

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**DECEMBER 3, 2013**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 3, 2013 at 8:45 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Meg Walker, Village Manager Francis A. Frobels, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Marjorie Apel, Trustee Nicola Armacost.

**CITIZENS:** Two (2).

**APPOINTMENTS**

**Mayor Swiderski:** We have two appointments, one to the Affordable Housing Committee, Christina Griffin. And the Board, in executive session last time, appointed Jeremiah Quinlan, former Trustee, as special counsel. He will be assisting on waterfront issues. That position is without compensation.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 37-2013-14	\$1,482,760.22
Multi-Fund No. 38-2013-14	\$ 3,074.37
Multi-Fund No. 39-2013-14	\$ 732.00

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** At the last meeting, a resolution was passed and sent to the New York State governor to eliminate fracking upstate. A year or two ago, you passed a resolution to close Indian Point. Any resolution such as these should have a hearing so we, the people, can speak in favor or against it. I do not know what the law is. Apparently, you can get away with it. I think it was the conservation department that wrote it. It was written very well. I do not understand why one of your commissions can do this without any people, but yet you may have the Safety Council say we should put a no-right-turn on Washington Avenue and Warburton and you have a public hearing. I am surprised that Bruce Jennings did not raise heck. I just want to read something because you are Mr. Green around here, and you do a good job.

"New York City mayor Michael Bloomberg recently announced the city has the cleanest air in 50 years, making the air quality as clean as any major American city. According to Bloomberg, the increase in air quality comes largely from the city transition from dirty heating oil to cleaner-burning hydrocarbons, natural gas." New York State needs a lot of jobs, especially upstate. There could have been a resolution that says why do we not put in fracking with one or two companies with the DEC watching them for two years and see what the problems are. Nobody wants our water to go bad, but you suggest one strict thing: no. I think that was wrong. You could have had a hearing, and maybe some other solutions would have been made.

**Mayor Swiderski:** The Conservation Commission did originally submit a far more nuanced proposal, much in line to what you are discussing, suggesting there be heavy environmental oversight of the fracking. I requested the Conservation Commission rewrite that so it was less nuanced and far more unambiguously "no." The reason for that is, ultimately these proposals are not policy. They are signals in a political environment, and you are trying to tweak your state entity one way or another. Nuance and ambiguity, in that particular debate, is generally lost. If you are trying to tug the state toward safety it is better to take a more extreme position, I believe, and hope that the state seeing many municipalities taking positions like that will think more strongly about it, and if they are going to do it that they do it properly and with careful oversight. Again, we are not writing policy. We are trying to affect it, and nuance rarely works in that environment.

**Mr. Gonder:** That one example I gave you, no right turn ...

**Village Attorney Stecich:** That is a change in the law so there has to be a public hearing.

**Mayor Swiderski:** We have many resolutions and we do not have public hearings on every resolution. There is always a chance to speak to it. If it had real impact on policy and law, I agree with you we would have a public hearing. But it does not. It is a political gesture.

**70:13 INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR INFRASTRUCTURE GRANT FOR AFFORDABLE HOUSING AT 184 FARRAGUT AVENUE**

**Village Manager Frobel:** At the last meeting you heard about this project and how important it is that part of it, at least, be the construction of improvements to the way it captures stormwater drainage. We have a recurring problem on Farragut Avenue so we are going to have an opportunity to address some of that. The staff supports the effort of this

initiative and is recommending we enter into this intermunicipal agreement with the county so that it can move forward.

**Trustee Walker:** A question about the maintenance and the easement. Where it says the county shall be granted necessary easements, is that because they will be going onto the private property in order to undertake this? Is it a combination of county property and private property in order to do this stormwater improvement?

**Village Manager Frobels:** That is my understanding, yes.

**Trustee Walker:** So then we may enter into an agreement with the developer to make the developer responsible for the maintenance.

**Village Manager Frobels:** Yes.

**Trustee Walker:** Does that mean that even that which is under the county road would be maintained, or just on the private property?

**Village Manager Frobels:** I would say just on the private property. We maintain the catchbasins now and clean them. I expect a shared responsibility there. But on private property that would be their obligation. I do not envision us going on their property to maintain the system.

**Trustee Walker:** Will there be catchbasins, then, on the private property to catch the water before it goes into the street?

**Sue Smith, Affordable Housing Committee:** Let me address that. The engineering has not totally been done. It will be done under this agreement. But it is not a catchbasin, it is a collection place that would be maintained by the owners of the property. Perhaps there has to be a legal easement between the owner and the Village for the part that is on private property. About half is on private property and half in the roadway, which would be the county road. This is written as a generic thing. The county is not usually the owner of the road that this is going to be in, but in this case it is. So the Village Manager's response is correct about what is logical, that the county and Village would take care of what is in it roadway, while the private owner would take care of the piece that is on their property.

