# VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK BOARD OF TRUSTEES REGULAR MEETING NOVEMBER 19, 2013

A Regular Meeting was held by the Board of Trustees on Tuesday, November 19, 2013 at 7:35 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.

Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan

Maggiotto.

**CITIZENS:** Ten (10).

**PRESENTATION** – 2012-2013 Village Audit

**Justin Wood, CPA, Nugent & Haeussler, PC:** I would like to thank all the employees of the Village: Fran, Raf, Susan, Lori, everybody who was extremely helpful throughout the process. Could not be happier with them.

On pages one and two is our opinion letter. The Village has been given an unqualified opinion, in other words a clean opinion. It is the highest level of assurance that we give as auditors. The Village did what it needed to do to receive that opinion. Page 21 is virtually the fund financial statements, which is each fund listed individually. Generally, statement five is the income statement for each fund. We call it a "statement of revenues, expenditures and changes in fund balance." General fund had a very good year, at a positive \$126,000 increase to increase the total fund balance to \$1.68 million. The pool fund also had a very good year. After receiving deficits in some prior years, the pool fund has definitely improved its operations and is now showing a surplus. The library had a small operating deficit during the year. For the year ended May 31, 2012 there had been a transfer to clear out old deficits in the library fund. But at this point, we are down to a small operating deficit for the year of about \$17,000.

**Trustee Armacost:** Is that a deficit just from this year?

**Mr. Wood:** Just from this year, yes. We started the year with a zero fund balance in the library.

Then the capital projects, and this number may scare you, there is a negative \$3 million in fund balance. But if I could direct you to page 60, this is our detail of the capital projects that are continuing now. We have what the fund balance deficit is as of May 31, 2013. If you follow that column to the bottom, that is our negative \$3 million number. But if you look to the right of that, the BANs outstanding, you will see that every capital project that

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has a deficit balance at the end of the year has a corresponding BAN to go with that negative balance. So the funding has already happened for those projects, and those deficits will go away as those BANs are repaid every year. We have done a good job of keeping on top of any projects that should be closed out. We closed out a lot of them two years ago when we first came, and it is something we are conscious of every time we come.

**Trustee Armacost:** If you compare the \$3,024,000 with the \$3,662,000 million, are we ahead \$600,000? Or is that not the way that you should look at it?

**Mr. Wood:** No, that is not the way you should look at it. When you are doing the capital projects, you should take each one individually. Let us look at our disparities there. It looks like for the street resurfacing we had BANs that we still had not spent the money for yet. So that is big. If you look, we had \$400,000 in BANs outstanding, but the money had not been spent at the end of the year. I think that is going to get cleared up in the '13-'14 year.

**Trustee Armacost:** The only other one is the Washington and Maple Avenue sidewalks.

**Mr. Wood:** Yes, which I believe is still an ongoing project.

**Trustee Armacost:** But we have about \$90,000 there?

**Mr. Wood:** Yes. Because you have also received state and federal aid for that project, and then \$114,000 BAN. So it looks like, as far as the BAN goes, you still have about \$85,000 that you can spend on that.

**Trustee Armacost:** On sidewalks.

**Mr. Wood:** Yes. Then going back to the fund financial statements, in the general fund column on page 19 on statement three, we have different classifications of fund balance. You will see \$130,000 in assigned and \$938,000 in unassigned fund balance. The \$130,000 that is assigned in fund balance is reserved for encumbrances: item that were ordered at the end of the year that have not been received yet, or services that have been ordered at the end of the year that have not yet been received.

Otherwise, again you see the \$3 million in the capital projects, unassigned fund balance, which will slowly go away. The pool is now up to \$75,000 in fund balance, so that is a very positive thing, and that was without any operating transfers from the general fund. So the pool, and how it should be, has been very self-sustaining. Once the fund balance builds in the pool, discussions can begin on repairs or whatever major issues may need to be done with the pool.

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**Trustee Armacost:** On the pool, are you saying that it was \$75,000 this past year, but if we add it to the surplus of previous years it comes to \$390,000?

**Mr. Wood:** No, in the pool there is a small deficit at the beginning of the year. If you look at page 21, in the pool column, you see change in fund balance of \$79,595. There was a still a small deficit last year.

**Trustee Armacost:** So \$3,000.

**Mr. Wood:** Yes, \$3,800 there. So that leaves us with a fund balance of \$75,779.

**Mayor Swiderski:** What is the \$390,000 referred to?

**Mr. Wood:** That is total liabilities and fund balance. If you look at the middle of the page, your liabilities in the pool fund, there is \$770 in accounts payable; the \$200 in unearned revenues, which are fees collected in May for the '13 summer. We will recognize those revenues in the '13-'14 year. Any pool membership fees that are collected in May are recognized in the following year. Your year ends May 31, so everybody who came in during May paid their membership fees for the whole summer in May. We keep that in unearned revenue until the following year, then we recognize the revenue.

**Mayor Swiderski:** So the \$75,000 r reflects the previous year's membership fees.

**Mr. Wood:** Absolutely. So the year ending May 31, 2014 will reflect this past summer's membership fees, whether they were collected prior to June or after June.

Then we go from the fund financial statements and do our GASB adjustments to bring it to the government-wide statements on page 17 and 18; 17 being the government balance sheet, or statement of net position. The difference between the fund financial statements and the government financial statements are, we add on the long-term assets and liabilities for the government-wide. An example of the long-term asset are the capital assets. There is \$22 million in net capital assets of the Village. That includes all machinery, equipment, buildings, infrastructure of the whole village. Offsetting those long-term assets we have long-term liabilities, such as the other post retirement benefits payable, at \$4 million; bonds payable of \$8 million; compensated absences of \$733,000. These are all added to the fund financial statements to get us from our current fund financials to our long-term government-wide financials. A lot of times governments are more concerned with the current fund financials, but it is good information to have, how we stand looking forward.

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So change in net position, the Village's net position went down \$1,174,000. But is primarily due to the increase in other post retirement benefits payable. Also, the capital projects had an effect on that. The capital projects because of more capital outlay than the financing during the year, it went down \$722,000. But that does not reflect the long-term financing that has happened, like I was explaining before. A big amount of the change in that position that you will see on page 18 is due to the loss that is reflected in the capital projects. The way the capital projects work is, when we spend the money on the expense then we recognize that expense right then and there. But then we take out the debt on that expense in the form of a BAN, and we do not recognize that revenue when we take the BAN. We only recognize the BAN payments every year as revenue. So you take out all these BANs, take \$600,000 out in BANs but we paid \$80,000 in, then it is a loss for that year. But going forward it is going to clear itself.

**Trustee Armacost:** Until you pay something off.

**Mr. Wood:** Yes. And once you pay the whole thing out, that deficit goes away. What I am doing is, I do not want you to see this change in that position over a million dollars. That is going to jump off the page. I wanted to give you an explanation.

**Trustee Armacost:** But can you break down for us the amount that is benefits and the amount which is capital projects? Or show us the page?

**Mr. Wood:** I sure can. This one is going to be a little trickier. On page 22 the schedule is a little more involved but I think I will be able to explain it to you. This is our reconcilement of the income statement from the general fund financial statement to the government-wide. This is putting on our revenues and expenses for the change in those assets and liabilities. If you look at the long-term revenue and expense column, and you follow that down to the middle of the page where it says "expenditures," and then the employee benefit line, that \$1.1 million is the increase in your OPEB, other post employment benefits. And that's the majority of the change in that position. Capital-related items, the expenditures portion of that column, is going to be the change in your net assets. The positive numbers represent your depreciation expense and the \$929,362 represents the capital asset acquisitions during the year. So your change in your capital assets went down \$233,376.

**Trustee Armacost:** These numbers do not match each other. You said it was a complicated schedule to look at, but if you look at \$1.15 million compared to \$1.17 million it looks like it is a \$25,000 difference, right?

**Mr. Wood:** Yes, but there is a lot going into that \$25,000.

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**Trustee Armacost:** But are we saying that \$1.5 million is relating to employee benefits?

Mr. Wood: Yes.

**Trustee Armacost:** So the vast majority is employee benefits, and a very tiny portion is capital expenditures.

**Mr. Wood:** Yes, for this year at least.

Mayor Swiderski: How is that computed?

**Mr. Wood:** Employee benefits, we receive a GASB-45 report from an actuary. They give us what our net OPEB obligation is at the end of the year. The report said it was \$4,060,000, and they also said that the increase in the OPEB obligation is \$1,150,000. So that \$1,150,000 represents the increase in that liability. We do some testing on the actuary report, but we are not actuaries so we take the information they give us for what it is, other than we review the information that they receive from you to make sure that they are getting the right information.

There are a couple of other things in the MDNA that I wanted to point out. Page three, under financial highlights, at the end the current fiscal year, unassigned fund balance for the general fund was \$938,585, at 8.25 of the general fund expenditures. Is the Village policy 10 percent that we try to meet?

**Trustee Armacost:** Yes, so we are getting closer.

**Mr. Wood:** Yes. Another positive year like we just had and we are pretty much there.

**Trustee Armacost:** So it went up by \$126,000.

Mr. Wood: Yes, a very good increase. I will show you exactly where that \$26,000 comes. On page 14, in the MDNA, I have a summary schedule of the budget and how you performed in different areas. We had total revenues come in at \$85,000 more than what was budgeted. State and federal aid came in a little more than was budgeted. It was spread out throughout. Departmental income came in \$24,000 more. That is a very good budget number. Then we came in \$50,000 under on the expenditure side, again spread out: \$16,000 less in the employee benefits, \$15,000 less in public safety. It is a good job of controlling spending throughout. And between the revenues higher than budgeted and expenses coming in lower than budgeted, that gives us our surplus at the end of the year.

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We will move on to the management letter, other comments section, number one. During our review of paid bills we found that many purchase orders were filled and approved after the invoice had been received. We recommend that purchase orders be approved prior to the goods and/or services being received. Before this meeting I had a short conversation with Raf and Fran about how this finding is virtually unavoidable in all the audits that we do. I cannot remember many that I have done without this finding. In a perfect world, everything that we need we know that we need well ahead of time and we can fill out a purchase order and wait for those goods or services to be received. But if the boiler goes down today and you need somebody in to fix it today, you do not have the time to do the purchase order. We have had discussions about ways the Village can improve on this, and we are open to any suggestions anybody on the Board may have. But whatever we can do to help avoid it. It is never going to be 100 percent avoidable, but anything that we can do to do that.

In number two we recommend the use of a capital reserve in the general fund to avoid long-term financing for future capital projects. We just got done discussing that we are getting close to the 10 percent. So maybe this is more of an item for next year, when we, hopefully, do realize that 10 percent. Maybe we can say we are coming in over that 10 percent, so do we want to put a little money aside each year for a capital reserve so when a big capital project does come along we do not have to rely on long-term financing for all the expense. It is nice to be able to appropriate some funds that we already have for a capital project.

