

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 18, 2014

A Regular Meeting was held by the Board of Trustees on Tuesday, March 18, 2014 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Five (5).

ADMINISTRATION OF OATH OF OFFICE

Mayor Swiderski administered the Oath of Office to Chief of Police Anthony Visalli.

Chief Visalli: Thank you all for being here tonight, and I appreciate your continued support of myself and the department. It's been a pleasure serving as a patrolman and a sergeant, and I look forward to serving you as Chief of Police. I would also like to recognize Chief David Bloomer and congratulate him on 30 years of dedicated service to the Village of Hastings.

Mayor Swiderski administered the Oath of Office to Sergeant Geoffrey Major.

Sergeant Major: I would just like to thank all of the Village officials, the community and my fellow coworkers for giving me the opportunity and the great honor of becoming a sergeant in this great police department.

Mayor Swiderski: Thank you for your service and the service that lies ahead. We have an excellent department. It is really outstanding in the area, we are proud of it. It is, in many ways, without blemish, highly-trained, professional, well loved by the community, clearly popular. And we look forward to you both maintaining those standards and further improving what is already an excellent department. Thank you very much.

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of March 4, 2014 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 58-2013-14	\$151,654.71
Multi-Fund No. 60-2013-14	\$3,307.97

PUBLIC COMMENTS

John Gonder, 153 James Street: We had a real rough winter. Mr. Gunther and his crews did an excellent job. I support our police department and our fire department 100 percent. I support the request for a new truck and everything else. I talked to Chief Russak and Bannon, and they mentioned they had shovel out some of the fire hydrants. I thought there was an ordinance that people live near them should shovel them out. I hope that you consider an ordinance that people within 100 yards or 200 yards of any fire hydrant must do it or they will get a \$100 fine or something. One other thing about winter. I think you should mention to take snow off the roofs of the cars, SUVs and trucks. It is a state law, and it is very dangerous.

Tim Downey, 520 Farragut Parkway: Excellent job, Mayor, on the communication with the e-mails. The second item is regarding deer. I know you do not want to make a policy of commenting. But today, the article in the *Journal News* regarding the cost of the deer program, I do not know if you were misquoted. If you may comment on that.

Support for the DPW. Over the wintertime the men did a valiant job, given the equipment they have to work with. I know you are going to be considering helping them out with new purchases. They are a good 10 years behind in terms of equipment. With a reduced staff, as we have been carrying a number of years, were they given up to date equipment, new strategies and techniques I know Mike would develop with that equipment, it would be even a higher level of performance. Lower the potential incidents of injury because of fatigue or working by hand much instead of using machinery to replace hand work.

In a recent e-mail, there a remark was made that I do not think accurately represented what has gone on with financing in the Village. There was discussion of how we have reached \$1 million in reserve. A lot of that money, if I understand correctly from following the conversations which I helped initiate back in '07-'08 talking about the budget and getting off the credit card, is with the large building permit fee that came from down the road, and also the manpower drawdown at the DPW. I am sure some of those funds helped find their way into creating that. I would like to see DPW given priority the next couple of go-rounds. I know the Fire Department is important, but the DPW uses it every single day. They need your help to do their job effectively regardless of the outcome or what may happen with Dobbs Ferry.

Mayor Swiderski: I will be giving a summary of where we are with the deer in the appropriate place in the Board discussion. I did not see *The Journal News*, but I will tell you what I know to be true.

21:14 AGREEMENT WITH HASTINGS FLEA FOR USE OF MUNICIPAL PARKING LOT

Village Manager Frobel: There were two months of experience last October and November, and successful experience. The promoters of the flea market are back here tonight, looking for permission to again use a portion of that commuter lot for a seven month period, April through October, the second Sunday each month from about 10 a.m. to 4 p.m. As noted in the resolution, we have reached agreement on the key elements I was concerned about: traffic, public safety and insurance. The two promoters are here this evening to answer any questions that you may have.

Trustee Apel: It is not clear to me that this \$200 each month is just on that Sunday. It does not imply that at all, so I do not know if it could be made more clear on those dates?

Village Manager Frobel: It is \$200 each event, so seven months.

Trustee Apel: It does not say that. If we can make that more clear, it is each event.

Trustee Jennings: Not that I would have an objection to more than once a month events, assuming you would pay \$200 each event, but the first "whereas" seems to say that what we are agreeing to here is one Sunday per month, but not more.

Mayor Swiderski: That is correct.

Trustee Jennings: It is structured in there. It is just sort of hidden in that first "whereas."

Trustee Walker: Right, and that limits it to a certain number. If you want to go into November, we would have to pass another resolution.

Michelle DeForest, Hastings Flea: It was very cold last November. It was not miserable, but April through October is a solid time frame for the weather.

Trustee Walker: I had a question about the information table. You mentioned in your longer document that it would be open to the Downtown Collaborative and Hastings Flea volunteers. I wondered if you are going to be seeking volunteers to help with that if the Downtown Collaborative did not continue.

Ms. DeForest: Yes, absolutely. We would not necessarily rely on Downtown Collaborative members to be there. The table is simply a place for Hastings information. If the Downtown Collaborative would like to be involved, that is a space for them.

Trustee Walker: I know the merchants appreciated it. Having sat at that table myself, a lot of the visitors appreciated the information. We gave out maps of the downtown. People then were headed to the downtown to go out to lunch, to do some more shopping. It worked very well, but I do not want to rely on the Downtown Collaborative to staff it. We can continue to talk about who will staff it. But it is important to the merchants that we have that table.

Trustee Apel: It does not mention here that it is staffed at all.

Trustee Walker: It is not mentioned in the resolution, but in the longer document that they prepared they mentioned it.

Village Manager Frobel: I sent you the full agreement that we had negotiated. We met with the two women last month, with Chief Bloomer, to discuss it. That was one of the conditions.

Trustee Apel: It needs to be staffed. Otherwise, you just have papers on the table.

Trustee Walker: I do not know that it needs to be in the resolution. But we understand that it needs to be staffed.

Ms. DeForest: I just want to be sure if there is a rain date that is not an issue.

Village Manager Frobel: No, it should not be. But you said it would be rain or shine, unless it was a severe weather event, correct?

Ms. DeForest: Correct, yes. In which case, we would try to reschedule. Just plain old rain it is not. We are thinking more like another Sandy or something along those lines.

Village Attorney Stecich: Because there is this agreement, and there seemed to be some terms in the agreement that, rightfully, are not included in the resolution, you might want to agree to rent them the two parking spaces on a condition they comply with all the terms of the agreement. There should be a reference to this agreement, where the Village and the Flea reached an agreement on certain terms.

