

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 3, 2014

A Regular Meeting was held by the Board of Trustees on Tuesday, June 3, 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 Linda Whitehead, and Village Clerk Susan Maggiotto

CITIZENS: Five (5).

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 May 20, 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. 75-2013-14	\$ 25,888.73
Multi-Fund No. 76-2013-14	\$383,633.81
Multi-Fund No. 1-2014-15	\$ 30,725.84

PUBLIC COMMENTS

John Gonder, 153 James Street: A lot of people know about Obamacare. Fifty percent of the nation's for it and 50 percent are probably against it. But everybody is for veterans. The mistreatment of them in the VA hospitals, I know the Board on New York State problems, such as fracking, sometimes write Cuomo or the legislators a letter. Same thing with Indian Point, to close it. I am wondering why you do not write our senators and congresspeople in regard to what is happening to the veterans in medical care. It is atrocious. Two hundred thousand people waiting for appointments. I got kicked out of the veterans because I made a little too much money. I think that was in the Bush administration. Then later on, I am accepted back into it. It is a crazy situation. But those people that do go to the Veterans Administration get very good care, so I would like to write something to maybe our federal government. We have seven boardmembers of our Village school election up. Officials running the school board are giving veterans a discount on their property taxes, and I think it is the first time in New York State history that a village is doing that. I may be wrong.

I am saying how about our Village Board considering giving veterans, honorable discharge veterans, especially ones that served two, three, or six year terms and some lifetime spans; give them a 15 percent reduction in taxes.

Susan Cooper, 378 Warburton Avenue: Recently the League of Women Voters had a letter in *The Enterprise* encouraging people to support a single-payer bill in Albany for health insurance. It would be based on income levels which sounds like a pretty good thing. But in researching this, and calling several politicians, some of them local, I had yet to come up with an answer as to who it would cover and who would be responsible. It would be based on income level, but still large swaths of the population would be exempt. So public employees, state employees and also the politicians that created this bill would be exempt. You would still have portions of citizenry paying for free or minimal cost health care. That hardly seems like a democratic solution.

The last time I was here I asked about health care coverage and the cost here for employees, which mirror, I am assuming, state employees and government workers. I had to research this myself because I only received half of an answer when I asked if employees go on Medicare when they reach the age of Medicare eligibility. The answer I got was yes, they do go on Medicare. But in my research, they do not pay supplemental. That means that still is on the backs of taxpayers and property owners which, again, is not democratic. In the interest of transparency, I do not understand why there cannot be more specific information given when questions are asked or even when they are not asked. This is public information. One can look up information on pensions and salaries for all government workers on a Web site, seethroughny.

On the heels of veterans and Memorial Day, my father was a noncommissioned officer, served World War II and Korea active duty and beyond. He was on some of the most dangerous missions in the North Atlanta, including the Murmansk convoys. The percentage of ships that were lost, lives that were lost is astonishing. I am contrasting that in terms of my mother's widow's pension, which is less than \$750 a month, with the pensions received here. Not just here, this is not personal, but by state government and the politicians that arrange these situations. With, for instance, a pension that is now being received here by a former employee of almost \$73,000 a year, cost of living increases, not paying state taxes on that; \$73,000. I like to think of it like this, not just in terms of numbers, but torpedoes-recreation, torpedoes-recreation.

Mayor Swiderski: I was going to ask that for the following meeting we add a discussion about the veterans tax break that was discussed and passed at the town level so we could have that out in the open.

39:14 NEGATIVE DECLARATION – ADOPTION OF LOCAL LAW NO. 2 TO BAN PLASTIC CHECKOUT BAGS AND STYROFOAM CONTAINERS

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

WHEREAS, a Short Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson dated March 27, 2014, a copy of which is attached hereto, has been filed with the Board of Trustees in connection with the adoption of Proposed Local Law No. 4 of 2014 amending Chapter 244 (Solid Waste) of the Code of the Village of Hastings-on-Hudson to Ban Plastic Checkout Bags and Styrofoam Containers, an Unlisted Action under the State Quality Review Act (SEQRA) and

WHEREAS, the Mayor and the Board of Trustees, the only involved agency, have reviewed the EAF and the criteria for significance set forth in 6NYCRR § 617.7(c), now therefore be it

RESOLVED: that the Mayor and Board of Trustees find that that the proposed action will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement (EIS) for the reasons as set forth in the EAF.

