were pulled out of the Comprehensive Plan; one of them was right off of the priority group, one is an overlay, and one bubbled up because it is coming soon. They were picked because they are relevant, and have come up right away and need to be addressed. I wanted to go over them. I tried to give you an outline the best I could. This is just a worksheet.

There are three topics for tonight. One dealt with building and construction, and it came under large tracts but it refers to the process that we were talking about looking at the application process for all construction in the Village and to, hopefully, create something that makes it an easier or clearer process for those that want to construct or develop.

The first thing to look at was reevaluating the application review process for all construction in the Village and create appropriate information for Web site and handouts. If you will look on the memo that you got, this refers to page 9.

Village Attorney Stecich: It is page 10 on my version.

Trustee Apel: So it is on page 10, and it refers also to page 51 in the Comprehensive Plan, with the objective to stimulate a commercial tax base in the Village and to reevaluate the

project review process, and to go over the lengthy costs and potentially confusing path through the Building Department and the planning review. One of the objectives of this particular task work, construction, would be to evaluate the code we have, with the New York State regulations and codes, and to look over what are the processes that people are going through when they are coming to build and construct in the Village.

One way to do this is to have a committee. I did spend time talking with Deven about what he saw were some of the problems and how does he feel about what has been going on. He has agreed he would set up the committee. He does not want to be the chairperson, but he would be willing to develop a committee with architects and builders and residents, whatever we put in there that we want. Then they would pick a chair and work on the objectives, with an outcome that the application process would be approved, give recommendations if need be. Of course, we would have to see if they were legal, all the processes that go on. Once that comes to fruition, they would develop materials and information that could be given out, which Deven does already. But that was the objective. The only cost for this I saw was a brochure and materials. I do not know if you would need a consultant. If you are getting all these volunteers and professionals you probably would not, but I could be wrong.

Trustee Armacost: But number 2, evaluate HoH code. Is that not a lawyer fee?

Trustee Apel: I think it was to be evaluated in terms of from their perspective. In other words, they will know what we have is matching up with what the state requires.

Trustee Armacost: Maybe if they are architects and they are dealing with aspects of the code, but I doubt it.

Mayor Swiderski: For me it is less the code issues; this is a process issue. And it is a recurring theme, fair or not, that deserves scrutiny. Meg and I have been pulled in a number of times in the last year, either as two or separately, on projects where people feel burdened. Part of that is determining if that is fair or not, because it is not necessarily fair. It could just be that they felt burdened, but that does not mean burdensome process. But just sort out how that process works, whether it is, in fact, too long, and why, and what might be done to address it. Is that the way everybody else interprets that? I do not think it is an examination necessarily of codes, but more process.

Trustee Armacost: So point number 2 is not necessary then.

Mayor Swiderski: Right, may not be necessary.

Trustee Jennings: We did something analogous to this with the Green Building Code development process. The committee that we put together was similar to the committee you are envisioning. I think that to see if there are catch-22s about our code versus the state code, clearly, in certain areas building code-wise we are allowed to require things that the state code does not. That is the whole gist of the Green Code. So we do not have to coordinate, or we do not have to be the same as. The state sets minimum standards we have to meet, but it does not set the ceiling. The more important point here is a little ambiguity with the language. This is something to do with the application itself, but it also has largely to do with the review process. So this is not just about getting easy forms to fill out and what office you can submit them to. This is about the whole long course of interaction between an applicant and the relevant review committees, especially planning, zoning, and the Building Department.

Mayor Swiderski: It is the process.

Trustee Jennings: To get a C of O or building permit, whatever. Exactly. So yes, this is a process issue that goes from start to finish. It should not be thought of as just let us make sure our applications are easy.

Mayor Swiderski: I agree.

Trustee Jennings: It has always been the intention that when the Green Building Code is adopted, the Building Department and others helping Deven are going to develop a bunch of pamphlets, checklists, administrative apparatus to assist future applicants who have to get a building permit, because the changes we have made they need to know about. And we require certain things like checklists be submitted and documentation be given. So there is going to be a need for education and documentary support in the future. Deven fully plans to look into that. It would dovetail very nicely with this kind of thing.

Mayor Swiderski: But I think that is an input, one stream on one aspect, of what the Planning Board and Zoning Board and Deven do. That is for renovations of a certain size. But whether it is a new awning downtown, there is a whole category of reasons people come to us. There needs to be a segmentation of those categories, and then figuring out how each one of them are dealt with and whether the process is rational or not.

Trustee Walker: There is a time when they need to gather facts and talk to people about where we are getting bogged down. If it is not broken don't fix it. Some areas need to be scrutinized carefully, and others are probably working just fine.

Trustee Armacost: So are we saying there are some issues which are related to practice as opposed to because the laws are cumbersome? Or are we saying that we think these problems are related the way the lawyers draft it?

Mayor Swiderski: That is not entirely clear. It could be the way the law is drafted.

Village Attorney Stecich: Like the changes you made today, with changes to process. Some process is in the code, some is not. There is process in the code and there is process just how things are handled in the Building Department or between the boards.

Trustee Armacost: Marianne's help on the understanding of what is in the code and what is not in the code, and what is in other codes, is important. So whether point 2 is about coordinating with these others things or not, she is going to be involved in this. There is going to be a cost related to her time for this. There may be perfectly good reasons why certain aspects, certain process-oriented things are there. They are cumbersome, but there is a reason why they are there, and she will be the one who will probably make the case for that, or Vanessa will make her point. But a lawyer some way or other. Vanessa's not paid in this context. But there will be a cost associated with it.

Trustee Jennings: It is going to be very interesting to do this and very difficult, because it is going to bump us right up into the question of the tradeoff between keeping tight control and letting 'er rip. We just spent an hour tonight doing that for stuff that does not even go outside.

Trustee Walker: Yes, but a lot of this is just making this whole process more transparent and clear for applicants. So that is not necessarily bumping against this do we want to make the laws more lenient.

Trustee Jennings: I am afraid I disagree with you, Meg.

Mayor Swiderski: Part of it is clarity, but part of it is more than that.

Trustee Jennings: It is not going to be helpful to be completely clear that you have got to jump through a thousand hoops and it is going to cost you a fortune to do it. It is not just a question of transparency. It is a question of how many hoops we want people to jump through, and how much of a transaction cost we want to impose. It is very substantive.

Mayor Swiderski: It is extremely important from a perspective of providing services to the Village. What we do here, in its essence, is enforce these laws that we pass left and right. And this is overdue. It is going to be a really interesting project.