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

WHEREAS, the Hastings Flea has requested use of a portion of the Zinsser Parking Lot for the 2014 season (second Sunday of every month from April through October) from 10:00 a.m. to 4:00 p.m., and

WHEREAS, the Hastings Flea will coordinate with the Police Department to ensure security and traffic requirements, and

WHEREAS, the Hastings Flea will provide insurance to satisfy Village requirements and will require a sales tax permit from every vendor, and

WHEREAS, Hastings brick and mortar merchants will receive a 50 percent discount on vendor space and Hastings eateries will be given priority over other food vendors, and

WHEREAS, an information table will be provided about village stores and restaurants, and social media and web instructions will direct traffic through the downtown, and

WHEREAS, the Hastings Flea will pay \$200.00 for each event to the Village for use of two parking lanes in the Zinsser Commuter Lot on the north side of Cropsey Lane, now therefore be it

RESOLVED: that the Village agrees to rent two parking lanes in the Zinsser Commuter Lot to the Hastings Flea for the 2014 season, as per the Hastings Flea Agreement with the Village of Hastings-on-Hudson.

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

**22:14 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 4 of 2014
TO BAN PLASTIC CHECKOUT BAGS AND STYROFOAM CONTAINERS**

Village Manager Frobel: This is a follow-up on the discussion we had at our last meeting. We are looking to move this process forward. Marianne has had a look at it.

Village Attorney Stecich: I put it in local law form, and fit it into the chapter of the code on solid waste.

Mayor Swiderski: My only concern is that not all of the merchants read our Web site or get our e-mails, yet they will be the ones most directly affected by this. Is there a way to reach out to them, perhaps ask the Conservation Commission to meet with them, or have us do it?

Village Manager Frobel: Either way. The Police Department has developed a very effective e-mail system, where they can reach all the merchants. We could ask the Chief.

Mayor Swiderski: I would like that. They should be aware of what is before us so they can be represented at the public hearing, in fairness to the parties most affected.

Trustee Walker: I did not know they had a list. The Downtown Collaborative also has an e-mail list. I was going to suggest we try to have a merchant meeting to discuss both the bridge and this local law before the public hearing. We will try to do that, as well. Not to say that you should not reach out with the list you have.

Village Manager Frobel: OK. We will notify them through the police list. This list is used for traffic interruption, utility work. I will wait to hear from you on a meeting with the merchants on the bridge and the plastic bags.

Trustee Walker: We will try to set something up before April 23.

Village Attorney Stecich: In addition to making sure to notify the merchants, you are going to have to do a SEQRA determination on this, and you are enacting it because it states that it is going to serve the public health. It is important to have at the meeting some sort of proof, some evidence, on this, other than you have got a sense that plastic bags are bad, let us get rid of them. I mentioned it in my e-mail to you and copied the person from the Conservation Commission. It is important for the Board, before they enact this, to hear some evidence as to why it is better. I am not saying have a lot of weight, but there are articles out there contradictory to it. So you need a basis for passing the law, both as to the Styrofoam and to the plastic bags.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Apr. 23, 2014 at 7:30 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law No. 4 to ban plastic checkout bags and Styrofoam containers in the Village of Hastings-on-Hudson.

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

23:14 AWARD OF BID – EMERGENCY GENERATOR

Village Manager Frobel: I am pleased that we have finally reached this point of making a recommendation on the emergency generator. This has been about a year long project. It was a design-build concept. We gave comprehensive general parameters in the specifications. We attracted five bidders. We picked one that comes very well recommended. He has a proposal to put in a 175 kilowatt generator. One of the lower bids was a 128 kilowatt, but our experts believe the larger one will better suit our needs. It is a local firm. I met with them last week and went over their time frame, pricing, approach to the project. We will be very well served. There will be a six to eight week lead time to order the generator and the transfer switch. In the meantime, we will be working on the site. We will be doing the pad, there is some drilling in the building, some site work. By the end of June we should be operational. It is long overdue. That building we envision to be our emergency shelter, besides where we have our radio station and television station, one that is critical in our emergency management plan. Deven is here tonight if you have any technical questions. Deven has been the lead on this entire project. We are very comfortable on recommending we move forward on this.

Mayor Swiderski: The push for this was the events of Hurricane Sandy, where the absence of a backup generator was felt keenly. It underscored the need and the desirability of having a large enough facility to accommodate a lot of people that would remain lit and heated.

Village Manager Frobel: Yes. We have a small kitchen area where we could handle food. But once it is a shelter, we would begin to train volunteers to be shelter operators. I see this as a critical part of our plan. We have relied on the Andrus Nursing Home. They have been very good neighbors to us in a crisis. But for a short-term duration, two day, this would fit the bill very nicely for temporary shelter for people who are without power.

Trustee Armacost: I think when we passed the resolution relating to the bond it was for \$135,000. Is that right?

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

Trustee Armacost: What will happen to remaining? How will that be recorded in our books, or how can we tap it if we want to use it for any reason?

Village Manager Frobel: Normally for a project this size you carry about a 10 percent contingency. This is about an eight percent contingency. If we do not need the money then it would fall into our debt service fund to pay for other debt. Or it would be used towards paying down the debt for this project.

Trustee Armacost: But can we use it for other debt? I thought it had to be used for this project. Is that not the dilemma?

Village Manager Frobel: Normally on the balance sheet you will see any residue. The auditors will sweep that into your debt service account so it can be paid before the project.

Trustee Walker: So there is extra in there in case of cost overruns?

Village Manager Frobel: Eight percent contingency. I would have liked ten. But the way Deven operates, and the commendable job he did on the Community Center, he will watch this very closely. We are going to come in very close to the bid price. But there is always the opportunity for any unexpected expense, or some extra he may want. We may come back to you to say for a few thousand dollars we can add another feature. I cannot envision what that is because I think we have done it very comprehensively. But on the outside chance, at least you have a little latitude.

Trustee Walker: How much is equipment versus how much is labor?

Village Manager Frobel: I do not know.

Mayor Swiderski: Deven, do you?

Building Inspector Sharma: We did not ask for that kind of breakdown. It is a design-build, lump sum, one price bid. But it appears extremely reasonable compared to some independent prices we got before we went this route. That price was about \$135,000 for about the same kind of thing.

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

WHEREAS, the Mayor and Board of Trustees authorized the Village Manager on Oct. 15, 2013 to request Design Build Proposals for a standby generator for the James Harmon Community Center, and

WHEREAS, a request for bids was advertised as required by law, and bids from five bidders were opened at the Municipal Building on Jan. 9, 2014, and

WHEREAS, Consolidated Hudson Electric was determined to be the lowest responsible bidder, now therefore be it

RESOLVED: that the Mayor and Board of Trustees award the bid for a standby generator at the James Harmon Community Center to Consolidated Hudson Electric, Irvington, New York, in the amount of \$115,770.00 to be paid from bond proceeds.

