

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
FEBRUARY 4, 2014**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 4, 2014 at 7:58 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Meg Walker.

**CITIZENS:** Three (3).

**APPOINTMENTS**

**Mayor Swiderski:** We are appointing David Agosto to the Board of Assessment Review to fill an unexpired term expiring September, 2014, and Elsa DeVita, who is reappointed to a term expiring September, 2018. It is a generous donation of time. Thank you.

**APPROVAL OF MINUTES**

**Attorney Stecich:** I gave Susan a few edits.

On MOTION of Trustee Jennings, **SECONDED** by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of January 7, 2014 were approved as amended.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 46-2013-14	\$281,987.66
Multi-Fund No. 48-2013-14	\$ 3,166.75
Multi-Fund No. 49-2013-14	\$ 46.76

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** Mike Gunther and his crews have done a tremendous job cleaning the snow and salt. I asked him if he has enough salt for the next two storms, and he said yes, which is nice. These guys work real hard and they deserve great applause from all our community.

The Mayor made a statement that it will take five to six years to clean up our Anaconda/BP/Atlantic Richfield property. I remember Jeremiah Quinlan saying the same thing two years ago. Maybe we need somebody from the Board negotiating with BP to speed up this process. All they have to do is get equipment down there and start digging. It just makes me sick that it takes so long, and so long in the process with the DEC making all these comments back and forth. Now that the things have been approved, why do we not have some negotiations with the Board and speed it up. Maybe you can give them a permit to take Building 52 down. There are some tradeoffs, but six years is ridiculous.

**Tim Downey, 520 Farragut Parkway:** I want to bring back up the topic of the change in water billing to the Village. If there is a water main how is that going to be gauged and metered? I get concerned when I see an action like this with such an important item as water or more important, electricity. We see what happens with Con Ed when they have wholesale control over a public utility. When the villages pulled together and tried to fight United Water, at least there was the element of numbers. Now that everything is divided, how will the public be represented and treated on the billing side of this. How are the village officials thinking they are still going to have some strength and representation to push back if they go too far.

The liquor license item on 45 Main, I suggest more detail in the agenda online. I viewed that archive later, and that was one of the best exchanges I have seen in this room. The gentleman who raised concern was very respectful, and it was well thought out the way he brought his concerns. The gentleman from the facility did an equally good job. But when I saw it was just a liquor license, I did not think it was going to be a mini restaurant and bar. It deserved a greater definition so people who might be concerned with a restaurant would have had a chance to participate.

Regarding the holiday display at the VFW, there was a statement from the Board that there was a complaint or a call. I was the person who called and sent the e-mail on that. I do not want to hide. When I heard the name of the gentleman who brought the Festivus pole, I looked up his number in the phone book and contacted him. Based upon what I saw him say at the mic here, I felt that gentleman was very sincere in what he meant. It may have been a youthful style and his intent might have been a little different just because of age, but I felt he was sincere. I brought up that concern in the e-mail because I thought it was a prank by some guys who had too many beers at a Christmas party and decided to do some horse-around thing in a respectful, reverent space done with some class or touch. I thought the Village's stance to the gentleman was a little strong, and they could get themselves in trouble because they did not clarify what defines a display. Somebody could come up there with a 19-foot inflatable elephant and there is no definition. It up to judgment, but there should be some stronger definition in the wording of how that is allowed.

The Board still feels that it is not appropriate, it is not the right setting for it. The wording Be Good for Goodness' Sake was in good spirit. If you did not want to share the VFW spot, then maybe in front of the Harmon Center would be a location. His rights are important too, and I do not think he should be discounted and swept aside as somebody who is just clowning around. I think he was sincere in what he was speaking about.

**Mayor Swiderski:** On the five-year window on the cleanup, that is from the point when the cleanup begins. Until that point, we have something called an "engineering design phase," which is a negotiation between BP and the DEC. BP has been told what to clean up. That is what all the work over the last five years has defined. Over the next two years, BP has to specify the how: a very detailed description of the engineering around how the offshore stuff will be handled, where the stuff will be stored, when it is brought onshore how it will be dewatered, how the river will be kept at bay while they dig out close to the river. The engineering design is complex and is likely to go on for two years. It is that phase and then five years of digging the stuff up. It is probably on the order of seven or eight years.

#### **9:14 HOME RULE REQUEST RE HOTEL OCCUPANCY TAX**

**Mayor Swiderski:** We are revisiting this topic from last year, where we passed something very similar, with the exception that the numbers I am about to read are slightly different. The state assembly and state senate did not move on our request in enough time, given their schedule and calendar. So since it is a new calendar year, we have to come back with the new request.

**Village Manager Frobel:** The Village has, in the past, supported this. Some of our neighbors, besides the unincorporated part of Greenburgh, the villages of Tarrytown and Elmsford will benefit nicely from the three percent room tax. We, not having hotels, will benefit from the one-sixth share, which will be dedicated to promoting tourism and economic development in our area. We think it is a means to help promote our area overall and to help some of our neighboring communities enhance their revenue opportunities.