Trustee Walker: I had a discussion with a Zoning Board member recently who was very eager to get involved in this process. I did not even know this was going to be number one on your list, but he was ready to come forward and form a committee with some Planning Board members and Zoning Board members to start doing this.

Mayor Swiderski: And I always agree with your prioritization, by the way. I think this is an important thing.

Trustee Armacost: I do think you need a couple of people from the ARB. We passed that, as a group, not that long ago and already there are process issues associated with that in terms of complaints of slowness.

Mayor Swiderski: And, again, those may be valid or invalid. And part of that is what they have to figure out.

Trustee Apel: Are we asking, then, not to do number two.

Trustee Walker: I think number two will come up.

Mayor Swiderski: But it is not to coordinate with New York State regulations. It is evaluate each code and its effect on the process, or process issues.

Trustee Walker: Some of it is New York State regulation that you cannot change, and some of it is things that we put in place that we can change.

Village Attorney Stecich: Mainly, though, the building code operates totally separately from the zoning code. , I am integrally involved in all the processes. Once every five years a building code issue comes to me. The building code operates totally separately from the zoning code.

Village Attorney Stecich: There was, Bruce, a little more interplay between drafting the Green Code and the building code because some of that stuff would have also been covered by the building code. But the zoning code, mostly they are not related. And, in fact, our building code section of the code says our building code is the New York State building code. We do not have a real building code.

Trustee Walker: And we cannot change it. We can add to it. We can make it more complicated, but we cannot make it less complicated.

Village Attorney Stecich: For the most part, they are different rules. The zoning code tells you what your setbacks have to be, how much you can cover, what uses are allowed. That stuff is not in the building code. The building code sets how the building is to be built.

Trustee Apel: So you want to change how number two is written?

Village Attorney Stecich: Marge, maybe if for one you took out reevaluate application review process so it is reevaluate review process through all construction because I think that is what Bruce was getting at before. It is not just the application.

Trustee Walker: Let us make it application and review, just in terms of forms and things like that.

Mayor Swiderski: I do not even know if it is reevaluate. It is evaluate, period.

Trustee Apel: OK, evaluate. Application and review process. And then number two.

Village Attorney Stecich: I would say two is to create the appropriate information. If you read one the way it is now, it is saying you are just going through the process so you can write up some brochures. But I think you have got two things in mind. One, you want to simplify the process if it can be simplified. And then secondly, to create the appropriate information.

Trustee Armacost: I think beyond one it is not just evaluate. It is evaluate and make recommendations, right?

Mayor Swiderski: If necessary.

Trustee Apel: That is under the outcome.

Trustee Walker: Well, then it is to simplify or streamline or another verb.

Trustee Apel: We have to be careful of the word "simplify" because they are going to think we are going to make it very easy, one, two, three. And they may make it more complicated.

Trustee Walker: Evaluating is not our objective. Our objective is to go beyond evaluating.

Mayor Swiderski: But the outcome that Marge lists here, both of them are exactly right.

Trustee Armacost: It is recommendations for changes to, not recommendations for.

Trustee Jennings: It might even be one step prior to making recommendations. I think they should be charged with identifying those aspects of our existing codes, all of them, building, zoning, et cetera, ARB. Identify aspects of our existing codes that may create undue obstacles or delays. The recommendation might be leave it alone, we have to live with it. But we should look at the stuff that is written down now, with an eye towards encouraging a more dynamic and creative community and activity in our town, something like that.

Trustee Apel: But that is part of the overall goal. So you want to say identify existing codes? How much do you want them to go into it?

Mayor Swiderski: That is my concern. We have got to be careful about the scope. Otherwise, we are going to have a monster project.

Trustee Walker: But is there not an information-gathering stage?

Trustee Apel: I think they are going to do that on their own. If we give them the umbrella part of what we want, they are going to want to look at all these things without being told. And the objective is to evaluate the stuff and gather the information, and come back with recommendations for improving.

Trustee Armacost: But does it not have to be improvements of the particular type? I think what we were saying earlier was to evaluate whether it creates an undue burden. We can evaluate it for a thousand different things. We need to say what we are evaluating.

Trustee Jennings: The objectives have to be clear, the values have to be clear, against which we are making the recommendations.

Trustee Armacost: I thought this was about reducing the undue burden, that was the point of this. But maybe that is not correct.

Trustee Apel: It says everything here if you read exactly what the plan wants you to do.

Village Attorney Stecich: This is implementing what is on page 10, right?

Trustee Apel: It says it under large tract, but it refers to everything, because we have had problems with smaller projects.

Trustee Walker: Seek to increase the efficiency of the process.

Village Attorney Stecich: This paragraph down here explains it.

Mayor Swiderski: It is the process. I do not want to do a cost-benefit analysis of the cost of the code for people. It is fairly well-scoped here, I think. The complaints do not arise from the fact of the 1 ½ percent fee. The complaints arise from the fact that it takes two years or nine months, six months, whatever it is. It is the complexity of the process and the opaqueness that generate the complaints.

Trustee Apel: They want to increase the efficiency of the process.

Trustee Armacost: That is perfect. That is a clear objective, but it is not written here.

Village Attorney Stecich: No, it is here. This is the Comp Plan goal, right? And then this is just the implementation of it.

Trustee Armacost: I just think if you are creating a document which is guiding them it should be clearer. But anyway.

Trustee Apel: This is not guiding them. This is our worksheet. If we want to rewrite this and then turn it into a guide, this is for us.

Trustee Jennings: I also think this group is going to be taking this paragraph on page 10, from 5.2 of page 51 of the plan, and interpreting the language of the plan in an applied interpretation. Yes, this language uses the word "efficiency." But it also talks about stimulating the commercial tax base. It also talks about trepidation. It also costs about cost and confusion. And you can have an extremely efficient process that would not allow anybody to build anything anywhere. So efficiency alone does not completely define the mission or the goals of this. What we need is how to put into practice the four or five different values that are evoked in this paragraph.

Trustee Apel: If you look at those points that are there above it, what we are looking at was create an easy-to-read development application brochure, and evaluate development applications for compliance with the Comprehensive Plan. That was the general concept there. So we are taking those things out of there to reach the goal or implement things from page 51. These are tasks.

Mayor Swiderski: Not all of them are there.

Village Attorney Stecich: This is what you should go with, that paragraph.

