

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
OCTOBER 1, 2013**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 1, 2013 at 7:34 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobels, Village Attorney Marianne Stecich, and Deputy Village Clerk Mary Ellen Ballantine

**CITIZENS:** Sixteen (16).

**WARBURTON AVENUE BRIDGE DESIGN & BID PROCESS**

**Mayor Swiderski:** I am going to shift, with apologies to the Tree Board, the schedule; an item came up in the last few days that we have to address. The people I asked to address it did that on a volunteer basis over the weekend and well into late last night. Out of sheer pity for a late night spent working on these issues, I would like Mitch Koch to address what we are facing here.

The Warburton Bridge is facing a substantial renovation over the course of the next two years, starting in January. A process that began in May, where the county came before us with a proposal, which the Board generally did not like aesthetically, was kicked back into the county's lap, and they modified it somewhat. They changed the lighting design into something more traditional, in keeping with what we see downtown, but that was it. The county did not give us a chance to react to their new design, but put that out for bid. I, and the Village Manager, heard about this and intercepted the process.

After a number of discussions and negotiations with the county, they gave us two weeks to address the fence issue, which was the other aesthetic issue that was deeply negative. They had proposed an 8-foot tall chain link fence on top of the parapet that would run along either side of the bridge. Visually that presented not dissimilar to a prison walkway, and we had reacted negatively to it. The county was willing to hear us through, and said that they were working under a time constraint, that if we let the bidding process slip too much later, into November, they would be unable to let out the contract in the time frame to allow it to be completed in two years. There is seasonality to when you can pour concrete and do everything else, and if it slipped too far it would be a two and a half to a three year project. As it is, two years is totally unacceptable.

So we agreed to abide by the county's request to get this settled in two weeks. I asked a group of architects to research the fencing options they could propose that would be within

state guidelines and would be more attractive than eight feet of chain link. The state guidelines specifically have a minimum height. It has got to be eight feet off the ground and, at most, four inches between vertical spikes, if you are looking for a fence post-type fence.

**Trustee Walker:** Pickets.

**Mayor Swiderski:** Pickets, which is driven by the fear of a child falling through the fence. Four inches is, apparently, a baby's head.

Mitch shouldered much of the burden over the weekend. I have not, nor has the Board, had a chance to pre-screen anything. So we are seeing here, for the first time, the ideas. We, in turn, will agree on one or two of those ideas and then put it up on the Web site and give the public a chance to respond, and, hopefully, come to a conclusion by the next Board meeting, where we will turn to an engineer that we will need to approve paying to incorporate this plan into the county's bidding documents.

**Mitch Koch, 20 Marble Terrace:** The other members of this ad hoc committee include Jim Metzger, Ellen Hendrickx, Nancy DeNatale, Michael Curtis, and the Mayor. This is very short notice, so these ideas are somewhat formative and really to open a discussion. You are going to see the bridge in two different ways: from afar, from the waterfront or the parking lot; and the experience of the pedestrian on the bridge, conceivably a driver, but mostly the pedestrian. That is two views. One is looking straight through the fence, and the other one is looking down the sidewalk. So we are trying to think of everything here, starting with the bridge seen in this drawing, from the county's bid package. This is what they proposed. These are simple drawings of light posts, which are higher. This band of white will be a new concrete barrier so a car cannot go through the parked cars, skip the sidewalk and go over the edge. Lastly, this is the chain link fence. They proposed a one inch suicide preventive chain link barrier, which also would prevent people from throwing junk down onto the parking lot and onto the Cropsey Estate. I looked at a few different things. This would be what straight pickets would look like. This one is pickets with a swoopy top. This one is pickets with a rail articulating that swoopy top. This was a notion that the bridge is boring-looking, maybe we should consider putting some bigger elements in that are more about movement. This is wrought iron or aluminum pickets about one inch square going to a top rail and bracketed on the side, which is the one of the two faceting methods the county provided in their set of specifications. This one is one of those pickets where the top of the fence makes a gentle arcing motion. This one is arches, picking up a rhythm. This one at the end represents something more adventurous and artistic, where you have two rhythms going on simultaneously and it creates a wave-like effect, maybe referencing the river. All of the things with pickets are probably within the cost of the project, although it has not been our job to appraise that yet. We wanted to put some things out and see what people thought.

**Mayor Swiderski:** Could you explain that combo idea more?

**Mr. Koch:** This has an arch going between every two uprights. But it has also got your sine wave going through there. And because of the two rhythms, or two waves, you end with a visual sense of movement.

I looked at the sections as cobbled together from the engineering drawings from the county, and began to look at the visual effect of looking at the Palisades through pickets versus looking at the Palisades through even a chain link. Jim has got some photographs of the real McCoy that are not mockups like mine. These are a little easier to see. If you scrutinize closely you can see the effect of the chain link. We are only making an estimate of it. One of the things true of all fences is, when you look at it directly on you can see right through it, especially if you step back. If you look at it down the sidewalk it creates a wall. If you look at the section which is suicide prevention, the barrier will turn in to prevent Spiderman from going up and over. That tends to reinforce that sense of enclosure that would come from the oblique view of any kind of fencing. Some are worse, and better, than others. It may be something that we will have to live with.

The county has two proposed mounting systems, one where they socket into the top of this concrete barrier which stands about 42 inches tall, and the one where they put ring brackets on the outside. One of the issues that I can foresee is, if this light post is where they are putting it there is going to be a conflict as one passes the other. Two other points. Chain link tends to get cruddy-looking over time. So it may look great for the first 10 years, but we should be looking down the road to a life cycle of 50 years, say. Pickets are a little more rigid and enduring. Conversely, though, one you can see through easier and one, of course, makes more of a barrier.

**Jim Metzger, 427 Warburton Avenue:** We were dealing with the decorativeness of the fence, but then also trying to come up with a solution where the fence became as transparent as possible. So we want the fence to be beautiful, but we want the view from the bridge to be more beautiful than the fence. I went to Irvington where they executed on their car bridge going over the waterfront what they are proposing to do on the Warburton Avenue Bridge. This is a view looking out onto the train tracks through one inch chain link. It is standing about 2 ½ feet away from the chain link. This is what you would see looking through at the waterfront. You have this screen in front of you. I do not think it is very attractive. If you see the clarity of the trees here, and then you are looking through the chain link, along its edge it creates a wall that you cannot see through.

This is turning around and shooting through that chain link from one side of the bridge to the other. From a distance, the chain link starts to disappear somewhat. But we are concerned about the view standing in front of the chain link looking towards the river. These two photographs, this is a two inch square chain link, which is your typical chain link you have seen in every playground you have ever been in. On the other side is picket fence, and this is the picket fence from the parked car side. Even though this column is only about eight feet from where I am standing, the picket fence creates a wall where you cannot see through. So a picket fence is nice for protection but, visually, it creates a very strong barrier.

We started looking at some alternative materials to the fencing that would satisfy the requirements from the county, which is the four inch maximum distance. We always talk about the baby's head as that standard. A baby's body is smaller than its head. When they used to have a six inch space a body could fit through that space but the head would not, and it became an obvious problem. So that is where the four inch dimension comes from

We found a company that is based in Germany, they have offices in Chicago, they sell throughout the world. They make a wire cable version of chain link that is only 1.5 millimeters thick. It is a twisted wire cable, stainless steel. The way the wire is attached is a small copper ferrule, which is a little wrap that holds the wire together. The wire is doing zigzags and it is connected at the zigzags.

This was done by Michael Van Valkenburgh. It is the Brooklyn Bridge Park in Brooklyn. As you look down this fence it is transparent as far down as this photograph shows you. So it gives you all the protection you need in terms of its spacing, but it is a much more transparent screening material. This is from the water side, and what this is showing is that you can fabricate all of your structure, and then this screening is installed the same way you install chain link. It is tensioned and fastened to physical uprights. So even if the county put all of their superstructure in, the galvanized uprights and all of that, we could still attach this material to it and it would solve the problem.

This photograph shows that this material can bend and flex. What that means is, if we had poles that were not strictly vertical, but they had curves one way or another, this fence could now undulate not only in terms of its top edge but in terms of its surface. By doing a few simple changes to what the county is proposing, we could do fencing with this material that would provide a more decorative and transparent solution.

We have one more series here. This is to give you an idea of what happens when you get creative with the support system. This is a bridge and it is designed to keep cars from going over the edge. They created an aircraft structure and then infilled it with this material. I did some research. The material is about \$12 a square foot, and the cost to provide just the

material to the bridge would be somewhere around \$32,000. You would subtract out the cost of whatever the chain link would be to get a sense of what the overage might be. That is material that has a 2½ inch opening with a 1.5 millimeter steel cable. That, they said, is their most common sold material, and it satisfies every national and local code in the country in terms of its safety.

This is showing the material in a metal frame. You can prewrap this, and then install frames within openings. This is showing the material as a horizon diamond. If you install it as a vertical diamond it is virtually impossible to climb. So we have that option, as well. It satisfies all the requirements. I went through the 134 pages of drawings earlier today. They say, specifically, the fence is going to run in front of the light posts. I believe that even though they showed two different mounts it is going to be mounted on top of the parapet. They say the fabricator has to provide access to the removable panel at the base of the light fixture for wiring and transformers. That is a field condition that will have to be addressed.

**Mr. Koch:** We are featuring this one because some people do not like the drapery look of this fence, demonstrated along the top here. Or here, for example, it is a little like a circus tent. Maybe this way, for more money, it can be organized into nice, coherent panels that have more of an enduring look.

**Trustee Armacost:** Is it available in the U.S.?

**Mr. Metzger:** Yes, the U.S. version of the company is based in Chicago. And, in fact, this railing, which is done with the materials in Brooklyn, they have done work all over New York State and all over the world. The name of the company is Décor Fence. The structures that they have created, including zoo enclosures, are extraordinary. We do not have the budget for that, but it is something to think about if we need to do material, say, on the waterfront. This would be a great material to use for decorative fencing.

**Trustee Walker:** It is a beautiful material and much more transparent. I guess it would come in a stainless steel color, aluminum color.

**Mr. Metzger:** It is stainless steel.

**Trustee Walker:** Not painted, in other words; not black or green.

**Mr. Metzger:** You could get it in a color if you want.

**Mr. Koch:** You can get it oxidized, you can get it in different finishes.

**Trustee Walker:** But you think the most transparent look is the stainless steel color?

**Mr. Metzger:** The stainless steel.

**Trustee Walker:** So how do you think that is going to look juxtaposed against the traditional light posts, which are black?

**Mr. Metzger:** Mitch and I discussed this. I am one of those people that likes mixing and matching. I do not have a need for a consistent, everything has to look turn of the century. I believe we could probably come up with an interesting infill between the light posts, where the two of them could talk to each other. I believe we can address that issue in the design.

**Trustee Walker:** I was concerned about the height of the light posts. I know this is a completely different topic. But when you were doing the study, what do you think of the light posts, from the earlier drawing?

**Mr. Metzger:** Theoretically, I believe the light post mounted on the 42-inch parapet will match the height of the other light posts that are mounted on grade.