Number three, during our audit we found that many cash receipts are not being recorded in a timely manner. We recommend that all cash receipts be recorded as the revenue is earned. Changes have already been implemented by Village personnel to facilitate a timely recording of cash receipts. I know last year we lost Ellen McQuaid, and that was a big cog in the bookkeeping. This issue was more in the Rec Department than anywhere else as far as recording the cash receipts. It was just a matter of getting the information up to Village hall to post it. Lori Cerbone, now, having the experience and being able to be caught up on everything and being able to do that, it is something that we are working on. I have met with Raf and members of the Rec Department to brainstorm ideas to make things come up faster.

Number four is also related. During our review of revenues from the Rec Department we found that collections made with credit cards are not being recorded on the books in a timely manner. Same thing. The controls can get a little bit trickier when you are using credit card machines, and you are waiting for the credit card settlement account to capture that information. A lot of times we have to wait for the credit card settlement account to process their end before we can process it on our end. But, again, I have worked with Raf and Bryan at the Rec Department to see how we can record this information more timely, and I think we are making progress absolutely and I do not think it is going to be an issue.

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**Trustee Armacost:** What do you mean by "not timely?" Is it a week or is it a month?

**Mr. Wood:** The state comptroller recommends 72 hours from the time it is received. They want you to do it the next day, but they give you the 72 hours because if you get it on a Friday you can bring it Monday.

**Trustee Armacost:** If we are not doing 72 hours, what are we doing?

**Mr. Wood:** Hard to say exactly, but I know there were times where it was more than 72 hours, where the Rec Department was accumulating some cash and credit card transactions that were not recorded. I am not saying they are not being deposited into the bank on time. It is just that the information was not getting up to Village hall to be recorded onto the accounting system within those 72 hours. We have taken steps to improve that already.

**Trustee Armacost:** What are the steps that you have taken?

**Mr. Wood:** Now Bryan is giving a more detailed schedule on a daily basis instead of weekly; he is now doing a daily receipt schedule where I believe he is listing the revenues the receipts are being posted to and the bank deposit amount. So not only is that going to help with a more daily timely depositing, but it is also going to help when Lori goes to do the reconciliations at the end of the month and she needs to be able to match up the cash receipts that are hitting the bank to the case receipts that are posted on the system. There are some timing issues with the schedules, but we have cleared out all those bugs and now the Rec Department is creating a daily deposit instead of doing it on a weekly basis or whatever the basis might have been, and getting that information up here and onto the system as quickly as possible. I know it is ongoing. We are working on cleaning that up as much as possible.

**Village Clerk Maggiotto:** Not only are we getting the reports but we are getting the cash now. Bryan brings it up on a daily basis. We did work out a system, and it seems to be working great.

**Trustee Armacost:** And on number three, what was the timeliness issue there?

**Mr. Wood:** I can give you a specific example. State aid gets wired in, does not come in in a check. Unless you check the Internet for what payments you have received, then you do not know you have received them until you have gotten your bank statement. So some of the payments they received, Lori was not aware that she had gotten the payment until she has gotten the bank statement at end of the month.

Trustee Armacost: So she does not look online.

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**Mr. Wood:** Yes. But now that has also changed.

**Trustee Armacost:** So now she is looking daily, or how frequently is she looking?

**Deputy Village Treasurer Zaratzian:** We are getting e-mail notifications.

**Trustee Armacost:** So it is daily then.

Mr. Wood: Yes, real-time.

**Trustee Armacost:** So neither of these issues will come up next year then.

**Mr. Wood:** Should not, no.

**Trustee Armacost:** And what about number one, which you say is an issue for every organization pretty much that you audit? Is this going to come up again next year?

**Mr. Wood:** I would love to tell you that it is not going to.

**Trustee Armacost:** What do we do to make sure it does not come up next year?

**Mr. Wood:** We talked about the possibility of using blanket purchase orders or open purchase orders. Say you get a monthly bill from your sanitation. From budgeting, you have a pretty good idea of what you are going to spend on sanitation. Say it is \$100,000 for the year. You set up a blanket purchase order in the beginning of the year for \$100,000, and you knock that down as you make payments. When I make this month's payment I know what my available amount is for next month. So you are going to see the negative coming before it actually happens. I think that will help.

**Village Manager Frobel:** Part of the problem is, the purchase order and the request for payment come almost at the same time. And as Justin mentioned, they are often small items. The large items like heavy equipment, clearly, POs are done months before delivery. The PO is a contract; it is our commitment to honor that invoice when it comes. In our case, it comes almost at the same time.

**Trustee Armacost:** Well, then it is very difficult.

**Mr. Wood:** Yes. It is almost an unreasonable request on our part.

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**Trustee Armacost:** But make it anyway.

**Mr. Wood:** Please feel free to pass along any questions or concerns that you might have. We look forward to working along with the Village in the future. We are happy to be there for them all year round if questions, concerns come up, anything like that.

**Village Manager Frobel:** We do not hesitate to call on you. When we need advice on how to strengthen our systems, we turn to you.

**Mr. Wood:** Absolutely, and I appreciate that. It is better to have the questions during the year than to have them when we come for the audit.

### **APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of October 15, 2013 were approved as presented.

## **APPROVAL OF WARRANTS**

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

Multi-Fund No. 29-2013-14	\$142,041.74
Multi-Fund No. 30-2013-14	\$ 22,661.74
Multi-Fund No. 31-2013-14	\$ 67,368.42
Multi-Fund No. 32-2013-14	\$ 87,362.03
Multi-Fund No. 35-2013-14	\$199,259.44

#### **PUBLIC COMMENTS**

**John Gonder, 153 James Street:** It is a shame that November 5 the meeting was canceled. I heard it was because you could not get a quorum. That is terrible.

I have a bucket list for the Village Board. One of the things was finally taken care of was the rededication of the Lipchitz monument. You finally got a plaque on it. A lot of people did a lot of effort to get this accomplished. The Deputy Village Manager, Susan Maggiotto, did an excellent job. She should get a lot of credit because I know she worked very hard on that.

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There was something interesting in the newspaper November 3. I never heard of Powassan; it can be fatal and it is in the tick virus. I am asking the Village, when they capture some of these deer, maybe they should take a blood sample and find out. Apparently, up in Putnam County it is 3.8 percent of them carry this Powassan virus and it is fatal. The reason I say that, in the last 29 days I saw 76 does, 17 fawns, 15 bucks. That is 108 deer in 29 days in my yard or five yards into Pulvers Woods on the south side of Pulvers Woods. Now, of course, we did not have 108 different deer, but there is at least eight does up there, at least three fawns and four different bucks from eight-pointers to six-pointers to two-pointers and one that has only one horn with two on it. Maybe the Board should look at taking action not only in Hillside and Andrus, but my yard, the Uniontown area, Pulvers Woods.

**Tim Downey, 520 Farragut Parkway:** At last month's meeting I made a suggestion and asked if the Village would comment publicly referencing the idea of a group to assist the Village in guidance and planning and to pull together various groups like the Tree Committee, Conservation Commission, advice or suggestions to the Board on what we can do to put this village in better shape. It does not take much effort to look at the dirty conditions in the Village, the sidewalks, the gutter. I do not see that in any other village like Irvington, Dobbs Ferry, Ardsley.

After I spoke I listened to the Vine Committee do a presentation. I applaud their efforts and energy in the right direction. However, the Board, after it was done, were all full of claps. I stood in the back and shook my head. I said they do not understand how to do this and how to do this well. There is no unified effort with the DPW, with a bigger vision, in how to make this an integrated plan that we address year in, year out. These individuals may get exhausted. We have never thought about using temp labor, perhaps, using the equipment in conjunction with the Village to make it a plan that works. The Vine Committee had done some work on Farragut, and had the Village assist. Two men in the truck and the backhoe scurried down to pick up some vines and litter down along the parkway. The litter is fine. We need to always be picking up litter. But when I look at that kind of equipment and assets, manpower, going after vines I shake my head. They do not understand how this can be done more efficiently. We simply cut the vines, lay them flat down on the ground, let the DOT mowers chop them up in the springtime and that is it. We do not pick up material which we pay to dispose of, which then goes to Yonkers and gets handled again and put into a truck and gets moved again. We could use that manpower, shift it to clean around bus stops on Warren Street or Ravensdale. You cannot see the sidewalk under the vegetation and leaves. There needs to be a group that has experience and expertise to help put a suggestion list and a how-to plan together. At that time, I also offered my assistance to the Village to help in this regard because I do have a degree of expertise in this and I see there is a lot of work that needs to be done.

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One other example would be, in the past we have hired, principally Rosedale, to come into our village and plant trees. I could bring my experience and expertise to show the Village, working with the Village and employees and equipment we have, where we could plant three trees for the cost of paying Rosedale to plant one. I could teach them how to buy wholesale, teach them how to use the equipment in a way they could do it themselves in the summertime with summertime labor or part-time labor. We could get, in my estimation, between two and a half to three trees planted for what we are currently paying for one tree. Seeing all those trees that have been cut down by the tree service, and the Village has done a great deal of hazardous tree removal, we need to start thinking long-term, so that future generations, when they live in the Village, can experience the joy that anyone who drives up to Sleepy Hollow or Tarrytown along Route 9 and see all those beautiful London plane trees over the road. Somebody had the forethought in Irvington along Broadway to plant those beautiful London planetrees. We need to have that same sort of vision so it lives beyond our time to make this village nice for people down the road. But we do not have that in place right now. I would like to know what the Village's thoughts are on that idea of having a master plan or working group to help guide and steer these different groups together so we have one synthesized effort going forward.

**Mayor Swiderski:** I do not have a reaction personally, immediately. I do not know if anyone else does. But it is certainly a good idea.

# 64:13 RECOMMENDATION TO PROHIBIT HYDRAULIC FRACTURE DRILLING FOR NATURAL GAS IN NEW YORK STATE

**Mayor Swiderski:** Would somebody from the Conservation Commission like to speak to this?

**Elisa Zazzera, 111 Pinecrest Parkway:** I do not have anything to say except thank you, excellent reading. And thank you for wanting to send that message.

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

WHEREAS.

natural gas exploration and production companies and mineral rights owners, are interested in developing a potentially significant but finite gas resource located in the Marcellus Shale and Utica Shale geological formations in New York State through the use of horizontal drilling and hydraulic fracturing (or "fracking"), a recovery process that frees natural gas deposits

WHEREAS,

WHEREAS,

WHEREAS.