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

**WHEREAS,** the Mayor and Board of Trustees of the Village of Hastings-on-Hudson on Feb. 28, 2012 adopted a Municipal Home Rule Request asking the enactment of Assembly Bill No. A08804 to amend the tax law regarding a hotel/motel occupancy tax, and

**WHEREAS,** such bill was amended to include a sunset provision to expire Sept. 1, 2016, and a resolution was adopted on June 17, 2013 to ask enactment of the amended Assembly Bill No. A1234/Senate Bill No. S5785, and

**WHEREAS,** the hotel/motel occupancy tax legislation will be reintroduced in this session of the Assembly and Senate, now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson adopt a Municipal Home Rule Request asking the enactment of Assembly Bill No. A01234A/Senate Bill No. S5785 to amend the tax law regarding a hotel/motel occupancy tax.

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

**10:14 APPROVAL OF PROPOSAL – LEGAL SERVICES FOR CONSORTIUM RE PROPOSED WATER RATE INCREASE**

**Mayor Swiderski:** This could not have been more apropos, given a public comment regarding Village government support for fighting the water companies.

**Village Manager Frobel:** In the past Hastings has joined with our neighbors. In this case there are nine municipalities that are affected by this rate increase. Interestingly, United Water of New Rochelle, in the matter before the PSC right now, is looking for a 22.9 percent increase for one year. We have some theories as to why they were looking for only the one-year deal: it is part of their effort to consolidate their other business holdings. We suspect they will be coming back next year with another modification. Nearly a 23 percent rate increase is excessive. Although we have confidence in the PSC and the staff, we feel more confident if we had a representative at the table who has specialized in this proceeding. Also interestingly enough, the company is looking for a 36 percent increase in the fire hydrant rental fee which will now be spread among all the ratepayers. We feel strongly that we need to have someone representing us during these discussions.

**Mayor Swiderski:** Right now the rental fee is close to a quarter of a million dollars, so a 36 percent increase on that. Are you aware of any reason they are providing?

**Village Manager Frobel:** They offer the typical reasons. They talk about storm damage. They indicate that during these past storms they have experienced some infrastructure needs. They have talked about their debt structure. They have talked about their equity, the return they need on their investment, the typical stuff that goes into their calculations. Our attorney indicated that he sees some weak spots in their arguments. He has already looked at some of their numbers. He believes he can argue and get a lower rate increase, but we are quite confident they are going to get some increase in their rates. They also talk about the cost to purchase water. As you know, water throughout the nation is very precious and it is getting more and more expensive to supply it. They are going to talk about the cost to buy the water, not only to deliver it to the customer.

**Mayor Swiderski:** While you are asking to cap it at \$5,000, it looks like it is closer to \$3,000.

**Village Manager Frobel:** I gave the worst case scenario. We will be monitoring it throughout, but it is still quite a value, given the amount of staff time that is going to go into this matter. As our fair share we are a five percent partner in this, based on population.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the proposal of Daniel P. Duthie, Esq., Bellvale, New York, to represent a consortium of nine communities to oppose the proposed United Water New Rochelle rate increase, for an estimated fee of no more than \$5,000 as Hastings' proportional share of the total fee; and authorize the Village Manager to seek permission to intervene in the rate increase proceeding.

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**11:14 APPOINTMENT OF ELECTION INSPECTORS**

**Mayor Swiderski:** Where is the fee set?

**Village Clerk Maggiotto:** It is comparable to what the county pays. They ask us to adhere to their pay schedule. The inspectors are all trained by the county.

**Mayor Swiderski:** And when it comes to the cost of an election, is this it? Are there other expenses.

**Village Clerk Maggiotto:** The total cost is about \$3,000. There is the rental of the voting machines, there is payment to the county for the poll roster books, there is payment to a technician. It is a modest amount.

**Mayor Swiderski:** Are we now past the old pull-lever machines?

**Village Clerk Maggiotto:** No, we will be using the levers again this year.

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

**RESOLVED:** that the Mayor and Board of Trustees appoint the following Village Election Inspectors for General Village Election Day, Tuesday, March 18, 2014:  
Democratic Inspectors: Barbara Lisio, John Russo, Elizabeth Waczek  
Republican Inspectors: Tim Hays, James Keaney, Bryan Healy;  
and be it further

**RESOLVED:** that compensation shall be \$225.00 each for five (5) inspectors and \$275.00 for one (1) captain.

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

**12:14 RETURN OF ACCOUNT AND AFFIDAVIT**

**Village Manager Frobel:** Administrative in nature. Susan gave you the most recent list of delinquent properties. This list will continue to be reduced in size, leading up to the sale later this spring.

**Trustee Armacost:** Susan, all of these people have been notified by you that they are delinquent. So it is a question of whether they are responding to their e-mails, or however you contact them.

**Village Clerk Maggiotto:** We send letters, and they will get another letter.

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

**RESOLVED:** that the Mayor and Board of Trustees certify and approve the Return of Account and Affidavit as attached for the Village 2013-14 tax roll.

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** Nothing to report, Mayor. I would request a closed session for collective bargaining, and to bring you up to date on negotiations. We have all agreed on Tuesday night to interview for the Chief of Police.

**Mayor Swiderski:** Our Chief of Police is at the end of his professional career, is retiring in March. We engage in a civil service-driven process for the names. An approved list of exam-takers is presented to us, and we are required to interview off that list. That is a behind-the-door process, but the process itself is regulated by civil service.