**Trustee Walker:** It looked like that in these drawings. But I remember in the early drawings they were much taller.

**Mr. Metzger:** They are about 16 to 17 feet off the ground, I believe, the top of the light, which sounds about right.

**Trustee Apel:** So now they are eight feet?

**Mr. Metzger:** No the ones in town now are about 16 feet. These on top of the fence would be at the 16-foot level.

**Mayor Swiderski:** Just to be clear, you have presented a range of options, but this is the preferred material.

**Mr. Metzger:** For me it is. I am assuming it is for Mitch, as well. We have not had a conference where we sat down and said this is what we want you to do. We are presenting this as an option that will satisfy all of the safety requirements and the Village's need to preserve that view as much as possible.

**Trustee Armacost:** What would be the cost the way they are planning to do it as it stands?

**Mr. Metzger:** I have not priced out what chain link fence is.

**Mayor Swiderski:** We do not know, and at least right now we are not going to care, because the budget for the whole bridge is \$9.2 million, so it is very likely that a \$20,000 difference gets lost in the white noise of a \$9.2 million bid. Unless there is a pushback on extracting that material expense, which provokes another conversation, I do not want to let that be the issue that stops us from proposing that.

**Trustee Apel:** So we can tell them the materials we want them to use, but we also are supposed to tell them the design.

**Mayor Swiderski:** That is my question to Mitch. You presented pictures of alternates for the pickets, but you have not presented a view that incorporates this particular material. Is there a diagram that incorporates this material?

**Mr. Koch:** Most of those views could easily be this material as seen from a distance. You cannot tell the difference, because it is a teeny feathered line on the top of a bridge that is very far away. Up close and personal, it is another story. We are still working on that, and wanted to get the discussion started. Information is coming to us. Today we found out about the provenance of the wire mesh. Our hope would be, in the next step, to integrate this into a design. But it is not borne out of the whole cloth. We have to build it up, and that is what we are doing in our spare time.

**Trustee Jennings:** Jim, you mentioned that depending on the orientation of that German material it was impossible to climb. If we did something like that, would it eliminate the need for that arched structure over the top?

**Mr. Metzger:** On the drawings that were submitted by the county they do not show the curve on that on that pipe anywhere. It is strictly a galvanized pole that goes up to eight feet, which makes it 4½ feet above the parapet. The parapet is at 3½ feet and the steel pole is 4½ feet, plus a little for a cowl because you have to have a structural bar across the top. Otherwise, when you tension the fence it will tend to pull the bars in. So there is usually a structural bar across the top. However, when we start looking at the design that structural bar could become these curved pieces that we are talking about. It does not have to look like your typical chain link fence. The top could have a solid, curving piece that is clamped to the verticals to keep them from moving, and then this chain could get stretched inside of that.

**Trustee Jennings:** I understand that. I was thinking that the suicide prevention curving inward gives a tunnel effect to the bridge.

**Mr. Metzger:** The drawings that were submitted by the county do not show a curve, so I do not believe we have to have one.

**Trustee Walker:** So why is this more transparent than chain link?

**Mr. Metzger:** It is a thinner material because it is stainless steel. It tends to disappear visually. Where the pieces come together they are not wrapped around each other so you do not get a doubling of the thickness. They literally just touch, and there is a tiny little copper ring that holds them together, which becomes a decorative element. For more money, you can even get a stainless steel ring, which disappears even more.

**Trustee Walker:** My concern about chaining it vertically would be that it might not be as transparent from that oblique angle because all of a sudden it is closer together.

**Mr. Metzger:** I have a sample on order.

**Jennie Lee:** My background is in landscape architecture and, specifically, zoo exhibit design, which is just like a fence. The issue of chain link is that it is not as strong as these woven stainless steel mesh for the size. And the chain link has that coating on it that almost doubles the diameter. This stainless steel system, you can get it oxidized, which turns it darker. It will sort of gray out a little bit over time, but it starts out very black. There are even ones that can be bronzed or coppered to give certain colors to it. But it is the issue of not having an additional coating for weather protection. You can get it with the clips. You can also get one which is even slightly more invisible, which is woven together. It is a little more costly, though. But those are some options to consider.

**Trustee Armacost:** One other question is the durability. I think Mitch was saying that the other kind of fence needed to be replaced after 10 years.

**Mr. Metzger:** The chain link fence on the bridge in Irvington already has pieces unraveling from it. I had a photograph of it, and I did not bring it because I did not want to start to color the discussion about the durability. But Mitch brought it up, and their bridge is just a few years old and their chain link is already starting to unravel.

**Trustee Armacost:** So what is the durability of this type of product?

**Mr. Metzger:** I think it is 50 years is the warranty.

**Mr. Metzger:** If you have ever seen when people do decks they do those horizontal steel cables. This is that same material, but woven into this type of mesh. The tensile strength is



incredible. We also get the ability, with this material, to specify the size of that diamond. It can be anywhere from a half-inch opening up to a 6-inch opening. So we can spec a larger opening if we are doing it vertically. Obviously, the opening that we spec would have to comply with all the safety requirements.

**Trustee Walker:** Are you getting samples of different sizes?

**Mr. Metzger:** They are probably just going to send me a piece of it, and we will stretch it.

**Trustee Walker:** And the one that is at Brooklyn Bridge Park?

**Mr. Metzger:** I did not get to measure it.

**Mr. Koch:** We met as a group, really, on Saturday morning. So it has taken awhile to get this pulled together.

**Trustee Armacost:** It seems like there are two questions: the product that is used, so the type of fencing, and design. It seems there is consensus around the fact that this product is better, on durability, long-term cost, attractiveness. But I would love to talk about any possibilities vis-à-vis design. If what we end up proposing is incredibly attractive but very expensive what is the quid pro quo there. Are we willing to put an additional cost if we think that that is important and we think it is going to last a few years. Some of those modern designs look really attractive to me.

**Mr. Koch:** We have to find a balance. Remember that the bottom of the bridge has that nice kind of Victorian crisscross trellis structure. When seen from above it is up for grabs, but when you look at it as a composition of a whole you probably want to have one part speaking to the other. One of the things we might consider is we pushed back about the lights, and we might push a little again and come to a light that refers to the lights in the Village, the same height, but perhaps a more modern approach that would work better in conjunction with a material like this.

**Mayor Swiderski:** My concern is the time frame. There is no pushing back and forth. There is *the* push.

**Mr. Metzger:** Even if the lights were painted silver as opposed to black there would be more of a reference to the material we are talking about. One of our members, Nancy DeNatale, is out of town, but she asked if we could throw in something else. The color for the understructure of the bridge is going to match what is there now. It is called sage green. We were wondering if we could suggest to the county that we swap paint colors and do

something a little bit more interesting than t the green. I understand with the county it is a very large force we are trying to push against.

**Mayor Swiderski:** And I am trying to get something done by the 15<sup>th</sup>.

**Trustee Apel:** I hear what you were saying about the material is the one thing we all seem to agree upon. If we want to throw in color and we want to throw in lights, it is all part of negotiation. You put it in, but settle for something else. But I like coming up with a little creativity in terms of the bridge looking a little different because it is a wow factor for people coming into Hastings: look at this, it is different, and it is beautiful. We can always present it as something that is a little more interesting, a little more creative. I foresee in the future, and I know it is going to block views, some artistic metal cutouts put on the bridge every once in awhile as an arts show almost. You could do all sorts of things, especially if you have that mesh. You could attach stuff to it, and you could really make it different.

**Mr. Metzger:** I think it would be a fantastic idea.

**Trustee Walker:** Regarding the lights, they only gave us two choices. One was the light we have in the downtown, and the other was the standard cobra head.

**Mayor Swiderski:** No, it was different.

**Trustee Armacost:** It was very modern.

**Mayor Swiderski:** It was modern, it was like a curve, but it was not the standard cobra.

**Trustee Walker:** But she said it is basically what we have already in the Village. I do not know that it is that different from a cobra head.

**Mayor Swiderski:** Why do you bring it up? Is it something you want to go back to?

**Trustee Walker:** No. I am just pointing out they were going for low-cost options. But I love the idea of doing interesting lighting there.

**Trustee Armacost:** But not just lighting.

**Trustee Walker:** They did not give us very good options. We are going to have to be very careful. I am almost more concerned about how this is detailed in relation to the lighting, in relation to the poles. That is almost more important than the curbing because that is the stuff you see right up close. If it is messily done we will all be disappointed.

**Mr. Metzger:** Mitch did designs in 3-D. Normally, you would be spending nine months trying to get to this point. We know we are under a time crunch. We could only get so far in the conceptual idea that we have come up with. When Mitch showed this double wave, the thought of that with this mesh running through that in that sine wave does not necessarily have to be in a line. It could be three-dimensional, a helix wrapping, with mesh attached to it so the mesh follows that vertically as well as horizontally. There are a lot of options here.

**Mayor Swiderski:** So that we have the proverbial two choices to present to the public the next time around, if we agree on the material, then the next is the form of the fence itself. I think we need to open that up and pick two. If the preference is toward curves, then the two sine wave and combo here would seem to be them, right?

**Trustee Apel:** Yes.

**Trustee Walker:** Yes, I like the sine wave. It looks good, and then if we try the combo which was something a little creative.

**Trustee Armacost:** Is the sine wave something that is in your head, or is there a picture of it somewhere that we can see that is not a drawing, like a photo?

**Mr. Koch:** I do not know. You can see it if you drive in on the FDR Drive past the asphalt plant that is a gym. They have a little rooflet that is a sine wave. It is something that used, it is kind of fun, it is a bit lighthearted. The question is, again, we are always trying to strike a balance between the solidness that you want to see, and the lightheartedness and the artistic license. That is the only place I can recommend you to see that. Then the rest of this, typically we develop with some more drawings and mockups.

**Mr. Metzger:** I will send you the link to the catalogue for this material. It is worth spending the five minutes just to leaf through the catalogue. We are using it the way a kindergarten would, relative to how it is being used throughout the world. I am not saying that is a bad thing. We are using it in its more simplistic form. But if you start to understand what this material can do, you will understand whatever we could possibly think of we can do. But we understand we are under a budget and a time constraint so we are required to deal with something that we could conceptualize and execute fairly easily.

**Trustee Apel:** We may still have time after the bid, with the idea that we want to do something on the top and here are one or two things we want to do. They put it out to bid and then we say we want to do something else, I do not know if it is going to make that much of a difference in terms of money.

**Mayor Swiderski:** As long as the detailing is small, but anything significant they are not going to go for. What we give them in two weeks' time has to be close to what we want.

**Mr. Metzger:** The company makes all of the fittings and fasteners to attach this to whatever you would possibly want to attach it to. So everything is straight out of a catalogue. We are not having anything custom made.

**Mayor Swiderski:** So, again, to bring this to a final conclusion, what we present to the public essentially is the preferred material, and pick it. Might as well see if there is a sentiment one way or another, and these variations in the sine wave and combo.

**Mr. Metzger:** I have an incredible aversion to the picket, and I will tell you why. They did picket fencing, and I have a photograph of it, the aluminum picket, which is a hollow section. It is not that hard to do a wood picket fence. I understand you have to maintain it, but the aluminum picket, which is, I am sure, what the county would go with, is going to dent, it is going to look terrible. It is unbelievably cheap-looking. I have a real aversion to doing something cheap that is going to be here for the next 30 years.