**Mayor Swiderski:** And where did the specific number come from? It is precise.

**Ms. Smith:** It is, because it comes from the engineer who has worked on it, and it is based on the frontage of the property. They measure the distance that this has to go, and one kind

of pipe is on the private property and a larger pipe is in the road, and then the catchbasin. There are certain costs that they can identify. So it is prepared by the engineer who will be doing the bid preparation and doing the work on it. But he also did the initial work on the plan for us so he is familiar with it.

**Mayor Swiderski:** What happens if the cost is \$80,000?

**Ms. Smith:** That is our problem, the developer's problem. Then we have to find a way to pay for it. I am not sure how we are going to do that, but that would be our responsibility. It would have to be out of the cost of the project in some way, our cost.

**Village Manager Frobel:** We are going to have to watch that very closely. And we will know going into the bidding process. We should have a very strong estimate as to the cost.

**Ms. Smith:** Right. And the engineer has done a lot of work for the county and is very current on that. So I would trust that number. But better to do it sooner before costs go up.

**Trustee Walker:** So this has to go to the county legislature for their approval?

**Ms. Smith:** I am not sure whether the legislature is involved with this.

**Village Attorney Stecich:** I am a little confused. There was no IMDA to review. This authorizes you to enter into the IMDA not knowing what the terms are. In the past, on one of the other projects, 422 Warburton, there was a lot of back and forth.

**Mayor Swiderski:** You need to tell me if we need to work it into here, or whether we can ask Fran to screen the IMDA with you before signing.

**Village Attorney Stecich:** Yes, I would say so. In the past some changes needed to be made, some clarifications. When the county provides you with an agreement you pretty much have to take it in the form they have. But there were a couple of things that had to be wrinkled out. So I think what I would do is add "subject to the approval of the Village Attorney," or "subject to review by the Village Attorney."

**Mayor Swiderski:** Sue, adding that clause does nothing to endanger this effort?

**Ms. Smith:** I do not believe so. This has been the policy in the past.

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

**WHEREAS,** Westchester County (the “County”) has established a Fair and Affordable Housing (FAH) program to provide infrastructure and other improvements to encourage and support the development or preservation of affordable housing; and

**WHEREAS,** Hastings-on-Hudson Affordable Housing Development Fund Inc., (the “Developer”) or its successor proposes to develop two (2) affordable one-owner and one-rental housing units and related amenities in the development known as 184 Farragut Avenue (the “Development”); and

**WHEREAS,** in order to make the proposed development viable, infrastructure must be constructed, including, but not limited to, Storm Sewer Drainage Improvements, (the “Infrastructure Improvements”), as more fully set forth in a schedule of work; and

**WHEREAS,** the proposed development requires the assistance from the Westchester County FAH program to subsidize the costs of the Infrastructure Improvements in order to assure affordability of the units; and

**WHEREAS,** the Village of Hastings-on-Hudson (the “Village”) desires the FAH assistance from the County for the Development and will enter into an Inter-Municipal Developer Agreement (IMDA) with the County and the Developer; and

**WHEREAS,** pursuant to the IMDA, the construction of the Infrastructure Improvements shall be performed through a competitive public bid by the Village pursuant to section 103 of the General Municipal Law; and

**WHEREAS,** pursuant to the IMDA, the County shall be granted necessary easements for the area(s) upon which the Infrastructure Improvements shall be constructed.

**WHEREAS,** the Village may, at its sole discretion, enter into an agreement with the Developer to detail responsibilities related to the Infrastructure Improvements including, but not limited to, the maintenance of the Infrastructure Improvements upon

completion, initial and ongoing affordability of the Development, provision of funding for Infrastructure Improvement costs that exceed the FAH amount, or coordinating with contractor performing the construction of the Infrastructure Improvements to assure the completion of the Development; now therefore be it

**RESOLVED:** that the Village Manager is authorized to enter into an IMDA with Westchester County for the Project with the review and approval of the Village Attorney in an amount not to exceed \$71,495.00, and take all necessary steps to facilitate and implement the terms of the IMDA and the scope of work appended to such agreement.

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

**Mayor Swiderski:** Thank you, as always, on moving the ball forward on all these projects. It is really remarkable how many we have now applied. We have three, right?