## **EXECUTIVE SESSION**

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

## **BOARD DISCUSSION AND COMMENTS**

### **1. Notice of Application for Liquor License – 45 Main Street**

**Mayor Swiderski:** We have a notice of application for liquor license for 45 Main. We are in receipt of a couple of e-mails from the parties at odds with each other, and a request from the residents of the building that the time that liquor can be dispensed is capped on weekends to 10:30 and during the week to 10, and a request from the proposed tenant it was later, or no cap at all. There is no concordance between the condo owners in the building and this proposed tenant, as there seemed to be earlier. It is on us to decide whether we want to file a note with the SLA indicating we would like to see a cap or not file a note. We are just a party submitting a letter. We have no controlling interest here. The SLA, the State Liquor Authority, makes its decision in part based on the input it gets. But we have no ability beyond submitting a letter to control that process. So it is before the Board to consider the request from the tenants to limit that time.

**Trustee Apel:** We do not have limits on any other businesses. I feel like we are being put in the middle of two children that are fighting. It is up to the tenant and the condo to come to terms of what they want to do, and we should not take any part in it at this time. We do not have any authority, we do not have a law on the books that has a curfew for anybody else, and we should not single out any particular place. I think we should not send a letter.

**Trustee Armacost:** My memory of the last meeting was that we had said we would send a letter if there was agreement between the parties. It seemed as if there was a very civil discussion and that they were close to coming to an agreement on what they would recommend to us, which apparently unraveled. I feel as if we are in a very peculiar position. So for reasons similar to Marge, it seems strange. We have an existing noise to cover a situation like this. Barring them coming to an agreement, which would encourage us to do something which we have never done in any other case, it seems to me that it is not a sensible thing to act on.

**Trustee Jennings:** In view of the disagreement among the parties that we heard from at a previous meeting, I am also inclined not to make an official intervention by the Village to the state. Our responsibility is not to communicate the interests of particular individuals or



groups or businesses in the Village, but to communicate the interests of the Village as a whole if it is impacted by a state decision. In this case the interests of the Village are pretty well served by the status quo, pretty well served by the way in which the state scrutinizes applications for liquor licenses, pretty well served by the noise and nuisance laws on the books already, well served by the fact that we have residential units in our downtown area which are good for the Village as a whole, well served by the fact that we have commercial establishments and not empty storefronts. So I do not see a compelling reason to make a statement with an opinion about the permissible hours of operation in this case, because it is not obvious to me what hours of operation the general interest of the Village would require. Before, I was not opposed to conveying the agreement of the parties in a letter. But since that communication seems no longer possible I would favor not writing a letter at all.

**Mayor Swiderski:** Sometimes I am very grateful to be last because other people say what I am thinking very well for me. Also, I want to comment that under the New York sunshine laws we do not talk about these issues outside of these meetings as a group. I am always surprised by how decisions sometimes reflect each other and are thought through in very similar ways. This is one of those cases. I am in accord with everything said. If there was a desire to self-regulate by the restaurant that was in accord with the building who was I to argue? But since there is not, and we do not restrict other restaurants or liquor-serving establishments in town, I do not see why we should do so here. Everything the Trustees have said before me I am in accordance with. We will not submit a letter to the SLA.

## **2. Request for Holiday Display in VFW Park**

**Mayor Swiderski:** The Trustees have received a request for a holiday display around St. Patrick's Day that consists of an inflatable leprechaun. The request is before the Board for consideration. We have a holiday display around the Christmas season that is, clearly, a Village-sponsored display that has components put up by private entities. We have never had one at this holiday. I do not think it is generally recognized as the sort of holiday where displays are put up, and I do not see a Village need, desire or compelling reason to have a display for this particular holiday. I am inclined to say this is not a holiday for which the Village is interested in sponsoring a display.

**Trustee Armacost:** My reaction to this was that it came quickly after the last request. The message I got was that Patrick, who was the sponsor of the last request and is the sponsor of this request, really wants a display of one kind or another at some point or other during the year. This is probably not the best way to have that conversation, in the context of Trustee meetings. Maybe you have a compelling reason on your side for wanting a display. It may be that it is better to have the conversation off-line around which of the various kind of seasonal events that could occur during the year might be the best one for you to be able to

share with the Village your view on an occasion when the Village also wants to have a display. Ultimately, it is a Village display so your kind of display needs to fit in to the Village display. This way of doing it has a peculiar, confrontational, formal side to it, when I think your reasoning for wanting to do it is maybe not getting out as clearly because of the formal nature of this discussion. As far as I know we have never had a St. Patrick's Day display. I do not know that we have even had a St. Patrick's Day march in our own village, have we?

**Mayor Swiderski:** No, we participate in Sleepy Hollow's. We do not have our own.

**Trustee Armacost:** Exactly. So perhaps the most sensible solution is to not do this in this way. Have a meeting with Mr. Frobel and perhaps with the Mayor, and think about which is the best context for you to get across this message which you would like to get across. For us to create a display around your interest seems a bit forced.