Mr. Metzger: As an example of one of the issues you run into when you fill out the forms for the Building Department, there is an area that asks if you are creating a commercial or mercantile space. There is no mercantile space in Hastings. That does not exist as part of our code. So even our own Building Department forms need to be updated to reflect that. There are definitions in the state zoning that do not exist in Hastings zoning and vice versa. That is where a lot of the confusion comes in.

When we were discussing this, putting all of this together as part of the Comp Plan and then, again, as part of the implementation, the code is a little too freeform. You discussed some of those issues earlier tonight about tightening up the code. So one of the issues comes in, it is not a matter of making it a free-for-all for tightening it up to the point where people cannot do anything. It is making the process so specific that it gives the Village the control it needs, but it gives the applicant the information to not have to go through identification through Planning Board, Zoning Board and the Village Attorney. You should be able to read this information in the code and know what the code is asking you to do.

Mayor Swiderski: No, that is a different project. You are asking for a rewrite of the code.

Mr. Metzger: I am asking for the code to be reviewed in respect to why people are asked to go before the Planning Board and the Zoning Board. The code is not specific in certain cases, as you discussed tonight. There were certain aspects of the code that created confusion. There are certain applicants that came before you recently that had to do two or three rounds because of that.

Mayor Swiderski: Because of what?

Mr. Metzger: Because the code had been written, for example, saying all construction. And if the code had said all construction affecting zoning it probably would have solved the problem of the fact that you were looking at all construction at the apartment above Chelsea's Closet. That construction was totally internal, did not change anything in the zoning, so it should not have had to go for a review.

Trustee Walker: That is why we changed it.

Mr. Metzger: They had to go for site plan. My point is, you cannot review the process without looking at how the current zoning requires people to go through the process. The two go hand-in-hand. And I am talking about the zoning code, not the building code.

Trustee Walker: But I do think that would be very lengthy.

Mayor Swiderski: Yes, that is not going to happen.

Mr. Metzger: I agree, but I believe it needs to be done.

Trustee Armacost: That is also not a job for a committee. Streamlining, you hire a lawyer to do that for you. They are separate things.

Mayor Swiderski: I agree. If you are talking about a code review, this will not get done.

Mr. Metzger: It is only in respect to how it affects the process. The reason people go before the Planning Board and Zoning Board is because issues come up in the code. In some cases they are very straightforward. In other cases the review goes around and around, and our Village Attorney is asked to weigh in to interpret. She does a great job on that, but the code should be written in a way that the attorney is not required to weigh in on so many of these issues. It should be apparent within the code itself.

Trustee Armacost: But that is not what this piece of paper addresses. This piece of paper is addressing something different. That may be an important and valid thing, but that is a different activity than this one.

Mayor Swiderski: I agree.

Trustee Armacost: To me, this one is coming at it not from the point of reference being the code, but the point of reference being the experience of the application and review for the petitioner where that person reverse engineers the procedure for what point are their pain points. And you look. Is the pain point because of a practice, or is the pain point because of something that is in the code. But it is not assuming that it is in the code.

Mr. Metzger: As an example, in New York City when you apply for a project and you have part of the building permit called the TR-1 technical report, there is a list of about 60 items that the architect has to check off if their project is going to affect any of those things. If you check one of those boxes off you know you have to go to the code to address that issue. We do not have anything like that. We are required to read the entire code.

Mayor Swiderski: But is in the line of what we are talking about. The process does not have the artifacts to guide people successfully and to make it clear what is going on.

Mr. Metzger: Exactly. And part of the problem is that I do not believe the code is as clear as the could be. And not the entire code. We are talking about, generally, section 295.

Trustee Armacost: But that is not necessarily rewriting the code. It is adding a form which meets the requirements.

Mr. Metzger: I am not suggesting we rewrite the code, but we should identify the areas in the code that create the confusion.

Mayor Swiderski: I do not think we argue with that. It sounded like you were talking about a revamping of the code.

Mr. Metzger: No, I am talking about identifying the areas of the code that create confusion, where the answer should be more forthcoming in a reading of the code as opposed to requiring two full boards and the Village Attorney to weigh in. I am talking about the zoning code. The building code is very explicit, and I have had discussions with Deven about this. There is not a real problem with the building code.

Trustee Walker: You are saying we need an interface even with the building code? Some kind of checklist?

Mr. Metzger: Yes, there should be a checklist so if I am coming before the Planning Board I know what issues the Planning Board is going to be looking for. It would identify what sections of the code I need to be looking at. And I would be able to present a cogent argument. As an example, when you come before the board and you think you are discussing adding a bedroom to an apartment, and then you find out you did not talk about additional parking requirements. If there is a checklist that says if you are doing this work, these are the areas of the code you need to address, all of that would go away. And you would come prepared and there would be less discussion involved.

Mayor Swiderski: I think we agree on that.

Trustee Apel: I think what is going to happen is, after Deven puts this group together and he is going through evaluating the application and review process, whatever this is, whatever we change this to, the discussion is naturally going to move in that direction, because the experience that they have they are going to bring to this meeting. They are going to say, I have had problems with this, this and this and we need to start looking at some of these areas because we have had problems. That is what is going to come out of this review.

Mayor Swiderski: I agree.

Trustee Apel: And that is what we want.

Mr. Metzger: I would also say this would help the Planning Board. Not necessarily the Zoning Board. They operate in a slightly different sphere. But if the Planning Board had that same checklist to go through on a project they would know these are the issues we need to raise when we are reviewing the application as opposed to hoping that the applicant has addressed all the issues that are relevant.

Mayor Swiderski: This is an experientially-based project. It is going to bring people to the table, and if it does not we should solicit input from people who had pain. So we sort out how much of it is failure of checklist and how much of it is a process that itself is broken and try to address it.

Trustee Walker: I think that is the way to go about it, because if you try to address it generally you are going to be mired in it for years.

Trustee Armacost: But if what solves the problem that Jim is raising is checklists, that is a very different activity than rewriting the code.

Mayor Swiderski: Absolutely. But it may be a bit of both.

Trustee Armacost: There may be a bit of both. But segmenting out or differentiating which part is about changing what happens in the Building Department when you go in there in terms of the process, whether or not that is associated with the code, what you are referring to, development of materials and information, is the creation of a checklist. Is that what you mean?

Mr. Metzger: Yes.

Trustee Armacost: And maybe some other stuff, but at least the checklist. But then you appeared to be implying that there may be some proposed revisions to the code which, to me, is different than this activity and should go not to this committee.