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

24:14 ARBOR DAY PROCLAMATION

Village Manager Frobel: Lisa and Kendra assure me we are going to have a tree planting event, either with schoolchildren or the Girl Scouts. I do not have a date or time, but that is in the works to honor this day, as well.

Trustee Armacost: It is fabulous that we support Arbor Day. But why do we not support Earth Day with a proclamation? That seems like something up the alley of our village.

Mayor Swiderski: Draw one up, or have the Conservation Commission do so.

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

WHEREAS, on January 4, 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was observed with the planting of more than a million trees in Nebraska on April 8, 1874, and in 1875 became a legal holiday in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; now therefore be it

RESOLVED: that the Village of Hastings-on-Hudson, recognized as a Tree City USA Community by the National Arbor Day Foundation for thirty (30) years, desires to continue its tree planting ways, and be it further

RESOLVED: that Mayor Peter Swiderski does hereby proclaim Friday, April 25, 2014 as Arbor Day in the Village of Hastings-on-Hudson and urges all citizens to support efforts to care for our trees and woodlands.

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

25:14 CHANGE OF MEETING DATE

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

RESOLVED: that the Mayor and Board of Trustees change the date of the Regular Meeting of April 15, 2014 to April 23, 2014.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: After every winter event, the staff and I go over what lessons we can learn from how we approached it, what we could have done differently. This winter was no exception in the fact staff met and discussed ways we could do better. But it was an exception to the winters we have grown accustomed to. Although the final tally is not in yet, we probably had a snowfall amount in excess of 60 inches. It certainly was a cold winter, with the frequency of the storms, the freezing rain, the fact that we never enjoyed any warming trend in January or February, all worked to make it more difficult for us to keep our streets and parking lots clean, clearer of ice and snow certainly faster than we customarily can do. That, in combination with some equipment problems.

Chief Bloomer asked me before he left if he could take some time with Mike Gunther and meet with the Trustees, and make a series of recommendations he thinks would make future chiefs of police and superintendent of public works' jobs easier if we made some changes in

our rules that govern parking on streets during storms, use of parking lots during storms, ways that will speed up clearing the street.

Former Police Chief Bloomer: This was an extraordinary winter, very difficult to organize the residents and merchants to arrange for snow removal. We set a record for continuous snow cover this year. While the 60 inches was one of the higher amounts, the real issue was that it never melted. We never had that thaw where the DPW got a break and cars could be extricated. The ones that were not moved, were not moved. More and more piled up and made the roads narrower, and made their jobs extremely difficult. This is not ready for Attorney Stecich yet. These are thoughts we would like to propose. I would like to see all of them enacted, but certainly they are open for discussion.

We want to eliminate Monday as an alternate side day. The reason is that on Monday, in the winter, you always have Presidents' Day and Martin Luther King Day. At least every year I was chief it snowed on Presidents' weekend. Because there are no alternates on a holiday, the DPW is blocked from cleaning that one side. It causes an extra seven days of that side of the street being cleaned. Washington Avenue is one of the major issues, and Warburton Avenue is a Monday, which is, again, a major issue. It could be 13 extra days you are adding to it being able to be cleaned because the holiday fell on a Monday. While some holidays are random throughout the year, the two Mondays in the winter really hurt their operation. So we want to get rid of Monday as an alternate day.

Trustee Armacost: Do you want to do that for the whole year, or just for January?

Former Police Chief Bloomer: It would be very confusing to try to separate out one, so I would do it for the year.

My driveway from my apartment building empties out on to Washington Avenue. I got to see how tight it becomes this year. With the bridge closing and Liberty Line going up and down it is going to be that much more difficult. I had met with one of the gentleman from the county at the bridge meeting that we had. What they really want is no parking on Washington Avenue on one side for the duration of this. We could not do that. There are just too many spaces that are being lost already.

One side of Washington Avenue should be posted saying no parking during snowfall. Dobbs Ferry does that now on a number of their streets. Snowfall is defined in Dobbs Ferry as any event that brings the DPW out to work on the streets. We picked the north side of Washington because that is the side that has the most parking. The south side has Aqueduct Lane, and there is some parking along there. So the better bang for your buck would be on the north side of Washington Avenue: no parking during snowfall.

Mayor Swiderski: Why would you want to displace more cars, rather than fewer?

Former Police Chief Bloomer: At some point it has to be plowed. The sooner you get the snow out, you are adding spaces. When we get this volume of snow we had this year, and cars dig out their sarcophagus spaces and then pull back in later, or you will see an SUV that is half up on its wheels, you are really losing probably two-thirds of the spaces. So the sooner you get that snow out of there, in fact, you are going to be gaining spaces.

The south side of Washington Avenue would have alternate side restrictions, as it does now, but that should be two days a week, not one. Downtown in Dobbs Ferry, every night, on both of their main downtown streets is no parking on one side. On Monday it is, say, the north side, on Tuesday the south side, Wednesday the north side. All seven days they have alternate sides on their streets.

Mayor Swiderski: But what is the reasoning?

Former Police Chief Bloomer: Again, it enables the DPW to get in there quicker to remove the snow. What we ran into this year trying to coordinate where we have to post signs is ridiculous time consumption. The signs are put up, and they are paper. If it snows or rains, many of them blow down. To try to notify the residents in a timely fashion that you are going to be doing this so they move their car, it can be unfair to them, as well. Sometimes they put their car there for the week, they put it there after the alternate side, they know they have six more days that they do not have to move it, they do not look to see if the police department has posted signs. If it is a general rule like Tuesday, Thursday you cannot park on this side, they will know it. His guys can get in there and clean it. And it is the opposite side from the no parking during snowfall days. Within two or three days you are going to get both sides of that street clean.

Trustee Jennings: Dobbs Ferry has no parking overnight. So it starts at, what, midnight to 6 a.m., or something like that?

Superintendent Gunther: I think it is midnight to 3 a.m. or something.

Trustee Jennings: OK, so there would be a number of hours for no parking, period, on Tuesdays and Thursdays.

Former Police Chief Bloomer: But ours is during the day. Ours would not be at night. This way, people can park overnight. They are not being displaced when they are coming home. This is people who are going to be going to work anyway.

Trustee Jennings: Given that the residential pattern, the lack of driveways in certain parts of the Village, people use the street. Where do we imagine people will go? Forget about the bridge dislocation. That is on top of this. But even in normal times, do we have a sense of where are they going to go? Are they going to drive up the hill into the residential streets?

Former Police Chief Bloomer: No. A lot of people put their car on Aqueduct Lane, the back of Draper, because that is an open space. But believe it or not, the way it currently works taking the bridge out of the equation, there are enough spaces on one side during the day. People leave for work, people go off during the day for wherever they are going to go. The one side can absorb that and have enough for those three hours. Remember, much parking, hearing from residents and I hear from residents all the time, on Washington Avenue is people commuting. Those people, it could be Hastings people, but it could be out of town people. So they find other places to park so they can commute. The residents themselves, there is enough parking on one side or on Aqueduct Lane for them to be able to manipulate that. Again, the thinking is, the quicker we clean up that one side of the street, in fact, there will be more parking.