**Trustee Walker:** I was looking at the picket fence around Mount Hope Cemetery, it is made of wrought iron and it is very thin. But that is not what they would use these days. So the section is much fatter when they use aluminum.

**Mr. Metzger:** And the corners are not sharp, the corners are rounded.

**Trustee Walker:** You are right, it does look cheap, unfortunately. Unless they could do something else.

**Mayor Swiderski:** Then we will put up the wire material, and then two of the fencing types, the sine wave and the combo. Is that agreed, Board? Comfortable with that as a proposal?

**John Gonder, 153 James Street:** Stainless steel, I have worked with a lot of it. It is very reflecting, and that bridge is in the sun. Maybe you have to get it oxidized because of the driving. There would be a lot of stainless steel up there reflecting the sun from early morning through the late evening.

**Mr. Metzger:** John, I appreciate what you are saying because I deal with materials as well. This material is not a solid stainless steel wire. It is woven and twisted so you do not get a surface that reflects light the way you are imagining. It does not reflect light any more than the cables on the Throgs Neck Bridge, for example. This is just at a much smaller scale.

**Mayor Swiderski:** All right, so we are in accord on what we are going to ask Mitch to continue to do to completion. Thank you.

**Trustee Apel:** We owe them a great deal of thanks. This is an unbelievable amount of work.

**Trustee Walker:** It is incredible what you have done.

### **PRESENTATION** – Tree Inventory Report

**Village Manager Frobel:** In December, 2012, the Village received a grant from the DEC under the Urban and Community Forestry program to conduct a tree inventory. Through the efforts of volunteers and Brent Schneiderman's team, the report is complete. It is an inventory of all publicly owned trees creating a database so we can develop a long-term strategy as to how we maintain our street trees. A lot of work went into this. A big part of this grant is a match and we will match a lot of the volunteer time that went into it to compile what you are going to see tonight.

**Bret Schneiderman, Hastings Tree Board:** Jennie Lee, Bill Cosby and myself make up the Tree Board. We help the Building Department as they negotiate some of the challenges that come with trees and an urban setting. I am not going to go into the report you received. You can look through it and it will tell you a lot. What I present today walks through the history of this thing, and starts looking into the future. This is what we are looking at over the next 50 to 100 years in the Village. I will walk you through the background, the volunteers, the forestry grants, the GPS tagging, some of the map images. Then we are going to talk about tree biodiversity and planted spaces.

The tree inventory is a dynamic database of publicly-owned street trees within the right of way in the Village of Hastings-on-Hudson. It is a tool for managing street tree maintenance, having a protocol to encourage a healthy and safe urban forest. This report is the combined effort of many residents, with the ambition of making sure Hastings is a great place to live going forward. I do want to stress that the inventory is a dynamic database. This is something you have to keep updating and feeding in to make it work. It is not just a one-off.

The Village Tree Board put out a call on Arbor Day of 2012 to get volunteers to see if we could put an inventory together. An inventory is also a critical step in getting some money from the state to do projects with tree planting or tree maintenance. We put up these posters, we had a lot of help, and had a lot of people show up. We created a system for the volunteers to follow. The right of way is tricky in Hastings. I worked with Mike Gunther

and Fran, and some of it is guesswork. We told the volunteers that if you are on the sidewalk and you can touch the tree we are going to guess that is within the right of way. But that does not work for areas like Mount Hope, where you have these large areas. We tried to correct a lot of that. So we are as close as we could get.

The volunteers went out. No one had to have any experience. All we wanted you to have was initiative, and to bring someone with you to be your partner. The objectives for the volunteers were to get street tree locations, identify the trees, get a diameter around the trunk which you call diameter breast height, to indicate whether the tree was under utility wires or not, and include any general information. Fifty- to sixty percent of the Village was inventoried by the volunteers, which is really great. The volunteers participated in two information training sessions, and then they were off and running. They really got the basics of what to look for in Hastings, what kind of trees, how you would identify the leaves, and then how to make the measurements. Our volunteers did a great job. I am not going to read everyone's name, but it is impressive to look through 60 percent of the Village, as recorded by residents, and how they are making these efforts and putting in notes, putting in notes on notes, trying to get it right, and investing their time. That is why this has been successful.

With this groundswell, we wrote for a New York State grant. It is a Round 11 DEC Urban Forestry grant. The image on the left is the letter saying we received our grant, and the image on the right is the tree inventory report, which was the final product of this grant. One of the key reasons was to get some help to finish this massive project and so we could put a global positioning tag on each planning space and tree. It is a matching grant, for a total of \$10,000. Total expenses to date are about \$3,500. So there is still money left over and there is still more work to do. We can talk about that later, backup the inventory as far as refining it and making corrections. We would like to do open spaces in parks. We have to see whether we can work with Albany to have the funding for that. If you are interested, then I would need some help with that.

The green points are street trees. You might be surprised that some streets appear to have no trees, and that is true. Other streets have a tight right of way or tight corners. Up on Villard hill, there are a lot of spots that do not have trees. But these are about 1,100 points here. This next slide is the planting spaces. Planting spaces are set at roughly every 30 feet, then it is on the inspection of ground conditions. It is looking for a sewer or looking for a fire hydrant or a light pole. Those areas do not count. .

**Trustee Walker:** Can you go back again to see the difference between what the trees are?

**Mr. Schneiderman:** Yes, we are at a 50 percent stocking percentage so we have the capacity to double our street trees.

**Trustee Walker:** And put them on streets where there are none.

**Mr. Schneiderman:** Yes, we have a lot of streets that have no street trees. There are all sorts of conditions. The big take-home to understand is, we have a lot of room to grow and we do have an aging tree community. There are going to be some solutions as to how to look at that coming up in a minute.

**Ms. Lee:** Just to clarify, when you look at this map you may say I live on that street and there is a tree. These are trees that are specifically within the Village right of way, not the trees on somebody's lawn, which we did not inventory.

**Mr. Schneiderman:** I will reiterate. These are publicly owned and managed street trees. Hillside Woods is not included, the tree in your backyard, even in your front yard. It is your property survey that is the legal boundary. Now that we have this document, we could always go out to someone's house and get in touch with them and look at the property line, and then update our inventory to make it more precise.

**Trustee Apel:** So the next one, the planting, there are places for trees for the future.

**Mr. Schneiderman:** Right. These are based on ground observations, about every 30 feet, that have a tree lawn or an area that could be a tree pit. They have to fit qualifications that there is room to put a tree there.

**Trustee Apel:** And not in conflict with another tree that is already on somebody's property.

**Mr. Schneiderman:** Right. In some cases, people have beautiful gardens. On the ground, we would make a call: this person has taken over this space so we did not record a planting space in that area. But next house down, the sidewalk is missing and there is a three foot tree lawn up against the street. That is a perfect spot.

One of the things we already knew and wanted to verify is that our dominant species is that the Norway maple, *Acer platanoides*, makes up most of our maple species for the Village. We have a lot of Bradford pears. That is currently on a do-not-plant list for the Village, not to continue to plant those not only for diversity reasons, but those trees are falling apart. They do not handle the snow load. You try to get more diversity so you can resist catastrophic tree loss. By spreading out and using different kinds of trees you have more resistance. If you have one species, that species can be obliterated by the emerald ash borer or any disease.

Sue Maggiotto has a copy of these three lists I am about to show you. Based on the tree inventory report of what species are represented I went through and looked at what is available on the market in the nursery trade that can be used as the future population to move towards these biodiversity goals. You can work it out into a spread sheet and a formula and do the math but, in general, if you plant anything from these lists you are going to start moving towards those biodiversity goals. Sue was looking at Mount Hope, and I told Sue if you plant two or three of each kind, if you do eight you do two of one kind and three of another, you get some diversity. You will have these street tree lists to work from.

Also, these all reference a manual by the Urban Horticulture Institute, "Site Assessment and Tree Selection for Stress Tolerance." I gave you all those books the last time I was here, and I also have another six copies. This is all based on research that is being done at Cornell and around the country. This first list is small street trees. These are trees you would use in a small setting, like downtown, where you have a small root zone. These trees could be used under wires, and it is a smaller canopy. None of these canopies mature past 30 feet. The next set is for medium street trees, where you have much more space to plant in. No overhead utility wires for these trees. You will see *Acer platanoides* is not on this list. There are no maples on this list, as we try to move forward. Maples are in trouble in New York State, with the insect populations moving in. So we are looking at other alternatives, some great stuff. The final list is your largest trees. These are for open spaces and parks, no utility wires, and you need a nice big space to have safe rooting for future generations. These are the lists that you can really build your urban forest around.

This was the point I made earlier: we have a lot of room for new trees. And as far as thinking about the strategy, how many trees can we plant per year, and when do we want to get started. I also included specifications for tree planting. You can cut and paste these into any job that you contract out. For small street trees with a small caliper, these will work. These are medium-size trees, a little larger caliper. And planting on a slope, because you can plant on a slope as long as it is planted correctly. Again, you can make slight adjustments depending on what the job specifies, but these specifications are very successful.

I also provided some examples of using permeable pavers in different surfaces. Permeability is the big deal. Stormwater management, throughout the country everyone is looking at trying to make our urban streets more permeable. I am going to show you a couple of ways to do that are completely within the Village budget. They are very simple, new technology but basic stuff. Permeable pavers work well. This is the big one I wanted to introduce, which is structural soil. I have a bunch of fliers I will pass out, but it uses a large aggregate and the aggregate is sized to create pores. These small pores is where the roots can grow through and where water can drain. Structural soil was developed so it is load-bearing, so you can use it under your sidewalks. If you combine it with a permeable sidewalk, like a



paver, and then have this material underneath, the water drains fast. It is great for flood control. It has not had any problems in the testing with salt use, and it has been great for preventing sidewalks from heaving. Very successful, they have been testing it for 10 years.

The way this can work is that the Village can get a license to make this. Amerec, you contact them, find out more information. They are over in New City. But you can produce this here. We can get a license, we can make it at the DPW. If we had to contract out you would say "provided by owner," and use this material. This is an example of a tree in a tree lawn, a sidewalk and a front yard. On the right is an image of the sidewalk. If you take out two of those traditional panels, and instead of compounding the earth underneath it you use structural soil, you put the concrete on top and you have now created what we call a "break-out zone." The roots from this tree will move from the tree lawn, through this space, and into the front yard. You are going to healthier roots, you will have stronger, healthier trees. The trees are going to mature better, and you are not going to have the sidewalk heaving issues. I am convinced that this is the solution for a lot of our planting spaces in Hastings.

This is an example of reimagining downtown using poured in place concrete and structural soil underneath so, again, the trees have room to grow. But I would not use poured in place concrete. I would like to introduce the ideas of medium-duty porous concrete and medium-duty porous asphalt. We just put in a porous concrete sidewalk at Cornell. It is visually a little different because it looks like when they take a bunch of stones and pound it in to make a pavement. But it drains fast. And these are all structurally load bearing, they are good for sidewalks, and you can use light-duty trucks on it because it is medium-duty. This is a surface that will drain quickly, and this is stuff that the DPW could adapt to.