WHEREAS.

typically using large quantities of water, combined with multiple chemical additives, many of which are known to be toxic; and

WHEREAS, the drinking water supply for Hastings-on-Hudson is provided from the New York City drinking water supply system; and

WHEREAS, the water supplied to New York City and Hastings-on-Hudson originates in the Catskill/Delaware watershed which sits in part atop the Marcellus Shale; and

WHEREAS, legitimate questions have been raised about the effects on human health and the environment of chemicals contained in hydraulic fracturing fluids, and such concerns have been compounded by the lack of transparency regarding the chemical make-up of fracking fluids, many of which are claimed to be proprietary; and

the public has the right to know, through the application of the Emergency Planning and Community Right-to-Know Act and otherwise, the identity of and the risks attendant with the compounds used in fracking fluids and other materials used in the fracking process; and

naturally-occurring radioactive elements and other pollutants embedded in the Marcellus Shale may also be disturbed and released in water used during the hydraulic fracturing process, potentially leading to contamination of underground aquifers and surface waters, particularly if the effluent from the fracking process is not properly managed and treated; and

hydraulic fracturing methods have been exempted from compliance with numerous public health laws which were specifically written to protect natural resources and human well-being, including the Safe Drinking Water Act, Clean Water Act, Clean Air Act, and the Emergency Planning and Community Right-to-Know Act; and

hydraulic fracturing processes can result in the escape of fugitive methane, a greenhouse gas with a potency approximately 23 times greater than carbon dioxide, and if such escape occurs in sufficient quantities, the relative benefit of using natural gas instead of coal as an energy source can be diminished or reversed; and

WHEREAS.

hydraulic fracturing currently requires large volumes of water which can compete with other water needs and for which we do not have in place the costly infrastructure to remediate any resulting contamination; and

WHEREAS.

hydraulic fracturing has been reported to result in contaminated water supplies in other states, including Pennsylvania, Texas, Wyoming, and New Mexico; and

WHEREAS,

if the water supply should be contaminated, taxpayers and ratepayers of the Village of Hastings-on-Hudson could be required to pay increased taxes and/or water rates to help finance the construction and operation of a water treatment plant; and

WHEREAS,

in December 2012, the Westchester County legislature unanimously passed a law banning hydraulic fracturing fluids from being introduced to or in any sewer plants within Westchester, from being sold in the County and from being applied on any roads as an ice and snow melt solution; and

WHEREAS,

the State Environmental Quality Review Act requires the New York State Department of Environmental Conservation ("DEC") to review the methods used while accessing this natural gas that is located deep within the earth; and

WHEREAS,

a moratorium in New York State on hydraulic fracturing has been in place while the DEC considers new regulations for the drilling process;

WHEREAS.

in November 2012, DEC Commissioner Martens asked New York State Department of Health Commissioner Shah to review whether DEC has adequately addressed potential impacts of public health from hydraulic fracturing; now therefore be it

**RESOLVED:** 

that the Board of Trustees of the Village of Hastings-on-Hudson call upon the New York State Legislature, the New York State Departments of Environmental Conservation and Health, and

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> Governor Andrew Cuomo to prohibit hydraulic fracturing drilling for natural gas in New York State; and be it further

#### **RESOLVED**:

that the Village Clerk is hereby authorized and directed to send a certified copy of this resolution to Governor Andrew Cuomo, New York State Capitol Building, Albany, New York, 12224; NY State Senator Andrea Stewart-Cousins; New York State Assembly Member Tom Abinanti; United States Senators Charles Schumer and Kirsten Gillibrand; United States Representatives Nita Lowey and Eliot Engel; Westchester County Executive Rob Astorino; and Westchester County Legislator Mary Jane Shimsky.

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# 65:13 APPROVAL OF LOCAL LAW NO. 7 OF 2013 AMENDING THE ZONING CODE TO MODIFY PARKING REQUIREMENTS FOR MULTIFAMILY RESIDENCE/ COMMERCIAL (MR-C) DISTRICT

**Village Attorney Stecich:** The parking exemption for small uses in the CC district, it made sense to also permit that in the MR-C district. We did it in another section of the code, and this just makes everything consistent.

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

#### **RESOLVED:**

that the Mayor and Board of Trustees hereby adopt Local Law No. 7 of 2013 amending the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York to modify parking requirements for the Multifamily Residence/Commercial (MR-C) District.

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

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Section 1: Subsection B of § 295-24 of the Zoning Code is hereby amended to read as follows (new language in italics; deleted language stricken):

It is the policy of the Village of Hastings-on-Hudson to limit the number of driveways and curb cuts accessing off-street parking areas within the CC and MR-C Districts in order to minimize conflicts between pedestrian and motor vehicle traffic and to provide a more cohesive central business district building environment. In order to effectuate this policy, the following standards apply:

- (1) A change of use or expansion of an existing use within an existing building, structure or portion thereof, occupying 2,500 square feet gross floor area or less located within or proposed to be located in the CC or MR-C District, shall be exempt from providing off-street parking.
- (2) The Planning Board may reduce or waive the requirements for off-street parking and loading set forth in § 295-36 of this chapter where it determines that a change of use or expansion of a use within an existing building, structure or portion thereof, occupying more than 2,500 square feet of gross floor area located within or proposed to be located in the CC or MR-C District, will not generate a significant increase in parking demand.

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

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	X X X X

# 66:13 STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS

**Village Manager Frobel:** Hastings is undergoing a rather thorough examination by the New York State comptroller's office of our participation in the pension plan, both for the

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police and for the municipal employees. These two resolutions are a result of that audit thus far. It is housekeeping and administrative in nature. Hastings had passed resolutions in 1994 which we were led to believe was sufficient to address these concerns. Not so. There have been directives since that time, and we were remiss in not having these resolutions in place.

Essentially what it does is establish a standard workday for our employees. The state needs to know that, by position, these employees are anticipated to work or assigned to work either a seven or an eight hour day. In some cases, on the resolution you will note there are positions that are not filled but we are authorized to fill them. So technically, they need to have on file that if we were to fill that position the anticipation is the employee would work either the seven-or eight hour day.

What will come out of the audit, obviously, we do not know. We are probably halfway through. They are here three or four days a week for the entire day going through all our files, checking all our records, personnel, policies, practices. In my conversation with the auditors as we go through this, I think we will come out of this stronger. They are identifying some deficiencies like these resolutions, things we should have had in place, but also some methodology. We are going to come out with some tips as to how we can do better in our reporting to the state. We are one of the first municipalities to undergo this. It is a new unit that the comptroller's office has established. We are developing a template for them. They will take what they find here and apply it to other communities. It is a learning experience, too, for them. This first resolution you had adopted at the last meeting; as they examined it more closely they have identified there were some other positions that needed to be listed on the resolution. So it is a learning process for them, as well. I know it is for us.

**Mayor Swiderski:** I like it when we are at the leading edge on things like the Green Building Code. Being the guinea pig for a pension audit is less interesting as a pioneer.

**Trustee Armacost:** We had a group of employees in the DPW that were not working eighthour days. They were contractually working shorter number of hours in the day. How does this impact that?

**Village Manager Frobel:** This would indicate an eight-hour workday in anticipation of 40 hours per week.

**Trustee Armacost:** So is it consistent with the contract, or does it override the contract?

**Village Manager Frobel:** I do not think it is inconsistent. What they want to know is that by position that individual is anticipated to work an eight-hour day 40 hours a week. That is what this resolution will reflect: an eight-hour workday. The early release is an internal

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policy that they leave when their workday is complete. I can point out to the auditors to be aware that our contract requires an early release on Thursday and Friday.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the Standard Work

Day and Reporting Resolution for elected and appointed officials

as attached.

AYE	NAY
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X	
X	
X	
X	
	X X X X

### 67:13 STANDARD WORK DAY AND REPORTING FOR EMPLOYEES

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

**RESOLVED:** that the Mayor and Board of Trustees approve the Standard Work

Day and Reporting Resolution for employees as attached.

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

# 68:13 INTERMUNICIPAL AGREEMENT FOR ACCESS TO COUNTY CLERK'S OFFICE RECORDS

**Village Manager Frobel:** A reaffirmation of a relationship we already have with the county. Valuable, certainly we can access the county land records online. Saves time for us, our staff, people who come in to Village hall. Positive for the community.

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

#### **RESOLVED:**

that the Mayor and Board of Trustees authorize the Village Manager to execute the Memorandum of Understanding as attached with Westchester County to obtain remote access to the Westchester County Land and Legal Records Public Viewing System at no cost for a period of one year terminating December 31, 2014, with the County Clerk's option to extend the License for four additional one-year periods on the same terms and conditions.

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	X X X X

# 69:13 SCHEDULE PUBLIC HEARING FOR DISTRIBUTION OF HYDRANT COSTS ACROSS WATER RATE BASE

**Village Manager Frobel:** We are at a good point right now. We are finally beginning to see some of the benefits of your efforts. Over the past several years this board has joined with our neighbors who are customers of United Water to challenge their very aggressive practice of charging what we thought were higher than fair water rate increases. That is not only for the Village, but for our residents. Perhaps we lost that battle, I am not sure. But the rate increases over the past five years have ranged from 4 to almost 9 percent. In fact, we have had two years of 9 percent rate increases for our water. Part of our challenge was to convince United Water to have the fire hydrant rental charge equally disbursed in the rate among all their customers. The Village pays upwards of \$248,000 in fees every year for the hydrant rental. We felt that should be shared by all the rate payers. That includes the non-profits. People that do not pay property taxes do not pay in that hydrant rental.

The Board supported the effort to have legislation introduced to have that modified, to ask the Public Utility Commission to consider this. The governor signed it into law. This is the first step. What is required is a public hearing, after which, if you are so inclined, we will

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write to the Public Service Commission telling them that we support the effort to have the company take the costs of the hydrant rental and factor it into the water rate for all the customers within this jurisdiction. I think it is fair. There will probably be an offset in the levy so that out taxpayers will realize a savings, directly, in their property tax rate even though their water rate cost will go up. We do not know by how much but, certainly, enough to cover the cost of the hydrant. But they will see a break on that line item in our budget. I view this as a positive thing. I think it is a much more equitable approach to providing a necessary fire hydrant rental cost.

**Trustee Armacost:** Do you have a sense of the \$246,000 that we currently pay, if this were to be distributed among all the potential payees, how much that would go down?

**Mayor Swiderski:** What do you mean go down? It goes away now.

**Village Manager Frobel:** Entirely. For us, it will go away. It will go into people that, today, are not paying property tax: the nursing home, schools.

**Trustee Armacost:** But we have to still pay some water fee.

**Village Manager Frobel:** We will pay our domestic use like anyone else.

**Mayor Swiderski:** Niki makes a valid point. Our own water bill will go up some small fraction because we will, now as a water bill receiver, incur it.

**Trustee Armacost:** Exactly. So the \$246,000 will go down, but we still have to pay.

**Mayor Swiderski:** Our fractional percentage as a use.

**Trustee Armacost:** Right. So I am trying to work out is it going to down \$200,000, is it going to go down \$50,000? Do we have a sense?

**Village Manager Frobel:** I do not know. The village managers who were involved in this program have been dialoguing as to how we theorize it will work. We do not know how the utility commission will determine the distribution to be fair to all the rate payers. We know it will be factored into the cost of water, but how it will be factored in we do not know.

**Trustee Armacost:** But there has to be a way to calculate that.

**Mayor Swiderski:** But assuming that there are 3,000 households, roughly, 3,000 buildings and structures. You take this amount and divide it over that, that means each one, roughly,

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will take on an annual burden of 100. I am not suggesting it is going to be even – you will see your bill go up \$50 to \$150, maybe \$500 for more heavy users – but individually, it is not going to be significant. I do not know how heavy a user we are.

Village Manager Frobel: Overall? I do not have those statistics.

**Trustee Jennings:** It seems there are two different issues, and we are talking about one but not both. One issue is who pays for the hydrant rental fees and how that is distributed across all the entities in the Village. But that question would not necessarily affect the amount of revenue that United Water gets from the rental fees, per se.