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

40:14 ADOPTION OF LOCAL LAW NO. 2 OF 2014 TO BAN PLASTIC CHECKOUT BAGS AND STYROFOAM CONTAINERS

Village Attorney Whitehead: This is incorporating the final set of revisions that were made about a month ago to the proposed local law, which adds a new article to Chapter 244, which as has been discussed at some length here. It bans plastic retail checkout bags and also expanded polystyrene containers, which is basically Styrofoam. There are some limited

exclusions in each of the sections. The Board has received a lot of comment, and discussed this. The law you would be adopting is in the same form as has been previously discussed and reviewed, and was the subject of the last public hearing. We provide for a six-month period to phase in, to allow the stores to use up what they have and get selling the reusable bags and start cleaning out the polystyrene. On the plastic bags, the first violation is a notice. You do not get a fine immediately. We are trying to work with everybody to try to phase it in and give the stores time to adjust.

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 hereby adopt Local Law No. 2 of 2014 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, to ban plastic checkout bags and Styrofoam containers.

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

Section 1: A new Article is hereby added to Chapter 244 of the Code of the Village of Hastings-on-Hudson to read as follows:

ARTICLE IV RETAIL CHECKOUT BAGS

§ 244-15. Purpose.

Non-biodegradable plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down. The intent of this article is to improve the environment in Hastings-on-Hudson by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods.

§ 244-16. Definitions.

For purposes of this article, the terms used herein are defined as follows:

CHECKOUT BAG – A carry out bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags, garment bags or plastic bags measuring 28" by 36" or larger in size.

GARMENT BAG – A large plastic bag with two openings that is used to transport clothing from a dry cleaner.

PLASTIC PRODUCE BAG – A flexible container made of very thin plastic material with a single opening that is used to transport produce, meats or other items selected by customers to the point of sale.

RECYCLABLE PAPER BAG – A paper bag that should have the following characteristics: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the words “Reusable” and “Recyclable” on the outside of the bag.

RETAIL SALES – The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers’ markets, flea markets and restaurants. The term “retail sales” does not include sales of goods at yard sales, tag sales, and other sales by residents at their home.

REUSABLE BAG – A bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

§ 244-17. Restriction on checkout bags.

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.
- B. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

§ 244-18. Penalties for offenses.

- A. In the event that there is noncompliance with this Article, the owner of the property or the owner's agent or the person performing such violation shall be notified in writing with a first-time warning and shall forthwith stop with the violating activity. Such notice shall be served upon a person to whom it is directed either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail. Such notice shall provide a

period of 10 business days to cure such violation and come into compliance with this chapter, after which a violation and summons may be issued.

- B. Any owner, representative, or business establishment who violates any provision of this Article shall, upon conviction of violation, be fined not more than \$100 for a first violation after a first-time warning, and a fine not exceeding \$200 for a second or subsequent violation.
- C. Any violation of this article may also be enjoined pursuant to law.
Section 2: A new Article is hereby added to Chapter 244 of the Code of the Village of Hastings-on-Hudson to read as follows:

ARTICLE V EXPANDED POLYSTYRENE CONTAINERS

§ 244-19. Purpose.

Expanded polystyrene is difficult to recycle, does not decompose and makes up a significant portion of the trash polluting local waterways. There are also potential health risks; styrene, which is used to make polystyrene, is listed as a possible carcinogen by the International Agency for Research on Cancer. The intent of this article is to improve the environment in Hastings-on-Hudson, as well as the health of its residents, by banning the use of expanded polystyrene containers.

§ 244-20. Definitions.

For purposes of this article, the terms used herein are defined as follows:

EXPANDED POLYSTYRENE – Blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

FOOD SERVICE ESTABLISHMENT – A premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants,

cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

POLYSTYRENE LOOSE FILL PACKAGING – A void filled packaging product made of expanded polystyrene that is used as a packaging fill (commonly known as packing peanuts).

SINGLE SERVICE ARTICLES – Cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and all similar articles that are intended by the manufacturer to be used once for eating or drinking and generally recognized by the public as items to be discarded after one use.

STORE – A retail or wholesale establishment, other than a food service establishment.

§ 244-21. Restriction on Expanded Polystyrene Containers.

- A. No food service establishment or store shall sell or provide single service articles that consist of expanded polystyrene including but not limited to providing food in single service articles that consist of expanded polystyrene.

- B. This section shall not apply to (1) expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment or store; (2) single service articles consisting of expanded polystyrene sold in grocery stores off the shelf that do not contain any food or beverages in them; or (3) expanded polystyrene containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.
- C. No store shall sell or offer for sale polystyrene loose fill packaging.

§ 244-22. Penalties for offenses.