Trustee Jennings: My concern is that we are pushing a balloon and we are creating a plowing problem someplace else.

Former Police Chief Bloomer: Clearly, some people are going to have to move their car further away than they would probably like.

Trustee Walker: And Washington is an unusual situation. During one of the worst days, when there was so much snow on the sides of Washington that the cars were squeezed in so there was only one lane, in order for cars to pass somebody had to pull into either a driveway or an empty parking space. I was trying to get to the train and a Con Ed truck or a utility vehicle was double-parked. There was almost no road to get by. We were stalled there for 15 minutes. Nobody could move one way or the other. I am sure that happened many times.

Former Police Chief Bloomer: I think a big reason for that was those two holidays.

Trustee Walker: The two Mondays that you are talking about. So they could not get in and clean it up.

Superintendent Gunther: We had to come back a week later.

Trustee Armacost: One question about Aqueduct Lane. How easy is it for you to clear that? People leave cars there for a really long time.

Superintendent Gunther: It is a graveled area. We had three consecutive storms where it snowed once and then iced. You could not get in there to clear any of that out.

Trustee Armacost: So people could not park there, then.

Superintendent Gunther: There were already cars there. Then a lot of cars were not taken out of there.

Trustee Armacost: I am trying to understand the backup plan. It sounds like unless there is a rule about having to move cars there also during the snowstorm there is going to be a backup.

Superintendent Gunther: The police chief has been out there himself, and it has worked. People have moved their cars. We see where their cars go, but they more or less like to come back to a parking spot that they do not have to shovel, clean to the curb, it is not a narrow street anymore. But, I do not know exactly where they go. They might go up on Aqueduct Lane, some of them. They might shovel out their own spaces. They might go down to lower Warburton.

Trustee Armacost: I am not trying to take away from your plan. I think it is a very sensible plan. I am just trying to understand that when we are saying they are going to go to Aqueduct Lane that there actually is a place for them to go on Aqueduct Lane. Because every time I have gone there, it has been pretty much impossible, not easy to park there.

Village Manager Frobel: Yes, we have had people leave trailers there, boats. That is what Mike was saying. The Chief has chased a lot of them out in time. But you are right. It is possible there will not be any openings there.

Former Police Chief Bloomer: If that is something we control, that property, it may be something we would add to a list.

Superintendent Gunther: That would be no problem.

Former Police Chief Bloomer: The thinking on downtown, on number four and five, is the same thing: we want to clear those spaces as best we can. We are proposing that the south side of Main Street and the east side of Warburton would also have alternates two days a week as opposed to one. The other sides of those streets would remain the same, just one. This does not affect the lots. Where will people from Main Street go, where will people from Warburton go? They will go into the lots. This parking is overnight. This is 3a.m. to 6

a.m. So this will not affect shoppers. Hopefully, they can get in there during the night, and then the next day the businesses have clean spaces in front of them.

The last one is something that Mike has pointed out to me for years and asked that we include. Currently in the daytime the alternate times are 9 a.m. to 11 a.m.. That is two hours, and for the DPW to try to clean one side of Washington and then one side of Warburton Avenue in two hours, it is just not going to be done. That leads to frustration with the residents, because they move their car, and then nobody got in there that day, and at 10 after 11, even though they could maybe see the DPW moving toward it, people put their car back in that spot because now it is 10 after 11. So he has asked that any of the alternate side restrictions that are in the daytime be three hours instead of two. There are even places where it just one hour. So we are going to ask that it be moved to three hours. Overnight, it is three hours, 3 to 6. There is no need to change that. I think that will help him.

Superintendent Gunther: It would definitely give us a little more time to get into those areas where we could not get to because of the time frame.

Trustee Walker: This is not just about snow clearing. It is about street cleaning, street sweeping. It means we will have cleaner streets, as well, because you will be able to get to them more frequently and more easily. Right?

Superintendent Gunther: Yes.

Former Police Chief Bloomer: I think it is win-win. Year round, you will see the workers able to do stuff in these areas that they could not with just one day.

Trustee Walker: The two in the downtown, Main Street and Warburton, could that coincide with an increase in sweeping times? One of the things we have been hearing a lot of complaints about is that the streets in the downtown are not cleaned frequently enough.

Superintendent Gunther: It depends on the time of year. Obviously, this time of year there is a lot of debris in the streets and it takes a little while. Summertime, it might not take long. But yes, that is going to give us plenty of time to keep them clean.

Former Police Chief Bloomer: I have met with the chiefs in Dobbs Ferry and Ardsley to see what they do. I told you what Dobbs Ferry does. Ardsley does not allow parking overnight 3 to 6.

Village Manager Frobel: They are very severe. Year round no overnight parking on any street.

Former Police Chief Bloomer: If you have no driveway you have to come down to the village, bring a policeman or somebody up to your house to say here is where I live and have no driveway. Then they give you a permit that enables you to park overnight. If you do not have the permit you get a ticket.

Village Attorney Stecich: It is not like Hastings. There are not that many houses without driveways. There are some, but not a whole bunch on one block. They are more scattered.

Former Police Chief Bloomer: But these are some of the beginning steps. I think there is more work to be done here. We certainly would like to look at this as initial possibility. I would like to extend this out into the rest of the streets, at times. If you noticed, on Farragut and a bunch of streets people never move their car for six, eight weeks. We have a law on the books that says 14 days they have to move it. But you have to be able to mark the tires. Most of these cars were so buried in snow and ice that it was not possible. The dirty secret around the 14 days is, if you move your car forward a foot you have now moved it; the 14 days start over again. Some other communities have a time frame as to how quickly you have to move your car after a snow so the DPW can get into those streets. We did not look at that, and wanted to start with something like this.

Trustee Walker: Another thing that people sometimes bring up to us is that they complain we have alternate side of the street parking on Warburton and Washington downtown, and why do they not have it on other streets in the Village. But the point is that these are the main circulation routes in the Village. They are not just for circulation, but also for emergency access. I think that is the reason you have these laws, correct?

Former Police Chief Bloomer: Correct.

Trustee Walker: And that is what we have to stress when people complain about it.

Former Police Chief Bloomer: People complain, but I have had on my desk a list people that wanted these restrictions on their streets as well. We have added William Street to the list during my time on the Safety Council. But there are other streets people would like one day a week to flush out all the cars that are there. It is great if you can get the sweeper in during that time, but even if you cannot, it gets the cars out of there.