Trustee Apel: Right. That is what I am saying here. If this committee comes up with recommendations for changes, and says while we were doing this we recommend that there are other things that have to happen, then at that point we will say we have to decide if we are going to deal with that, and if so, who is going to deal with that. But this is the preliminary thing. We are going to evaluate what has been going on, see what has been happening, and come together with some suggestions of how we can make some changes. The easy changes would be fine, and then the recommendations for the hard things that may have to happen down the road.

Trustee Armacost: In terms of the makeup of the committee, it seems that the most useful people would be people who have recently gone through the process, who are applicants. Or maybe it is a group of people who interview those people.

Mayor Swiderski: Architects, builders and residents. Exactly those candidates here. It is going to be the people who shepherded projects through.

Trustee Armacost: It is less than, at that point, about the ARB and the Planning Board. The Zoning Board is not even mentioned.

Mayor Swiderski: A member from each.

Village Attorney Stecich: They could explain why they need some.

Trustee Armacost: It sounds like you need a whole bunch of data-gathering from these people who had been through that, and then it needs to go through a filtering process.

Trustee Apel: I think that is what that commission would do.

Trustee Armacost: It would be useful to have several people from the ARB, several people from Planning so that you are not just getting one person's opinion.

Trustee Walker: Well, they could be interviewed. They do not all have to be on the committee necessarily.

Mayor Swiderski: Right. And if it is several people, we will have a committee of 20.

Trustee Armacost: I do not think this is a committee thing. There is a small group of people who interview a large number of people.

Mayor Swiderski: Agreed.

Trustee Apel: You need a nucleus.

Mayor Swiderski: But the working group characteristics here is about right.

Mr. Metzger: I believe the only way to identify the issues that we are trying to identify is to talk to the people who have been through the process on all sides. Ideally, everybody gets to weigh in and discuss the pros and cons. And again, I want to state this very clearly because we do state this in the Comprehensive Plan. We should not reduce the review and oversight

provided by the boards and citizen input. That is not the point of this. The point is to clarify the process so everybody is on the same page at the same time.

Mayor Swiderski: Right. So on this particular page, your timeline is charmingly optimistic. I think winter of 2014 is probably right. It is probably the right steps, but the timeline we can sort out. Since everybody seems to have some input on wordsmithing, is this in electronic form you can share with everybody?

Trustee Apel: Yes, I can. And we can pass it around.

Mayor Swiderski: Yes, and people can just come back with any changes.

Trustee Apel: If the lead person to start with is Deven , who does this lead person report to? Who is in charge of this?

Trustee Armacost: Do they not report to us? What do you mean, interim reporting?

Trustee Apel: There is interim reporting, there is follow-up. When they pick a chair, who is that person from the working group supposed to report to?

Trustee Armacost: But all working groups report to us.

Trustee Apel: Who? They are going to pick who they want to call?

Trustee Armacost: No, they report to the Board of Trustees.

Trustee Apel: So you want them to come to a Board meeting, or do you want them to call a particular person?

Trustee Armacost: I do not understand the question.

Trustee Apel: It is very simple. You have a job, right? You report to a boss, or do you report to a board? Do you just show up at a meeting? Do you show up at the whole Board meeting, or do you report to someone?

Mayor Swiderski: What is the oversight structure? How often do they report, who do they look for for input, next steps.

Trustee Armacost: But why can it not be like all our other boards?

Trustee Apel: We could end up with a lot of working groups, and they cannot keep showing up at meetings. You have got to have somebody they are talking with. Who is the point person for this committee, working group?

Trustee Jennings: How about the Infrastructure Committee? Have they reported to you directly, Peter?

Trustee Armacost: They report to us. They come periodically.

Mayor Swiderski: But more frequently I talk to them. You talk to the Green Building Code.

Trustee Jennings: I talk to Sharon all the time.

Mayor Swiderski: All the time. I think you are talking about that, a point person on the Board. So are you asking for volunteers? I was afraid you were. I think Meg takes that one. But you are not running it. You hear these things as it is. Through your downtown collaborative you hear it, as it is.

Trustee Jennings: Yes, that makes sense. But also, Deven cannot be the chairperson.

Trustee Apel: No, he is not. He is only going to set it up, and the working group will have to pick the chairperson or whoever.

Trustee Armacost: So how is the group going to be selected?

Mayor Swiderski: We will, in September, identify people who should be on it.

Trustee Apel: So we should tell Deven that is what we are going to do?

Mayor Swiderski: He can propose people, but I think in the end we staff these working groups, right?

Trustee Armacost: But this is the small group of people. They are going to come up with a list of people to interview.

Mayor Swiderski: That is right.

Trustee Jennings: So is there an ideal number here? Five, six, seven, eight, what?

Trustee Armacost: It is good to have an odd number. Why do we not say five?

Trustee Walker: Do you want to issue a call again like we did for the waterfront?

Mayor Swiderski: One from ARB, one from Zoning, one from Planning is three. And then four others.

Trustee Walker: Residents.

Mayor Swiderski: Right. A resident, a builder, an architect, maybe a couple architects.

Trustee Armacost: ARB is mostly architects.

Mayor Swiderski: OK, point well taken. But I am talking about the people who face off against these institutions.

Trustee Apel: What you want is somebody maybe on the ARB, but somebody who went through the process.

Trustee Armacost: Someone like Christina would be perfect.

Mayor Swiderski: Right. Christina, Mitch Koch. People who face off.

Trustee Armacost: Is Mitch not on the ARB?

Trustee Walker: He is on the ARB.

Trustee Jennings: I found, in the discussion with the people who were helping with the Green Code, the experts often brought their experience with other jurisdictions and municipalities into the conversation, gave a comparative perspective. It was very helpful.

Trustee Walker: Maybe we can just borrow something from another town.

Trustee Jennings: No, not that.

Trustee Walker: No, I am serious. There might be forms.

Trustee Jennings: People who have professional experience across the spectrum of activities that we are talking about.

Mayor Swiderski: Let us not vet names in public. Let us just funnel names to this working group.

Trustee Walker: Not do a public call?

Mayor Swiderski: No, I am saying not right now. Already we are tossing out names. We should do that in executive session and sort that out. But think about the sort of people you want to see on this and bring it to executive session next meeting.

Trustee Apel: So what is going to happen? I am going to send this electronically, people are going to write their notes on it. Then when we all approve I will give to Meg, who will speak to Deven.

Mayor Swiderski: Speak to Deven, and at the next Board meeting we will talk in executive session about what a working group for this might look like.