I advise everyone to get familiar with the street tree inventory and the spread sheet and talk about how we are going to use this spread sheet and how we are going to update it. There is going to have to be some refining done with the spread sheet, just based on field observations. There are a number of trees that were labeled in the inventory as "consult arborist." It does not necessarily mean there are problems with these trees. It means the individuals that were looking at these trees either thought there could be a concern or it saw a concern. So it is marked "consult arborist," and you would want to revisit all these trees. I think it is 50 of those trees, but it is in the report.

I am a proponent of training, so I would like to encourage providing the Department of Public Works with advanced training and good tools for street pruning, planting in emergency response. They do a fantastic job in all sorts of weather and we have got a great team. You could bring in a professional trained to show those guys some of the improved nuances and finer ways to do this work. It makes for a stronger group down there, it will be safer, and the return on that should be fantastic. Then we want to move forward. We want to

expand this database for important trees in public parks and open spaces. That would be the next step. Whether we can use the grant money we have or not is an issue that we need to talk to Albany about. I have pushed that as far as I can, and what we wrote the grant for is what Albany is going to fund.

As far as community activities, we talked before about an Adopt a Street Tree neighborhood program; having a champion tree database so individuals who have the largest tree of a species on their property you can record it, and we keep that in public record. Emerald ash borer and Asian long-horned beetle, just make sure if anyone sees them in the public to report it. Continue outdoor education efforts. And then involving both the elder and youth generations in Hastings in the trees.

In a nutshell, there are a lot of people to thank. If I left you off the list, I really apologize. I am not going to read everyone's name because that takes a lot of time. So thank you very much.

**Village Manager Frobel:** Very good, thank you. Terrific job. On a personal note, Brett, I want to thank you for all your patience in educating me in this science. I learned so much in conversations with you over the past several months. So a wonderful job you and the team have done. Thank you.

**Trustee Armacost:** You said that you covered 60 percent of the trees. Is that right?

**Mr. Schneiderman:** The volunteers, the initial effort was 60 percent of the total that we had. But when we brought the teams in from Cornell with the grant, because we had to do GPS locations of planting spaces we did the entire Village with the teams; things in the right of way, again, and streets that were managed by the Village. So that is what the street tree inventory is, that 100 percent. I sat through with the volunteer database, and then the inventory database, and cross-referenced a lot of stuff. Some of the volunteers did a great job. They all did a great job. Some of the accuracies were more than others. So there is still stuff to follow up on. It takes a ton of time. There is still to grow on this thing. But yes, 100 percent.

**Trustee Armacost:** And one other question. You said that out of the \$10,000 grant you spent about \$3,500. How long do we have access to the grant? Is it indefinite, or it is a two or a three year grant?

**Mr. Schneiderman:** That is a good question. I could use some help finding the answer for that. I wrote the grant to create a tool kit for the Village. That tool kit included about \$1,600 worth of materials, two GPS pieces or equipment at about \$700 or \$800. And then all the

tools you would need to assess spaces: everything from testing soils for acidity or for compaction, pruning trees, everything that an arborist would use. It is basically an arborist's tool kit. I ended up doing the inventory with borrowed materials except for one GPS unit. The Urban Horticulture Institute at Cornell loaned me a bunch of equipment. We gave the volunteers DBH tapes. My DBH tape, actually at this point I cannot read the numbers between 6 and 10 because they are all worn off because of all the trees we measured. So some of the money that was not spent is this tool kit. Fran and I had a discussion on whether we would move forward with the tool kit because we did not have a plan for where it would go and who would use it.

**Village Manager Frobel:** And the usefulness of it. We do not have the skilled staff to do it. But we could try to amend the grant. In answer to your question the grant continues until complete or until the state says you have had a long enough time and you have not completed it. So we have a little time. Bill and I have talked about going after another grant. Maybe we can piggyback with the remaining money from this one to get another one.

**Trustee Armacost:** You said it is dynamic and needs to be updated on a periodic basis. What would be the cost of updating it, and could this money be, indefinitely into the future, tied to an updating process.

**Mr. Schneiderman:** As far as doing an inventory of open spaces, doing the parks and maybe going into Hillside Woods and looking at key, important trees and putting that into a database, I would love to see the funding from the grant go to that. It would be maybe spring or summer of next year, and go out and get that information and build the database from a street tree inventory to a publicly owned and managed tree inventory. That answers part one of your question. As far as how you update this, it is as simple as the Department of Public Works in the field marking that a tree has been removed or marking that a series of trees have been planted in a location. Then if it is planting trees or removing trees, bring that information, handwritten in the field, to someone in the office who can then add it to the spread sheet. There is no overhead cost for the day-to-day updates.

**Trustee Armacost:** But is that process enshrined in some kind of policy? It is not yet, so we need to say we want that to happen moving forward.

**Village Manager Frobel:** Every year the Village plants a number of trees, and we can begin to add those to our inventory. When Mike takes a tree down or when we have a contractor take a tree down, scratch it off the list. It is a discipline that we have to gear up for.

**Trustee Armacost:** Yes, but I think if we do not do it then it will not be done. And what is the plan regarding "consult the arborist"? Is there an arborist?

**Mr. Schneiderman:** We were going to discuss that. My availability is somewhat limited because I am completing my master's up in Ithaca. I make myself available when I can. But Fran has been great. We have been trying to answer that question, but we have not made that next step.

**Mayor Swiderski:** Can the grant, in part, apply to the professional services of an arborist?

**Mr. Schneiderman:** No, because I did not write for that in the original grant. If you can reread the grant and figure out how to convince Albany, I would encourage you to do it. This was the first grant I have ever written. I crunched a lot of numbers to get it right. So you can give me feedback on how to move it forward. But as far as how you negotiate the state, we would need to have the right people talk to the right people.

**Trustee Apel:** There must be graphic designers on computers who could take your diagram which has all those little circles on it and even put an X on it and the tree is gone, or you put a tree there. You could do it visually besides having a written list. Does that make sense?

**Mr. Schneiderman:** Yes. That diagram is taken from the Excel spread sheet. You can always create those maps with your update. The spread sheet, there is a lot of information in there. I did not show you.

**Trustee Apel:** Is it interactive?

**Mr. Schneiderman:** Oh, yes.

**Trustee Apel:** So you could just cross off the tree.

**Trustee Walker:** Could we not put this into a GIS database?

**Ms. Lee:** It is GIS database.

**Ms. Lee:** We have the GPS coordinates of each tree and that is how you generate the map. So if there is someone in the Village who can interface with the GIS software, then that person could certainly be responsible for continually updating the map.

**Mr. Schneiderman:** Because you have to update the whole spread sheet. That is the most important one of them all. When you take the GPS recording, that date is recorded and who recorded the information is recorded. You can make great maps from all the information. The key is having a structure for recording the information and being diligent about it.

**Trustee Apel:** Do you also need information from homeowners that take down a tree or put up a tree on their property?

**Mr. Schneiderman:** We did a blind eye to private property. We did not go on. If there is a beautiful tree in someone's front lawn that is not really a planting space, they take that tree down, yes, you could say there is a new planting space that was just created.

**Trustee Apel:** But you would not necessarily know. You do not have to get permits to do these things unless you have more than an acre of property.

**Trustee Walker:** But you cannot take them off the public right of way.

**Mr. Schneiderman:** When you have consistent Department of Public Works and consistent arborists as your consultants you have familiarity. So you start to know that something has changed there. As far as approaching planting spaces as we have funding for planting, all the areas that we are going to be planting in we know already. But yes, it is something that will change over time.

**Trustee Walker:** Con Edison seems to be taking out a lot of trees this fall, probably half a dozen on my street just in the last month. This must be true all over the Village. So there may be a big updating. Most of them are trees that obviously are under the wires and in poor condition. A lot of them are Norway maples.

**Mr. Schneiderman:** For the last four years I have reviewed when Con Ed has come through here. I did not review the last set, but I was here doing the inventory in January. The trees were tagged. But I get calls from residents when trees are tagged. The one thing we can do that is independent of Con Ed is to approach the planting spaces available for us in the Village that merit attention and priority, and start looking forward and picking street trees. If we match up the street trees that I have put on these lists, then you are not going to have overhead wire problems and they are not going to have to come in and do the pruning. As far as a pruning protocol and cyclic pruning, for the Village that is a whole other thing to create in how you want to manage your existing trees going forward.

**Trustee Walker:** Another question I have is about the downtown and whether it is diverse enough and whether there are too many Bradford pears. Should we be thinking about a new type of tree in the downtown?

**Mr. Schneiderman:** Yes, the Bradford pears you would not replant. I would not take down a tree that is doing OK. But as far as those planting spaces that becoming open in the Village that you see every day, you have to start looking at the subsurface conditions and saying we

are empowered to do something else here and we do not to dig up another spot and put another tree here, and struggle about whether it will work or not. The mindset should be that we have all this information now. Let us plant it right the first time.

**Trustee Walker:** Would you have a separate planting plan and a street tree selection for the downtown because of the small tree pits?

**Mr. Schneiderman:** Yes, that first page of small tree pits is designed for those tight areas. You look through the photos, find out what you like. Which ones flower early, which ones flower late. And you start mixing and matching. So you have got early fall color, you have got late fall color. You have something that smells good in the spring, and then you have something that is going to be a bright, lush green. They are going to happen at different times. That is the fun part. And however you prioritize what areas we are going to do, we are hoping to write another grant and get more funding and do more tree planting.

**Ms. Lee:** Can I throw out something else about the downtown? The other thing to pay close attention to is Brett's point of the right tree, plant it once. That goes along with creating a proper planting space for that tree. We all know how small and constrained those sidewalks are. So taking advantage of the space underneath the sidewalk area with the structural soils and a porous surface is y the only way to ensure the long-term life of a tree in a downtown situation such as that.

**Trustee Apel:** So we would have to budget ripping up the sidewalks.

**Village Manager Frobel:** No, that is not decided. But there may be some that just do not lend themselves to planting a tree at all and let them cover over the sidewalk. Just too many utilities in there, it does not work. That is the advice we are getting.

**Trustee Apel:** I wonder about potted plants or something if you wanted to.

**Trustee Walker:** The next step is for us to come up with policies based on what they are telling us. If we want to make stuff happen, then we need to create a policy. Maybe it applies to the DPW, also perhaps engaging residents in an adopt a tree program, tree maintenance program that he mentioned. That falls in our court.

**Trustee Armacost:** Yes, ensuring that the database gets kept up is quite important too.

**Trustee Armacost:** It is really such a fantastic job that you have all done, Bill and Jennie and Bruce. Bill and I spent quite a lot of time in that horrible area of Mount Hope that got fixed at the very bottom which, hopefully, is an area where there can be some interesting

plantings. The way you were describing that delicious time when you can think about what you want to have there, and what the colors will look like and the smells, it was making me very excited since it is around the corner from where we are. But really, thanks to all of you. You did such a fantastic job, and to all the volunteers who supported the program.

**Mayor Swiderski:** Agreed.

**Trustee Walker:** Amazing job.

**Mayor Swiderski:** So, Meg, unfortunately they did such a good job that I am not likely to let them off the hook on implementing what we asked to implement. While things fall on our lap, my lap is very skinny these days and it is going to fall right off. So we need to figure out, with your guidance, the explicit next steps. We will support you in any way you need. But you have started driving this train; we are going to leave you with the keys.