**Ms. Smith:** Three this year. Thanks to you and to the Planning Board and the Zoning Board.

**Trustee Walker:** And to you and your committee.

**Mayor Swiderski:** A lot of hard work by a lot of people.

**71:13 AUTHORIZATION OF APPLICATION TO STATE PUBLIC SERVICE COMMISSION TO DISTRIBUTE PUBLIC SAFETY INFRASTRUCTURE COSTS ACROSS WATER RATE BASE IN HASTINGS-ON-HUDSON**

**Trustee Walker:** I would like to address one of Mr. Gonder's points. I do not view this as a tax. I view this as a fee for service that is going to be more equitably divided among all of the users in the municipality. Yes, churches and synagogues and non-profit corporations will end up paying a fee for this. But it is a not a tax, and it will be more equitably divided based on volume. Any organization, like the Andrus retirement community or a church, has to pay

for their utility costs. They have to pay for power, gas. This is something similar. They pay for water. This is just an additional fee on their water bill. So they are paying for additional water usage. It ends up being more equitable across the board, and that is why I am in favor.

**Trustee Jennings:** This is not going to be a windfall for the Village. We have to make it budget-neutral. How does it go back to the consumer?

**Village Manager Frobel:** Under the law, "any savings achieved as a result of this action shall be applied to the property tax levy of the municipality which has adopted such a resolution in an amount equal to such savings in the following fiscal year." I am going into this budget for next year with no line item for fire hydrant costs. About \$248,000 is going to come out of our budget. How we interpret it is that the state comptroller's office, when they tell us what our property tax levy can go up, will have that factored in, telling us you cannot assume \$248,000 of new revenue, or less expenses, looking at it either way. So the taxpayer is going to see that out of our budget but, on the other hand, is going to see, proportionally, an increase in the cost that he pays for water in his quarterly bill.

**Trustee Jennings:** But what we cannot say is that the decrease in his property tax bill will exactly equal and offset the increase in his water bill.

**Mayor Swiderski:** Another way of saying what Fran just said is our base on which we can have a 2 percent increase will drop by a quarter of a million dollars. So if our tax levy before sought to raise \$13 million it will be readjusted down to \$12,750,000. And it will that new base on which we can do a 2 percent increase, not the original. But that 2 ½ percent savings will be realized on your tax bill. You will see a lower tax bill as a result.

**Trustee Jennings:** So we are not doing something that will undermine the service function of the Village government, are we?

**Mayor Swiderski:** Let us say the tax levy cap is 2 percent. It is going to be 2 percent on a slightly lower amount. We will be able to raise taxes a slightly less total dollar amount as a result of this because the entire pot of money on which we are raising 2 percent has shrunk. So whatever 2 percent of \$13 million is what we could do today. In the future, it will be whatever 2 percent is of \$12,750,000. So there will be a slightly less total amount of money we can raise taxes by. It is not a whole lot, but Bruce is raising an interesting point. There is a tiny fiscal impact. My suspicion is it does not come close to how much the hydrant increases have been from year to year.

**Village Manager Frobel:** Yes, my understanding. There are 120 days from when we can get this letter to the public services commission. I am going to the budget process assuming

this will all be in place by June 1 so when I give you a budget in March, you are not going to see the fire hydrant maintenance fee in there. Now, we will have to plan on a proportionate increase in the amount of water we use for our buildings, like water rate user. We will have to try to make some guesses and assumptions on that.

**Mayor Swiderski:** Bruce, the other half of your question is fundamental to this issue. It is almost exactly a quarter of a million, that lump of cost, and it is now spread out over more users. So in theory, your water bill should go up less than your taxes have come down.

**Trustee Walker:** Because more people will be paying for it.

**Mayor Swiderski:** That is right. Now, if you are very heavy consumer of water.

**Village Manager Frobel:** And some are, these non-profits.

**Mayor Swiderski:** Or if you are private individual who has a pool and waters his lawn a lot it is conceivable that your water rate will increase more than your taxes have come down.

**Trustee Jennings:** But likely, it is a winner for the property tax payer.

**Mayor Swiderski:** Exactly. For the property tax payer it is a winner.

**Village Attorney Stecich:** But that is not tax deductible.

**Mayor Swiderski:** So it may end up being a wash. Water rates are not tax deductible, but taxes are.

**Trustee Jennings:** I agree about the equity issue. I also agree with Mr. Gonder's point, that many of our not-for-profit organizations are operating on a shoestring, and any increase in their water bill is going to be unwelcome to them. They do many good things for the community. On the other hand, we need to control taxes or our community is going to be harmed also, and so will the mission of the not-for-profits and the churches be harmed. So it is a difficult choice in tradeoff. I do think that the not-for-profits should not be freeriders in this case, and I hope and trust that they will be able to do the fund-raising necessary to compensate. I can live with this, I support this. It is not cost-free for anybody.