- A. In the event that there is noncompliance with this Article, the owner of the property or the owner's agent or the person performing such violation shall be notified in writing with a first-time warning and shall forthwith stop with the violating activity. Such notice shall be served upon a person to whom it is directed either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail. Such notice shall provide a period of 10 business days to cure such violation and come into compliance with this chapter, after which a violation and summons may be issued.
 - B. Any owner, representative, or business establishment who violates any provision of this Article shall, upon conviction of violation, be fined not more than \$100 for a first violation after a first-time warning, and a fine not exceeding \$200 for a second or subsequent violation.
 - C. Any violation of this article may also be enjoined pursuant to law.
- Section 3: This local law shall become operative six months following its effective date to allow stores and food service establishments to dispose of their existing inventory of plastic checkout bags and expanded polystyrene containers.
- Section 4: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 5: If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 6: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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: We understand that the burden of the implementation ultimately falls on the stores. We intend to work with the Conservation Commission and the stores in coming up with a branded reuse bag or bags to try to ease the process along for all parties involved. Thank you to the Board for careful consideration on this. It is an important step.

Trustee Jennings: I would like to acknowledge the leadership and the hard work of the Conservation Commission. A lot of research went into this, and I appreciate the work that they do.

Mr. Gonder: It says six months after it is adopted upstate they approve it, which may be like July. Then it may come in December. Why not make it January, after the holidays.

Mayor Swiderski: Thank you for the thought. It is not unreasonable. It is something to work out through the implementation phase.

Village Attorney Whitehead: And enforcement, leave some leeway.

Trustee Jennings: Who will be the lead implementer here? Are we talking about the Village Manager, are we talking about the police department? Who is going to be responsible for this implementation?

Village Manager Frobel: I assume my office. I assume I will either respond to a complaint or an observation from a resident, or I will observe it myself, that the time has lapsed for this phase-in and we will have to begin to step up the enforcement part in terms of first a warning and then a more aggressive approach.

Trustee Jennings: So if there is a hardship appeal or something of that sort, people should contact you.

Village Manager Frobel: I would say I am the point of contact on enforcement of the ordinance.

Mayor Swiderski: In the end, where these laws have been rolled out the number of establishments handing out bags is relatively limited. It is not like the leaf blower law, where it could happen anywhere in the Village. It is nothing where, traditionally, there has been great resistance where it has been done.

Village Manager Frobel: I do not envision that.

Village Attorney Whitehead: And the six-month time frame really helps by giving everybody time to figure out how they are going to handle it.

Trustee Jennings: I was not suggesting that would be a difficulty in obeying the law.

Mayor Swiderski: Just understanding it.

Trustee Jennings: People need to know which Village official to call if they have a question or if they have a special need. It is always good that they know. I suppose you can call the Village Manager about anything.

41:14 BOND REFUNDING

Village Manager Frobel: We are recommending passage of the resolution which would permit the issuance of the refunding of some bonds, a 2005 issue, which is a compilation of a number of issues that go back as far as 2001. We see an opportunity here to secure a lower rate of interest. Currently these bonds are carrying an interest rate of 3.95 percent. In our analysis we believe they could be lowered to perhaps as low as 2.5, 2.3. If that comes to pass, we expect to see a real savings. In the first year, our analysis indicates it could be upwards of \$18,000. But more impressively, over the issuance, which would be 12 years, we could realize a savings of about \$190,000. It is a somewhat complicated issue because part of the items contained in the 2005 bond are not callable. They have not reached the point

where we have, on a question of right, to call the bonds. So in working with our fiscal advisor, we will be setting up an account with an escrow agent, which would be paying the current bondholders. But we will be realizing the savings we have outlined in our analysis.

I think it is a great opportunity. In our discussions with capital projects, in particular Trustee Armacost is always interested in trying to reduce this, always looking at refinancing. Our fiscal advisor believes this may be the time to take advantage of these lower rates. We hope you will pass that resolution.

Trustee Armacost: I think it is great to be taking those kinds of long-term debt considerations into account and projecting the savings. What rate are we are paying now&

Village Manager Frobel: For that 2005 issuance, it is 3.95.

Trustee Armacost: And we are going to go down to 2.34?

Village Manager Frobel: We think that is what it would be, within this time frame if, say, we could move within two to three weeks. The key was to get your authority this evening. Now we are going to try some timing issues to see if we can realize that kind of a savings.

Trustee Armacost: It would be great to get more than the 1 percent deduction.

Mayor Swiderski: It is complicated. I had to read it carefully because I did not realize this was something you could do.

Village Manager Frobel: A little out of the ordinary. It is a negative arbitrage, but we are in very good hands with our advisor. And through Susan's efforts, and Raf, I think there is a genuine opportunity here to save some money, Mayor.