Then there is the other question, which is what is the appropriate mix between a rental fee and the water rate. The rental fee is a hidden charge for water. If you take the rental fees away or reduce them significantly, then the water rate would go up. But the thing we are talking about tonight is just spreading that rental money differently. Does this also mean that our water rates will go up, as consumers? I do not see why it should. United Water is not getting any less total money because of this change, are they?

**Mayor Swiderski:** No, they will not get less money. They will get less money from us. The rates may not go up, but a new line item will show up on your bill.

**Trustee Jennings:** That is exactly my point Are they also looking at increases of water rates soon?

Village Manager Frobel: Yes.

**Trustee Jennings:** When we vote for this we are not, per se, causing the consumer of Hastings to have to pay more in their water rate. This is just about sharing the rental fees between the residential and the not-for-profit sector. That is what we are voting on tonight. Am I right about that?

**Mayor Swiderski:** Well, Fran, we do not know whether this will be represented as a separate line item on a consumer water bill, that it will be a rental fee that the PSC now requires, or whether we fold it into the water rate. We do not know that.

**Village Manager Frobel:** We do not know that for certain. What we know is based on what I have been told by the manager from New Rochelle, who has taken the lead. New Rochelle had a legal staff that has been involved with this. It is their understanding that it will be folded into the water rate cost.

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**Trustee Armacost:** If consumers are not paying for this through their taxes, the taxes go down \$240,000, which is about two percent. We are seeing it show up, then, in individual consumers' bills. So it is going down in that place, but it is showing up somewhere else. And it is being spread to a new set of payers who are not paying at all. It would be nice to know at the end of the day, how this ends up affecting people. What we are doing is we are voting, in effect, for a two percent decrease in taxes. This is not exactly what we are doing, but there is a way one can look at this and we forget that when it comes to tax season. For example, we increase taxes by two percent, but we have actually increased four percent. We need to remember this.

**Village Manager Frobel:** You are not going to be able to forget it. Because as I mentioned in my comments, in the law there is a line that says the tax levy will be adjusted accordingly. I am not sure how the formula is going to be worked out, but when we get our numbers from the state comptroller's as to how much we may increase the tax levy, this will be an element in that calculation.

**Trustee Armacost:** So it will, in effect, be that we cannot raise taxes at all, because there is a cap of two percent and this is more than two percent.

**Mayor Swiderski:** No. The new base will be our current tax base. Let us say it is \$13 million, minus \$220,000. So the new base is that lower amount, and we can have a 1.6 percent increase on that new base. But compared to year-to-year you are right.

**Trustee Armacost:** I do not have a problem with that. I just want us to be very clear on what we are talking about, and not have a totally different conversation in April.

**Trustee Jennings:** But now I am gathering another interesting twist. The water rate that property tax paying and not-for-profit entities pay will go up. The property tax paying people will have a little offset. But the not-for-profit community is not going to get an offset. They are simply going to take the hit. Is that correct?

**Trustee Armacost:** Yes, the argument being that they have been free-riders. Everyone has subsidized those entities up until this point. You can buy into that or not buy into that, but that is the argument that is being made.

**Trustee Apel:** This infrastructure is for the fire hydrants. We should push that it is not hidden in the rate increases for the consumer. I think it should be a separate line item. They should be entitled to know, because when they ask for more money because they want to raise their rates the fire hydrants are there and it is an item which has been there. They should not be getting increases because they have a fire hydrant, unless they are deciding to

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replace the fire hydrants. The consumer needs to know that that is an item versus the amount of water being used. I think that is unfair. The homeowner is going to get a bill. They want to know how much money they are spending in water, and then how much they are contributing towards the fire hydrant, which is going all over the community. I strongly feel that whoever this person you said on the other part of the county that is doing this goes off with instruction that we want a separate line item.

**Village Manager Frobel:** Your rate is a factor of many things. It is all the pipes, the water purification plant. I suspect in the scheme of their investment a hydrant is not much. If that were the case then they would break out cost of pipes, cost of delivery, cost of filtration.

**Trustee Apel:** That is fine. Then let the hydrants not be a big cost, and the consumer knows that they are going to spend \$10 a year for the fire hydrant and they are going to spend their \$140 a year on their water bill. They need to know because it makes the water company accountable. And when they come to the public and say we want to raise our rates, they can use all sorts of reasons but you do not know where it is coming from. Why should they get the upper hand and be able to slide it through to the public and get an increase, and they do not have to justify it.

**Trustee Armacost:** You are making a transparency argument, which I think is valid. None of us can understand why this is so high. It does not make sense in terms of the service that is associated with it. To Marge's point, maybe by making it transparent one can also make the case that perhaps this is an inflated cost.

**Village Manager Frobel:** We have suspected that. That is another reason why we have relied on specialized legal counsel throughout this process. That is why we joined as a group. The gentleman has done a wonderful job. I will point this out to them, that we believe it should be highlighted as the reason your bill is up \$10 a quarter or whatever is due to the fire hydrant rental fee.

**Trustee Apel:** If they told me that every year they replaced a fire hydrant and they fixed all the pipes I would understand. But sending some guy to stick that paper thing around that we have checked the thing, and then say that costs a lot of money.

**Village Manager Frobel:** It is \$1,100 a year.

**Trustee Walker:** Well, they painted them.

**Trustee Apel:** How about I will paint the one across the street from me. I will be very happy to pay for that. It does not cost me \$1,100. They inflate the costs.

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**Trustee Walker:** Does the Public Service Commission have any control over how this is broken down in the bills, or is that up to the water company?

Village Manager Frobel: I am not sure. I do not know what level of detail they can dictate.

**Trustee Armacost:** But that is exciting. From that limited perspective, there is a \$240,000 savings.

**Trustee Walker:** It is good news.

**Mayor Swiderski:** In fairness to the community as a whole, it is exciting for us personally but it is just moving it around pockets and being more equitable about the sharing of it, which is the argument to be made here.

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

### **RESOLVED:**

that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Dec. 3, 2013 at 7:30 PM relative to legislation petitioning the State Public Service Commission to distribute the costs of public safety infrastructure costs across the water base in the Village of Hastings-on-Hudson.

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### VILLAGE MANAGER'S REPORT

**Village Manager Frobel:** The Warburton Bridge project. Bids were open for that work last week. The county is very pleased. I spoke with the consulting engineer. They received eight bid. They have attracted a number of quality bidders for the project. Staff is reviewing those bids now. They will need to make a recommendation to a committee at the Westchester County government level to make the award. I think they have upwards to 120 days to review the bids to determine their recommendation. There is going to be a project.

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The consulting engineer is convinced there it will come in under their anticipated costs. Our fence was in those specifications. At this point, it is his guess that they would probably start to mobilize in February-March, so it has been delayed a couple of months, and then begin work in earnest late winter-early spring.

**Trustee Walker:** The county's engineers accepted our requests for the change in the fence material?

Village Manager Frobel: Yes.

**Trustee Walker:** Do you know what was finally specified for the light fixtures?

**Village Manager Frobel:** No.

**Mayor Swiderski:** It was the cobra head-like original fixture, which we overrode. I do not believe we went for flagpoles because there were enough of those, or whatever you wanted to call those interim poles. There are enough of the light fixtures on both sides of the road that it would seem to have been busy. It is the wavy top, the cobra head-like fixture, and the fence material.

**Trustee Walker:** So it goes back to the original plan with those cobra head fixtures.

**Village Manager Frobel:** The more modern style, stainless.

**Trustee Walker:** I think it the more modern style. But it was something like seven lights total. One of my concerns because I was thinking about this when I walk across the bridge frequently. It has no light fixtures on it now. I was just imagining seven light fixtures. I was beginning to realize this is going to be a really bright bridge. I think it might be over-lit. But so be it. It is only, 300 feet, not even.

**Trustee Apel:** Are those the tall poles, the ones that were lifted up on top of something and then were enormous? That was that original design.

**Trustee Walker:** No, they are lifted up. But these are a highway design as opposed to a pedestrian-scale design. They are designed to light the entire roadway so they are pretty high. And the fact that there is going to be seven of them, where there are none now, is going to be really a big change.

**Ms. Zazzera:** Originally were there not two on that road? My concern is how much more is it going to cost us to light that if there are seven of them. Bright skies: Granted they might

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have the modern design where it only shows down. But seven seems a lot when there used to be one. I do not mean to kvetch or whine, but I am with you, Meg. And what is the cost to us on that? Seven lights is a lot of money.

**Trustee Walker:** Seven lights is a lot of light, and is it really necessary. You could probably get away with two on each side and it would be sufficient. Anyway, that is a question to consider. It will be way brighter than anything in the downtown.

**Village Manager Frobel:** Susan, could you call Suzette Lopane tomorrow? Find out how many were in the final specs.

**David Skolnik, 47 Hillside Avenue:** Do still have the opportunity to play around with this particular feature? It is not set in stone? The fixture sounds like it is.

Mayor Swiderski: I do not know.

**Mr. Skolnik:** That being the case, as you know I have some issues with the lighting in general. Apart from the fixture, I would ask you again about the coloration. I do not know if we as a village or as a county are absolutely committed to that particular color temperature of lighting, but I would almost beg you to consider something that is not as operating room white and blue as that. If you can find out what the options are that would be good.

**Trustee Walker:** That may be something we want to look into, especially if we have so many of them.

#### **BOARD DISCUSSION AND COMMENTS**

# 1. IMA for Infrastructure Grant from Westchester County for Affordable Housing Development at 184 Farragut Avenue

Sue Smith, Affordable Housing Committee: This is in conjunction with the affordable house that is proposed on Farragut Avenue right after the Burke Estate at 184 Farragut, a single-family house with an accessory apartment. Because it is downhill from Berkeley Place, which is the end of Burnside Drive, there has been for some time a serious runoff situation that comes from uphill because there is no drainage on Berkeley Place. No storm sewers there so it comes down on private property. In trying to deal with that, when we are proposing another house, the engineer suggested a collection place behind the house, making an underground connection to the street, which would take some of that runoff from uphill. The DPW head, Mr. Gunther, suggested an underground drain from the property, down Farragut to the low spot opposite Merrill where the water collects now. If there was a way to

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put some of the water underground that would alleviate the problem down opposite Merrill. The county is willing to fund that as part of that project, but they would like the Village to enter into an agreement with them to take care of the administration of it. The engineering can be paid for and the work paid for, but there would be some staff work of oversight as well as issuing the bid, although the bid would be prepared by the engineers. We would have to undertake that at the expense of our staff time. I do not think it is one of those things that is going to happen on our own. It is a condition that is in other places in the community, and it is an expense which we would not enter into. But this is an opportunity to try to do something to help a situation that has been insolvable in the past.

**Trustee Walker:** Is the water coming from Berkeley Street, or is it coming from the private properties?

**Ms. Smith:** Some of it seems to be coming from the Burke Estate, which opens onto that. There is a little hill. Some of it coming down Burnside and going on Berkeley. Some of it is from the properties on Berkeley that are not draining on their own.

**Trustee Walker:** Is there some way we can do some green infrastructure or drywells so that water is retained on-site, just like we are supposed to do now with any improvements?