Trustee Apel: OK, follow up on September 3.

Mayor Swiderski: And agree on the objectives and outcomes, and queue that one up.

Trustee Jennings: You may have intended this with objectives and outcomes, Peter. But when you drafted the charge for the Infrastructure Committee that was so helpful and got things on the right track. I think a paragraph charge is essential.

Trustee Armacost: I agree.

Mayor Swiderski: Defines the scope, and it prevents people from going off the reservation and pursuing all sorts of things. The Economic Development Committee suffered for lack of a clear charge. They headed off in multiple directions, and that was our fault. So you are right.

Trustee Apel: On to the next topic. This one has to do with environmental sustainability. I am happy to say that the Green Code is already going through that. That is a big portion of all that. The only part that was left was incorporating the considerations of climate change in the SEQRA process.

Mayor Swiderski: Is the SEQRA process something that is left for the state?

Village Attorney Stecich: Just so you understand, if we do SEQRA once a year it is a lot.

It is hardly done. At the moment we are doing SEQRA on one project, on the 9-A. I do not remember when we did one before. It is not anything that is done very often, and it has its own process. It has a very elaborate set of considerations you have to go through. I just finished, and I am wiped out. I spent 70 hours last week writing the SEQRA report for the 9-A project. But I did not need anything in a code. It is in SEQRA. You get your Environmental Assessment Form and it is 20 pages of questions you have to analyze.

Trustee Apel: Does it incorporate climate change?

Village Attorney Stecich: Yes, climate change is one of the things. The question was asked by Kathy Sullivan, who asked our planner to look at greenhouse gas emissions. And they said no, you do not look at it on projects of this size. That is for really big facilities. So I am not sure. The SEQRA process is important, but you have to recognize there is no SEQRA done on one-, two-, three-family houses, no matter what you are doing. So it is a limited amount of projects.

Trustee Apel: Yes, but I do not know if this is an easy thing that can be done. I am just saying there are some things we can throw out there now and they can get done because there are other projects. Some projects are going to be bigger than others. What we have to be concerned with is that there will be big projects coming down the road, and if this could be taken care of easily, just put away, you are going to have the waterfront and you might have other development. You might have 9-A. The climate change might be that the Saw Mill is going to overflow by the 9-A property.

Village Attorney Stecich: That is different from climate change. That all has to already be looked at in SEQRA. You have to look at the effect on rivers, on wetlands. The other thing that is happening is that the SEQRA forms are being redone as we speak. It has been a huge process they have been working on for years. I would be very surprised if those new forms do not require looking at climate change. There are already a lot of elements that are looked at with climate change. You have to look at the floodplain, you have to look at the impacts on water bodies, you have to look at impacts on wetlands.

Trustee Apel: So I am saying this is an easy fix. The concept was that the Conservation Commission is like piggybacking it on to the Green Code. We just wrap this up and then we are done with this. It is one thing to check off.

Trustee Walker: Can I make a suggestion? This is looking at it from another direction. Recently the Pace Land Use Law Clinic worked with the U.S. Green Building Council. The U.S. Green Building Council recently developed this whole approach, and these are the people who do LEED, go beyond buildings and look at large developments; look at what

they call a neighborhood development, and LEED-ND. Recently, for municipalities just like us, the Pace Land Use Law Clinic put together a way to take that LEED-ND and apply it in your zoning code for large projects. So it may be a way of being proactive rather than reactive. Going through SEQRA is being reactive because you are using the SEQRA to try to change the project. But if you make some changes to the zoning code, and I have not looked at it so I do not know what they are recommending, you are being proactive. This is like the next step. I always thought the next step after Green Building Code is to look at what kinds of things we would want in our zoning code for large developments. We are not talking about the small stuff that we usually deal with. But it is like the waterfront, maybe it is 9-A. I am not sure, but something of that scale. Then it would talk about transportation issues, it would talk about whatever is not dealt with in the building code, or the Green Building Code, other issues like that. So improving walkability, and looking at siting buildings so they can take advantage of solar energy, things like that.

Trustee Jennings: The Green Building Code self-consciously did what it could do within the context of building permit regulation. It gestured at what you are talking about with this notion of taking a look at the whole lot and not just worrying about the building itself but the surrounding shrubbery and orientation on the lot. But it did things about eliminating change through the context of a building permit, which meant that it has standards for big buildings. It has standards in there about how much greenhouse gas emissions will be escaping from the building, very stringent requirements about insulation, heat island effects, energy efficient utilization so the power plants do not have to burn as much coal. So it is somewhat indirect, but in little ways it gets at it.

To go into the zoning code with these considerations is definitely not what the Green Code does. But you are right. It is an interesting, logical thing to think about. When we rezone the large tracts, that would be the place. The scale, if we have a scale that affects this, it would be there probably. I am not sure how the Comprehensive Plan dovetails exactly with the task of the large tract zoning question that we have been talking about for years, but insofar as we going to get around to that it would seem that we might look at what Pace is doing, and others, and see if we can come up with some creative approaches to the zoning regulations.

Trustee Armacost: But that is a different activity than this. What I am hearing from Marianne is this happens once a year and it is only for very big property.

Trustee Jennings: But that is not zoning.

Trustee Armacost: But there are revisions being made to the forms so maybe this is

premature. We should look at those forms coming out.

Village Attorney Stecich: No, I think Bruce is saying a different thing. I am not saying that these are not things that should be looked at. I am just saying I do not think it adds anything to say look at climate change through SEQRA because SEQRA already does that. What Meg is suggesting is something different, and that is what Bruce is agreeing with.

Trustee Armacost: Yes, it is not to do with SEQRA anymore. Exactly. So incorporate considerations of climate change, that part we can all agree with. It is into what.

Village Attorney Stecich: Yes, in new development or a big development.

Mr. Metzger: The intent of this is for our boards and committees that review projects is to have a full understanding of what is going on with climate change and how that affects the process with respect to SEQRA, not that SEQRA needs to be rewritten. As an example, there is a lesser frequency of rain events but greater intensity. So how does that affect the project? The boards that review these projects should be familiar with that concept. The fact that we have a higher number of degree heating days, that we have heat island effect is something that is being discussed much more. It is more a process of making sure our boards and committees are up to date with what it going on with climate change so when they are discussing the SEQRA process those issues can be incorporated into what might trigger a SEQRA review.

Trustee Armacost: But then the outcome is not a revised code. It is an education process, it is a training to the outcome.