**Mr. Schneiderman:** On that disk there is the specifications for structural soils. I encourage you to share this presentation. Get it out, let people talk about it.

**Mayor Swiderski:** We will put it on the Web site. The document you created is compulsive in detail, and the integration of graphs, et cetera, is very nicely done, very professional.

**Mr. Metzger:** I am in awe of the amount of work that was done on this. People in this village tend to say there is a small group of people that do everything. This was an enormous group of people that did an enormous job. It was pretty amazing. I read an article a number of years ago that one of the problems in New York City is the trees that are the hardiest trees, the ones they plant by the sidewalk that can withstand the salt and all of that, are not necessarily native to New York, and they generate the most amount of pollen. One of the reasons for a high incidence of asthma in New York City is because all the trees that were brought in to withstand the rigors of urban life also generate a huge amount of pollen. Was that a consideration in the species of trees you looked at?

**Mr. Schneiderman:** With those lists, all the trees have had a lot of feedback. Several universities look at all these different conditions, from trees that we call dirty trees that drop fruit, or trees that are weak-wooded. Trees that have high pollen content sometimes get eliminated from these lists. We could look at the lists and see if that is a criterion that requires a further consideration. I was not alone in putting these lists together. I had a lot of help from Dr. Nina Bassick at Cornell University. The industry, the tree growers of the United States and abroad, are always trying to find the next solution to the problem. So these trees, you are not just looking at a genus and a species of a tree. You are looking at a genus, a species and a cultivar. They have been spending years trying to find the right tree based on

these problems that have been going on for the last 20, 30 years. So to answer your question, those trees maybe it is close. But we could always look through and quickly identify which trees could be problematic based on criteria. That is a great concern, too.

**David Skolnik, 47 Hillside Avenue:** I also want to say how impressive that presentation was. I just wanted to know how much of this information might be available to me?

**Mayor Swiderski:** It will all be up on the Web site within the day, both the presentation, and we will try to get the PDF up. But certainly the presentation itself, which has everything here. The report is easily posted.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 22-2013-14	\$19,163.54
Multi-Fund No. 23-2013-14	\$16,570.93
Multi-Fund No. 24-2013-14	\$87,083.74

### **PUBLIC COMMENTS**

**Mr. Gonder:** The last meeting, I mentioned about asphalt curbing coming into the Village from the Saw Mill River Parkway onto Farragut Parkway onto Farragut Avenue, where there are islands, and some of the concrete curbing was taken out. I thought our people put in asphalt curbing, which looks terrible. I have to apologize. I found out it was not ours, but the county people. Someone should get after the county.

Mr. Metzger and his associate did a great job. But we are talking about bridges now. James and myself were the only ones publicly that said two years, you are going to kill the Village, especially the commercial district. I saw what happened over in Scarsdale for two years, a little bridge. I do not know if the Board has written the county and tried to improve that two years. I know you need that south lane open for fire department reasons, but two years is unacceptable and we are the only two people that commented about it. I am surprised that we have a legislator, Mary Jane Shimsky, that could do something for us. She lives here, she is a person that can do a lot. That is the important issue on this bridge that needs a lot of consideration. The I-84 bridge slides into a location. They knocked the bridge down and put in another. They were going to do it in 18 hours. It took them 20 hours. This is America. There is ingenuity. We got to do a much better job. So I hope you get after Mary Jane and try to improve that by maybe a year.



Mr. Mayor, I can get nine deer: four fawns, three large does and two bucks. I am sure most of the fawns that are getting quite large are does. If I capture them will you inoculate them?

**Mayor Swiderski:** It is a ay great visual, and I will certainly ask them.

**Mr. Skolnik:** I am not clear where discussion of the Reynolds item would fit in, if this is something that you have the means or the authority to vote on without such discussion. Also I had questions about the emergency generator and prioritization of parks.

**Mayor Swiderski:** In the case of prioritization of Village park improvements, you can hold your comment for that if you would like. On the other two, both the emergency generator and Reynolds Field, we only talked superficially about. I have asked Fran to pull those for the night so we can have further discussion later, so they are not up for discussion tonight.

**Mr. Skolnik:** I had asked a few months ago whether there were any alternative colors for the LEDs that we are gradually putting in. I am hoping that some aspect of that is being looked into. You said you did not have much negative comment. I figure if I make a negative comment every meeting that will add up to something. But I do not like them.

**Village Manager Frobels:** Deven Sharma, our Building Inspector, has headed up that task for me, and I have conveyed to him your dislike of the LED lights. I will get him to give me a report as to why that is the color, the shade, the intensity of light that we recommend for the locations that we have located the lights.

**Mr. Skolnik:** Because aside from the color, they are extraordinarily bright. My experience is that they create some degree of hazard, given the brightness and intensity.

**Village Manager Frobels:** That is not what the experts tell us and that is not what the profession has indicated to us.

**Mr. Skolnik:** I must be wrong.

**Village Manager Frobels:** I can only tell you that I have to rely on the experts in the industry as to the type of wattage and brightness.

**Mr. Skolnik:** Again, I will look into it. Given my other issue about the Saturday drop-off, I would ask if you could come up with some credible means of assessing the process.

**Village Manager Frobels:** We have been and I have been observing it myself on the scene. The reports are that after three weeks of experience it has been moderately received. There

has been some criticism, but nothing to the magnitude that I had envisioned. This Saturday we will be open on Saturday for drop-off. I would say that we are beginning to see it catch on and not seeing the type of criticism that I anticipated. I measure that also not only by the comments at the scene on Saturday, but Monday morning. Mike reports faithfully every Monday morning that the scene is very clean and that we are not having people come back on Sunday or late Saturday dropping off garbage because they were angry we were not open. There will be a report. This is an experiment, we realize that. But in summary, after three weeks it has been moderately received.

**Trustee Armacost:** If people do come and drop off garbage that is finable.

**Village Manager Frobel:** Definitely. But that is one indication that we have reached the point where people are very angry.

### **52:13 NEGATIVE DECLARATION – ADOPTION OF GREEN BUILDING CODE**

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

**WHEREAS,** a Short Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson has been filed with the Board of Trustees in connection with the adoption of the Green Building Code, an Unlisted Action 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 adoption of the Green Building Code will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement (EIS) for the reasons as set forth in the EAF.

#### **ROLL CALL VOTE**

#### **AYE**

#### **NAY**

Trustee Bruce Jennings  
Trustee Marjorie Apel  
Trustee Meg Walker  
Trustee Nicola Armacost  
Mayor Peter Swiderski

X  
X  
X  
X  
X

**53:13 APPROVAL OF LOCAL LAW NO. 6 OF 2013 AMENDING THE VILLAGE CODE TO ADD NEW CHAPTER – GREEN BUILDING CODE**

**Ms. Kivowitz-Siegel:** I chaired the Green Building Code Committee. This was a three-year effort and a lot of people in this village worked really hard. I want to thank publicly the folks that worked on this. I want to start with thanking Mayor Swiderski and Trustee Jennings for pushing this along and planting the seed with the Conservation Commission to get this thing moving. We empanelled a group of experts in the Village, architects, builders, homeowners, interested personnel: Brian Dunleavy, Doug Hertz, Eva Bouhassira, Kathy Sullivan, Mark Vandersande, Michael Lewis, Mike Murphy, Patty Chemka, Trustee Meg Walker, Trustee Bruce Jennings, Mayor Swiderski, architect Doug Alligood, architect Christina Griffin. From the Conservation Commission, Haven Colgate, Kerry-Jane King and Bill Bobenhausen, and Deven Sharma, the head of the Building Department. That larger group was facilitated by Joe Siegel. That group developed the process to create this code and what kind of code was appropriate for our village. From there, we had a technical working group that was chaired by the late Bill Bobenhausen. The amount of work that went in by this technical working group Doug Alligood, Christina Griffin, Kathy Sullivan, Bill Bobenhausen and Deven Sharma, was just exceptional. They were remarkable in their diligence in keeping this thing moving and making sure that it was pushing the envelope, but constantly being aware of what was available and what was reasonable. That group was also assisted by Haven Colgate, Kerry-Jane King, Bruce Jennings, and Marianne Stecich. Lots of people who put this together and wrote the code.

I want to say thank you to all of those people. I also want to say about Bill Bobenhausen, who was instrumental in this and who was, in his time, a leader in the green building movement in this country, we were fortunate to have him here in Hastings. He passed away in the middle of the drafting of the code, and he would have loved to have seen this day. So I just want to say this code should be in memory of Bill.

**Trustee Jennings:** Mr. Mayor, I want to acknowledge what you all know, that Sharon was the leader of this effort. She personally hit more keystrokes than anybody, including Bill, in putting this together, and has the patience, if you pardon the gendered reference, the patience of Job, because she y was dealing with a lot of difficult revisions and complicated matters. She got a lot of help, and sometimes too much help, and it made the job difficult. But she persevered and saw it through, and I want to acknowledge her work and extend the appreciation of the Village. It was countless hours, and thank you very much.

**Mayor Swiderski:** I would like to thank you, Sharon, as well. I know you are uncomfortable when I call this something relatively unprecedented. But I have looked hard for something like this, and it is pretty unique. I do not know if there is anything quite like this, this combination of relative simplicity and elegance, and yet real change. It is something to be proud of. It is something we need to post as a model for others to consider because it tackles this problem in a very clean way. It does not break out of the framework of a building code in a way that would throw any architect, but it does set a new standard. It is a remarkable piece of work, so congratulations. This is a big step. Thank you.

**Trustee Armacost:** Thank you. I echo everything that everyone else has said.

**Mayor Swiderski:** I am going to ask you to make the motion, Bruce, since you grandfathered this, in part.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 6 of 2013 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, to Add a New Chapter – Green Building Code.

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

Section 1: The Code of the Village of Hastings-on-Hudson is hereby amended by adding a new chapter entitled Green Building Code, the text of which is attached.

Section 2: This local law shall take effect immediately.

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

**56:13 BOND RESOLUTION – DUMP TRUCK**

**Village Manager Frobel:** I had prepared this evening a series of resolutions authorizing borrowing. What is before you now is the resolution authorizing the issuance of bond anticipation notes for the purchase of a dump truck. We have talked about our capital investment needs. I have outlined a program of what we accomplished last year, what I would like to see us do this year, and what we are looking at for next year. I also provided you with the financials as to the impact on our operating budget. Tonight there were four resolutions. But as the Mayor indicated, the first two we are not acting on, viewing them perhaps to be premature at this time. But the resolution of the dump truck is the first on the list, followed by the resolution authorizing the issuance of the bonds for the vehicles, three of which you have already authorized purchase, which now we need the authority to pay for when we take delivery.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$86,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the acquisition of a dump truck for use by the Department of Public Works for said Village.

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

**57:13 BOND RESOLUTION – VEHICLES**

**Village Manager Frobel:** This resolution covers the already authorized purchase of the two fire chiefs' command vehicles, the superintendent of Public Works 4-wheel drive vehicle, and a police cruiser.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$165,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the acquisition of passenger vehicles for said Village.