**Trustee Walker:** Is there the possibility that it goes to the PSC and they can work with United Water to change the rate, whether up or down? There could be a surprise after it goes to the PSC? Is that possible?



**Village Manager Frobel:** I do not know the mechanics with that commission. If you go to their Web site, they have got hundreds and hundreds of issues they have to hear. I do not know how it going to work out. United Water is coming in for a rate increase right now. Substantial, and there are going to be changes where they want to invoice residential customers on a monthly basis rather than quarterly. They are looking to merge their two companies, United Water of Westchester County and United Water of New Rochelle. I think you are going to hear me coming back wanting us to stay with our little group to challenge that rate increase, which is at a 19 percent. They are not certain whether it will be a two or three year deal, but a 19 percent rate increase.

**Trustee Jennings:** But if we did not do this, our own hydrant fees would go up also. So that quarter of a million dollar expense item would get bigger and bigger. So this is almost neutral in regard to what they might do with overall rates in the future.

**Mayor Swiderski:** I also hear Mr. Gonder's point. We subsidize the churches and not-for-profits as it is by not charging taxes. As it now stands, they get the full range of services for either nothing or next to nothing. This should not be something we are subsidizing.

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

**WHEREAS,** Chapter 433 of the Laws of 2013 provides that a municipality as defined therein may apply to the Public Service Commission to have any costs for infrastructure maintenance and access it is charged by a water-works corporation to be charged instead to all customers across all customer classes located in the municipality, provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes, and

**WHEREAS,** the Board of Trustees of the Village of Hastings-on-Hudson duly held a public hearing with notice on the matter, now therefore be it

**RESOLVED:** after a public hearing, that the Board of Trustees of the Village of Hastings-on-Hudson determines that it is in the overall public interest to have such costs charged to all customers over all customer classes; and be it further

**RESOLVED:** that the Village Manager with the assistance of the Village Attorney shall make application to the Public Service Commission by transmittal of this resolution and any other necessary papers requesting that the costs for infrastructure maintenance and access be included in the rates charges to all customer classes and apportioned among all customers located in this municipality.

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

### **72:13 FREE HOLIDAY PARKING**

**Village Manager Frobel:** Traditionally at this time the Board considers offering free two-hour parking for shoppers in the downtown. We are looking to enforce the two-hour limit. I have already worked with the Chief to try to police that. We are looking to encourage turnover in parking spaces so people can come down and shop. This is generous on the part of the Village, in my estimation. We count on our parking lot and on-street parking as a revenue. It is about \$6,000 in lost revenue over this period of time. But this is a wonderful way of promoting downtown shopping so we certainly support it.

**Mayor Swiderski:** I did have a request from four of the store owners in town for the full month of December. I am not sure we are ready to support that. We are three days into it, so that cannot be. But the week after Christmas is also fairly busy as people come back with returns and shop with money they received for Christmas. I do not know if I am ready to agree that we can afford a full month, but I would be open to the post Christmas period.

**Trustee Walker:** That would be a generous gesture.

**Village Attorney Stecich:** It would be four days if you went through December 31.

**Trustee Jennings:** For an extra four days, how much more would that cost us?

**Village Manager Frobel:** If all the meters are used for the full day it is about \$900 a day in revenue we expect. I cannot tell you that those spots are filled 100 percent for the entire meter day. So I used about 70 percent, plus the \$900 a day.

**Trustee Jennings:** It would be \$650 a day times four. So \$2,500 in lost revenue.

**Mayor Swiderski:** Do we want to try it and see if we see any additional activity? I do not know how to do that. It is hard to monitor it.

**Trustee Walker:** I do not see it necessarily as an increase in activity. It makes it easier, it is a generous gesture. The merchants definitely appreciate it. I am not sure we would ever be able to tell that there is any increase in number of shoppers in the downtown. But still, I think it is a worthwhile thing to do.

**Trustee Jennings:** I think of this not so much as a causal factor that will produce an effect that we want. I view it as a symbolic gesture of support for our downtown. It gives benefit to our citizens as well as benefiting the merchants. I do not see it as something that we evaluate quantitatively. It is more a statement of support by the Village government, by us for local shopping; an encouragement of a good thing. The symbolic statement is made and the extra four days does not make a much more powerful statement. The merchants are asking for as many free days as possible because they have a belief that free parking brings in more customers. They may be right, but we do not have any way to measure that. I would be upset if employees parked there all day long. I wish we could have policing of that phenomenon. But I am not inclined to increase it substantially because of the revenue loss. I am not sure that an extra four days will incrementally increase the benefit to the Village. Eventually it will get passed back. We cannot operate in a deficit situation. So the consumers are going to pay for this, the citizens are going to pay for this.