**Ms. Smith:** Up on Berkeley?

**Trustee Walker:** Yes, or on the Burke Estate or on Berkeley or on the private properties. Why do we have to take care of it all once it reaches the bottom of the hill? Is there not a way to deal with it on those properties proper?

**Ms. Smith:** There are a few individual private homeowners involved there. But in terms of the Village, I do not think Mike Gunther thought it was a feasible thing for the Village to do it in the street, which is the only Village-owned piece up there.

**Trustee Walker:** There is no way to do it in terms of a swale or something else.

**Ms. Smith:** It is just the street. There is no extra land up there that is Village.

**Trustee Walker:** There is no extra right of way in which you could do anything.

**Ms. Smith:** I do not think so. Very minimal.

**Trustee Walker:** This is one of those things we need to consider more and more all around the Village is ways we can keep the water in place as opposed to letting it all run off.

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**Trustee Armacost:** A number of people have homes in places where the water collects that have perennial flooding problems. Will this solution solve the problem? Or are we building an affordable housing home where the basement is going to flood every time there is a bad storm. I know the team will do a great job and that the county cares very much about making sure this is done in an appropriate way. But many homes were built in Hastings in places which flood every time there is a bad storm. We certainly should not be building a home where lower income people are dealing with that problem because they are even less in a position to deal with pumps to pump out their basements than people who are wealthier. Meg's point is important. Irrespective of whether we find another way to funnel the water into a use on the Burke Estate we have to make sure that this solution is one that properly evacuates that water because it is an unfair situation for people to have to deal with.

**Ms. Smith:** I agree. And the Planning Board certainty considered this when they were looking at the plan. This was an important ingredient.

**Mayor Swiderski:** Which is a reason for the work.

Ms. Smith: Right, and this evolution of it in the course of discussion.

**Trustee Jennings:** Is the county willing to entertain various engineering options that might be more different from simply piping water down into the municipal system? Maybe it is not too far along that the topography and the other kinds of options for water retention could still be considered?

**Ms. Smith:** I think they are willing to do the drain that is on the property, the collection basin and what is coming down. But I do not think they are going to move up onto Berkeley to do something. That is probably unrealistic. If we think we should do that it would be our responsibility. But part of it is on a county road. That is part of the incentive for them.

**Trustee Jennings:** So there are no options on the property itself, on the lot you are looking at.? There is only one way to do it if you just limit yourself to that locale.

**Ms. Smith:** We have to deal with the water that the house and the paving generate. There is a retention system under the parking area for that purpose, for what is off the house and what we have changed about the property. We are reducing some of the runoff from the property that was coming down in the course of that. We have improved the whole situation somewhat, not eliminated it certainly. But other than the collection basin behind the house, as well as the retention basin toward the street, I am not sure there is any place to do more.

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**Village Attorney Stecich:** Sue, you made the point. But just to clarify, because I wanted to make this point earlier, the affordable house has nothing to do with this drainage. It is keeping all of the water on-site plus some. This is solving a drainage problem beyond. The house has nothing to do with it.

**Ms. Smith:** Except to Niki's point, we do not want the house to suffer from the runoff.

**Trustee Armacost:** I think those people build houses where they do not think there is a drainage problem, and then suddenly they end up having their basements flood every single time there is a storm.

**Village Attorney Stecich:** But there was a lot of engineering on this.

**Ms. Smith:** Yes, and we accepted the fact that there is water there.

**Village Attorney Stecich:** You also had their own engineer and their own architect on the project. So this was pretty heavily stacked compared to a lot of properties.

**Ms. Smith:** Right. And the county being able to do a drain underground also improves the street condition.

**Trustee Armacost:** If we pass this resolution and it gets built and then there is a flood, what is our liability at that point?

**Ms. Smith:** I do not think the Village has any liability at that point.

**Trustee Armacost:** So who does the homeowner have recourse to?

**Village Attorney Stecich:** If the work was done negligently. You have to assume the work is done properly. Then there is no liability.

**Trustee Armacost:** Not negligently, but maybe not with enough foresight. Shall we put it that way?

**Village Attorney Stecich:** No, there is no liability.

**Ms. Smith:** I think every house that gets built in Hastings has got issues. Maybe not every house, but it is a problem with a community that is on hills like this.

**Trustee Armacost:** But where does the homeowner have recourse at that point?

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**Ms. Smith:** Like any other homeowner: Let the buyer beware. We try to do our best.

**Village Manager Frobel:** This whole action was to address it. He either puts in a sump pump, if he needed one, or strengthens the one he has, or the French drain around the home. There are inherent problems in that neighborhood, though, because there may be springs in that area, there is the rock in back. Mike, for many years, has talked about it continually spilling out onto Farragut and freezing up. It goes almost down to Merrill in front of Marie Oelkers' house. There is a recurring problem there. The thought is this would help that, would capture that water.

**Ms. Smith:** In a heavy, heavy storm it is not going to be the whole answer.

**Trustee Walker:** It makes sense because a lot of that water is not just coming from there. It could be springs, it could be the rock outcropping. And no property owner above is going to be able to take care of that because it is originating on that slope. And, Niki, Sue's committee is taking every precaution possible to keep the water from coming into that basement; probably to a much greater degree than almost any contractor who built any of the houses in Hastings. I think you are doing the best you can in the way it has been engineered.

**Mayor Swiderski:** But more importantly, it is also addressing a problem in the neighborhood.

**Trustee Armacost:** Everyone has goodwill, and you are doing something out of goodwill, but at the end of the day you create a problem where people have soggy basements.

**Trustee Walker:** But they have hired an engineer, they are looking at ways of retaining the water before it gets to the basement and other places with drywells. They are taking every precaution, much more than your house or my house.

**Village Manager Frobel:** The home does not have a basement, does it?

**Ms. Smith:** No, but part of it is into the hill so there will be some places that are underground at the back of the house at the uphill part of the house. There are people in Hastings who have little trenches leading the water around their basements and out the driveway or something like that. We have a lot of accommodations. And there are neighbors there that have a serious problem that will benefit, I think, by the proposal.

**Trustee Walker:** It sounds like it would help. I think, all in all, it is the right thing to do. I am just pointing out that in the future we need to look at it in a holistic way.

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**Ms. Smith:** Yes, that is a very good point.

**Mayor Swiderski:** What is the next step?

**Ms. Smith:** At this point it would be a sense of the Board. I would hope that Village Manager Frobel could write a letter to the county to indicate that a resolution would follow.

**Village Manager Frobel:** We had a resolution prepared for tonight, but you thought take it off for discussion. So at the next meeting there will be action for you there.

**Ms. Smith:** Because the thought was you would want to have a chance to discuss it and not have that in front of you instantly.

### 2. Complete Streets Policy

**Mayor Swiderski:** I want to understand the context of this along with the county policy that has been passed, who covers what and how this fits into the greater whole. I am sure you are going to do that, but I have been looking forward to this presentation in understanding that.

Andrew Ratzkin, Conservation Commission: Complete Streets does is a planning tool. It is not any substantive requirement to do any particular thing, but it is designed to provide a process, when the Village is undertaking a capital improvement or major maintenance project on a roadway or a bridge or something of that nature, that you would consider opportunities to improve pedestrian access, transit interface, bicycle. This has a sustainability aspect also, relating to the prior discussion about including permeable substances where possible.

The Westchester Complete Streets law that just passed would apply to county roads and county projects, and the Village resolution and policy would apply to Village streets. We have invited Nadine Lemmon from the Tri-State Transportation Campaign, who is the point person for Tri-State before numerous municipalities and has explained Complete Streets policies where it has been enacted before. I would like to defer to her and have her give you a full presentation. She had a PowerPoint prepared for today, but we do not have the projector so we will circulate that by e-mail.

Nadine Lemmon, Tri-State Transportation Campaign: We are a policy and advocacy organization working in New York, New Jersey and Connecticut. We worked closely with AARP in 2011 to get the state-wide Complete Streets law passed. That law governs roads and projects that are receiving state and federal funding. You probably do not have a lot of projects here in town that you have received federal grants for on your roads. The county

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policy deals with the county roads, and the local policy could deal with all the other things that are going on in your local roads.

Complete Streets means that when you redesign your roads you try to consider all users of those roads, not just the cars, but perhaps the pedestrians, the children, the bicyclists. All of us, to some degree, are pedestrians at one point. We get out of our car, we walk to the store, get milk. You have to make sure it is safe for that person to get across the street. One of the reasons the AARP is very interested in Complete Streets is because they want their members to be able to age in place. They want them to feel safe going across the road, and older pedestrians are much more likely to be hit and killed on our roads. Unfortunately, New York State has the highest fatality rate in the nation for pedestrians and bicyclists: 27 percent of the people dying on our roads are pedestrians and bicyclists; in this area, Westchester, Long Island, or what is called the NYMTC area, 50 percent. So this is why we are interested in this subject. There are simple, easy changes you can make to your roads that can make it safer. As simple as brighter crosswalk paint. If it is really bright paint the car knows where the pedestrian is going to be, the pedestrian knows where they are supposed to cross, and everyone shares the road.

Other changes, especially for elder pedestrians. If you have a wide road, and there is a countdown clock that really helps so they have enough time to get across the road, you lengthen the timing on those countdown clocks. If it is a rural type of road, just having the shoulder not all broken up, fixing up that shoulder can make it safer either for a bike or a pedestrian. The question I get a lot is cost. Is this going to cost me an arm and a leg? This is about looking at your roads differently, it is about approaching them differently. What we are asking with the Complete Streets policy is for towns, DPWs, local environmental conservation committees to look at the roads and see if there are small ways we can improve them. This is not about putting a sidewalk on every road in your town. No one could afford that, nor would you want it because it is not appropriate. Each road has its different changes. That is why I do not like the words Complete Streets because everyone thinks it means OK, there has got to be a place for the bus, there has got to be a place for the bike.

**Mayor Swiderski:** How is this different from good planning?

**Ms. Lemmon:** That is a great question. It is different from the way we have planned our roads over the last 50 years. Engineers have been looking at level of service for cars, to make sure that a car can get through the road at a certain pace in a certain time. We do not have a term called level of service for pedestrians. A lot of what you want on a complete street is slower traffic, so it can be as simple as narrowing your roads. A pedestrian that is hit at 30 miles per hour has about a 70 percent chance of living. A pedestrian hit at 40 miles per hour has about a 20 percent chance of living. So slowing down traffic is key.

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Liability is one concern that has come up. I think you gave the answer. If you are methodical, if you think it through, if you document your decisions you are not liable. We have a memo to that effect that can help. Again, this policy is not about you must put this here. It is about please consider, please start thinking about different ways of designing your roads; nothing is mandatory.

Did you get a chance to review the resolution or the policy? Andrew wrote it, with the committee, and I thought it was tremendous. We have been reviewing policies across the state. There have been about 50 municipalities and local groups that have passed policies; from little tiny towns in the Adirondacks to Buffalo, New York and Albany, which have passed city ordinances. Here in Westchester, you have got the county law, you also have Dobbs Ferry, Lewisboro, Rye, White Plains; quite a number of towns, and they are increasing. I took a look at your map today. We created a map of the various places where pedestrians been hit, and there have been about seven hit here in Hastings-on-Hudson over the last four years. There are cities that have higher numbers but, still, that is significant. I can provide you a copy of that map so you can look at those roads and see.