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

### **58:13 APPROVAL OF PURCHASE OF VEHICLES**

**Mayor Swiderski:** This is what you need to buy the things. One issues the money, and this is what you need to buy them.

**Village Manager Frobel:** This resolution authorizes us to move forward on the acquisition of the dump truck. We have talked about it. This is replacement of the 1998 Chevy dump truck, which is a 2-yard. You may have seen it parked, at times, in front of the Community Center. It is in very poor condition. We are convinced it would have difficulty getting through a winter, something which we cannot allow. We are looking to purchase a second one next year. There is no action on that tonight, but looking long-term I talked about wanting to get rid of these small dump trucks. The small dump trucks are very important to us in snow removal operations and salt operations on our narrow streets.

This bid is also a combination. The resolution we talked about in Westchester County. But we have been able to piggyback on Onieda County as a shared bid for some of the equipment: the dump body, the sander and the plow. The police bid is under the New York State cooperative bidding process, in which we are looking to get a 2014 cruiser. This is not going to be the 4-wheel drive that we have bought in the past. This would be a sedan the police department is looking to replace. I also noted during my conversation a few weeks ago that the police department has now secured upwards to \$8,500 in fees r from contractors, typically Con Ed, who require not only a policeman but a car. We are trying to do our part in generating some revenue that will help offset these kinds of capital investments in the future.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the purchase under the Westchester County contract of a 2014 Dump Truck at a cost not to exceed \$86,000 and a 2014 Police Cruiser at a cost not to exceed \$30,000.

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

**Trustee Walker:** I understand why we might be delaying Reynolds Field. But why are we delaying the generator?

**Village Manager Frobel:** We are in the midst of preparing the specifications. Our team had looked at doing all our facilities. Now we are focusing on just one. The \$125,000 is a pretty good budget number. But nothing would be worse, from my perspective, than to ask for too little. If I went through this exercise tonight and asked for \$125,000 and it was \$130,000 when it went out to bid, then it would be awkward. So I would rather wait. Deven is fine-tuning it. He has an electrical engineer s helping him polish the specs. So we should be coming back to you maybe as early as the next meeting for the authority to bid that work. That we are going to have to bid ourselves. It is not on the state or county bid.

## **VILLAGE MANAGER'S REPORT**

### **1. Hastings Flea Market**

**Village Manager Frobel:** I was going to report on our meeting with the promoters of the flea market. But Meg is going to talk about it under downtown business, so why do I not yield my time and I will piggyback on your conversation.

**Trustee Walker:** You can talk about your meeting and I will talk about the merchants' meeting. That is fine.

**Village Manager Frobel:** You want me to talk about it now, you mean? Fine. The Chief and I met with the woman and her fiancé who are the lead promoters of the flea market. As you heard at our last meeting, a very sincere effort to generate some interest in the downtown area in the Village. Everything, as she portrayed to you that evening, I think is very

achievable. She is looking for her first event to be held on Sunday, October 20. They are hoping to have about 25 vendors. As of Friday, they have less than half of that. So they are still working to see if this can be a success. They are located at the Zinsser lot. Not the extreme northern portion, which is all the designated disabled parking, handicapped parking, but a couple of rows in. They will take about 20 spots. They are going to be operational from about 9 in the morning until 3 in the afternoon. They have strict orders not to set up before 7:30 a.m., not a minute before. There are going to be some local vendors besides some out of Village vendors coming into the area. They have no need for electrical power on the site. They will supply us with the evidence of insurance to our specifications. One per month is their plan initially. Hoping to start March-April, depending upon the severity of the winter, to maybe November. In the winter months looking at an indoor location. There will be some music on the site, some entertainment. It will be more folk music, no electric music. There will be some food vendors. It will be already-prepared food. They will not be preparing any food on the site. There may be some tents, and they are very strict in that they will not allow any political tables or vendors to set promote whatever issue they are promoting at that time.

All in all, the Chief and I were very impressed. We are not going to require her to have a crossing guard for traffic. We think it is an unnecessary expense Sunday morning. Let us see how it goes. We are going to watch it carefully, but the Chief and I both were very satisfied and pleased that this should be successful.

**Trustee Walker:** The Downtown Collaborative organized a meeting between the flea market organizers and a group of downtown merchants. We had between 10 and 12 merchants last night. The flea market folks made a presentation and a lot of questions were asked. I will just add a couple of details that we learned from the flea market organizers.

They are going to charge \$60 per table, and we asked if local merchants could get a discount. They said they would definitely consider that if a merchant wanted to have a table. We talked about charging sales tax, and they are going to look into that and maybe require that everybody have an EIN certificate. They are doing a lot of promotion. They are going to be doing posters, fliers, ad in *The Enterprise*, an around in the *Journal News*, church bulletins, a Web site and a Facebook page. They are covering all the bases. They talked to the merchants. They would have a list of local merchants on the Web site. This was an idea of the merchants, maybe take out ads. So beginning to see some synergy there.

Then the merchants had a discussion on their own with the Downtown Collaborative. A group of about 20 merchants sent the Board of Trustees a letter. This summarizes what we discussed in the meeting last night. On the whole it was a very constructive meeting. There was a lot of positive energy. Many of the vendors were quite enthusiastic about the flea



market coming. Those that were not have some concerns because they sell the same products. But they could see that maybe there are some benefits. These are some of the ideas. They wanted to Village to consider relocating the flea market during its experimental stage to the downtown, be it the Chase lot, the post office lot, the Steinschneider lot, or by closing Warburton Avenue to help maximize exposure for our downtown businesses and restaurants, several of which are open on Sunday. This would take the flea market away from the residential areas of Washington, Southside and Maple Avenues. We can see, after the October 20 experiment, how much space it takes up, do people need truck space, is parking going to be an issue and so on. They would like the flea market to require all vendors to have EIN certificates and that these be filed with the Village as their landlord, should they remain on Village property. They want to ask the Village to monitor the types of goods and services offered at the flea market by a specific use clause in their lease with the Village. When we get to the point of perhaps having a memo of understanding, there might be guidelines about what you can and cannot sell. They are concerned about maintaining the quality of the goods, and not letting it deteriorate into junk. They are interested in a good image for Hastings.

They want to make sure the directions to the Flea direct traffic through the downtown instead of on Washington and Maple Avenues. Of course, October 20 is the window painting and Halloween parade. So that may not be the best day to direct the traffic through, but at any rate in the future. They would like to have an information table to distribute information about local stores and restaurants, including maps of the downtown, coupons, et cetera. The organizers said they would be happy to do something like that. They inquired about security and restroom facilities, or the lack thereof, in the current plan. That is something that may be considered at a later date. They want to limit the amount and types of food vendors at the flea, and to have them ask our Hastings eateries before they go outside Hastings. We discussed that maybe the best types of things would be snacks and coffee and pastries, rather than full meals.

They asked that an assessment be done after this experimental stage to see the impact of the flea market on our downtown businesses, not anecdotally but by survey, which we can then assess, discuss and explore. They want a level playing field, where the flea market is held liable and responsible to the same requirements of any other Village merchant or business. "While we understand the Village is allowing some leniency during this experimental market on October 20, we hope that if this develops into a regularly scheduled event that it will be treated in the same way that other commercial, for-profit enterprises are treated by the Village and the county. Thank you for your time and consideration."

**Trustee Armacost:** Very thoughtful. What is interesting, what is telling about it, is that they are seeing this as a way of generating customers and clients beyond the flea market, that

it will benefit the entire downtown. I love the suggestions that encouraged that. I do not know about the relocation, whether that is going to even be possible in terms of parking. But as a consideration after we see what happens on October 20, it is something to consider. Some of those other parking lots are quite small. It may not be possible to do parking as well as have the flea market there. But the considerations seem very sensible.

**Mayor Swiderski:** Thank you. So the experiment moves forward. And we are not nipping it in the bud by excessive cost initially, though we will have to arrive at a reasonable rent.

**Trustee Walker:** I think so, and some kind of memo of understanding so it becomes more formalized. I think we will get there.

## **2. Department of Public Works Merger**

**Mayor Swiderski:** Another Village Manager item which you did not bring, but I do want to have out there. That is the several meetings we have had around the DPW merger project. We have received five bids from consulting companies around the country. The group met, and we have winnowed those bids down to two firms that we have asked in for interviews. What is the date on that?

**Village Manager Frobel:** October 9, I think we are interviewing.

**Mayor Swiderski:** Yes, soon. We will choose the winning vendor.

**Trustee Apel:** Do you want to explain what they are going to do again?

**Mayor Swiderski:** We won a \$50,000 grant out of the state to study various alternatives to consolidation for both Dobbs Ferry and Hastings DPWs. That can be anything from facilities only, to some departments, to full, all-out consolidation. The study looks at the capital and financial issues around that, as well as details around routing. It is quite comprehensive. None of this is unprecedented territory. Both companies have done exactly such assignments in New York State. So we are not trodding anything other than a well-trod road here, and these firms have done things like this before. We also have met with the class of MPA students, master of public administration, at NYU. They pick a project after municipalities present. A group of them will be joining the consulting outfit on this project. Some component of the project will become theirs to work on, whether it is financial models or whatever, overseen by the consulting firm. The students, most of whom are in mid-career, are smart and eager. We presented and won their interest in this project. So it is going to be a nice collaboration.

**Village Manager Frobel:** It will be. It is in the category be careful what you wish for. Taking on these students, on top of the consultants and the tension of the report, will be a challenge. I look forward to the extra resource, but it will be interesting.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Prioritization of Village Park Improvements**

**Mayor Swiderski:** We put this here because of the discussion from last week. We want to queue up the issue for the Parks and Rec Commission and Parks and Rec Department. What triggered this discussion last meeting was the fact that there were a number of capital items in the out-years for the Parks and Rec Department, various projects. There is also the highly likely possibility of \$450,000 from the 9-A project coming our way. That money would come our way at the issuance of the certificate of occupancy. But if that is two years away, we need to start thinking about what sorts of projects that may cover, as well. There are playgrounds that are in desperate need of being renovated. There are tennis courts that are sagging and in sorry shape. And some talk, in the past, of new facilities or facilities under construction being further enhanced, ala the dog park. The thought was we would queue this up for a discussion by Parks and Rec. So I am looking to the Board for input.

**Trustee Armacost:** It is a great idea to do that. I think it is important that a broad range, beyond Parks and Rec people, get a chance to comment. There are obviously people who have a particular set of interests. On Parks and Rec, we have a number of people who care very much about the Uniontown issue because of the link to Little League, which is an important issue. They brought it before us a number of times, and that involves costs. There are other people who care about the open spaces in terms of parks. Then there are people who have little children who care about facilities for the little children. So it is important we make sure the prioritization is done broadly. I do not know quite how broad our Parks and Rec Commission is, but encourage them to make sure there is a diversity of opinion that gets tapped for that prioritization process.

**Trustee Walker:** Is this another opportunity to bring our professor friend from Yale in?

**Mayor Swiderski:** I was just about to say that. He has been pestering me for a fall project. This may be an opportunity to open it to the community, and say all right.