Mr. Metzger: That is what I am saying.

Trustee Apel: So the outcome would not be revised. Codes would be just education.

Mr. Metzger: I was very fortunate that the Village allowed me to go to the Historic Hudson Rivertowns Review on the Effect of Sea Level Rise. The first thing they talked about is that SEQRA is one of the most powerful tools that a small village like ours has.

Mayor Swiderski: It is already defined.

Mr. Metzger: I know, but we need to apply the issues at hand to the SEQRA process. Weather is not a big deal, so we are only going to be concerned if there is going to be dust and noise. What if there is a huge rainstorm and we are getting three inches of rain an hour as opposed to your typical half-inch of rain. How is that going to affect construction? And

as an example, you require now that building sites have to have a certain amount of protection to prevent flooding of the construction material from moving off-site. There was a time we did not care about that. Now we care about it. What other issues are being raised by the climate that the Board should be facile with when they review the process?

Trustee Walker: This could be raised in a scoping session, I suppose. These are the things that would be raised automatically by the board that is the lead agency.

Mr. Metzger: But does the lead agency have all this information is what we are asking.

Trustee Armacost: But what you are saying is, the training I went to is useful and members of X, Y, Z board, planning, zoning, I do not know what, should go to that training. That is really different than what is written here. It sounds like it was a very useful thing and we can make that recommendation, but it is not revising the code.

Mr. Metzger: No, we are not looking to revise the code. We are looking to make sure that the issues that climate change is creating are being incorporated into the SEQRA review.

Trustee Armacost: So we need to rewrite this document.

Village Attorney Stecich: But the main thing to understand is that you may want to get at it more broadly than just through SEQRA review, because you get very few projects in Hastings that require SEQRA review.

Mr. Metzger: I understand, but that is why there is 3.2, an act of Green Building Code. Because the Green Building Code addresses a lot of these issues. Again, I cannot stress enough it is a comprehensive plan. This is exactly why you cannot take a line item and say we are going to address this line item. They all relate to each other. So the Green Building Code has gone a huge way to dealing with this issue of environmental sustainability.

Mayor Swiderski: This is not a priority because we have already addressed much of it.

Mr. Metzger: It is a priority in that every time I go to a Planning Board meeting somebody from the audience has to get up and say what about the flooding, what about the heat island effect. Those issues do not seem to be addressed by the Board.

Village Attorney Stecich: Do not think for a minute that the Planning Board would not have thought of that. The people get up because that is their concern. The members of the Planning Board are very on top of flooding.

Mr. Metzger: I could not agree more. Our Planning Board and Zoning Board are extraordinary. They really are, and I am not just saying that because we are standing here in public. But there are issues that come up. I know because I have been that person.

Mayor Swiderski: I do not know how to put that into something that is a high priority that we can act on. That is the problem here.

Mr. Metzger: All you possibly need to do here is write a memo to Planning Board and the Zoning Board, and say there are issues with climate change that we feel the boards need to be familiar with, and perhaps somebody needs to identify what current concerns are in climate change, and please make sure that those are being addressed in the SEQRA review process. It is that simple. And it can be done, probably, in 15 minutes.

Trustee Walker: It does not sound simple to me.

Trustee Armacost: Let us rewrite this. Because this is nothing to do with what you were talking about. This is about rewriting codes. What you are talking about is training sessions, memos. I think it is a different thing.

Mayor Swiderski: I am going to suggest we table that one, and go to the next one which maybe is less controversial. Let us move to the next one, promote public art.

Trustee Apel: It is under quality of life, and it was promote public art. The reason we are putting this up is because I know we are doing stuff in September and why not start moving that along. It is a wonderful way for other people to know about our community, it is another way of making our community more attractive and beautiful and interesting, and we are moving in that direction anyway. If you look at the quality of life it is like improving the downtown. It might be helping brand the community, all these types of things.

Trustee Armacost: But is this not already the activity of the Village Arts Commission? Is not all we are doing here saying we endorse what you are doing and please do more of it? Or are we saying something different?

Nancy DeNatale, Village Arts Commission: I was glad to see that this was part of the priority thing because I thought it would give us a little more push in order to make a difference for the Village. There are six different points that come in our mission statement. One of them, which we have not been able to address, has been to work with the Village in economic development and marketing.

There are a lot of things we can do with the Village, working with the downtown, the tourism

board, and there are a lot of other things that we can do. People would be excited by it. There are some new members to the Village Arts Commission, and they would be happy to take hold of some of the things you are work on in this comprehensive plan and work hard at it and make a real difference for the community. There are things that are trackable and quantitative for the community, and things which would really help.

Mayor Swiderski: So it is a chance to reboot the commission, to reexamine the mission and reawaken it and integrate it into the other efforts underway.

Trustee Armacost: The commission has been pretty active and doing some great things. To me, this is an endorsement of what you are already doing. Or is it something new and different than what you are doing? Maybe that is a part that is unclear to me.

Ms. DeNatale: One of the things I and the rest of the commissioners look forward to is working in collaboration with other groups in the community which we have not done: to work with the Economic Development Committee, to work with the marketing committee, the tourism board. We have been working on our own, doing things we think are important. We have had a couple of people come to us to ask for help, like the Hudson Valley Singers. One of our members is very involved in 12 Miles North and is very supportive of that. We have people like that there, but I there is a lot more we can do. We can be far more pointed with the efforts that we are doing to work on the future of the Village. We have a lot of artists in the Village. It is astounding how many people you can call artists in the Village. So it has a lot to do with our profile. The Arts Commission can do things perhaps on a different level than what a lot of the other arts organizations are doing. A lot of the other arts organizations are pulling the creative talents together and doing a lot to promote the arts. We have a lot of that. We need to support them, but we also need to find things that are not being done yet that could be done for the Village. That is what I am looking forward to.

Trustee Walker: Nancy, in the past it seemed like the Arts Commission was more focused on visual arts. I have no criticism of that because you have done a spectacular job with the sculpture in public spaces and art shows here in Village hall. Can you expand the Arts Commission to take on more performing arts programming: music and dance and theater, for example?

Ms. DeNatale: We did a Friday Night Live that was all about literature. One of the commissioners is a poet and a publicist. That is something that was unique, and it was something that was different that had not been done in the Village. And it was successful, and it would be great to do it again and build on it.

Trustee Walker: But it always comes back to one person who has to make the thing

happen, and it is so hard to keep doing it. You know because you have done it. I know. It is hard to find. If there was a group of people who could take on some of that programming it would be fantastic.