Mayor Swiderski: But for a casual reader, you have to be quite familiar with the terms and the ideas. Bond math is never easy.

Village Manager Frobel: I do not think it is necessary, Mayor, for you to read the entire ordinance. I gave you, I think, a good summary.

Mayor Swiderski: Essentially, we are going to be carrying twice the debt per year on the bet that rates might go up in a year's time. So it is worth just locking it in now.

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

RESOLVED: that the Mayor and Board of Trustees approve the bond resolution as attached authorizing the issuance pursuant to Section 90.10 or 90.00 of the Local Finance Law of refunding bonds of the Village of Hastings-on-Hudson, Westchester County, to be designated “Public Improvement Refunding (Serial) Bonds,” and providing for other matters in relation thereto and the payment of the bonds to be refunded thereby.

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	

42:14 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 hereby change the Regular Meeting date from August 19, 2014 to August 26, 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	

43:14 APPROVAL OF NON-UNION PERSONNEL SALARIES

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 establish the following salaries for non-union personnel effective June 1, 2014:

Deputy Manager/Village Clerk	\$100,413
Superintendent of Public Works	\$113,886
Building Inspector	\$106,460
Deputy Building Inspector	\$ 57,000
Acting Supt. of Parks & Recreation	\$ 74,916
Director of Youth Services	\$ 67,626
Youth Advocate	\$ 52,020
Technology Director	\$ 65,176
Cable TV Director	\$ 38,256
Secretary to Village Manager	\$ 45,900
Senior Office Assistant	\$ 53,040
Payroll/Personnel Clerk	\$ 52,020
Court Clerk	\$ 51,418
Assistant Court Clerk	\$ 32,141
Recreation Assistant	\$ 42,106
Recreation Assistant	\$ 37,046

Part-Time Personnel

Fire Inspector	\$ 20,482
Senior Outreach	\$ 19,473
Parking Enforcement Officer	\$ 13.71/hr
Clerk	\$ 17.34/hr.
Bookkeeper (Finance Office)	\$ 17.34/hr.
Recreation Bus Driver	\$ 15.61/hr

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: It is usually not my custom. When I bring a problem to the Board, I like to have a solution. But in this one I do not have a solution, not yet anyway. It involves yard waste. We received word a few days ago from the city of Yonkers that they will no longer accept grass clippings in with the yard waste. Since 2005, we have brought

brush, grass clippings, leaves to the facility without any problem. The city is responding to a neighborhood problem. Grass gives off quite an odor when it begins to decay, especially if it is left in these bins for any length of time. The word is they are attributing their desire to enforce the provision of not accepting grass clippings, based on this neighborhood complaint. I say that because, turning to the agreement we entered into with the city, they are not required to accept grass clippings. We do have a lot of residents who mulch, who compost, who keep the grass clippings on their property. But we have a few that put it in bags and bring it to the curb and expect us to pick it up. Most of our landscaping companies cart it away. A lot of them have their own facilities and means to dispose of it. A lot of them have these metal boxes on their property to get rid of it.

But it is a problem for us. I have been in contact with the Dobbs and Ardsley village managers. They are in the same boat; this came as a complete surprise to those two gentlemen, as well. We are going to meet to discuss it. We are at a loss. We are going to send a note out to the community.

Mayor Swiderski: Is it effective immediately?

Village Manager Frobel: It was effective that day; they turned us away, flat out. Pulled up, question asked is there any grass clippings mixed in those brown bags? Yes. Go. And they closed the facility for the day. It affected all those communities I mentioned, all the landscaping firms that rely on the service. I had Mike contact the county to ask if there is any breach of their agreement with them. Yonkers operates on an agreement where Yonkers gets free disposal of that yard waste by being a host community. Evidently not. This may be part of a long-term program to strongly encourage the mulching, the keeping it on-site, using grass clippings for the value they are rather than dispose of them. I do not know. But in the meantime, we are going to have a problem.

Trustee Armacost: What did you do that day with the stuff?

Village Manager Frobel: We brought it back and dumped it in the yard. We picked through it, the men pulled out what appeared to be bags principally of grass, threw back in what was brush and leaves, and brought it to the facility the next day.

Trustee Armacost: So the grass is just waiting. And when did this happen?

Village Manager Frobel: Wednesday of last week.

Trustee Walker: And the story with the county was that there is no requirement on their part that Yonkers take them.

Village Manager Frobel: We have not spoken to the woman we want to, the boss, so we do not really have a straight answer. But the initial readout is, your agreement says they do not have to take grass clippings.