Trustee Armacost: Your argument about changing the time from 9 to 12 in order to get the street sweeper in is a very sound argument. We have certainly, as Trustees, received emails from people saying that their street does not get swept. Who is to know what the situation is in those cases, but I did not ever realize that the way we have drafted the restriction makes it

really difficult for your team to be able to do that. That one we should be doing immediately. If it enables you guys to do your job more effectively, it seems like something we should just not dilly-dally about. All of them seem very sensible, but that one in particular will meet a whole bunch of needs outside of the snow season.

Village Manager Frobel: Mike has made arrangements for the street sweeper to start early next week, perhaps as early as Monday. They will be in the Village for a number of weeks. It has been a very difficult winter. If everyone could just be a little patient with us. As the Mayor indicated before, I have made arrangements. We are going to have some laborers coming in to help us with some of the litter on the side of the roads. Mike had crews to start on some streets today. We understand that after the winter there is litter out there, we need to address it. So we do have a plan.

Trustee Armacost: With a focus on the center of the Village, first of all?

Village Manager Frobel: Yes. As spring goes on, then Mike starts doing all the streets at least once or twice during the year. But in the downtown area it is more frequent.

Trustee Walker: Is there the possibility to increase street sweeping in the downtown?

Village Manager Frobel: What has been our plan? Refresh my memory as to the frequency.

Superintendent Gunther: Three days a week he will come and sweep it out.

Trustee Walker: How does that compare to what we used to do?

Superintendent Gunther: He will go through the downtown every single morning, whether it is the alternate day or not. If it is not the alternate, there are no cars, he will get close to the curb. If there are cars there, he will go around and start with the Village every time.

Trustee Walker: Every morning?

Superintendent Gunther: He is going to start Monday. He will do Monday, start early morning. He will stay until 1 o'clock. They work an eight hour shift. I will have him out on the main roads, then we branch out to the side roads. He will come back on a Thursday, the 11 a.m. alternates. Then Friday, we have the parking lots in the morning.

Trustee Walker: When you are removing the cars at night, can you get a street sweeper at night?

Superintendent Gunther: He will start Monday morning. It is along Southside at 3 a.m. and 6 a.m. Now, people do not come out at 3 a.m. with their cars. They are not there at midnight or 10 o'clock at night. He comes in 4 or 5 o'clock, and it gives him plenty of time to get those areas.

Trustee Jennings: Going back to snow, am I correct in thinking that one of our problems with the recent storms was that the front loader, the apparatus that would pick snow up and put it in a dump truck and take it away, broke down?

Superintendent Gunther: Exactly.

Trustee Jennings: And we are on line to replace that equipment? Because one of the things that has struck me, in addition to one lane on High Street and other fun drives around the Village, has been that so many spaces in the lots are lost to giant ice piles. If we had the right equipment, I hope we have a concerted policy to try to take as much snow away as we can in lieu of just piling it up. The more you pile it up the narrower it gets.

Superintendent Gunther: We religiously for years sent the machines until that one did break down. There are one or two loaders, depending on personnel. If they are on the snow truck, I can get them in the loaders and get into the parking lots. The problem it only gives us the one morning between 3 a.m. and 6 a.m. to get into the lots. A lot of the streets we are cleaning the parking lots at the same time. As many cars as we have had out here, whether it is salted or not, we will get it clean. Your first day it was equipment problems. You see what happens. One time this year we did not get a parking lot, and it was like we never did it.

Trustee Jennings: As an occasional commuter, my self-interest would ask you that when you have to leave piles in the train station parking lot leave them in the paved spaces, not at the meters. People always put it there.

Superintendent Gunther: You know why? It is easier to load it out later on when the parking lots are full. When I first started we used to pile it up at the back section of the lot, and there was no parking back there. Now there is parking there.

Trustee Apel: So what are the next steps?

Village Manager Frobel: Let me go over this again with Mike and the Chief, and get something to begin to modify our local code so we can implement these. The priority is the 9 to 12 rather than 9 to 10.

Trustee Armacost: Do we need to have a public hearing?

Mayor Swiderski: No, this is not a resolution but it turns into one ultimately.

Village Attorney Stecich: It will turn into a local law.

Trustee Apel: How long is this process going to take?

Mayor Swiderski: First we will have to agree on the final list, then a public hearing, then passage.

Former Police Chief Bloomer: You want to pass it as soon as you can, but you want it done by December.

Village Attorney Stecich: If you are settled on these I can draft the local law.

Mayor Swiderski: Marianne is offering, if we agree on this list we could draft the local law as a matter of course just based on this list.

Trustee Apel: Do we want to add the Aqueduct Lane parking lot, something about making it alternate no parking for a few hours on the particular day so you could clean that.

Village Manager Frobel: That is a tricky one. That may be in the state that way.

Trustee Apel: So we should hold on that, and move on the others and have the discussion on Aqueduct Lane.

Village Attorney Stecich: You want me to draft this?

Trustee Apel: Yes.

Village Attorney Stecich: Fran, are you familiar enough with the details? Usually, when I am drafting these things, if I have questions I call Chief Bloomer.

Village Manager Frobel: You could start with me, and I will get it to the Chief.

BOARD DISCUSSION AND COMMENTS

1. Update on Deer

Mayor Swiderski: On March 2, our deer-darting team arrived from the Humane Society, Rick and Kayla. They have extensive experience darting, in the case of Rick, over 3,000, and in the case of Kayla, largely wild horses. They started a full month late. We had permit issues: first, the permit of the DEC was only granted in late December, and then we had to scramble to get another permit, we only discovered later on, that arrived less than two weeks before March 2. It was not clear that we were going to secure that permit so we were loathe to gear up with major preparations until we had that in hand.

We lost a month. And it was a bit of a scramble to be ready for their arrival. We did as well as we could. We lost some time in setting up feeders. The deer feeders are devices on four legs, chest high, that dispense, on a timed basis, grain. He set an electronic timer inside the device for up to eight dispensations a day. A wheel spins, and out goes rocketing corn. The deer, in time, get used to the fact that there is a feeder and that it is spitting out corn, and know to show up in the morning to get their feeding. Once they are habituated to location, you dart them.

We set them up initially in the woods and did not get much of a result because the deer were not in the woods, they were in people's lawns. The reason for that, as we were learning, was that the snow had melted to a greater degree from the lawns and food was available on people's lawns, unlike in the woods. Also, deer do not particularly like walking on ice. Much of the limping you see are deer that have injured themselves on the snow and ice. There is more food, and it is safer, in the backyards of people.

Three or four days in we switched the strategy, and got permission from about a half a dozen people to dart in their backyards. Each of these switches in strategy had to be approved by the police. The deer, which were regularly showing up in those backyards, did not cooperate when they saw the darters. We switched to broadening the number of permissions we got. It went up to several dozens. The darting team had shed a volunteer; we were down to two volunteers, and would move from site to site hoping to catch the deer at one of the sites where we had permission. But the problem is that the deer are not stationary. They move, and they move from a lawn on which we had permission to a lawn where we did not.