Ms. DeNatale: We need to work with groups that are already out that are doing things, and we need to seek out groups that are doing things and we need to bring groups into the Village that are doing things. That is what our role is more than producing things ourselves.

Trustee Armacost: You have a fantastic mission statement and a very creative group of people who are amazing volunteers and have done fantastic work. If what you need from us is endorsement of what you are doing, you have 100 percent endorsement from all of us. If there is something that is blocking you, this feels so much your charge already that I am a little confused. If we can say there is one group that is implementing what is in the Comprehensive Plan it is the Village Arts Commission.

Mayor Swiderski: The Conservation Commission.

Trustee Armacost: And the Conservation Commission. There were many, but this group clearly its mission is very much reflected in the way the Comprehensive Plan is written. So if there is something else you need from us, maybe we are misunderstanding. If there is a block there, or if it is just an endorsement of what you are doing. I think you have that.

Ms. DeNatale: I have always felt like we have gotten a lot of support from all of you, and I think all of you have been involved in some of the programs that we have been doing. But the idea of the Comprehensive Plan going beyond what the Village is right now, and growing with it, I was really happy to see that the Arts Commission was one of the groups that perhaps could help lead the charge in growing the Village. I think it is very important.

There is a report that I keep going back to, and I look at it fairly often, that was done by Americans for the Arts. It comes out periodically, the fourth edition came out, and it talks about how the arts are such a huge part of the economy in a lot of different ways. I think if we had an opportunity to work with some of the other groups in the Village to bring some of that economic development through Hastings we would all like that. That is what I am looking for.

Trustee Armacost: I think you guys should just take the initiative and run. Is there anything controversial about this?

Mayor Swiderski: I do not think there is anything controversial. I am going to restate what

I said before. This is a chance to reboot, to reexamine the mission statement, see how it might be changed, recommend maybe a broadening of the committee so you can have members from the Senior and Youth committees added to it. And you come back to us with those proposals and ideas, and we give you the room to run with it.

Trustee Apel: Other than one of the things I was thinking of is that because we are going to reaffirm this committee, I think you are asking what would be different. It would be to encourage the other groups that are also out there doing things, that they need to somehow report to the Arts Commission.

Mayor Swiderski: Work with.

Trustee Apel: So they are working with them, so there is more coordination.

Ms. DeNatale: I think more coordination would help. Like I said, a lot of times we are working on our own, we are doing our own thing.

Mayor Swiderski: Engaging the seniors and youth.

Ms. DeNatale: Friday Night Live, all those other things. It is not just the seniors and the juniors. It is engaging the whole school system. It is things like that, and that is the kind of thing that if we are doing it we are doing on behalf of the Village and we are acting as Village advocates.

Trustee Walker: And they need a budget.

Trustee Armacost: This is a different thing now. If you are saying that you want the Village Arts Commission to be the overseer of arts projects in the Village, I do not think that was the goal of the Village Arts Commission. There are lots of independent entities that are doing things where that would create quite a bottleneck of activity.

Mayor Swiderski: Well, is that what you are proposing?

Trustee Armacost: If there is approval. Are you talking about creating approvals?

Ms. DeNatale: I do not think we need to approve anything. I think it would be nice to have things come through so we could help coordinate things and just know about stuff. I am not looking to approve anything. People do their own things.

Trustee Armacost: Coming through you for what reason? You go through something to

get approval.

Ms. DeNatale: I am looking at us as a resource of the Village. That is all. We are volunteers, we are not staff people, we are not professionals. We are here as volunteers, and you tell me what you want us to do.

Trustee Walker: Does your committee, Jim, think the Arts Commission should maybe engage more with the public to find out what they would like to have happen?

Mr. Metzger: I am looking at the Comprehensive Plan, and it says participating in the marketing plans and economic development of the Village by promoting, through diverse media vehicles, the arts, including works by residents and creative arts brought to Hastings for the benefit of community.

To give you a concrete example, you voted earlier to go for a grant to promote tourism in the Rivertowns. Part of that grant, I believe, should incorporate talking to the Village Arts Commission about how they could promote tourism in the Rivertowns; what could the Arts Commission bring to that project. When the ad hoc downtown committee is trying to figure out what to do with empty storefronts, I am making an assumption that is one of the things they are looking at. Maybe somebody on the Arts Commission would have some ideas about what they could do with those storefronts that would promote a certain liveliness in the Village that would cause other people to come and say I want to move my store here.

In other words, as Nancy just said, they should be not only doing their own arts projects, but looked at as a resource for the Village. If the Youth Committee is looking to put something together, we get notices about all sorts of events. If they would talk to the Arts Commission, perhaps the Arts Commission could help design a poster promoting that event. I believe that is what the concept was here: to use the Arts Commission as a resource, not to just have them operating as an independent entity who periodically shows artwork in the Village.

Ms. DeNatale: I do not want us to just develop programs because we are thinking them up as a group of seven people, creative people thinking outside the box. What I would like to see is us working with people that say we need to clean up downtown. We have got nine walls that need something besides what they have got. How about starting a mural program? We have all these storefronts. We have been working with storefronts. We have had art shows in the restaurants, I think it has helped the restaurants. That is a good fit. But it is things like that we want to do so we are not just creating the art for the sake of art. There is lots of that, and we need that and we have got lots of people who are doing it. And they do not need an Arts Commission to do that. They do it on their own. But the Arts Commission, should be a group of artists that besides all the great things that are happening in the

community, if they address things that need to be addressed that have not been addressed. And we need to be educated to know what those things are, in some cases, because we do not know. We need to work more with the Conservation Commission so we know what they are up to. We need to work with the downtown consultant to know what is needed there.

We come up with ideas that may even help them. But it makes more sense when we are working together with them and it fits into a grand scheme of things. That is what the role of the commission should be. Not to create the things that people want to create just out of their own creativity. That should come, and we should be there to help people. Somebody comes to us and says, I want to have a I-don't-know-what, we help them find a facility where they can do it in town, or we help them find some funding for it. That is what we should do.

Mayor Swiderski: I am not meaning to be abrupt, but in the interest of midnight rushing upon us I do not think there is anything controversial in either the objectives, or the process or the outcome. Start with a new mission statement and a plan.

Trustee Armacost: Or, the existing mission statement is fine.

Mayor Swiderski: But it sounds like you want to broaden it.

Trustee Armacost: Do you? I think it is more activity. The mission statement is pretty vague.