**Trustee Walker:** Do we ever ticket for people who have been there for more than 2 hours?

**Trustee Walker:** Do we do that during this period?

**Village Manager Frobel:** We do. In advance of tonight's meeting, I discussed it with the Chief of Police. He has a strategy to strengthen that effort to make certain that no one games the system. That it is intended to have the two hours for parking, and then rotate out.

**Trustee Walker:** So how do we make them aware of that?

**Village Manager Frobel:** Everyone should know. Susan is in charge of covering the meters. There is a label on it that says two-hour free holiday parking.

**Trustee Jennings:** Still, an e-mail to the Village reminding them that if they park more than two hours they will get a parking ticket.

**Mayor Swiderski:** Ruining the holiday cheer that the vacation from the meter was intended to foster.

**Trustee Jennings:** I think it is perfectly reasonable that people believe if a bag is over it they are not going to get a ticket. We need to disabuse people of that impression.

**Mayor Swiderski:** Right. Well, we have one in favor, one against.

**Trustee Walker:** I am in favor.

**Mayor Swiderski:** Then the unenviable tie-breaker, I am in favor, as well. It is a small gesture, and it seems symbolic to end it at New Year's.

**Village Clerk Maggiotto:** Do you not need three votes?

**Village Attorney Stecich:** Yes, it has to be three votes.

**Mayor Swiderski:** Well, then, if fails.

**Trustee Jennings:** I express skepticism, but I will add a third vote to changing the resolution.

**Mayor Swiderski:** It changes from Tuesday, December 24 to the 31<sup>st</sup>. Everything else stands.

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

**RESOLVED:** that the Mayor and Board of Trustees approve free two-hour holiday parking from Saturday, Dec. 14 through Tuesday, Dec. 31, 2013 at the following locations: Boulanger Plaza, Steinschneider Lot, Post Office Lot, Warburton Avenue (North Street to Bridge), Main Street, Whitman Street, Spring Street, Southside Avenue, and Maple Avenue (Spring Street to Municipal Building Driveway).

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

### **73:13 INTERFUND TRANSFERS FISCAL YEAR 2012-13**

**Village Manager Frobel:** At the last meeting you heard from the Village's outside independent auditors. They gave you a thorough presentation of where the Village ended up on May 31, 2013. What you have before you tonight is the annual interfund transfers which are required to balance out the books for the year just closed. I like to think during the year I kept you informed as to where difficulties were. They involved, largely, the winter storms, the hurricane, some personnel changes with severance pay being paid out. The transfers from are largely contingency. We built the contingency to a point to cover some items.

**Mayor Swiderski:** Is that the "general support"?

**Village Manager Frobel:** Yes. And some of the other accounts in delaying some personnel, some key personnel, we went without during the year, which had some resulting savings in both personnel and in employee benefits. All in all, fairly straightforward. The numbers are very close to what we have traditionally experienced in needing some interfund transfers to balance it out.

**Mayor Swiderski:** The BAN, what is happening there? Is that paying down BANs that are outstanding?

**Village Manager Frobel:** We had planned on drawing from our debt service account to pay a portion of our debt last year. The auditors did not make that interfund transfer at that time. Consequently, we paid our bond anticipation notes from our general fund. What that does is preserve that amount so you have it available to you next year. We were able to accommodate that because our revenues exceeded our expenditures by at least that amount. So we were able to cover it with our general fund rather than using the debt service fund.

**Mayor Swiderski:** Does the debt service fund continue to exist?

**Village Manager Frobel:** It does. In fact, in the letter of transmittal from the auditor's they recommend that it be used for next year's budget. It would be something to keep in mind to

pay down your debt. A good thing because we go into next year with uncertainty. So you still have that money preserved to pay down your debt for next year, next fiscal year.

**Mayor Swiderski:** What is the uncertainty?

**Village Manager Frobel:** Oh, the usual: another storm, perhaps weather events probably the greatest, what insurance costs may cost us next year in terms of general lines. The usual line items that we are anxious about.

**Trustee Jennings:** Is the debt fund restricted to things that are related to BANs and other debt service alone? Or if we had a terrible shortfall in some sort of functional program area of the Village, would we be able to take money out of the debt fund to cover that?