**Trustee Walker:** Do a wonderful survey. That would go a long way toward prioritizing.

**Mayor Swiderski:** It would certainly appeal to me. The last survey yielded a statistically

significant sample, over a 600 input. So it will be more than the 20 usual suspects who show up for a meeting. With all due respect to the 20 usual suspects, they are not the cross-section of the Village. They are a self-selected sample, and a survey of this sort may bring in more.

**Trustee Jennings:** Do we have or did we ever have a strategic plan for parks and recreation in the Village, an objective look to assess the age groups, the demographics, the amount of land we have, and to say we have a nice mix of activities, or we are top-heavy on this and we are underemphasizing that. Have we ever tried to have any kind of professional survey?

**Village Attorney Stecich:** Yes. We had to do a parks and rec study about 10 years ago. It was not really thorough, but it went to that because you needed to do the study in order to justify charging the recreation fees. Angie Witkowski did the study. There were a few conclusions in there about what kinds of parks are needed, or if the Village does not need more open space.

**Trustee Walker:** This was done by an outside professional?

**Village Attorney Stecich:** No, it was done by Angie. I am not saying that is the be all and end all.

**Trustee Walker:** In 1997, in preparation for the Planning Board's Vision Plan, Abba Tor and I chaired a committee made up of a diverse cross-section of the community to look at parks and facilities. We did a thorough report, and things have not changed very much. I know it was a long time ago, but there is some good stuff in there.

**Trustee Armacost:** Could we have both of those? Both of those documents would be quite useful. The prioritization process is a little difficult to do out of the context of any costs. So to the extent that there are costs attached, for example, to renovating the tennis courts or to putting in a parking lot at Uniontown field, I know there has been quite a lot of work done on costing that. That is also important because there may be some smaller projects which do not cost as much money that are lower-hanging fruit. And there are some big ones, where we want to bite it off because we have this potential funding. Maybe the conditionality would be only if we get that money would we move forward with that kind of a project.

**Mayor Swiderski:** Completely agree.

**Trustee Apel:** The Parks and Rec Commission could start by looking at Angie's report in the Vision Plan, and then do costs. They could do an analysis of what was done in the past, and then we could decide if we need further study or other people to join them.

**Village Attorney Stecich:** I do not know about Meg and Abba's report, but Angie's did not

get very specific about what kind of recreation facilities you might need. But it did talk about the types of parks. And remember, its goal was to come up with a realistic, sustainable fee to charge as a rec fee.

**Trustee Apel:** I understand. I am just saying we should start someplace and at least get an idea of what we have.

**Village Attorney Stecich:** No, I agree. That is why I mentioned it. But do not expect that it is going to answer some of the questions that, for instance, Niki raised tonight.

**Trustee Armacost:** Fran has in his capital plan some high-level estimates of costs associated with specific open spaces and parks. Those are a starting point. One thing that would be helpful Fran, from you, is if some of those are less speculative and based on proposals or bids or something that you have received. There is a Uniontown-based study that we have all seen. Maybe, Marge, you were not here. But the rest of us have seen all of that material. I am sure I could pick that up from my past e-mails. But some of the other proposed projects, I have not seen a quote on the tennis courts, for example. So is it a \$200,000 project, is it a \$100,000 project, is it a \$50,000 project? It is quite a different thing. If it is \$200,000 that uses up almost half the proposed money. It would be quite useful to get at least some scale and to understand is it possible to do a renovation which is a good renovation for less than \$200,000 if \$200,000 is the figure so that some other things can be done with that same money. Without that data it is very difficult to do a prioritization.

**Mayor Swiderski:** Agreed. The Reynolds Field playground number has been validated.

**Village Manager Frobel:** It has. And again, to go over how we develop a capital budget, those are working estimates. They are not bids. We do not have the authority to go out and bid anything so I do not have ironclad, down to the \$10 number. They are numbers that are developed by staff, working with contractors, vendors, colleagues. Coming up with a working estimate as to the cost to be for a series of improvements to a certain facility. Reynolds Field is a good example. When I did the capital budget in the summer of 2011-12, we developed just a working estimate for some modifications to Reynolds Field, knowing we had to replace some of the apparatus, it was getting tired, a little out of standard, our insurance company was putting a little pressure to bring those up to a safer standard for play. But now comes along the program for Reynolds Field. So what we have done is, Kendra first contacts a local vendor to give us a working estimate for what can we expect to be able to place in this area. We come up with a rough number. Today, I met with a designer who does playgrounds through the Northeast. In fact, he has done some major facilities for professional football fields. He is of that caliber. We spent a lot of time with him today picking out types of apparatus, getting a sense for the subsurface you have to put in, fine-

tuning that. The bottom line, in answer to your question, is yes, for the square footage that we expect we will have at Reynolds Field, which is pretty large at almost 13,000 square feet and not just for play apparatus but some open space, the superintendent has affirmed that we should expect the same footprint in the new location. We also know, according to the superintendent, we can expect their project would entail rough grading. They would develop the site to our specifications. Basically just a level area is what it will be. But this design contractor we met with believes that \$125,000 will get you pretty much to where I think you want to be. This type of play apparatus is very expensive. You can spend \$65,000 on one piece, and wonder where it went. But we also have to be concerned about the preparation of the site. There are some new standards where there are pads that are put down for the youngster to walk on rather than sand or the wood chips and the things we traditionally use.

So they have come a long way, but we should have enough money to have a fairly nice, improved area. We are going to want to look at some fencing. I do not know if fencing is going to be part of the school project, or ours, so we need to keep that in the back of our minds. So in answer to your question, we developed an estimate and confirmed it today with someone in the profession who believes for \$125,000 you should have something you would be pleased with.

**Mayor Swiderski:** To reassure those parents who are excited about the prospect of working on a committee to discuss the details, you are scoping out a typical playground. The final details lay way ahead of us as a collaborative process with the public.

**Village Manager Frobel:** And we know that. We talked about it during this workshop today. We envision a committee, just as you said. Yes, I have a catalogue of what is out there. That is the beginning point for someone to look. But yes, we fully expect the decision to be made, ultimately, by the Trustees when you affirm the purchase of the material, based on a recommendation from the citizen group. I am pretty far removed as to what is attractive to youngsters.

**Trustee Armacost:** When the Uniontown project was proposed the idea was that the playground would be relocated to the other side. There were some very interesting discussions about using sustainable material and a non-typical design that were more sustainable, and that were substantially cheaper than the kind of typical playground material. I wondered whether you had revisited any of that documentation

**Village Manager Frobel:** I do not remember the level of detail for that. I remember some of the sustainability for the paving of the parking lot, and if there are some materials out there that are better than your typical bituminous asphalt. I know we spent time on that.

**Trustee Armacost:** But also, Meg, I think you actually brought up a set of ideas relating to the actual playground apparatus.

**Trustee Walker:** I am not sure that I brought up anything about the apparatus. I am no expert on playground equipment. I was talking about placement of it and visibility and security and access, and things like that.

**Trustee Armacost:** I will find my documents. In any case, it may not have been you. There was somebody who came and presented to us about not just the permeable paving, but also about the equipment and some options on less expensive, more sustainable apparatus.

**Village Manager Frobel:** Well, all that is the detail. And we know all of it will come later, as you look through the catalogues. There are several examples this gentleman talked about in New York City and some of our neighboring communities that he has been involved in, which you can go and get a sense, a flavor, for what is out there in the industry today. Not committed to him. Obviously, there have been some competitive bids already awarded for the kind of playground apparatus we may look at, but you can decide whether you want to specify to your own needs or whether you want to piggyback on something that has already been awarded to a different governmental entity. I envision the playground as one of the last pieces of going into that. You certainly would not want to place your play apparatus there while they are still doing earthwork or building tennis courts.

We also looked at the feasibility of moving some of the play apparatus from its existing location to a new location. Some of it is not that old. The problem is that when you move that material, which is embedded in concrete and firmly fixed in the ground, it can be damaged. The thought was, maybe we could move it to another location in the community or try to place it on this new footprint if we are not successful in getting all the money we need to make it brand-new. So moving it is a possibility, but not a recommended possibility because of the movement. And you get involved in some insurance questions as to whether or not you have comprised the integrity of the apparatus and lending it to injury.

**Trustee Armacost:** Anyway, it is premature. The bonds have not been passed.

**Mayor Swiderski:** So we have queued up the issue for the Parks and Rec Department and Committee and they can get to work on that. I will reach out to Professor Butler at Yale and to you to coordinate with them.

**Trustee Walker:** You may not have the report that we did so many years ago so I will look for it.

**Village Attorney Stecich:** The other one we have electronically because it was recently circulated to the Planning Board.

**Mr. Skolnik:** I just happen to have these around, purely coincidentally. Marianne, you already have this all memorized.

**Village Attorney Stecich:** This is the thing that came from that study I was talking about.

**Mr. Skolnik:** Yes, it is. The main reason I printed these up is because in the past, when I have tried to read anything to you I lost your attention very quickly. So having this in front of you, and trying to focus in on just the point might help. This is some excerpts from the 2005 document that you were discussing. My purpose in bringing this was to point out something that had never been allowed to rise to consciousness. When the argument came up about the Village and their input, it seemed to focus on the legality of the 1946 document and what it meant. This has nothing to do with legality. This demonstrates clearly that not all that long ago there was a general assumption about the function of Reynolds Field. I went back to the minutes. When this document was submitted the Board accepted it and it became a functioning document.

On the first page, that table calls Reynolds Field a Village of Hastings-on-Hudson Parks and Recreation facility. It lists Reynolds Field as one of those. What it does not include on that table is Burke. So it clearly was making a distinction between what it saw. Again, I have to emphasize this is not legal. I am not trying to make a legal case here because, clearly, it could have been an oversight. On that same row where she describes Reynolds Field under "facilities," I think it is probably a mistake where it says "Village-owned, maintained by school board." From what I have heard, it is the opposite. So mistakes do happen.

On page five, under "neighborhood parks," it says, "Four parks in the Village of Hastings-on-Hudson are considered neighborhood parks. These parks include Reynolds Field, Uniontown, Draper and Zinsser." It also says "Reynolds Field, having playground and picnicking areas." On page six, under battlefield usage, she makes another mistake. Or maybe I am wrong and, in 2005, Zinsser had been configured differently. It says, "There are two parks listed in table two that contain battlefields. These two parks are Reynolds Field and Uniontown." We know that Zinsser has a field now, I do not know if it did then.

My point has been all along that there is an understanding of Reynolds that goes beyond the legalistic in terms of how it serves a dual function, both between the school and the Board, the school and the Village. I am glad I stuck around because I did not expect that much discussion to be focused on the issue of Reynolds. I was going to offer an ironic, or I do not know how to characterize it, based on the conversation I was hearing about all these different



issues, wondering how people would feel if the proposal was to put artificial turf up in Uniontown, because you could probably make a case for being able to maintain it. I was sitting there listening to you and I was continuing to get disturbed. However, it is too late to be dealing with disturbed. But I do feel a lot of the issues you have raised in this are of concern. And they would be a concern and would be wholly relevant to the discussion about Reynolds. People are looking for much more input.

**Mayor Swiderski:** I do not mean to cut you off. We were talking about the playground, and you are ranging far and wide. Could you drag it back to the playground, or wrap up?