Trustee Armacost: Is there a place where we can pay to have them take the grass clippings and charge people who want us to dispose of their grass clippings?

Village Manager Frobel: I was prepared to answer the first part of your question because that is what we are going to have to do. When I discuss it with the two managers we are going to have to find out if there is a vendor who will take it for a fee. I was not prepared to come back to you and say we will pass on the cost to the homeowner. I just want to find a place now where we can bring it, at some cost. It would be nice to think there was someone in the private sector who would welcome the grass clippings to be an additive to a composting operation. We are not aware of any. Grass is not something that is desirable in the nature of composting. It is very powerful and very slow breaking down.

Trustee Armacost: It is an important question for us to address, because those people who want to cut their grass, the burden is being passed onto everyone else; that creates fairness issues. We need to find out whether someone else would even take it for a fee. And if they will, then we can think about phasing it in like we did with plastic bags. Phasing in a program where people who want to have their grass taken away have to pay for it. Maybe even some of the landscaping companies.

Trustee Jennings: You mentioned that the landscaping companies are taking it somewhere. More and more people are mulching it so it does not have to be removed from their property,. It sounds as though since we want to take other stuff to Yonkers we are going to have to require that people put the grass clippings in a separate bag. Do you have any sense of what volume Hastings actually generates? If it is a relatively small amount I am wondering if we could do something with it that would make it less obnoxious Can we buy a mulching machine that would render them innocuous and we could spread them in the parks?

Village Manager Frobel: I do not know enough about that operation. I have run composting operations for municipalities where I used to work. They were huge, but it was not solely grass. As the Mayor mentioned, grass is a hard commodity to break down and deal with. Especially the odor issue. You have to frequently turn those things. It generates heat and it rots.

Trustee Walker: It generates methane after awhile.

Village Manager Frobel: Mike Gunther thinks the number of Hastings residents that bring grass clippings to the curb is diminishing dramatically. He sees the landscaping companies, getting rid of it, and more and more people are mulching on their property, on their own. So we are seeing it reduced, but I do not know how much.

Trustee Jennings: When you mulch it you chop it into very small pieces, and it returns to the soil eventually, right?

Village Manager Frobel: That is my understanding.

Trustee Jennings: So if we did not have too much of a volume, and if we had the apparatus, we could use it our own public spaces, just like a private lot uses it on their own land.

Mayor Swiderski: Yes, but distribution is an issue because you are taking it from a bag and then having to distribute it. It is the clumping that causes it to rot. So you would have to powder it and then spread it evenly. I am no expert, but I have never heard of it done.

Village Manager Frobel: The heat is generated is also a problem.

Trustee Jennings: Where I am going here is that if we do not have anyplace that will take it from us, is there any way we can handle it ourselves, because that is the only alternative.

Mayor Swiderski: Could we not just dispose of it in the regular waste stream?

Village Manager Frobel: No. When you dump your load at the waste facility and they start seeing yard waste in there, it is going to be rejected. There are going to be fines. You cannot mix that with garbage.

Mayor Swiderski: Essentially, cut grass is toxic. Nobody wants it.

Trustee Armacost: The boxes you are talking about that the landscapers put it in, if we have to, if there is no other solution, maybe we have to buy one of those boxes. How much does that cost?

Village Manager Frobel: We own those 10-yard boxes now. That is not bad. I have got to find out. What is going to be key is, tomorrow, discussing it with Dobbs and Ardsley because we are in the same boat. I think perhaps Ardsley has more room than we do in terms of storage. We have got to come up with a remedy, obviously.

Mayor Swiderski: And ideally, accelerate the holdouts along into evolving into love it and leave on the property.

Village Manager Frobel: That is what we are hoping. An e-mail is going to out community-wide to let them know about this problem so they can begin thinking in that way, to let them know that there is a situation, what can you do to help us, at least short term, and maybe get them on the path to doing it long-term.

Trustee Apel: How about notification to anybody who left any yard waste that was picked up, make sure a paper notice goes to the door so they know this is what is going to happen. You may not know what is in those bags. Not all of them are going to reading the e-mail. I think a hand notice has to go that we are no longer accepting this, we have no way to dispose of it at this time. We can take the yard waste, but not the grass, at this time, and you will have to decide what you want to do with the grass until such time as we can resolve this. That is one way to deal with it. Or you can accept it all. But if you do not push back, and you accept it, they have to know.

Mayor Swiderski: We have to push back. I am not sure if I want 100 toxic waste dumps all over the Village generating smell.

Trustee Apel: No, I am just saying they have to know that by a certain time that if we cannot resolve it that they are going to have to deal with it themselves, because as you say, we cannot afford to pick up the tab on this.