**Village Manager Frobel:** My answer would be no. The debt service fund is specific to paying for your debt, whether it be serial bonds or bond anticipation notes.

**Trustee Jennings:** Given that, if I am looking at this correctly, rather than taking out of the debt fund, we are taking \$160,000 out of the general support. So why are we taking our general flexible money to pay off the BANs? Why do we not take it out of the more restricted place that it is OK to take it out of? Because we might need to take something out of the general fund and we will not be able to get it out of the debt fund. It is not a wash.

**Village Manager Frobel:** Because we know with 100 percent certainty that you will have the debt payment next year and for the next 20 years.

**Trustee Jennings:** So you are keeping that in the BANs because next year we are going to need it.

**Village Manager Frobel:** Precisely. Either way, you are going to pay that debt. This way, you know you have money in debt service for those expenses next year related to debt.

**Trustee Jennings:** If we took it out of debt service now, then we would have to pay it next year out of the general fund.

**Village Manager Frobel:** Yes, you would.

**RESOLVED:** that the Mayor and Board of Trustees authorize the Deputy Village Treasurer to make the following budgetary interfund transfers for FY 2012-13:

<u>Account Name</u>	<u>Transfer to</u>	<u>Transfer From</u>
Public Safety	5,217.71	
Health	52,799.06	
Home & Community	71,251.53	
Serial Bonds	955.88	
Bond Anticipation Notes	162,000.00	
Transportation		(396.96)
Culture & Recreation		(32,567.24)
General Support		(159,765.85)
Employee Benefits		(85,916.45)
Interfund Transfers		(13,577.68)
	<hr/>	<hr/>
	292,224.18	292,224.18

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** In your packet I gave you a copy of the budget manual and budget schedule, which starts the process of the next fiscal year. We will have a staff meeting about some of the constraints, vision, that I see going into the next year's budget. A lot of flexibility in the schedule, but from mid-March through the end of April almost every night we could meet to go over the budget. We will not have to, but know during that six-week period there will be workshops, public hearings, discussions on the budget. I will present the budget on March 14, with adoption no later than April 30.

**BOARD DISCUSSION AND COMMENTS**

**1. Update on Deer**

**Mayor Swiderski:** I asked for an update on the deer to be included here because that is going to be something we talk about weekly, through December and January, as the planning kicks off. I prepared a list of what needs to happen for the immuno program to occur in early

February, working through with Dr. Rutberg. I want to issue that out to the public within the next week. It is likely to happen, at least in this year, at between three and five sites. We would look to expand that in subsequent years. We may not get to all of them this year, but the DEC has not left us a lot of time to do a lot of planning, since they have yet to issue the permit even though they have had it now for six weeks. Speed is not their strong point. However, they have indicated they will be issuing it, and we are proceeding with that assumption.

This is something Professor Rutberg has done with professional staff in the past. The first step is to identify the locations where this will happen, and then to organize the volunteers to help in location access control and subsidiary tasks like leaving out the corn at the sites so the deer get habituated to going to feed at the locations where they will one day find something else. We have a group of volunteers willing to do the hardcore work. Not as big as I would like. I am going to be soliciting more. We need about two dozen to provide access control. Once the deer is darted, to follow the deer until it keels over. The vets, at that point, will do the injection and tagging of the ear. It requires two or three people at each session controlling access to wherever it is happening.

We would look at one site, and probably two, in Hillside Woods, Andrus old age home, and the Andrus Children's Home at the southern end. These are areas where we will have to get a minimal number of signatures for approvals. In subsequent years we would look to expand the locations. This is the beginning of a multi-year process. There are other tasks slated after February: placing cameras to help in deer counts, the various metrics that we laid out which we can begin to collect next year. This will not affect the deer population until 2015. The deer have already mated, the fawns are going to come whether that doe is darted or not. So this is stopping the effectiveness of the mating in October of 2014. It is 2015 that we would see fewer fawns. We can have a baseline established next year and then see that baseline, how the new metrics are coming in 2015 and onwards. Every week, I want to provide the latest update. We want to get Dr. Rutberg up here in a couple weeks' time to give a public presentation, having a challenge finding a good date for that, then at least once in January.

It is a big job, but it is not as big as it could be because it will be constrained to three locations. It is important to realize the darting gun is not held by a civilian. He has a trained crew of at least two people who will do this. What we need is simply people at the periphery of the woods saying for the next two hours no entrance. It is a good thing it is in early February because I do not think we are going to be turning away a lot of people at dusk in the woods.