**Mr. Skolnik:** Thanks for bringing me back to it. I have to point out that even in your conversation, you have discussed it as if this thing is going to happen. It puts a slant on it that you may not entirely intend, but it comes through nevertheless. A certain set of assumptions.

**Mayor Swiderski:** One way or another what will happen?

**Mr. Skolnik:** That the school bond will pass and this project at Reynolds will continue.

**Trustee Armacost:** I said it is premature to have this discussion because the bond has not been passed. I at least do not feel like we have made that assumption here.

**Mr. Skolnik:** No, you have not made the assumption. But if you take the time to watch the discussion, that comment at the end comes at a cap of the whole conversation. There were certainly many suggestions, if nothing else, at some point dealing with the specifics of moving this field or looking at the costs, if the playground stays exactly where it is. This conversation was injected at the time where there is a high degree of disagreement and high emotion. I am urging you to look carefully at the context in which you talk about this, and understand what inferences can be drawn from it. It was not clear from Fran's comments last meeting the urgency of discussing going to this bond prior to the actual board of ed vote. If it is not essential then it would be better advised to stay away from it so it does not inadvertently seem to color the other issue.

**Mayor Swiderski:** When the discussion came up at the last meeting, Fran was reviewing a range of projects for the next year that we were planning for. Whether we decide this today, next meeting or after October 22, it would occur sometime in the near future if the bond passes. That \$125,000 would be something we would need to raise. When we discussed this at the last meeting it was in the context of capital planning for projects that we are looking out into the future for. We are aware that this bond may pass and, at that point, Fran, in coming up with a capital plan for next year is responsible to be planning for it. There is not

an urgency for us to pass that money right now, which is why, in part, I did not think we had to commit to it today. But it is entirely responsible to include it in a plan overall for next year when we are talking about that because it is, in fact, something we should plan for.

**Trustee Armacost:** An interesting point is being raised about the timing. If it does not get passed, then the renovation of the existing playground fits into the discussion of the renovation of facilities more generally. Potentially, the cost is substantially less because it does not have to be moved, there is no preparation, and, arguably, we do not have to replace all of the equipment. If the project goes ahead it has to be moved. If it does get passed, then one issue, and Fran you alluded to this, is the timing. Maybe it does not need to be in the bond issue for this year for us. Maybe it can be left for another year. The work will not happen, but I do not know. No one has said anything to us about timing.

**Village Manager Frobel:** Do not forget we would never borrow the money until you were ready to award a contract for the work. All we were looking for was the authority.

**Mayor Swiderski:** But speaking of timing, if the field installation were to occur it would occur next summer. It is not a multiyear process. So either we say they can do without a playground for several years until we get around to it, or we decide while they are grading and preparing the surface we do this, as well.

**Trustee Armacost:** But where is the timeline that that will happen next summer? Maybe I was not part of discussions where that happened.

**Mayor Swiderski:** That is what I have heard. They are not looking to be without any field for a length of time. When this type of project happens they come in and do it very quickly. I may be wrong. I just heard it occurs over the three-month period.

**Trustee Armacost:** I think it would be useful to know if the timing is not going to be until 2015 or if the timing is within this fiscal year.

**Mayor Swiderski:** I agree.

**Mr. Skolnik:** I heard you say that if the school bond does not go forward, then the playground itself might languish. That formulation, whether intentional or not, creates a certain incentive for people who have an interest in the playground to move in that direction. I think that is unfair.

**Mayor Swiderski:** The words are out there and it is simple planning. Because of the

position you take on the issue, you may feel that way. But it is irresponsible for us not to think in terms of that plan. We are not acting on that bond, but if the bond passes we have to plan for it if the playground will happen. The fact that it might happen a year earlier than it would otherwise, that is just what it is. That is not a sweetener we are dangling in front of the community and promising them something if it passes. It is reality.

**Trustee Armacost:** I think another way to frame it is that if you look at Fran's capital plan, which he developed three years ago, the idea of renovating that playground was in it. The only thing that has happened is the discussion about that particular playground as opposed to the one at Uniontown, as opposed to the one elsewhere, has been accelerated because of this set of activities which the school is engaged in, which we are not party to. That is part of why we have asked to Parks and Rec Commission to look at all of these different projects together in terms of prioritization. Now a chunk of money may come in that helps to underwrite some of that stuff. So it means that that money will not come out of the tax base, which is great for all the citizens who end up benefiting from it. It becomes a question of people in our community prioritizing which of these activities is the most important to them.

**Mr. Skolnik:** What would make it level is if, whatever the process is, you were to allow for the possibility as a priority that that playground would get done either way.

**Mayor Swiderski:** It will get done either way.

**Mr. Skolnik:** No, I mean within basically the same ...

**Mayor Swiderski:** We cannot say that.

**Trustee Armacost:** Maybe the tennis courts are more important. Maybe the parking lot at Uniontown is more important.

**Mayor Swiderski:** That is a false equivalence forcing us into trying to balance two perspectives. We have beaten this up as far as we are going to go tonight. We are done with this right now. Parks and Rec has its charge, and on we go to the downtown.

## **2. Update on the Downtown**

**Trustee Walker:** We had a really successful Friday Night Live. And we had Rambles that attracted people from all over the county as well as Manhattan and Riverdale. We had 66 people go on the tour of the Aqueduct, and we had 40 people go an architectural tour of the downtown. I want to thank Christina Griffin and Mavis Cain for leading those wonderful tours. They brought a lot of people to the downtown, although I do not think those people

came to shop because the merchants told us that was one of the slowest days they have seen in months. That was surprising. You get all these people walking through the downtown, and yet they do not go into the shops. They probably do eat, though. Every time we do these things we learn something.

Lisa O'Reilly and Kendra Garrison asked me if rather than doing the Friday Night Live in October they could do a haunted house at the pool and turn the pool building into a haunted house. Fran, they probably talked to you about that, and I wondered.

**Village Manager Frobelt:** They have. I think it was an exciting idea.

**Trustee Walker:** I love the idea. But I wanted to throw it out there because we have gotten some letters from neighborhoods.

**Village Manager Frobelt:** Just one. And that homeowner has engaged us in other conversations about pool activities, and parking.

**Trustee Walker:** I wanted to ask about financing it. Do we need to raise money from Friday Night Live to pay for the haunted house? As you know, we are at the end of our finances for the year and are now looking for new sponsors.

**Village Manager Frobelt:** Work with Kendra. She has a line item for community activities.

**Trustee Armacost:** I read the letter that the community member sent. I did understand the point that Friday Night Live was about promoting the downtown. Can this not be called Friday Night Live?

**Trustee Walker:** Right, it could just be something else.

**Trustee Jennings:** Friday Night Dead.

**Trustee Armacost:** That is very clever.

**Trustee Walker:** I think it is a valid point, that rather than doing a Friday Night Live on that night or another Friday night in October that we would put the energy, which is mostly Lisa's energy, into something else. It does not have to be a Friday Night Live, and we do not want to detract from it by doing something downtown. And then the question is who pays for it.

**Mayor Swiderski:** Then it becomes a Parks and Rec event.

**Village Manager Frobel:** We can work out those details.

**Mayor Swiderski:** What is the proposed parking situation?

**Trustee Walker:** They were talking about parking at Hillside School, and then creating a lighted walk to get down. It could be a spooky lighted walk. They were going to take over the parking lot with activities so people would have to park remotely.

**Village Manager Frobel:** I think it would be a lot of fun.

**Trustee Apel:** Could you take the Village van and make it spooky-looking and have the lights on it. You could pick up people and take them to the spooky place.

**Trustee Walker:** That is an idea. But, Niki, you are right. Friday Night Live is supposed to focus on the downtown.

### **3. Update on the Waterfront**

**Village Manager Frobel:** Nothing to report, Mayor. They are making offloading fill with no upsets.

**Mayor Swiderski:** BP has received a copy of the final version of the consent order from the state. We are told it will be published out within a two to three week period. We have heard that before. But here, for the first time, BP has received the document from the state. So we have contacted Riverkeeper. That document is the state laying down explicitly what BP has to do and the success indicators. Assuming that is close to the final product, we need to reconcile it against what BP, Riverkeeper and we agreed to 10 years ago. For example, amount of fill. The consent decree, signed by a judge, is five feet of fill. The state will not mandate that in the order. It is going to mandate less. So the original consent order still stands. I always get them mixed up which is the order and which is the decree. I wish they were not both called "consent." But that has to be reopened and reconciled again. Neither the Village nor Riverkeeper are eager to soften anything in the original agreement. Five feet sounds pretty good to us. However, for example, there is six inches of concrete in there, which may, in fact, given floods that have happened on the site, not be what you would want under dirt. It could result in four feet of material washing out to the river.

So we need to sit down as a threesome and sort out what makes sense, given what has evolved. It is a next step. Meanwhile, you will be seeing activity on the waterfront where BP is sampling now. Offshore, fish and wildlife located offshore, and some soil samples offshore, setting the baseline.

**Trustee Walker:** Oh, that is right. That is the reason they are doing this. They are setting the baseline at this time at that place.

**Mayor Swiderski:** This is the kickoff. Ten years old does not count anymore. This is what we are going to be holding them to. So it is a big moment.

#### **4. Other**

**Trustee Walker:** There is a class on the Planning Board and PRAP that is looking at our waterfront for this semester. It is their studio project. Doug Alligood has been talking to the professors, as have I. I am throwing it out if there is anybody who would like to be on a committee to review the project. We can maybe open it up at the end, when they present, but maybe to do an interim review if there is anybody who would like to be a part of that.

**Mayor Swiderski:** I will do that.

**Trustee Walker:** And Doug is interested. There may be other people on the Infrastructure Committee who are interested.

**Trustee Jennings:** Just one clarification about the process that you just described. It is obviously very necessary, because what the state is now giving BP is not the complete description of what BP has to do.

**Mayor Swiderski:** Right.

**Trustee Jennings:** So we need to revisit what the supplementation is, and there are some things that may be downright contradictory, because there were some things in the consent decree that called for stuff that is no longer going to be done. But then there is the other part about what is still desirable and feasible. Even though it could be done, do we really still want to insist on it. Correct me if I am wrong, but neither Riverkeeper nor us nor BP, the three parties to this, has the final say. The judge does and, of course, what the judge will allow in terms of changing will surely be influenced by the opinion of the three parties, or two of the three parties anyway. And we need to bring in Mark Chertok. He is the attorney. He has got a lot of history. I hope he is still available to come back.

**Mayor Swiderski:** He is, and he has already gotten involved.

**Trustee Jennings:** An historical footnote. The reason we entered into a lawsuit in the first place was not because we were upset with what BP was doing, but because we did not think what the State of New York was going to require was adequate. I am not sure how much the State of New York requires now that they did not require then. But at that time, we were not satisfied with that. We have to look very carefully. I do not think we are going to be satisfied with it now. So these over and above supplemental requirements are very important. As you said, we are not inclined to water it down. But just remember the original reason for this.

**Mayor Swiderski:** It is an extremely good point.

### **ADJOURNMENT**

**Mayor Swiderski:** A motion to adjourn, with the understanding we are heading into advice of counsel.

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:32 p.m.