**Trustee Jennings:** I agree with the Mayor and with Trustee Armacost. I do not get the point, and insofar as there is a point, we should not use the public display mechanism of the Village to make this kind of point. An appropriate display at a time when other groups and faith traditions and philosophies are gathering displayed together in one location would make me open to the points of view of members of your organization on such an occasion if the display was meaningful and appropriate and tasteful. But a free-standing ad hoc thing does not strike me as very persuasive. I would have no objection if you talked to the people who run the parade in Sleepy Hollow and had a contingent in the parade, and carry symbols and signs and maybe even the leprechaun figure that you have given us a picture of. That would strike me as appropriate. If I was running a parade I would be open to that. But that seems to me quite different from what you are proposing in Hastings.

**Trustee Apel:** I am inclined to agree with my fellow Trustees and Mayor. We have not had a festival like this ourselves. I do not know if the store owners want to have a festival That is up to them. But it certainly is not something that the Village is looking forward to doing at this time unless something else comes up. So I would agree, sorry.

**Patrick Randolph Bell, 69 Prince Street:** First thank you to Tim for the clarification of the Festivus pole and his thoughts. The Festivus pole was invented on *Seinfeld* by a veteran. It was the only symbol up there. He was a Korean War vet. So I thought that would have been quite appropriate to stick in the VFW park. You received my letter. Trustee Armacost refers to it as "my display." Last time, she asked us if there is an official group. Maybe we should make an official group and get a presence for it. We made a Facebook page and we are up to 83 likes. I do not know what our town Democratic or Republican committee has, but 83 is not a bad number.

There were some ladies here before, when I was outside. They said they support the leprechaun. They quite liked it. I spoke to another one of the free thinkers who has children in town, and he thought his kids would get a kick out of seeing this King of the Leprechauns up there. If you do not find it the appropriate venue, as Tim was mentioning, perhaps we can put it somewhere else. Perhaps we can put it where we celebrate the holiday of Halloween, in front of the library, which we do for a month or more. That might be another place to possibly put any other kinds of holiday displays rather than the VFW park.

I was not sure what the rules were that the Mayor and the Board of Trustees came up with. The only one I was getting guidance with was, two months before the festival that you would like to celebrate. So I said what's a good one, two months ahead so we won't have this problem again for other holiday displays which we would like to promote? We are already planning some other ones, if we can, for the town. For the St. Patrick's Day one, I called the rectory today. Unfortunately, the main priest was not in and the person filling in was not able to give any guidance by saying yes or no, supporting it, or coming to the meeting. It was to honor the St. Patrick's Day holiday. It is a Catholic feast day, it is celebrated worldwide, as you saw in the letter. We do not have a celebration here, which I always thought was strange, that we give our business to another town, whether that be Sleepy Hollow, Tarrytown, White Plains or the city, where it might be sometimes safer for our citizens to stay in town. This year it is on a Monday. A lot businesses and restaurants are not open on Monday. It might be another day for them to come, possibly in the future. But to put food and drink, and have a small festival for the weekend. You could still march in the Sleepy Hollow parade, if you would like to.

I checked out the history of Hastings-on-Hudson. They said hundreds of Scottish and Irishmen moved here in the late 18<sup>th</sup> century, and a lot of their descendents still live here. We probably have thousands of people of Irish descent in this town. It might be a good way, I thought, to celebrate their cultural heritage. I think they would really enjoy it. My family always celebrated St. Patrick's Day. We had our corned beef and cabbage, decorations in the house. I always had a great time with that. If you do not like the leprechaun, which is right here ... It was six foot tall when I got the box. We are thinking that might be a great one. Everybody associates a leprechaun with Ireland. The T-shirt I am wearing, on the back the first thing on it that reminds you of Ireland is a leprechaun. We could put up maybe even not the leprechaun. How about the picture of St. Patrick driving out the snakes? It is a way we can celebrate our own heritage, and those who came before us. We just want to bring some more fun to town. It would not hurt to have more fun in town, maybe a few more festivals. Perhaps a May Day celebration, which we were thinking of having soon. But right now we are talking about St. Patrick's Day. I thought it might be a great time to bring the town together, set him up here in the park or in front of the library. Or, in the future, if we

ever fix Kinnally or the whole waterfront, we can start small and move bigger. Have our own celebration down there with whatever new kind of buildings we might build, or fields.. We could go like Boston, make our Kinnally Cove green for the day. Something fun that brings a little life to town.

There is more than me bringing this before us. The reason there is a mustache, one of the free thinkers said if you are going to hand this in you have to put the mustache on it to symbolize this fun that we are trying to bring to the town. It is sometimes a little stiff, and we would like to see a little more celebration in our town. Some of these holidays may be a fun time for us to spend with our families and our friends having a good time. Thank you for your time today and, hopefully, you can reconsider since it seems like you already chose your vote on this one. Perhaps you would like to talk about a different symbol or a different location, perhaps in front of the library. If you do not want it for an entire week, perhaps just on the day of St. Patrick's itself. I have to march in the St. Patrick's Day parade with Fordham which I got to do last year, which was quite wonderful, in New York City. They do not allow leprechauns. It is a much more serious parade. Perhaps we can put it in another place. It might be fun for a day. It is not going to hurt anybody.

**Mayor Swiderski:** Absolutely. And I would absolutely start with your property.

**Mr. Bell:** We already have other ones for that. But like I said last time, I have a menorah and a Christmas tree in my house. I will put the leprechaun up if you do not let us. I do not think it hurts to just stick it up somewhere for a day.