**Trustee Walker:** How far in advance do they put the bait out?



**Mayor Swiderski:** I do not know. There are 50 bags of this stuff being ordered. So several weeks ahead of time you start to lay out the corn in these locations. If you figure four locations, that is 10 bags a location. Is it a bag a day? I do not know. They are 50-pound bags.

**Trustee Walker:** How do you propose to find more volunteers?

**Mayor Swiderski:** I am going to do another mailing and reach out. We have our core list of 60 people who have expressed interest and who are participating in the logging. I am going to start shaking some of them down. It is not a lot of time, but we just need somebody in a heavy jacket for three hours standing and smiling at the trailhead saying you cannot go in. I need to alleviate concern that people are going to be manhandling crazed deer. It is not that.

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

**Trustee Walker:** At the end of this week we are having the tree lighting Friday Night Live, at VFW park at 6 o'clock and the arrival of you-know-who, and refreshments at the Community Center.

We discussed at the last meeting the idea of a holiday market. Our Flea Market ladies have pulled the idea for this year. It was difficult to find the appropriate parking lot. It did not have the right space, since Chase Bank was not able to open to them earlier in the day. They need more time to prepare something like this. And we would like to see more merchants on board. I want to see this as not just a flea market but a real downtown effort. The merchants are eager to get people downtown on Thursdays, and want to see how this works by itself before they introduce anything new to the mix. Maybe we start thinking about it for next year, but we build up some enthusiasm for it.

We also need to talk about doing our due diligence before the flea market comes back in the spring in coming up with an agreement, an appropriate rent, guidelines. And also doing the survey. It was difficult to do a survey after the flea market in October because it was the same date as the Halloween parade and the window painting. But there might be some interesting follow-up, which we have not done yet, on the November 17 market because that was a stand-alone market. I am not sure who is going to do this survey. We need to talk to the merchants, we need to find out the impact from the November 17 and how they feel about it. That was one of the requests from the merchants in the letter that they sent to us.

The Downtown Collaborative is moving on to other things. They think surveying is a Village and flea market activity, not necessarily a collaborative activity. I am not getting volunteers. I need to come up with a way of going around and talking to the merchants.

**Mayor Swiderski:** But the Collaborative has collected the e-mails of the merchants.

**Trustee Walker:** Yes. We have all the e-mails, yes. We can send out an e-mail.

**Mayor Swiderski:** I would suggest that we have to be realistic about your time.

**Trustee Walker:** I know. But I would like to go around and talk to everybody.

**Mayor Swiderski:** But you are, unfortunately, only one person. It would be lovely to clone you two or three times. Realistically, the merchants have to have some skin in the game, and open their e-mails and respond to them. .

**Trustee Walker:** But it would be nice to be able to talk to them personally. You get a lot of anecdotal information.

**Mayor Swiderski:** But they do not show up at meetings and do not make it easy on us.

**Trustee Walker:** We had a meeting on November 11 to talk to the merchants about how they felt about an upcoming flea market and holiday market, and we had one merchant show up. It is difficult to gather this kind of information without personal contact. But at the same time, I think you are right. Who is going to do it?

**Mayor Swiderski:** We have got to be realistic. And the Collaborative is also volunteers. We do not want to dissipate their energy.

**Trustee Walker:** I think you are right. We will do an e-mail, and then I will work with the flea market people on the agreement. They will come back in the spring. We will have something well in advance of that.

Downtown Collaborative met last night. We were focusing on art in the downtown so we invited the Upstream Gallery representatives to come and talk about when they are opening and what kinds of activities and events they are interested in; could the Collaborative work with them in doing something along with Friday Night Live to celebrate the arts at some point in February or March. They are probably going to open in January, but it is going to be a soft opening and it might have a more festive opening sometime in February or March. They are going to not just have visual arts. Also once a month they usually have a concert or a poetry reading. They have a monthly event series. They do a lot of different activities so I think they are going to be a nice addition. People are very excited that they are coming here. And they are excited because they think they are going to get a lot more visibility than they

had in Dobbs Ferry. They were way down Main Street, past the library toward the end where not many pedestrians range. They saw very few walk-ins. The only time they had a lot of activity was when they had an opening or they had a concert. They are hoping to get a lot more exposure by being on Main Street. That is exciting. A representative from the Village Arts Commission talked about how they could partner. We also had a public art consultant who was talking about different grant opportunities we could go after for public art, pop-up art, temporary art shows, things like that. We had a wide-ranging discussion about arts. Could the Village Arts Commission do more in the downtown around interactive art? Could we make Hastings into a real arts destination? That kind of thing. We are really excited about maybe attracting more galleries. Once Upstream gets going maybe we can see more galleries coming into the downtown.