Mayor Swiderski: I agree.

Trustee Walker: Are there other municipalities that have stopped taking grass clippings? Is there a precedent for that?

Village Manager Frobel: I do not know. And it was Yonkers-wide, too. They will not accept their own grass. We went through this before. They threatened us and turned us away about four years ago. There was a panic, and within a week or so they reversed themselves.

Trustee Walker: They may again.

Village Manager Frobel: Yes, and that became plan C. We have got to come with something else.

Trustee Armacost: I was going to ask Linda if she has heard of a ban-the-grass law.

Village Attorney Whitehead: We have not seen that one, but we can certainly check and see if the other municipalities we represent have dealt with this issue.

Trustee Armacost: And also it may be that we have to just truck it a bit further.

Mayor Swiderski: Like you say, this becomes an extraordinary expense for a small subset of people.

Trustee Armacost: And it could be something where that group of people pay for that service. It becomes a privatized service.

Trustee Jennings: I wonder if the landscaping companies that do operate would be willing to add on the extra service of just picking up grass even though they did not mow it, even though the homeowner mowed it, for a fee.

Mayor Swiderski: I am sure for a fee, right?

Trustee Apel: The individual would have to do it; call the landscapers themselves.

Trustee Walker: There are many municipalities that do not pick up solid waste at all around the country.

Mayor Swiderski: But they have dumps or private carters we do not have.

Trustee Walker: That is what I mean. They have private carters, and everybody is used to hiring their own private carters. Everybody contracts to pick everything up, and probably yard waste, too. That is not so unusual in this country.

Trustee Jennings: But there are a lot of downsides to that. It could be limited to grass clippings, and that probably would not carry with it all the other problems with solid waste.

Trustee Apel: Does that mean you will get a reduction in the bill because they used to take our grass and now they do not?

Village Manager Frobel: It is based on actual times to the facility, so we will be going there less now.

Trustee Walker: It is based on cubic yards?

Village Manager Frobel: Five dollars a cubic yard. In the agreement they define yard waste as just leaves. They exclude brush and small wood product. They are still accepting that, but technically that could change.

BOARD DISCUSSION AND COMMENTS

1. Charge to Conservation Commission Subcommittee on Transportation/ Circulation

Mayor Swiderski: I put out a document summarizing the charge. Most of you responded to it. It has been modified to reflect concerns. I do not know if the current form satisfies. I do not have a physical copy in front of me. If you could print out a bunch, Susan, then we will wait for that. We will jump ahead to the update on the downtown now.

2. Update on the Downtown

Trustee Walker: I would like to announce the Friday Night Live Spring Thing this Friday from 6 to 9 on Warburton Avenue. It is the last time that we can do anything for the next three months on Warburton or Main because of the Con Ed work. We are trying to take advantage of this window of opportunity to have a community gathering. A number of restaurants and stores will be participating. There will be lots of outdoor dining, entertainment from the Blues Mothers, and a number of games. We are going to introduce a giant chess set, I hope we can figure out how to put it together, and some other games as part of the Spring Thing.

I am going to meet with the Downtown Collaborative next week and members of the Comprehensive Plan Implementation Committee to discuss the job description for the downtown advocate. I am gathering a little information on the side from other downtown advocates in the area. I would hope that by the next meeting we can put that on the agenda.

3. Update on the Waterfront

Mayor Swiderski: I noted the trucks full of dirt heading out to the Exxon property last week, even as recently as yesterday, laying down some more cover.

Village Manager Frobel: That is just to refresh what was planted last fall. It should be finished by the end of June.

Mayor Swiderski: Right. And there is nothing new on 52?

Village Manager Frobel: Not that I am aware of.

Mayor Swiderski: There is the application before SHPO, and beyond that we have had no contact with BP in last couple of weeks on the topic.

4. Veterans Tax Discount

Mayor Swiderski: I would like to request that we place the veterans' discount for Board discussion for the next meeting, an idea floated by a number of letters to the Board. We have visited this in the past, and you said you would recirculate.

Village Manager Frobel: We have as recently as 2010, and Susan is freshening up that research. We would have it tonight, but Greenburgh was not able to pull everything together for us in advance of tonight's meeting. At the next meeting, we will have it on the agenda.

(1. cont'd)

Mayor Swiderski: What we have here is a formal description of a proposed subcommittee that the Board would like to ask the Conservation Commission to set up to address transportation and circulation issues, both in the Comprehensive Plan and any others we may pass.