**Mayor Swiderski:** There is a committee that Meg is associated with that worries about festivities downtown. We have certainly had a great emphasis on the Friday Night Lives and other events we have, where we work to bring people together, and I am all for that. I will point out, with some sense of irony, that an atheist pushing for a St. Patrick's Day commemoration ...

**Mr. Bell:** My name *is* Patrick. I had confirmation and communion as a child. I was an altar boy for eight years. And not all free thinkers are atheists, by the way. It is a wide group of individuals in Hastings-on-Hudson, including Catholics.

**Mayor Swiderski:** That is great, but right now I think we stand. When we get to the holiday display we have next winter and you want to talk about something that might fit there we will be happy to do so.

**Mr. Bell:** I would t like clarification. Do we have a holiday season, and how is that holiday season defined? Is there a start date and an end date that we will always use?

**Mayor Swiderski:** It is the Christmas season around the timing of Hanukkah, which shifts around because of the lunar calendar.

**Mr. Bell:** So it is still based on the Jewish and Christian holidays, rather than maybe November 1 to January 31?

**Mayor Swiderski:** You can define it that way if you so wish. It tends to base around the standard holiday season where the country understands it to be the holiday season.

**Trustee Armacost:** I do think it would be fantastic if you were to have a chat with Fran about your underlying objective. If your objective is to have fun in the Village there are a number of different venues where they would be thrilled to have your support in the context of Friday Night Live or the Arts Commission. They are craving volunteers and interesting ideas. If that is what you are doing that is one thing. If what you are doing is making a statement about official Village holidays which have a religious connotation that is a whole different activity. When you present to us, sometimes it is for fun and sometimes it is a protest against established religious Village demonstrations. I think we are confused about what you are doing.

**Mr. Bell:** It is both of them.

**Mayor Swiderski:** I am not remotely confused. I think we are done.

**Mr. Bell:** So for May, for our May Day pole involving other religions besides atheism, how do I do that? I come knock on your doors is what you would like me to do?

**Trustee Apel:** I think you should be talking with Meg. You should be talking with the Downtown Collaborative group because this is where this all is fitting in. If you are looking to have a lot of fun and festivities, get bands and orchestras out there and have all sorts of stuff, that sounds great. But you have to do it within the context. It is not, in that sense, a Village activity from the Village Board, but it is through that particular group. You will find that they will be very responsive to what you want to do because it is going to fit in with what they want. They want to bring people to the downtown.

**Mr. Bell:** So if I ask them would you guys like to have a St. Patrick's Day celebration, and the Arts committee says yes, who then approves it here on the Board? Or can they can just say let's put out your leprechaun and have fun, would that work also? That way it does not seem like you are using that as your establishment and you are not squishing my free exercise of religion.

**Mayor Swiderski:** Approach them, the arts. Again, if you are looking to do an event it is one thing. If you are looking for a holiday display it is another thing. A holiday display will happen when we have holiday displays which, right now, tend to be in the December time frame. If you are looking for a fun event you have been given direction on where to go. They can organize events and if they require Village funding approach us, but otherwise put them together. Start there.

**Mr. Bell:** OK. I will try that for the next one. Thank you so much. So the vote on this one, again, is four-nothing.

**Mayor Swiderski:** Yes.

**Trustee Apel:** There is no vote, really.

**Mr. Downey:** I had no idea the three items I was speaking about tonight were on the list here. I did not read it before I came here. They were just backed up on my desk to come here and meet. The water thing is the thing that really concerned me. The water issue is a big thing that I have been trying to get off onto this mic here.

**Trustee Apel:** You are complaining, but it was on the list. You should have read the list.

**Mr. Downey:** I do not have time. I have two kids and basketball things and everything else.

**Trustee Armacost:** Then do not complain.

**Mayor Swiderski:** What is your point?

**Mr. Downey:** Exactly. Let me get to the point. Again, when I listen to him he is sincere. One thing that troubles me about this village, and people I talk to in the social circles that I have and family and friends, is the Village cannot help but fall all over itself to support the arts. If there is some art thing it goes up; if it is a statue, it goes up; if it is a display in the hall, it goes up. It is arts, it is green light all the way. I am not here to support Patrick. I did not come here for that. I came here to express that I was a person who brought the thing to VFW. But as I listened to him tonight, you go to Rockland, Nanuet, huge town-sponsored thing. Maybe it is time to break the ice. Maybe there is a proper procedural thing, as you say, a proper way to approach it. But I do not want walk away feeling this community says, no, that is not us, there is not enough Irish people or people to celebrate. You would be surprised how many people throw up leprechauns. And they are not Irish people, they are everybody, because it has become a general holiday now.

I would like to see the Village have a different posture on that than just say it's all in for the arts, sculpture, paintings, but you other folks, you got to jump through some hoops and hurdles. That is almost a little bit what it feels like here, based upon history, what I see goes here in this village. You want to say something, go ahead.