Rick, in an orange vest, comes out of the car. Up comes the deers' heads. They actually recognize people. They know the people they know in the neighborhood. He puts his foot

on the lawn, and people do not do that in Hastings. They walk on the street. A stranger putting a foot on the lawn is enough, and off they go. We did not have much luck there. There was a total of three deer darted. Two of them ran over half a mile upon darting. And it took so long to find them, that by the time they were found they were waking up. We have adjusted the dose so they will go down faster and will not be able to run as far. The one that did go down went down in a matter of a minute or two, walked around the house and politely went down on the same property.

Once again, we readjusted the strategy in this final phase. Both the darters are out of town for six days because they had other obligations. During that gap we are saturating the neighbors around Circle and Ferndale and that neighborhood, and around Dorchester and Lincoln in that neighborhood for permissions. We have gotten 200 so far, and a number of very enthusiastic youthful volunteers are going to go door-to-door in those neighborhoods. The houses that have already given permission, we are going to put a surveyor's flag in the lawn. Then they are going to knock on the doors of the other homes and ask for permission. If permission is granted, and so far we have had only one person say no out of the 200, the flags will go on the lawn so Rick and Kayla can go through the neighborhood and do not have to be looking at a map to try to figure is this a house where we have permission. They can just dart without checking lists, without trying to figure out where they are.

Manually intensive, not what we expected to be doing. But we want to pull the numbers up a little in the last eight days we will have for darting and take away the lessons we are learning here. One of them is certainly more feeders and get them out earlier. We have other ideas we are going to work through. One team is not enough, probably break them up into two. And, next year, probably have more than that. But we are going to do a full post mortem after March 30, which is when this ends. March 30 is about as late as you can go without putting the pregnant deer at risk. So we will be stopping tagging not this weekend, but the following weekend.

Humbling. Wild animals do not behave as you would like. In their experience, they have done this in a number of other communities, and find our deer to be remarkably skittish and run far when hit. So they are having to adjust how they approach the process, as well. It is a steep learning curve. We had this boot promptly inserted up our rear ends on the way up the hill, but we are learning. Next year we will start earlier and will have more people. And we will hopefully, from our lessons, have learned enough to do better.

Ultimately, this project has two pieces. It is the study component, which is what we are going through now. And this anesthetic darting that we do, we will not be doing long-term. Ultimately, we will rely on volunteers who will dart directly with the PZP. There will not be the need to track through the brush to find them and tag the ears and all that, we will just be

tagging them directly. However, it cannot be this difficult. We have to sort out a protocol that will be easier than the way it is now. Because in five years' time, it is not likely they will have a clinically insane mayor willing to put with this level of work for two months a year, or a set of volunteers willing to commit the time.

We are sorting out the protocol for this first round of getting the deer population down, but over the next year or two we will have sort out a way that makes this doable by volunteers not doing it eight hours a day. Whether it is feeders set up way beforehand, who knows? I am thinking ahead to how is this going to work when we are doing it, and it cannot involve 2,000 permission slips. It has to be something that is not as intrusive and can be done every year without it being a complete pretzel twist of an effort. The Humane Society is committed to the effort. They are at least as eager as we are to see it work. There remains broad interest. I am being told that this is on radio stations and TV. No reporters are talking to me, so I do not know where they are getting their information, but it is going out there.

We are eager to have it succeed. It has just been a tough start. A question came up of cost. There are three main categories across here. Personnel, Kayla and Rick, and they are fully covered by the Humane Society so it is not on our dime. There is their housing cost which, this year, will be much larger than originally expected because we had no warning, so the hope of locating either an apartment or two bedrooms in a house was not an opportunity. They are racking up bills at the extended stay on Executive Boulevard; that is going to run around \$7,000 or \$8,000 and is significantly more than we originally anticipated.

Then we have the expenses of the darting chemicals, which is on the order of \$1,000 or \$2,000, and the vaccine, which is another \$1,000. And then the incidental cost: the corn and the feeders, which are one-time expenses, which bring it up about \$10,000 this year. It will not be \$10,000 next year because we will have a chance to plan for the housing and can rent an apartment for two months for less than what we are paying here. The feeders will already have been paid for, so it will be cheaper.

There are a couple of funding sources. The Humane Society covers personnel and vehicle. We are covering the other expenses, and it is being split with an organization that raised money for this, specifically: the IDA, In Defense of Animals. We are in the process of getting the money from them, but they ran an online fund-raiser specifically for the Village that raised \$15,000. So, in theory, that should easily pay the expenses here for two years. The Humane Society and Barbara Stagno, who originally brought up that funding, are also looking to alternate funding sources in case next year is a bigger effort and costs money. It should not cost us any more than low single-digit thousands after the IDA and Humane Society cover their bid.

Trustee Armacost: So are we paying anything this year?

Mayor Swiderski: Right now, we have paid out of pocket.

Trustee Armacost: We are going to be reimbursed. But are we going to be reimbursed for 100 percent?

Mayor Swiderski: No, it is intended for the first two years of the project.

Trustee Armacost: The \$15,000.

Mayor Swiderski: Yes.

Trustee Armacost: So that will cover all the expenses. And then after that, there may be expenses that we incur or we do some other fund-raising or whatever.

Mayor Swiderski: That is right. It would be nice if it was nothing. I cannot guarantee that.

Trustee Armacost: But it is correct, at the moment, that we are not paying.

Mayor Swiderski: At the moment, while we paid out of pocket the hope is we will not have to pay at all either this year or next year. For the Humane Society, this is a high-profile, big project, and they have got deep-pocketed donors. We plan on reaching out over the summer for further funding. Given the attention this project gets, I do not think that will be a challenge. I think we will get the money we need, and I think we will get the money we need for an expanded effort. I view next year as, using Obama or George Bush terminology, "the surge" here, where we make up for this year's slow start and try to get as many deer tagged as possible so we can begin to bring the numbers down. If we can bring the numbers down, then out beyond year five the effort to sustain the project will not involve 80 or 90 does, it will hopefully involve some fraction of that, 40 or 50, or 30 or 40.

That is the overview. It is a tremendous amount of work on a number of volunteers who have been terrific. Dan Lemons has put in a remarkable amount of time in coordinating volunteers. A number of the volunteers have gone out; the two darters go out with two volunteers for three to four hours. So there are people putting in substantial time over and over again on either the 7 a.m. to 11 a.m. shift or the 3 p.m. to 7 p.m. shift. Those are the two time periods that Rick and Kayla are out there. It involves standing around or driving around, but it is a lot of time given by a lot of people and it is deeply appreciated. Students have really stepped up. The afternoon shifts are largely covered by kids, and that is great. A number are giving considerably beyond what their community service obligation requires.