"In summary, The Board of Trustees is charging the Conservation Commission to appoint a Transportation and Circulation Subcommittee ("the Transportation Subcommittee") to assist the Village in implementing the recommendations and strategies in the Comprehensive Plan and any others that the Board of Trustees may assign it in the domain of transportation and circulation. The specific charge of the committee is to prioritize recommendations and to prepare them for implementation by the Board of Trustees or other implementing group such as the Safety Council, Planning Board, or Police Department.

"In background, the creation of the Transportation Subcommittee is driven by the Board of Trustee's desire to accelerate the implementation of the portions of the Comprehensive Plan that focus on transportation and circulation. The Plan incorporates a wide range of specific proposals that seek to improve circulation, promote walkability, increase access for pedestrian and bike traffic and increase safety for all residents." Are there any issues so far?

"IMPLEMENTATION DETAILS – Committee Structure: The Conservation committee will have responsibility for determining the number, makeup and members of the Transportation Subcommittee. The Board of Trustees does not

intend to limit membership on the subcommittee to the current members of the Conservation committee. The Conservation committee can staff this group in any way it deems appropriate, including from its own ranks, anyone from the community, including (but not limited to) liaisons from other groups such as the Planning Board and the Safety Council." Any issue with that?

Trustee Armacost: I think you can delete the words "*the current*" because that is only relevant today. You can say "to members of the Conservation committee."

Trustee Walker: I have always thought it is the "Conservation Commission." I do not know if that is its official name.

Mayor Swiderski: It is "Commission." Sorry about that. I was thinking committee and subcommittee.

Trustee Apel: It said "*to staff this group, including from its own ranks, anyone from the community, including ...*" – would it be "including, but not limited to"?

Mayor Swiderski: It almost is irrelevant whether it is liaisons or not. It is anyone from the community. I could almost kill that clause. Because anyone who is on a committee is automatically somebody from the community.

Trustee Armacost: I was not here at the last meeting and you may have discussed this more, but I think we had a meeting where the Chief of Police was here. We discussed the fact that it would be desirable to sometimes have a Planning Board people and Safety Council people there. I was happy to see that because it is signaling that those are particularly welcomed.

Trustee Jennings: And I think the word "liaison" is a useful word.

Trustee Apel: "But not limited to."

Village Attorney Whitehead: Yes, "including, but not limited to."

Trustee Jennings: But I hope we do not lose the work that the word "liaison" is doing. You can be on the committee as a member of the community. But if you are on the committee as a member of the Planning Board, you have special responsibilities to report back to the Planning Board and to keep the communication process going so that there will not be something like I never heard of this, this is ridiculous, kind of reactions from other boards.

Trustee Walker: I heard from a couple of Planning Board members that at one of their recent meetings they were talking about some planning issues, one of them being parking. They were considering setting up some kind of committee to look at parking. I wrote back to Jamie Cameron that there is this Transportation and Circulation Committee that is being set up, and the Planning Board can participate in some way with this group so it may be more fruitful to work with the Conservation Commission. But as a result, there is a lot of interest on the Planning Board about these issues. Perhaps the new subcommittee should attend a meeting fairly soon and have some discussions with them. Same thing with the Safety Council.

Trustee Jennings: There is a sentence later on that caught my eye, and it is about this. It is under "Program Development," the fourth bullet point. It is saying, getting some priority, implementable projects going here, *"And as these projects are ready to be queued up they will be passed to the appropriate implementing body for ultimate disposition."* What I foresee in a sentence like that is how important it is that whatever this implementing body is, and if it is the staff that is one thing, that if it is one of the other volunteer boards or commissions it is just terribly important to have them plugged in through the whole deal, because this group cannot say this is a priority, now you go do it. That is a recipe for conflict and dragging of feet and all kinds of problems.

Mayor Swiderski: Agreed. But we are stuck in the first paragraph of committee structure. Does that change language there, or is it simply an emphasis later on?

Trustee Armacost: I do not think it has to do with the structure. This is a powers question that Bruce has raised.

Trustee Jennings: No, I just mention it now because we were on the word "liaison." And to me, this thing on page two will work on the liaisoning.

Mayor Swiderski: All right, when we get to that we will emphasize the liaisoning.

Trustee Walker: But we are not requiring the liaisoning.

Mayor Swiderski: We are not requiring liaisoning, but we cannot force the Safety Council to appoint a liaison. But we can insist that any proposal they have be passed before the other agencies. Otherwise, you are just going to land up in conflict. There is the physical liaison, and then there is the active liaisoning. It is two different things there.

Trustee Armacost: It is promoting consultation which is what we are trying to get at. It is not forcing people to attend too many meetings. It is encouraging consultation where it is

appropriate and relevant and discouraging unilateral action. Those two things go together and coordinate it.