**Mayor Swiderski:** No.

**Mr. Downey:** I know, you are dying to but you do not want to respond.

**Mayor Swiderski:** No.

**Mr. Downey:** I understand the policy. Thank you.

### **3. Proposed Local Law re False Alarms**

**Village Manager Frobel:** We had put this on the agenda perhaps prematurely. There was some work over the last several weeks with some drafting and redrafting and looking at our fire alarm system ordinance. I met with the Fire Chief today. He wrote an e-mail indicating that he wanted to be here tonight to take part in this conversation. The fact that he is not available, to put this over to the next meeting would be helpful. I have the Fire Chief's written comments about the ordinance as modified. I want to hand this off to Marianne to let her see his comments. But that is the background as to where we are right now.

**Mayor Swiderski:** Could you give two minutes about what this is about so people understand the context?

**Village Attorney Stecich:** Do you want me to go through it?

**Mayor Swiderski:** The genesis of this and why we are here.

**Village Attorney Stecich:** I worked with Chief Bloomer on it. The concern was that to prosecute somebody for a fire alarm you have to go through the court system and it can be cumbersome.

**Mayor Swiderski:** False alarms.

**Village Attorney Stecich:** He also pointed out the way the law was drafted, the precise language in the law now, which says that "*it shall be a violation to intentionally negligently cause a false alarm to be made.*" There is a problem proving. Intentionally would not be hard to prove, but hard to prove it is negligently causing it. The thing was to make just a fact

that a false alarm happens. It involves costs on the Village's part. You should be able to recoup that cost, and you would do that by a fee. That would just be a fee because it is recouping costs, and then it does not have to go through the court system unless you violate it. So it was reworded that way. I think there would not be a fee for the first three because sometimes it just happens. But after three in a year you should have been able to fix it. What this says is that there would be a fee. The fee is not in here; that would be part of your fee law that there would be a fee after three false alarms, and then six. We had this being administered by the Police Department. The Police Department would keep records. Then if there were more than six in any one location during any calendar year, the Police Department could order the owner or the lessee of the property to disconnect the alarm system. There are a few other changes, but they are technical changes making definitions more precise.

**Trustee Apel:** What would happen if it got dismantled and then there really was a fire?

**Mayor Swiderski:** The Chief brought that up.

**Trustee Armacost:** Chief Russak wanted to be here when we discussed it. It is great that you described the changes, but in deference to him we should table it and do what he requested. He wanted to discuss it with the other chiefs and then come back to us with recommendations that had been thoroughly thought through. We should be respectful of that.

**Village Manager Frobel:** He had some preliminary recommendations that went to that issue, Trustee Apel. We want to raise this because it is a long-standing sore issue. The issue we are addressing is repeat false alarms. One is fine. But if you have a faulty piece of equipment that is sending out a false alarm half a dozen times a year you should be incentivized via a fee to fix that problem. We are trying to find the wording and the way to do this correctly. Chief Russak and the other chiefs will convene and come back to us with their thoughts. I wanted this brought up at least so the Village is aware we are talking about and working on this issue. It is initially an initiative from Trustee Armacost. It has been a point of irritation of hers over the years that this is an ongoing problem and has not been addressed through our Village code. She has pursued this, and we are now at the point, per her request here, to become a public topic of discussion. We will save that for when the chiefs are here.

**Trustee Armacost:** Absolutely. And it should be done with their support. It is for them, to help them, so they need to be here to be able to see whether it meets the demand.



#### **4. Change of Meeting Date of February 18, 2014**

**Mayor Swiderski:** I am going to be here. I am out of vacation.

**Trustee Apel:** I am the only one that may not be here because Meg said she thinks that her meeting may change.

**Trustee Armacost:** I will not be here, but I am willing to be here by Skype if it helps not to change the date.

**Mayor Swiderski:** If we can assemble a quorum on the 18<sup>th</sup>, let us leave it be. If we hear something from Meg contrary to the understanding of a quorum, I am not 100 percent comfortable. I think we are in our legal right, but I would rather not have our quorum be completed by you on Skype.

**Trustee Apel:** So if Meg cannot make it, then you are going to try to make it the 25th.

#### **5. Update on Deer**

**Mayor Swiderski:** Enormous amount of work on this in the last month and a half. We now have volunteers who are engaged and doing quite a bit of work. We have got one volunteer who has organized all the individuals who will be willing to work during the effort, helping on securing the parks and tracking the deer and everything else. We have got another volunteer who is organizing putting a potted hosta in 40 different properties to get a sense of deer destruction of property. We have a group around this enclosure effort. We will be putting fences in the woods to see, first of all, what grows when deer are not eating a particular 50 by 50 foot plot, as well as staked-off areas where we can see if plants begin to come back over time. We have focus groups of dedicated volunteers, which is a huge relief because it is no longer on me.

What we do not yet have is a full go-ahead because, in the last two weeks, we became aware of a particular New York agency that has a requirement for a permit we are now scrambling to meet. If we are able to get that permit in the next week or so this project will be kicking off February 28. It will be occurring in Hillside Woods, at the Andrus Nursing Home and, possibly, the children's home if we can get permission there. We do have permission from Children's Village to operate on their portion of property within Hastings, which is not a small chunk. So almost all the pieces are in place except for this remaining permit. The agency we are dealing with in Albany is, in fact, judging by the contacts I have had with them, very accommodating and wanting to work with us. We are trying to address the requirements, and hope to do so in the next week. Once we get that approval, then we will

kick off the public education process in terms of a restriction of the use of Hillside Woods; how will that work, what are the safety issues around it, also some of the things people might have to expect. When a deer is darted, it is going to bolt off, potentially out into a populated area. People may be treated to the sight of a man holding what look like an aerial over his head with a meter, tracking, looking for the deer, which will have this barb in it with a radio transmitter. We will be tracking down the deer. They do not immediately collapse from the anesthetic. They up to five minutes. They have to be tracked down and injected once they are asleep. So people need to be told that this is going to be going on. It is going to be in their neighborhoods and around their neighborhoods. There is no particular safety concern, but there will be protocols. The police are involved in Hillside Woods, and will be present during the darting in Hillside Woods. We will be yellow-taping off sections of the woods. We will be messaging out in those woods what people can expect in terms of the hubbub around this effort.