Trustee Walker: Part of the problem this year was the late start, and then the severity or the amount of snow.

Mayor Swiderski: That is a problem, but I cannot promise that will not be from year to year. It is an environmental issue we have to accommodate.

Trustee Walker: But if the woods were not full of ice-covered snow, it might be more likely for the deer to be feeding in the woods, which would be easier instead of spreading out through the neighborhood. Will it be possible to start much earlier, before snow comes?

Mayor Swiderski: No. We do not have to wait until March, but we cannot go too early in the season because it overlaps with hunting season. Even though people do not hunt down here, the DEC has said they wanted us to start after that. I am going to see if we can get that relaxed. But there is also an expense. We cannot have people around for five months. Are you saying start in October?

Trustee Walker: Start in October before the snow, before problems with the woods.

Mayor Swiderski: We can try. They also like to do it once the leaves are down. So it will be a November thing. But we will ask to see if we can get it relaxed. There is no hunting down here, no legal hunting. There is, clearly, poaching. Illegal poaching, I am going to add. The male-to-female ratio of the deer is such that Rick believes there is poaching. It is not the usual split he expects to see.

Trustee Armacost: So what is being poached, the stags?

Mayor Swiderski: The males, the bucks.

Trustee Walker: They want the rack?

Mayor Swiderski: Yes. That is clearly an issue. I put the word out through the circles that I am aware know this, it is not legal, but there are no resources to stop it. Just put the word out that if anybody is caught I have asked the police to prosecute. It is not a wink and a nod. But that has tilted. And it may also be contributing to the fact that the deer are skittish. Rick is integrating everything he is learning, as is Kayla. After March 30 we are going come up with a post mortem that we will publish out, part of the study. It is a learning experience, it is humbling. It says something about the long-term prospects. I am hoping we can come with the protocols that get past this and allow this to work. Because the more this unfolds, the more I realize there really is no other alternative. We will never get permissions out of this number of people for hunting, and the law simply does not permit it given the

restrictions. Lethal options are not an option. It cannot be managed in a community like ours, both in terms of density, the number of schools and the presence to the woods, and the local culture. We want to make this work. On the other hand, it may not. That is why it is called a study. And sometimes pioneers end up face down in the mud with arrows in their back, and that is what you get for going first. But we will continue to modify what we are doing until we find, hopefully, something that works.

Trustee Jennings: It seems to me that if our protocol next year could get the deer in relatively remote locations, and if we would not have to have the darters moving within the visual field of the deer, if they could be in a blind or some other place.

Mayor Swiderski: That is being discussed.

Trustee Jennings: Then the deer behavior could be mitigated for a higher success rate. Part of that depends upon conditions: the ground cover, the snow, or the lack thereof. I do not understand DEC's rationale. But we should advocate for an earlier start. November-December we have much less snow every year than we have in January-February. So the earlier we start the more success we would have with the remote locations and the feeders.

Mayor Swiderski: Right. The one advantage that Rick said of a later start is that they are hungry. In October-November there are plenty of acorns on the ground and they are eating. So he has indicated that one of the advantages of a February start is that they really come to the feeders. But we will be reviewing everything.

Trustee Walker: Thank you for this incredible effort.

Mr. Gonder: I think your protocol should change. From experience, I have not seen any deer in Pulvers Woods January or February. March 1 they are in my yard again because the snow melted, every day. Use a phone: I got five deer in my yard or over the wall. He can come in five minutes, seven minutes and pop three or four. It is an open area. There are not that many trees. I have had 40 sightings; six, two and three. There are at least 10 different deer.

Mayor Swiderski: We tried that. There is a protocol problem around distributing the phone number to too many people because you get flooded. But those five or seven minutes that you refer to, that was enough that they have moved on to the next property or onto a property where there is no permission. We did not have much luck with that. We were playing that whack-a-mole game for a number of days. The calls would come in, the car would show up, and the deer have drifted to the back lawn or have moved to the next.

Mr. Gonder: Then you should try Pulvers Woods because that is where they are staying. If I do not open my door they will stay there for 15, 20 minutes. They know me. They run. If I am quiet they come on my patio.

Mayor Swiderski: I have heard that there are five deer on my lawn this morning probably about 800 times in the last three weeks. I believe you, but we did not have much luck with that.

Mr. Downey: The way deer operate, from my experience both as a hunter and someone who enjoys tracking and studying them, is that the first snow of the year is the easiest time to get next to a deer, because they have not figured out the depth perception with the change of light and the white snow background. We would possibly consider taking in November and December also to use the rut. Although they are moving and mobile, they are conditioned in a certain way. What deer do in the wintertime is called "yarding." They will go together in groups because they know inherently that once they get adapted to the snow they are more vulnerable to predators. They are more skittish, also their bellies are hungry. That makes them edgy and very weary. But they are very skittish once they become accustomed to snow. They know they are leaving tracks, they know they can be tracked. They know they can be seen easily against snow light and they modify their behavior. It is very difficult later in the year, my experience has been, unless you push them softly to an area, and then back off. Hopefully, push them to an area of food and back off. That creates problems with roads, but there is a way you can corral them if you know how to work them. You can push them and back off, and push them to a feeding area if you are doing this in the wintertime.

It has to do with snow, light, understanding their predatory concerns, and also the deer yarding. Now, you have multiple eyeballs looking every which way and they have all avenues covered. This winter because of the protracted snow with the frozen snow and ice on top of it, they had no food, and they were weary beyond I have ever seen. It certainly was a tough year to start on. That is part of what you went up against.

Mayor Swiderski: Thank you. We got your e-mail, and I shared it with Rick. This is not over. There will be a full recap when we are done. It is interesting as a process, but certainly for the poor darters they are demoralized.

2. Update on the Downtown

Trustee Walker: I don't have much since the last meeting because I have been away and we have not met. But we are hoping to meet in the next few weeks. We are putting together a list of physical improvements in the downtown that we would like to share with the Board. We are finalizing our Friday Night Live list of events at the end of April with the River Arts

Studio Tour weekend and an art festival in the downtown. As I mentioned earlier, we want to have a merchants meeting where we can talk about the bridge and the bags, and other issues. I do not have any dates yet on that.

Mayor Swiderski: When is the next Friday Night?

Trustee Walker: We were hoping to do one on April 2. It is the Friday before the River Arts Studio tour, so it would be art-themed. It was going to coincide with the grand opening of Upstream. They have been open for awhile, but they would like to have a big opening party that night. We wanted to do some kind of art project. I have to work with the Arts Commission and Upstream on that. We will get that put together soon. And also, moving forward, we need to meet with Fran and the Chief of Police on our beer festival idea for the fall. We would like to do that pretty soon, talk about dates and requirements. We are looking at early October.