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

**Mayor Swiderski:** BP had requested, and the Board has agreed to, a meeting tomorrow. It is a closed session on legal issues around the consent decree. That will kick off the process of renegotiating that document, which is necessary for them to complete the engineering study. They also plan to raise Building 52.

**Village Manager Frobel:** Chevron-Uhlich has completed all their work on the site. They have hydroseeded it. They expect they will have to come back in the spring to freshen it up. But if you have been out there to see it, it is level, seeded, and they will be doing their continuing monitoring over the next several years, probably. They are finished.

**Mayor Swiderski:** The visible remediation is done now. It is the underground stuff going on that you cannot see. The ongoing bioremediation will continue.

**Trustee Walker:** So do you think this means that the Uhlich property is going to go on the market?

**Village Manager Frobel:** I think it is landlocked, is it not?

**Mayor Swiderski:** Without a functioning bridge he is landlocked.

**Trustee Walker:** That does not mean that somebody still would not be interested.

**Mayor Swiderski:** I believe the owner has had developers approach us. Nobody has approached me directly, but I know they have come in to the Village offices. The owner is talking to developers, and there is not a small access issue.

**Trustee Walker:** Now that we are coming out of the recession and the remediation is done, at least the visible remediation, we might start to see more activity.

**Mayor Swiderski:** We might. It remains zoned marine industrial. Until we engage in the process of rezoning the site nobody is building industrial anything. So it is going to be very speculative indeed.

**Trustee Walker:** I am just thinking how to prepare it if somebody does come.

I know there has been activity on the Infrastructure Committee. Any idea?

**Mayor Swiderski:** Yes, they are working through their final draft. They would like to have a public meeting to present that. They thought they would be able to do it by early January. It does not look like that will happen. It has been a trick to get them together. There have been some schedule issues. Lee is going in for a new knee, so that will be another couple weeks of slippage. But I did meet with Lee and indicated we need that process wrapped up no later than March because BP needs that input. That is not a theoretical exercise. We need to see it, we need to weigh in on it. And it is not done just because they finish writing it. So we need it sooner than later. I asked him to forward a draft to us and to BP so there is some sense of their thinking.

**Trustee Walker:** Before it goes to the public?

**Mayor Swiderski:** When a draft comes to us I will publish it out. It is not a privileged document.

**Trustee Jennings:** Is there any prospect that anything the Infrastructure Committee has come up with might require some tweaking of the consent decree? Is that totally separate?

**Mayor Swiderski:** No, it is not totally separate. I do not want to prejudge what we will be requested tomorrow, but one issue in the consent decree from back then was an issue of setbacks from water's edge. A setback at 100 feet assumed pilings. If you have got a slope that consumes 80 feet of the waterfront anyway, you may want to adjust those setbacks so we are not going in 80 feet and then another 100, because you will have now consumed a third of the waterfront without blinking, and that may be an issue.

But we need to see their assumptions and their document. It is all part and parcel of this process we are heading into right now, and we do need to get our hands on that and work backwards from there. So we are going to be getting into early planning on what is going to be happening there, and it is not theoretical. It will make for an interesting winter and spring.

**Trustee Jennings:** Well, it is a very exciting time. It is a lot of work, but it is really very exciting.

**Mayor Swiderski:** It is the real deal. It is no longer fantasizing. What will come out of their effort and the decree will be the outlines of where the park will be for starters, and a lot more than that. But for sure, we will have a blurry, yet fairly distinct, idea of where the parks where will be and what will be where in them. And that is not dreaming anymore.

**Trustee Walker:** I am wondering if we should begin to look at grant opportunities for the next phase, looking at what is coming up with the state, or talking to the DOS about grant monies available to us for next year. We do not want to miss a grant cycle.

**Mayor Swiderski:** I would like to talk to you about that. It is key. What we have done has been on the backs of volunteers.

**Trustee Walker:** it is getting to the point where we are going to have to bring in consultants.

**Mayor Swiderski:** Yes. And the next steps are linking more than that.

**Trustee Walker:** Get to the form-based planning aspect.

**Mayor Swiderski:** I agree. We have gotten as far as we can on free labor. We could probably get some distance on the form-based because there is some real talent in town. But it is not fair to expect that.

**Trustee Walker:** No, it is very specialized.

**Mayor Swiderski:** Yes. The form-based stuff, we do not need anything quite yet so we do have some period of time to do this. But it has to start.

## **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:00 p.m.