The process is three to four weeks. The two darters will proceed from location to location, looking for where there are deer and trying to tag as many as they can. We had a major success in the last month in identifying that the dart projector device is not a firearm and velocity that the dart comes out of the dart projector is not fast enough to qualify as a firearm. What that means is, we have substantial freedom in where we can do this, within the bounds of safety considerations. You do not want to do it in a densely populated area, but any park becomes something we can work in. We plan to work in those that I have mentioned, because this is the first year, and we want to iron it out where it is least dense and most protected, and make sure we are comfortable with how we are doing it. In subsequent years we are likely to move on to other locations within the Village to expand our scope to the full range of places where the deer are.

We have got a Web site now where all the documents and protocols and heat maps and everything else are posted. We will be pointing people there if they want to see what our safety protocols are that we have devised, or anything else.

**Mr. Gonder:** Could you tell us what this new permit covers?

**Mayor Swiderski:** The anesthetic used to bring down the deer is a controlled substance and a controlled substance has a legal status where you have to treat its handling with some degree of care. While we believed we were fine under the federal statute, it turns out there is a separate New York agency that concerns itself as well, and they have a license for researchers we are now aware of and filling in. They want to know the protocol we have in place for handling the anesthetic. Specifically, the veterinarian who orders it is going to turn it over to somewhere safe, in this case the police station.

Where will it be stored at the police station? In the gun safe. Under what conditions will it be released? If somebody signs a log, what does that log look like? All these issues have to be defined. Sample logs have to be produced in keeping with state law, and all that we have done and are now hoping to get the approval from this group. But they were not surprised that we had not heard of them. Apparently, it is not the first time that they have been missed. We were surprised. It is not something necessarily in place in other states the Humane Society has worked. The Humane Society is a group we are working with here. The two darters are employees of the Humane Society. The two darters between them have about 50 years of experience in the field. They have been darting for 30 years now. This is a requirement in New York State we are going to address.

**Mr. Gonder:** A small roadblock.

**Mayor Swiderski:** This entire project has been a series of roadblocks. This one was a last-minute we hope to get past in time for the project to happen. It is zero fun when it comes to trying to plan encountering these sort of things, but we are getting there. Any questions?

**Trustee Jennings:** It is unfortunate that we did not find out about it earlier. But we are happy to do it because we do not want to have this material stolen, we do not want to have these drugs diverted in any way. We want to be very careful. My question is about private property. Are there any possible glitches that might arise if some property owner objected to our people coming onto private property to do the injection where the deer has fallen? Is there some way we could make sure that is not going to be an issue ahead of time?

**Mayor Swiderski:** That question did come up. The trivial answer is, it does not typically happen. The deer darter is wearing a vest marked with what he is doing. In most cases, he will be with a police officer. They have been doing this in other communities. In general, people are somewhat excited. It is something interesting. They are experiencing an experiment up close. If somebody forbids entrance onto their property, then they have the unconscious deer for 90 minutes on their property and then it wakes up and will go on.

**Trustee Jennings:** So we just lose that particular animal.

**Mayor Swiderski:** We will lose that particular opportunity. The person who is doing this seemed to indicate that has not happened. That people tend to be pretty excited.

**Trustee Jennings:** If some damage is done and someone says the deer that you tranquilized fell down and broke my fence, or my flower bed was trampled, are we liable for reimbursement of damage?

**Village Attorney Stecich:** Fran and I have been working with the insurance companies.

**Mayor Swiderski:** It is one of the reasons you want a couple of eyes on this at the time. You do not just want one person tramping around. It is helpful to have an officer there. We are stepping through the insurance issues around this.

**Trustee Apel:** Are you planning to put fliers in the neighborhoods that you are working on?

**Mayor Swiderski:** It would be hard to notice the neighborhood because the full range of how far deer can run in the four or five minutes before they go down is not an insubstantial portion of the Village. If you take an 800, 900 foot radius out from Andrus Nursing Home you have got hundreds of homes. We do not plan to notice them. However, in Hillside Woods we plan to have leaflets up informing people what is going to happen and how to proceed. We will go through the Village Web site, we will go through e-mails and the newspapers to talk about what people can expect.

**Trustee Apel:** I still think we have to do more. You are going to have those people that do not utilize any of those things who just missed the one day, and that is the day the deer ends up in their backyard. You could put the sign up by the A&P now. Maybe we could get kids to flier the community.

**Mayor Swiderski:** I could see if the Advanced Placement Environmental Science class could be drafted into that. It is going to be hard, though. It would be almost all of the community, and that is 2,000 homes. It is tricky.