3. Update on the Waterfront

Mayor Swiderski: There is not much I can publicly report. The consent order was signed a few months ago. The consent decree is a document from 2003, which Riverkeeper, the Village and BP signed that stipulated their agreement on the cleanup. This included elements above and beyond what the DEC agreed to. A number of elements of that decree no longer apply now because the order that was signed a few months ago included features in it that obsoleted elements of the decree.

We have opened up the process with BP and Riverkeeper. We met last week to begin to discuss those items that are in need of modification. The lawyers are engaged and the process has begun. There are very few areas of disagreement on the decree and renegotiation, and we are hoping it will not be a long process. BP needs it resolved to be able to finish its engineering design. It has already begun. For example, the DEC has specified a foot and a half of ground cover, and the decree had five feet. We want to tweak that, but we need to finalize that tweaking because it affects how BP plans its engineering.

There are other elements in the decree that no longer apply. There was an upside-down bathtub at the northwest corner, called a "slurry wall containment," that no longer fits what the state is requiring of us. We need to figure out how to excise that without too much problem. We are hoping the process will be completed in the next few months.

Trustee Jennings: What is the discussion concerning what the consent decree refers to, a cap below the fill made of an impermeable material?

Mayor Swiderski: The first layer in the consent decree, at the base, is six inches of asphalt. Then there is four feet of fill, and then there is another six inches of dirt. So the five feet is composed of that. Both sides agree, without contest, that on second thought, and the DEC concurs and so does Riverkeeper, that the asphalt is not a good idea. In a serious storm you could have the entire cap washing out into the river.

Trustee Jennings: The stuff above it.

Mayor Swiderski: Right, everything above it. It is not good for drainage.

Trustee Jennings: Riverkeeper is OK with that?

Mayor Swiderski: All the parties agree that does not belong there. All the parties agree there should be greater flexibility on the type of fill, depending upon what will be going in that particular location. Which makes the work of the Infrastructure Committee that much more important to complete, because it does specify their recommendation for where the roads and parks will go. You may have a different sort of fill where there is a park than where there is a road. We are pressing the Infrastructure Committee to finish up their report. Then that report gets a public hearing, and then it comes to us and we need to review it and approve it. Then it goes off to BP.

Trustee Jennings: Ten years ago this was a great concern in the Village to a lot of people. If an impermeable layer is not a good idea because of drainage and storm surge, have they discussed and do the engineers now agree on the level of risk of upwards migration of PCBs? Do they think they do not move? A decade ago people, including us and Riverkeeper, wanted something impermeable because we were not sure that was not going to come up.

Mayor Swiderski: The short answer is, there is apparently no major upwards mobility of the PCBs, the DNAPL specifically. There is a downward mobility. It hits a silt layer, and then heads out to where the silt layer stops when it hits the rocks of the riprap at the edge of the site. There has been quite a bit of recovery, hundreds of gallons. They have got wells going there pulling this stuff up. But it does not seem to be an upwards motion.

Trustee Jennings: That is very reassuring. People will want, at least those who remember the previous discussion, to hear that. That was the main rationale for an impermeable layer.

Mayor Swiderski: There will be a demarcation layer, and there may be a geothermal textile layer between the fill and the surface nine feet down. But it is not intended necessarily to stop the DNAPL from coming up; it is intended to make it clear when you hit it so you do not dig down below that.

Compared to what existed 10 years ago, substantially more of the site is going to be dug up; 20 or 30 percent more in terms of surface acreage is going to be dug up. If you compare the map of what was there and what is now being proposed, it is quite a bit more. So the cleanup will cover more area and dig up more. But they do not believe there is an upwards motion.

Trustee Jennings: Again, we were thinking especially of these areas that are so heavily contaminated that we cannot go down deep enough to get it. Therefore, we are knowingly leaving it there, and we wanted to be sure that we were not endangering our health by knowingly leaving it there. That was the logic 10 years ago.

4. Other

Trustee Armacost: I wanted to thank Fran very much for the budget that you sent to us. I was wondering whether it was possible for you to send us a version in Excel format.

Village Manager Frobel: Yes, we will shortly. He is still doing a few things with the format, but he is getting it to you.

Trustee Walker: Since I was not at the last meeting, can you talk about what is going on Thursday with the DPW study meeting?

Mayor Swiderski: The DPW consultants, Laberge & Company, are starting interviews this week. They will have a presentation in Dobbs Ferry first and here from 7:30 p.m. to 8:30 p.m. describing the process that they are going through as they do their analysis. They will describe the analytical arc of the project, and then open up the floor for questions. They are not viewing this as public input to the idea. They are viewing it as public questions.

Village Manager Frobel: A simple introduction to the process. It will be the first time for citizens to come out.

Trustee Walker: It is open to the public, and it is being broadcast and publicized.

Mayor Swiderski: It is occurring at the same time, a little earlier in the day, at Dobbs. So this is the introduction for both communities. Fran has been pulling together numbers and documentation for several months now. It is wrong to think of that day as a formal kickoff for the project. We have been doing quite a bit already. But it will really get underway the later part of March.

Mr. Downey: This may be something you want to have legal counsel on, but you did mention something about advancing the baiting trying to condition the deer. I am wondering about conditioning the deer to make your life easier in the future. I have a game with deer. They can read your energy and your intention. So when this guy shows up in a vest and carrying something, they get it. Either your body language or your thoughts, they can detect it. When I talk silly talk I can get closer to them. When I talk like, I want to go get you, they are gone. So if you could condition the deer over the next year with volunteers, getting them accustomed to people going to them and then backing off. They learn over time. They will allow you closer and closer when they do not feel a true threat. Eventually they are going to get hit in the hiney with a dart, but that is their problem.

Village Attorney Stecich: Yes, but if that is not the people doing the darting it does not work.

Mr. Downey: No. They may recognize body language, but it still would be better.

Village Attorney Stecich: I know they do. They come for my husband and not for me.

Mr. Downey: It would be better than nothing, getting them used to conditioning with people approaching them and backing off. They begin to gain some trust, until they start getting hit with darts.

26:14 CERTIFICATION OF ELECTION RESULTS

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

RESOLVED: that the Mayor and Board of Trustees hereby accept the Election Results and that Nicola Armacost and Marjorie Apel are declared Trustees for a term of two (2) official years each.

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

Mayor Swiderski: There were 175 voters who participated, and it was 153 machine votes and one absentee vote for Marge Apel, for a total of 154, and 158 votes machine and one absentee for Trustee Armacost for a total of 159. There were nine write-in votes cast above and beyond those mentioned, with nobody garnering more than two. Congratulations are in order if not, perhaps, a surprise.

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:30 p.m.