**Trustee Armacost:** I think it would be very useful to see that map, and to see whether it is random or whether those accidents have been concentrated in several specific spots. There are some spots that all of us think are dangerous, but they may not match where the accidents have happened.

**Ms. Lemmon:** Right. So the first step I always recommend, once a town has adopted a policy, is to have your conservation committee go out and walk the roads and look. Where are the places, where do we have broken sidewalks? You had mentioned something about the sidewalks being covered up. Make your wish list of what you would want to fix. You do not have to fix it all now.

Another key is, the county will be doing projects, the state will be doing projects in this town. Be aware of them. You, as the mayor, might get a letter that says we are coming through your town. You then look at the project and say can I do something here? Up in the Adirondacks, with New York Works funding they were going to redo Route 86 and they were not going to do the side for bicyclists. The locals got involved, and then the state changed the project. So it is about being aware.

**Mayor Swiderski:** I am thinking of the intersection at Ravensdale and 9-A, where it was redone but without any thought to bicyclists or pedestrians. There is not even a walkway there. If you have a policy in place for a community, even if the road is not owned by the community can it be used a tool, not to force but to help compel, a different outcome?

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**Ms. Lemmon:** I believe it does. I believe that you go to your local DOT and you say we have this policy, we are trying to do this. One of the reasons we are stomping around to all these communities and trying to get communities to pass policies is because then I walk into Albany and I say there are 50 towns that have passed these policies and you are not giving them enough money, we need more money for sidewalks. There is a growing groundswell, especially here in Westchester and Long Island where you have high levels of accidents and fatalities. It also can help you when you apply for grants. Let us say you have a particular project you want to do, you want to get sidewalks on this little segment, it helps in that grant application. It shows that you have done your sidewalk plan, you are organized, you have a list of capital projects you want to tackle. I would give you more money based on that compared to a town that has not done a sidewalk plan or policy. When was the last time you updated your master plan?

Mayor Swiderski: Just about two years ago.

**Ms. Lemmon:** So this could be t an addendum. It is not like you have to rewrite your master plan. Some communities pass laws, but these policies work very well as well.

**Trustee Walker:** This is timely because we had a work session a few weeks ago where we discussed the action items in the Comprehensive Plan that we want to push, and one of them is our circulation section, which is about improving pedestrian walkability in the Village. We decided we wanted to give the Conservation Commission the charge to oversee that part of the Comprehensive Plan. We understand the importance of this, and we know who in the Village we can call upon to make sure we follow through, and that we look for grants and Safe Routes to School programs. So we are all primed to do that, and that is why it is such a good time to pass this policy.

**Ms. Lemmon:** That sounds good. I was on the town board in Gardiner, New York, other side of the river. Tiny town, \$1 million budget. We got a grant to put sidewalks in our central town and it helped tremendously from a business point of view. As soon as we got the grant we got a million dollars in private equity investment because people were psyched. People are going to start coming downtown and walking around. So it can have multiplier effects, especially if you are considering your business district.

**Trustee Walker:** One thing I am interested in that is not in our Comprehensive Plan is t enforcing even lowering the speed limit in residential neighborhoods. It is usually 25 miles an hour in a residential neighborhood, and you will notice cars going 40 miles an hour, easily, on a lot of streets. And there are kids walking to school. As you pointed out, you get hit at 40 miles an hour you only have a 20 percent chance of surviving.

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**Ms. Lemmon:** Are these wide streets?

**Trustee Walker:** Some of them are wide. We have narrow streets in the Village, too, where you cannot go more than 15 miles an hour. But yes, a lot of our residential streets are wide, and they are on hills frequently, and people hurtle down them.

**Ms. Lemmon:** Just moving the white line in and making a smaller travel section, that can slow down traffic.

**Trustee Walker:** Yes. That would be helpful on Warburton, where we have seen a lot of speeding. I bring that up because you mentioned slowing traffic. It may not be in our Comp Plan, but it should be one of the goals of our Complete Streets policies.

**Ms. Lemmon:** I understand the Village periodically does one block or small projects. That is why you have to decide what you want to do with the whole town, all the various projects on the different roads. If you are doing it block by block by block you want to have a master plan for your roads so it does not become syncopated.

As far as a small community that does not want to spend a lot of money, you have to incorporate this into your routine practices. Your highway department would start considering it when they repaint crosswalks or side lines. We have a checklist that I can provide that helps the highway department or the planning board or whoever. What are the generators of traffic, where is the school, that kind of thing.

**Trustee Walker:** And some simple things we can do. Restriping Broadway, for example. We have done it through part of Broadway, and we need to do the northern part of Broadway from four lanes to two. We have it halfway done and we have to complete that. Something like that could be done on Warburton. We have had a number of accidents in front of our high school because there is a crosswalk there and a vehicle will stop at the crosswalk for someone, and then someone will go around them and hit the person in the crosswalk. That has happened at least twice. Maybe we cannot allow two lanes of traffic where we have these crosswalks. We can stripe that to prevent that from happening. That is not expensive.

**Ms. Lemmon:** That is definitely true. It is not all engineering, too. It could be education, it could be enforcement: working with your police to make sure that speeding is dealt with. I take a very comprehensive view of Complete Streets.

**Mayor Swiderski:** In terms of next steps, we have got a policy. I am still a little unclear on how that policy is deployed. We can attach it to the Comprehensive Plan, but that feels soft.

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I do not know if there is something more. What is typically done in communities? Is that the way this is passed?

**Ms. Lemmon:** That has been done. There have been communities that have transformed it into law. Westchester County and Albany decided they wanted to do a law. Whether that is relevant for Hastings I am not sure.

Mayor Swiderski: What have communities our size done?

**Ms. Lemmon:** Dobbs Ferry did a resolution. Most of them have done resolutions.

**Mayor Swiderski:** Resolutions setting policy, and that policy is attached to some larger body, so it remains more or less as guidelines.

**Ms. Lemmon:** Right. There are things you can do subsequent to that. You could make sure that your zoning laws are compatible. You can take a look at your subdivision right regulations to make sure that if you want to start talking about developers including sidewalks outside of projects that have X number of buildings, as a town or as a village you can discuss that.

**Mayor Swiderski:** So in terms of explicit next steps, this is not just we nod and move on, I guess it should be a public hearing.

**Trustee Armacost:** At the public hearing, there are certain constituencies that we should make a point of reaching out to. Obviously, the Conservation Commission is one, but also the Safety Council has a viewpoint on these things where I think they should be invited.

**Mayor Swiderski:** And given that we have a public hearing for the next meeting, how about the second meeting in December? That will give us time to reach out to the various subcommittees that might be interested. Then this would be for adoption as a resolution as an addendum to the Comprehensive Plan.

**Mr. Ratzkin:** It can have more force than guidance. The Board of Trustees could make it mandatory on the DPW or whoever in the Village is the appropriate party to have to consider these factors. But then for any given project, it is not mandatory. The mandate is to consider. It is almost like an Environmental Impact Statement in that way: the substantive outcome is not dictated, but the fact that you have to broaden your planning focus could be mandatory.

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**Trustee Jennings:** This notion that we need to look at what we do with our streets in a new way suggests to me the need for education for people who are now making an assumption that the only thing to worry about is the number of cars that can park or get through in five minutes or how long the red light at Five Corners is. That is the narrowness of vision that you are trying to change. If you or someone else has educational materials it would be good for the volunteers who serve on our boards that have to do with streets. We should offer resources to help them adjust their thinking in line with the Complete Streets philosophy.

**Ms. Lemmon:** Nice timing. In December I am putting on a two-part Webinar with New York Academy of Medicine on implementing Complete Streets. I will send Andy the information on that. If I get my act together we will also have a tool kit that will help walk communities through some of the things. There are definitely tons of resources out there.

**Trustee Walker:** Public transportation is part of this, too, and I wonder if we could work with the county in improving our bus stops and bus shelters.

**Trustee Armacost:** One of the points in the Comprehensive Plan was to coordinate with bodies that had a stake in a given issue. One of the bodies that was noted was the school board and, in particular, this issue relating to the safety of children walking in different places. There are certain places, like for example along the road which the children call "scary street," which is at the top of Reynolds Field on the edge of Hillside near the pool, where lots of people walk and there is no sidewalk. Just thinking about creative solutions that do not necessarily involve putting in cement sidewalks, but creating a safe space for people to walk, maybe using wood chips. It would be useful to engage that constituency.

**Mr. Ratzkin:** In response to Bruce's point, for this to work you need a training aspect. I was a in touch with people in Dobbs Ferry, and we were just brainstorming and talking about maybe we could get a training program that the relevant DPW staff of Hastings and Dobbs and whoever has this could attend and start to develop a competency.

**Mr. Skolnik:** You have a draft document. The last item, section D, gives the reasons why this policy might not be valid or able to be implemented: bicycle, pedestrian and/or transit facilities may not be warranted under one or more of the following conditions.

Village Attorney Stecich: In very specific circumstances.

**Mr. Skolnik:** It lists quite a few specific possibilities. So I am wondering if you were planning having a more in-depth hearing on this and when that was going to be.

**Village Manager Frobel:** The second meeting in December.

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**Mr. Skolnik:** The Mayor mentioned that intersection at 9-A and Ravensdale. I am hoping that you might follow through. You may not be aware that recently the Town of Greenburgh was at that site looking at trying to implement some form of walkability, which we did push when Mr. Madden was here. I would encourage you to reach out to them and see if there is any follow-up with that. I have some communication that I can give you names.

**Trustee Armacost:** Some of these walkways are unwalkable because of the overgrowth of bushes. That is an issue of who is responsible: do we enforce with homeowners, or does the Village just take on responsibility in certain situations.

**Village Manager Frobel:** Our approach has been to try to get the homeowner to do the work. There have been occasions when we have been met with resistance and we have done the work. I can think of two in particular. The first step is always to point it out to the homeowner, recognizing their responsibility and, hopefully, they will take the action to cut back that prize bush that is blocking the view or the sidewalk. And if not, then we do get more aggressive in our efforts.

**Trustee Jennings:** We have the right to do so because there is a certain easement.

**Village Manager Frobel:** Within the right of way. And if the Chief can determine, in consultation with Deven Sharma because Deven has taken the lead in investigating, if it inhibits vision, if there is a safety issue.

### 3. Impact Fee for 400 Warburton Avenue

**Mayor Swiderski:** The next item up I am removing from the Board discussion and moving into advice of counsel.

#### 4. Update on the Downtown

**Trustee Walker:** Michelle DeForest, one of the founders of the Hastings Flea Market, asked if she could come tonight and talk about the possibility of doing a holiday market in mid-December on one of the Thursday nights when the shops are going to be open late

**Michelle DeForest, Hastings Flea:** The idea for the market came about in thinking of ways to further engage the merchants downtown. We had a lot of success with the Hastings Flea so wanted to continue some sort of shopping event. The holidays are coming up, the timing seemed right, so we have been coordinating with Maria, who owns Maisonette, and the effort behind what we are calling Hastings for the Holidays Shopping Event on Thursday, Dec. 12.