**Trustee Apel:** I have done it

**Mayor Swiderski:** Yes. But we are going to try to get the word out in many ways. We do not want to jump the gun and start doing that until we finally get this permit. This has been very tight because we did not get the permission out of the DEC until the middle of December, and now we are dealing with this agency. This is not my preferred way of running a project, but we do not have much choice. We cannot start the project much later than the end of February because the DEC permit states that, because of deer biology specifically. You do not want to hit a deer with a dart that is past a certain point in its pregnancy. We are constrained as to how late we can begin this project, and we are only a few days away from that, relatively speaking.

## **6.Update on the Downtown**

**Mayor Swiderski:** Meg is not here for an update on the downtown

## **7. Update on the Waterfront**

**Mayor Swiderski:** We are waiting to schedule an Infrastructure Committee meeting. They have been waiting to present their proposals to the public before coming to the Board. Their chairman had a knee replacement, their chief graphics designer was in Kazakhstan. It has been hard for them to find an available date, but we are hoping this will happen in the next three weeks.

## **8. Department of Public Works Consolidation Study**

**Mayor Swiderski:** Finally, not on the agenda but worth mentioning, the DPW consolidation study. People have gotten the survey. I would like the physical survey to be returned by the February 14. The results of that will be published out in full, both a graphic representation of the results as well as the underlying data. While we do not have a final signature because of a final request out of the state to tweak something, we are hoping to get that, the scope of work with the consulting company, and then schedule the first meeting with the public where the consulting company will lay out the process and how they hope to engage the community and this process. That is a project that we will be hearing about in the next few weeks, and will go on for the better part of five months.

**Village Manager Frobel:** I would say so. Even in the absence of a contract, our consultant has been working feverishly on it. You would not know he does not have a contract because he is proceeding as expected. We are getting a lot of work out of our NYU graduate students. They have already done several analyses in terms of the organization, the operations, focusing efforts on the waterfront and looking at some hypotheticals as to value. So a lot of good work is happening. We are probably five or six months away from a first draft.

**Mayor Swiderski:** The Village Manager reached out to NYU, the Wagner School. There is a group of professionals who have gone back for their masters in public administration degree who are working on this as a project. One of their charges is to take a look at the DPW site and try to evaluate. They are looking at it as a contiguous set of parcels, including the MTA site next to it which the MTA has offered us, as well as Village property next to that, looking at if it were zoned like an adjacent property up on Warburton, and we put whether it is housing or assisted living there, how much would that be worth. Then we are hoping to get the Town of Greenburgh to tell us what would that mean in taxes. That puts a dollar value on that property, which is an important part of our formula. Much to our delight, they have gotten Jonathan Rose involved on their end, which is huge because he is certainly a trusted name in this industry and knows our village through previous projects and is very

intrigued by this effort. He was working with the students, one of whom is also in real estate. We are getting a world-class outcome here for no cost against the grant monies. This is all essentially volunteer money. It will be valuable, regardless of what happens to the greater project, for us to know what that property is worth.

## **9. Other**

**Trustee Armacost:** I have a request of Fran. If you can share with us, or re-share with us, the dates for the budget process, if we have specific dates that we need to be holding. The time period is coming up fairly quickly. So additional to the dates that are already Board of Trustees dates.

**Village Manager Frobel:** The departments will be submitting their operating budgets to me this week. Over the next two weeks, I will be taking their information and pulling it into the Manager's budget. I am obligated to have the budget to the Trustees by March 14, so I expect we will have budget work sessions through the remaining two weeks in March and throughout April. The public hearing on the budget is April 8, and then you are scheduled to adopt the budget by April 30. I have an extra copy of the schedule I put together back in December. But we do not have specific dates.

**Trustee Armacost:** That is it, the dates where we are going to have meetings so we can plan around it. In there is one week of holiday. We end up having this problem each year so I want us to be able to plan those extra dates early.

**Village Manager Frobel:** All right. At the next meeting I will have a calendar and we can find out which dates are best for work sessions.

**Trustee Jennings:** Yes, and that is roughly going to fall between March 17 and April 30. It would be nice to nail down those work sessions.

**Trustee Apel:** Did you mention dates for April?

**Village Manager Frobel:** No, but the window that Bruce mentioned is six-week period that we will have our work sessions.

**Trustee Apel:** We need to go over that because it is Passover.

**Trustee Armacost:** There are all sorts of holidays in there. That is why I wanted to raise this now so we can make sure.

**Village Manager Frobel:** To be sensitive to all that. OK, will do.

**Mayor Swiderski:** While we have had a couple of low-level presentations from Parks and Rec and what you have provided on capital planning, I would appreciate some time set aside for starting to prioritize what projects we want to tackle this year as part of this budget. Bring it down from a wish list to what is going to be stuff we are bonding. It is probably its own work session, but it should happen earlier on in that cycle.

**Village Manager Frobel:** Will do.

**Trustee Armacost:** And if there are major projects we need some breakdown. If it is a truck or something that has to be bought, there is a simple price for it. But if it is a project like refurbishing of the pool, it was a large number without any details beneath that. We need details beneath any kind of large figure. Also because if we do not want to pay for it all in one bond issue it allows us to segment it so we can decide how we want to address each of those items.

### **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:15 p.m.