Mayor Swiderski: They described as part of the process to develop the mission statement. Is that part of what you want to do?

Trustee Armacost: Well, Marge wrote that.

Mayor Swiderski: But I am asking the arts committee.

Ms. DeNatale: What we would like to do is take the mission statement and apply it throughout the community.

Mayor Swiderski: Then you need to tell us what that means in terms of a plan. In terms of a next step, what would you propose. I am both asking that and suggesting that is your next step.

Ms. DeNatale: That is fine. That makes sense to me.

Trustee Armacost: For example, you are not getting a mandate from us that you have to

add seniors and youth to the committee. It is more that they are constituencies that can be consulted and that there can be projects that involve them. I do not think you should read this in such a literal way necessarily.

Mayor Swiderski: But it may be.

Trustee Armacost: Maybe it does. But the committee already has seven people on it.

Trustee Walker: There is a lot that this downtown collaborative is coming up with that could engage you. They are working on a map now. I was going to make that report when we got to it, but there is a subcommittee now that is working on a map of local businesses. And would it not be great if that were designed by a wonderful graphic designer or an artist?

Ms. DeNatale: So we can talk. That is the kind of stuff I would like to talk about off-line.

Trustee Apel: So are we going to rewrite this? Am I going to send all three out to everybody?

Mayor Swiderski: You can.

Trustee Apel: But who does Nancy report to? Who do you normally report to?

Trustee Armacost: She comes to us.

Mayor Swiderski: But again, the point person on the Board for further guidance. And I am looking at you, Niki.

Trustee Armacost: I am happy to do that. We already coordinate with one another anyway.

Mayor Swiderski: Right. So I think in terms of a point person you are probably the best person to field the process.

Trustee Armacost: And let me know what you need from us so I can help you.

Ms. DeNatale: I think we need to come back to you first with a plan.

Mayor Swiderski: Thank you. All right, two out of three ain't bad.

Trustee Apel: The first one has to be rewritten by the group. The second one we tabled.

And the third is fine. That is pretty good, guys. We have done a lot. I am proud of you.

Trustee Armacost: Can we make a suggestion for you for the next one?

Trustee Apel: You can do that. I just threw this together because we were going to have some big humongous spread sheet, and nobody put that together yet so you did not get it.

Trustee Armacost: Something that Mr. Gonder has raised at every single meeting for the last seven meetings is something to do with the gateways, which is on page 7. Having some kind of a plan, the report he keeps referring to is very big. But maybe there is a way to break that down into a couple of actionable items. That would make all of us feel better. I will volunteer myself to help you on the Cliff Street gateway.

Trustee Walker: We had that whole report. So how do we take that and implement it?

Mr. Metzger: I might suggest you consult with the Village Arts Commission about what might happen at those gateways.

2. Update on the Downtown

Trustee Walker: I already mentioned the downtown collaborative is working on a map of local businesses, restaurants and services that would serve both locals and tourists. We want to have another merchant meeting in September and give them an update on what we are doing and try to involve them more.

The Tourism Board has decided to use September 21 and 22 as part of the Hudson River Ramble. We are starting with walks, and we are building this idea around a weekend in September that we are going to promote around these walks. We might have a Friday Night Live the night before, we have not decided yet. There is going to be something at the Purple Crayon. At any rate, the downtown collaborative is talking about introducing a lot of new activities, how can they help make this an exciting weekend. The Cropsey museum has offered to be open that day, for example.

3. Update on the Waterfront

Trustee Walker: I was approached by a professor at Pratt Institute, where I also teach in the planning department. He teaches a studio which brings planners and architects and urban designers together, and he wants to use our waterfront this fall as their studio project. He has already talked to Doug Alligood about it and toured the waterfront, and Doug thinks it is a great idea. But I said I would talk to all of you about it because they would like to look at

Building 52, talk to the Infrastructure Committee, look at how we could use form-based planning, look at some of the fiscal impacts of different types of development, maybe engage the public. They will come up with recommendations at the end as part of their studio. How do you feel about it?

Mayor Swiderski: I get hazy around involvement of the public because of the implication that this is part of a process, which it is not. This is a student process. I am happy as long as the people who are involved do in on a voluntary basis and it does not hit Village resources.

Trustee Armacost: It is creative and we could learn some very interesting things. It will be a very bright and cutting edge group of people who will be thinking about that area and it will be uplifting for us, too, to see a series of different images. I agree with you not to lead people down the garden path, but I would be interested to see their output.

Mayor Swiderski: I would be interested to see the output as long as it is reality-based around, for example, the structure proposed by the Infrastructure Committee. Do not come up with Disneyland pie in the sky. If it is done within the restrictions of reality it is always interesting. If it is pie in the sky it is just peeling a magic mirror.

Trustee Walker: I cannot speak about the architecture department. But the planning department is definitely based in reality. But one of the those basis of what they do is engaging community. So they just have to figure out how to do it in such a way that it does not mislead people.

Trustee Armacost: Or we feed them specific members of the community.

Trustee Walker: Good point. OK, thank you. That is all I know.

Village Manager Frobel: We had our job kickoff meeting today with ARCADIS, Exxon Mobil, Chevron. There were upwards of 20 people, all the principals involved in the site. This will begin their work on the Chevron site as early as next week, some clearing and prepping. They expect by the end of August the barges will arrive, bring in the soil. The soil will be offloaded this time not with a crane but through conveyors. It should take from six to eight weeks. They will be spreading upwards of 30,000 cubic yards of fill. There will be an 18-inch cover of clean fill. On top of that will be a six inch cover of topsoil. If everything goes according to plan, they should have the soil spread within early October, and seeded. The idea is to have it germinate before the onset of cold weather. Minimal truck traffic. Only two trucks will bringing the soil from where it is offloaded to the southeast corner.

Mayor Swiderski: Jerry, Lee and I met with the people from BP, a courtesy call on their

part. We emphasized, once again, our interest in seeing a disposition plan, what they intend to do with that waterfront in terms of ownership down the road, a discussion started two years ago, which they have been sitting on and on which we are beginning to express our impatience with their process. The impatience was stated in no uncertain terms.

EXECUTIVE SESSION

On MOTION of Trustee Apel, 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 personnel.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 11:35 p.m.

Mayor Swiderski: A moment of silence for a number of people, relations of Village staff, who were lost in the last month, including but not limited to Raf Zaratian's dad, and Chief Bloomer's and Mary Ellen Healy's mother. A moment of silence in recognition of their loss.