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She has reached out to the merchants in the downtown. We have, as of this afternoon, eight to ten merchants who are very supportive in the downtown.

There are a couple of locations that this could take place at. The first is the Chase lot. I have spoken with the manager there. The only logistical problem there is that the lot is not available until 6:30 p.m., and if the stores are closing at 8:30 that is t a very narrow window. The second lot is Boulanger, but that is parking for shopping so that maybe defeats the purpose. The third lot that I am asking for consideration that we could possibly use would be the lot across from the post office.

The effort is between myself and Ilana Arazie, the Hastings Flea owners, and the merchants in the downtown and, hopefully, the Downtown Collaborative. It is to draw people on a specific night when the shops are open late to encourage shopping in the downtown. There would be activities such as carolers, possibly Santa photos, involving the Fire Department. We would want to keep the street open, not close it down. The parking lot would be used to include some independent vendors, such as that are at the Hastings Flea.

The effort between the two, the merchants and Hastings Flea, the idea is that we put our marketing weight behind it, and then also involve some other vendors who are collaborating together, some specifics we have been talking about. So December 12, shopping promoted, with activities from 5 to 8. Access to the parking lot, we would like from 4 to 9 p.m. We are still talking to more merchants and getting feedback. But in order to move forward, we would love your feedback to know if it is possible we could potentially use that lot.

**Trustee Walker:** I was surprised when the Chase management said no. Because for many Friday Night Lives we have closed it. For Friday Night Live we have frequently closed that lot at 5:00 p.m.

**Ms. DeForest:** He mentioned that, but he went on about the Chase policy, the corporate thing. I spoke with him today to see if we could get it earlier. He is in full support of lending it at no cost. There is an outlet outside the building, we could use the power. But he said they have to leave the spaces open. If there are customers at 6 p.m., when they close, they have got to serve all those customers before they can close the lot. So that is why they estimated 6:30. We tried. I do not know if there is another way to push even more, but, ideally that would be a great location.

**Trustee Walker:** Because the post office lot is out of the way.

**Ms. DeForest:** Yes. The only other option is closing the street, and we do not want to incur those costs.

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Mayor Swiderski: There is Steinschneider.

**Ms. DeForest:** I walked that today. It is incredibly windy. As it is, we are going to involve vendors outside. We are going to want to have power, like a generator, to provide heat to some of the vendors selling. But yes, that lot is tricky.

**Trustee Walker:** And it is not very attractive. You could use the upper part of the lot, but it is invisible. People would not know you are there. Maybe in combination with the post office lot we could close some of the parking spaces on the east side of Warburton between VFW and the post office lot, and put tents in the parking spaces facing onto the sidewalk, so you can shop from the sidewalk. If you did it north of VFW there are a number of shops like Maisonette there. But it would link the VFW, where you could have some entertainment, up to the post office lot. You would lead people up to the post office lot then.

**Trustee Armacost:** On Columbus Avenue where that is done, I think the whole street is shut.

**Trustee Walker:** Yes, they may close the street. But I was at a festival in Great Barrington over the summer, and they did exactly what I suggested: they kept the main street open, and they put the tents in the parking spaces. It is a wider street but it did not interfere with traffic.

**Trustee Armacost:** I think it would be very difficult, especially for the buses.

**Ms. DeForest:** What about one-way traffic? Do you think that presents the same cost challenge?

**Trustee Armacost:** We are right opposite a fire engine area. I cannot imagine they are going to want any blockages.

**Trustee Walker:** We close the street a lot in front of the fire house and they just move the fire truck out. There are ways to deal with that. But I also think we could avoid putting the tents there. What I am trying to say is have some visible street presence of the holiday market so it is not just tucked away in a parking lot. It does not have to be very many tents, but you could light them up brightly. We were trying to avoid the cost of hiring the off-duty police to close the roadway.

**Mayor Swiderski:** Would this become the Friday Night Live and it would be Thursday night?

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**Trustee Walker:** We are still doing the tree lighting on Friday.

**Village Manager Frobel:** Why not the same night for this, Meg?

**Trustee Walker:** This developed out of something the merchants were doing. It is completely separate from Friday Night Live. The merchants wanted to do this event on Thursday night.

**Trustee Armacost:** Why have we vetoed Boulanger Plaza? That seems to be the most sensible spot.

**Trustee Walker:** I was concerned and I wrote to Ilana and Michelle that that is up to the merchants. If they are staying open late and they want to encourage people to shop downtown, they may want those parking spaces. But maybe you could talk it through with them.

**Ms. DeForest:** I am coming here and actively coordinating with Maria. So far, all the merchants who have responded to Maria's e-mail, like I said, there have been eight to ten incredibly supportive. We have not heard any negative feedback, which I imagine would happen at some point. But she is working with the merchants, I am coordinating the holiday market. They are one and the same.

**Trustee Walker:** The only trick to the Boulanger lot is that it has got to be cleared out. You need the police involvement to help clear it out. It is probably tougher to clear out than the post office lot. But it can be done, we have done it before. And it is all or nothing. When you close it, you close the whole thing.

**Trustee Jennings:** The Chase bank lot and the lot down by the post office are rather peripheral to the downtown core area. Meg is suggesting a good idea, if it were feasible. It may not be. The great location is the VFW plaza. That is the heart. But not so far away, and closer than the Chase bank and maybe even closer than the post office, is the municipal plaza right here. Spring Street is a short distance, and you are right in the middle of the downtown. It is much closer, as the crow flies, than Chase bank parking lot is. We have enough room probably here. The Farmers' Market often has vendors in this plaza area. This is a street that may be wide enough that you could have the tent thing without impeding the traffic flow. Did you consider the municipal plaza?

**Ms. DeForest:** We did not for one particular reason. We are working very hard to work with the merchants, and a lot of the feedback from the merchants on the Hastings Flea is that they would love us to do activities in the downtown, specifically on Warburton or Spring. So

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this is our way of trying to engage, and work with, the merchants downtown. We are going to put all this marketing effort to come to this specific place so that people can shop with the vendors and the market as well as the merchants that are open. The Chase lot seems much closer in proximity than this area since the Chase lot is on Warburton and that is where a lot of the shops are.

**Trustee Jennings:** Oh, I was thinking of Citibank. I'm sorry. Chase, yes, I agree. Chase is very central. But you cannot get that in the right time period.

**Trustee Armacost:** So if Boulanger Plaza has not been vetoed, can we not just go for it? What is the problem with it?

**Trustee Walker:** It is a matter of making sure the merchants are comfortable with it.

**Trustee Jennings:** That is where people park.

**Trustee Apel:** What about the parking lot behind the funeral home? It could start out there earlier, then move into Chase and move your stuff over?

**Ms. DeForest:** I looked at it today. It is not huge. The vendors take anywhere from a half-hour to an hour to set up, unpacking their stuff. Where would they move their stuff out and store it, and then wait? It would take another hour. The timing, the flow is not conducive.

**Trustee Walker:** If Prime, the restaurant, is open they will be concerned about Boulanger lot, Isaac's is concerned about it. Tony hates when Boulanger is closed. Certain merchants and restaurants depend on the Boulanger lot. It is a matter of talking to them about the tradeoff. You are going to be bringing more people down. There will be music, and it will be a whole different scene. It will be like Friday Night Live in the Boulanger Plaza.

**Ms. DeForest:** Also the restaurants are open especially late. They are open until 10 on this night. So the fact that you can come and shop until 8 and then go out to eat, our area would be closing and packing up. I do not know if that helps people to park. So yes, as far as we have gotten with the merchants there have been about 10 who have given feedback. They love the idea. We were trying to figure it out and, obviously, we are on a time crunch, as always, when I come to you. So you can let me know how you think I should move forward with this, and we can try Boulanger and see if there are any strong objections.

**Trustee Walker:** If you talk to the merchants who are directly around, from Fonda at the corner, up Main Street and on the other side, and Tony's, , they are the ones who are sticking their necks out to do this Thursday night event. We do not want to step on them.

Ms. DeForest: Sure. This is specifically on a Thursday night to coordinate together.

**Trustee Walker:** Exactly. Coordinate with them. They are the ones who are going to be the most impacted. Then we need to talk to the police if there is anything additional that we would need in closing it down. Lisa O'Reilly, we can talk to her, too, because she usually takes charge of it for Friday Night Live. Then you come back to the first meeting in December and get the Board to approve the use of it.

**Trustee Armacost:** Do you need the approval sooner than that?

**Ms. DeForest:** This is all a marketing effort.

**Mayor Swiderski:** We are inclined to approve it. I think you do not have to worry about that. It is just a question of logistics.

**Ms. DeForest:** So perhaps we could start with promotion, and then announce specific location upon an agreement.

**Trustee Walker:** We often closed Boulanger for Friday Night Live. The Board does not have any problem with that. The fact is that you are doing it separately from a Village event.

**Ms. DeForest:** No, this is specifically not separate. We do not want this to be separate.

**Trustee Armacost:** You are a private entity.

**Trustee Walker:** A private entity, asking for our permission to use it. As long as we can work out these details, I do not think anybody here would be against it, right?

**Trustee Armacost:** I am not sure which direction you were going, Meg, in terms of the people to ask. There are also businesses that y open up onto the plaza, the chiropractor, Indigo, Greenleaf, the stationery store, the hardware store.

**Trustee Walker:** Yes, everybody wants to park t there and run in the back. So it would definitely affect them.

**Trustee Apel:** If you could have valet parking.

**Trustee Apel:** For a dollar or something you take somebody's car and find a place to park them.

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**Ms. DeForest:** I am thinking about insurance. Yes, I could see if our policy would cover that. We would have to get an event policy. OK, so maybe action items contingent upon agreement with the merchants specifically where this would affect. If the majority are OK with this, Boulanger. If not, we move to a different lot. Then we could start promoting because, really, this is a marketing event for shopping and coming to downtown Hastings. And then come back to do it officially.

**Trustee Walker:** I will continue to talk to you, and Susan will help, too. We will put our heads together on this and help you out. You just might have to do some of the legwork in talking to the merchants.

to wrap up the report on the downtown, there is the tree lighting on December 6. The Downtown Collaborative is going to be meeting with the Village Arts Commission on December 2. The Upstream Gallery is moving to Main Street the beginning of the year, which is going to be exciting. They do a lot of things besides visual arts. They do readings and music performances. We wanted to have a discussion with the Upstream people and the Village Arts Commission about how we could introduce more arts in the downtown. Is it permanent, is it temporary, is it through Friday Night Live. But at any rate, get their ideas. We are going to be doing that as our next initiative.

**Trustee Armacost:** And congratulations for the Flea. All the reports I have heard have been incredibly positive.

**Trustee Walker:** It was drizzling most of the day on Sunday and yet people just kept coming and coming. Susan and I and Polly Bijur were taking turns staffing a table. We were asking people where they were from and getting them to put their e-mails down. I would say there were at least 50 people, and we were not counting everybody, who were from out of town: from Queens, from Brooklyn, from every rivertown, lots from Yonkers. We did better in attracting visitors from out of town those two Sundays than we ever did on those Discover the Rivertowns weekends. So they are doing a tremendous marketing job.

**Trustee Armacost:** Yes, it is fantastic. Real congratulations. And it sounds as if the merchants understand.

**Ms. DeForest:** We are definitely making better relationships each time.

**Trustee Walker:** Several of the merchants were selling at the Flea.

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**Mayor Swiderski:** How did they do?

**Ms. DeForest:** Yes, they did really well. We had Maisonette, we had Expressions and we had Susan Giordano. There were two ladies in particular, I remember hearing we are headed up the hill to go to the pillow shop. Maisonette had pillows out. They wanted to see what the rest of the store was, which is exactly what we were hoping would happen for the merchants, a marketing tool for them. And we provided a discount for the Hastings merchants, so half off a space. Two of them partnered up and shared a space. So then the cost is \$15 and they are marketing, and I think it is good for all involved.

# 5. Update on the Waterfront

Mayor Swiderski: You know the story there. We have got a consent order. On December 4 we have a meeting with BP. It is a closed session, an executive session. BP is inviting Riverkeeper, as well, to attend. They have two things on their agenda. The first is the consent order and, ultimately, the consent decree. I do not consider this a negotiating session. They are going to present, I assume, an overview followed by, perhaps, their ideas on the consent decree. The order, if anyone here has managed to read through 30 pages of it, is a legal framework for what documents BP has to file while they prepare the January documents. It is nothing to do with the remediation, per se. I am puzzled why it took a year and a half for them to negotiate this. There is nothing controversial about it. It is simply they have got to complete this plan within this time frame, and if you do not you need to talk to these people. For 30 pages.

**Trustee Walker:** It is building on the record of decision that came out.

**Mayor Swiderski:** The two RODs are what tell you how to clean up. This tells you what papers you have to file.

**Trustee Walker:** In order to do what was in the ROD.

**Mayor Swiderski:** The design, right. Perhaps they were waiting for this to be issued to feel they could approach us on the decree. As it turns out, a year and a half ago Jerry and I created for the Board a memo laying out how the decree compares to what is in the new records of decision on onshore and offshore remediation. I am going to reissue it to the Board so you can become reacquainted with the issues. The document that I am going to forward to you, in closed session we need to agree on where we stand as a group on it: what positions we feel strongly must not change, and what makes sense to change. We are going to want to move into negotiations as soon as we can, and I want to know where the Board is.

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We have not met with Riverkeeper yet. I do not know if we will have a chance to do so before the meeting. I am hoping to meet with Mark Chertok before that to begin to get a lay of how this process would unfold. It is exciting, but unnerving because either it may be relatively quick or it could be a long negotiation session on the decree.

**Trustee Armacost:** So the reason this is executive session is because we are discussing a legal position?

Mayor Swiderski: Yes.

**Trustee Jennings:** Before we sit down on December 4 at 6 p.m., would it be possible to have a conference call conversation with Mark that would be open to the rest of the Trustees? When we did the consent decree years ago, he would brief us prior. It was very useful.

Mayor Swiderski: I will ask him about that. That makes a lot of sense. I am not interested in taking a step without a full consensus of the Board on where stand on this. It is too sensitive and important. Mark is finally being woken up on this issue. We waited for years. So we are ginning up Scenic Hudson and Mark on this topic, and we are going to have to figure out how to approach Riverkeeper. I am most unnerved by the likelihood that Riverkeeper will take a while to plow through this process. They do not have the same incentive that we do or BP does.

**Trustee Walker:** And there is a new cast of characters there, too, is there not?

Mayor Swiderski: There are. In terms of what else is going on about half of the engineering design is complete. Much of the sampling is complete. Quite a bit of work has occurred on the waterfront in the last two months. Maybe over a hundred new samplings have been done. Ground radar offshore to figure out where to put the plates. Quite a bit of investigative work has occurred. Even today the drilling machine was there, and they are doing work almost every day. So BP is moving forward with collecting information for the engineering design. They are eager to move this process forward, as are we. But I do not want to step one step beyond the Board's position on anything. I also have to prod our Infrastructure Committee to coughing up their final report so we can review it and approve it, and provide that as an input into the BP process. It is now becoming increasingly important that they finish up their work.

**Trustee Walker:** They saw the consent decree from before and they have been taking that into account in their work. If we change it, is that going to change what are doing?

**Mayor Swiderski:** I do not know.

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**Trustee Walker:** But, for example, the five feet of fill. They have probably taken that into account.

**Trustee Armacost:** But we are not going to reduce that.

**Mayor Swiderski:** I would rather not say that in public, but I am assuming, in fact, we are not. But going over those points and determining what our position is heading into that, I am going to imagine that is a non-starter out of the game.

**Trustee Jennings:** Did you share the differences with the ROD and the decree with Riverkeeper and their attorney?

**Mayor Swiderski:** I did not. I believe our engineer did an analysis, as well. Jerry and I tonight were discussing whether we should forward that to Riverkeeper. I am going to ask Mark Chertok first. This is now where I am not comfortable without advice.

**Trustee Jennings:** It is important to be on the same page in terms of what is different and especially what might be in conflict.

**Mayor Swiderski:** Totally agree. In an ideal world, Riverkeeper and we are fully aligned, and we will walk into this discussion with BP fully aligned. A less ideal circumstance is where BP and we come to terms quickly and Riverkeeper is off tugging in some unrealistic direction. So there are a number of ways this can break, but we need to begin those discussions. It is exciting, but it is going to be a bit of work. There are two items that BP was going to bring up. The other item is Building 52. We will see what they have to say. It is exciting, but it is intimidating and a lot of work ahead of us in the next six months.

### 6. Update on Deer

Mayor Swiderski: We finally got verbal approval from the DEC on the immunization program. They will issue the permit that we have filed for. We expect that permit any week now, and that permit will be good for quite awhile. Years. The problem is that we are talking about February, and this is a program that has to involve at least three sites and an education effort to the public. Any time you talk about darting you are going to have to prepare the public. Volunteers mobilized to control access to the park during this time. Police involvement. All of that to happen in the next two and a half months. I do not know if that is realistic. I have to have a conversation with the Chief, with the volunteers. It is aggressive enough that the DEC's delay may have made it untenable. But I am going to push and see.

**Trustee Armacost:** But if we do not do it then, have we lost a year?

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**Mayor Swiderski:** A full year, and I do not want to lose a full year.

**Trustee Armacost:** Yes, we need to think about making it happen in February.

**Mayor Swiderski:** I agree. We shoot for two sites and next year we do four, and it ramps into something more full. Professor Rutberg has produced a budget down to the dollar that is in line with the initial projection of \$24,000, of which we already have half from IDA. We have a couple of thousand out of the Humane Society. And the rest would be our obligation. So it looks like our obligation would be between \$10,000 and \$11,000, which is reasonable for the first year.

Once it gets going, Professor Rutberg believes that nailing at least as much money year to year is no problem because it will be very attractive to funders if it is a live program that is getting the sort of publicity this has. It will not be \$24,000 in subsequent years because things like cameras are one-time capital expenses. I put out an e-mail to volunteers alerting them. Gotten back enough so that I believe we will have the people we need to implement it. But it is a not insignificant organizational effort. Now, Professor Rutberg has done this a number of times. He is like, I need six volunteers and a vet, and we will be fine. So he is quite sanguine, he is calm. But I am not just worried about the actual implementation, I am worried about the public education and everything else. And that is not a whole lot of time. Once people hear tranquilizer darts they are going to start worrying.

**Trustee Jennings:** How long a period do the injections continue?

**Mayor Swiderski:** It is going to be on and off over a two-week period, probably a darting period, a few more days, then another darting period.

**Trustee Jennings:** So the volunteers we need for access would be for a number of days.

Mayor Swiderski: Three four-hour periods.

**Trustee Walker:** Do you have volunteers who could take on more of a leadership role?

**Mayor Swiderski:** I am organizing them that way because I cannot do this.

**Trustee Walker:** You cannot, and maybe they can do the educational campaign.

**Mayor Swiderski:** Dan Lemons and others who have expressed interest in helping to manage this have stepped forward. I know it can be done, but it is awfully ambitious. I have

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had weekly calls with Rutberg, and I will begin to invite the volunteers to those calls so we begin the project and it begins to propel us forward. But again, over the next six months, we have our usual Village business, the budget cycle. We are going to have whatever happens on the negotiations on the decree, whatever happens on 52. We have just finished the scoping sessions on the DPW study, and that is going to be kicking off. There will be public sessions, and we do not know if there is going to be heat or light on that.

**Trustee Armacost:** Who is leading on the deer? Is that you, or is there a staff member who is the point person on, for example, the signage and the education?

**Mayor Swiderski:** Up until now it has been me. Now that it is live I am going to be identifying people to help, and offloading as much as I can. I cannot do it. But I will probably have to remain involved as a point on it. It is not an insignificant burden, even with offloading. I am being realistic about the public need to meet and talk about this. You say tranquilizer dart and ears are going to perk up when they realize this is happening in their woods, and in two months.

**Trustee Armacost:** Right. And the signs that need to go up saying you cannot walk your dog on these days, and all that stuff. But some of those activities can be delegated.

**Mayor Swiderski:** All of it. Professor Rutberg by this weekend will have laid out a project list of what needs to be done. Then I am hoping to start meetings with volunteers to ramp them up and begin to take this over. The right way to do it is a Saturday or Sunday morning for the next eight weeks. This is a weekly meeting.

**Trustee Jennings:** It is a campaign.

**Mayor Swiderski:** It is a campaign, it is a serious project. Then there is the DPW effort, which Fran is putting in a lot of time on. It not only involves the consulting company, but we are also using the Yale group that will help us run a survey of the public and a group out of NYU that will help in interpreting the survey results. A number of parties being coordinated, and it will yield a deliverable in April. There will be the high-level options. We will choose one, and then they will do a deep-dive on that option, right?

Village Manager Frobel: Yes, April, May.

**Mayor Swiderski:** But it will also be generating its heat and noise. The school board, during this period, will be running its own process. The community is going to be hit with a lot of high intensity and visibility projects. Information overload, and it all has to be managed. We have a couple of discussions involving unions and advice of legal counsel on

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400 Warburton Avenue. I also have another non-union personnel issue that arose in an email I want to discuss.

**Village Manager Frobel:** We also need to come up with a night for police interviews.

**Mayor Swiderski:** We have four police candidates that need to be interviewed for two spots, one which will be freed up by the Chief when he moves on, and one for the empty position we have had forever.

**Village Manager Frobel:** Yes, we were thinking Tuesday, December 10.

[Discussion of dates]

**Mayor Swiderski:** All right, then 6 p.m. the night of the Board meeting, Dec. 17.

**Trustee Armacost:** Family to Family is doing a drive where people can donate new toys and books for needy teens and younger children from young ages to teen level. It is benefiting families in Hastings. The drop off is 6 Circle Drive.

**Trustee Jennings:** This coming Saturday and Sunday Grace Episcopal Church holds its annual alternative gift market in the church parish hall.

**Mayor Swiderski:** The night of the Dec. 3 from 7 to 7:30 p.m. is a Hanukkah candle lighting that Chabad runs.

#### **EXECUTIVE SESSION**

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

## **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:30 p.m.