Trustee Jennings: This is less a separate group than a convening group, a bringing-together group. We are not creating one more little silo; we are creating a group of people who are going to make it a process.

Mayor Swiderski: It *may* be convening. It is also entirely possible that there will be nobody with an appetite to join it from other committees, in which case it will be entirely separate but still be asked to reach out to the Planning Board and others.

Trustee Jennings: Yes, of course. But I am assuming that it will be apparent to everybody that there is overlapping expertise, overlapping jurisdictions, and this is the kind of thing that is not the purview of one group alone but, really, it takes a village.

Mayor Swiderski: OK, agreed.

Trustee Apel: Why do we not just be clear? That it is strongly recommended, or the Board of Trustees recommends, that this committee not act by themselves, but go on and talk to everybody else.

Mayor Swiderski: When we get to that second page we will talk to that.

Mayor Swiderski: On "Committee Structure," then, the second paragraph reads:

"The number of members of the subcommittee may change over time depending on needs and work demand. The Conservation Commission will have the right to add new members to the subcommittee when needed, and also to rescind membership for an individual on the subcommittee at its own will and discretion. One of the subcommittee's first orders of business will be to choose its own chair, set its own meeting time, and engage its own schedule. The subcommittee can, in turn, create working groups composed of subsets of its own membership as well as other residents for advice or input if it will facilitate its mission." No argument?

"PUBLIC MEETINGS: The meetings will be considered public, which means they must be held in a publicly accessible location, either the Municipal Building, the Library or the Community Center. While any member can attend a public meeting, it is the subcommittee's decision to determine if any meeting will seek public input, or will be considered a work session and not be open to public comment.

The Board of Trustees would urge the subcommittee to hold periodic community-wide forums, where progress towards its agenda can be presented as well as feedback from the public on current and future projects solicited."

Trustee Armacost: I had a question which relates to requirements vis-à-vis other boards. A bunch of the boards and commissions are required to have an agenda, which is publicly posted. They are also required to produce minutes so people can review the activities. I noticed that was absent here. Part of what prevents unilateral action is that people know what is going to be discussed. You can choose if you want to go that meeting as opposed to showing up to every meeting. You can see what was discussed so you can go.

Mayor Swiderski: The minutes are only taken at Planning, Zoning and here.

Trustee Armacost: There are a few others that take a form of minutes. They are not required, but I am raising the topic because I think we need to explicitly think about that. How are people going to know what was discussed?

Mayor Swiderski: That can be said about any public meeting that is not minute'd. I agree with you on the agenda. If we load this committee up with too many requirements it will become onerous. It is always a challenge to find somebody willing to generate minutes. Unless somebody is willing to do so it becomes a burden. There are a number of committees, including the Conservation committee, which has generated a number of pieces of legislation that affect everybody's lives that does not create minutes. It is not a requirement for any other committee.

Trustee Armacost: This particular group, by definition, is interacting with a bunch of other groups. So how are those groups going to know?

Mayor Swiderski: There should be an agenda, and it should be posted. You are absolutely right on that. I just quail at the thought of mandating minutes. If the rest of the Board feels it is worthwhile, I just worry about it.

Trustee Armacost: We do not have to go for minutes. But we need to discuss how the information will get shared. For example, say the Planning Board is very focused on parking. Even if they get the agenda, how are they going to know what was discussed about parking if there is no record of the conversation?

Trustee Jennings: If one of their members is on this committee, can that person not report to them regularly about what was talked about?

Mayor Swiderski: When an idea floats up to something actionable it will be shared with the other boards and committees, I would imagine, at that point.

Trustee Walker: Or if this subcommittee goes to the boards at the very beginning, before they even start to meet regularly, and asks them what their concerns are, gather some information from them, it could be quite useful. And find out what their interests are, then when those topics come up they can be alerted. I do not think there will be a few topics the Planning Board may want to pursue. Same thing with the Safety Council. So I understand your point, but I agree that it does become onerous after awhile. You start out enthusiastically.

Trustee Armacost: To give you an idea of how some of the other boards and commissions handle it, the Senior Council writes an e-mail, cc everyone. Some people do not show up to meetings so they cc everyone. It is like a two-paragraph summary of what happened in the meeting, and that is what gets sent out. It is not official minutes, there is nothing formal about it. But it is enough for you to know what was discussed. They send a little e-mail out saying we are going to meet whatever day and we are going to discuss bingo and this, that and the other. I happen to be on these e-mails. So I actually know what is going on, which is useful for me, even if I do not go to the meeting. We could ask the chairs of those groups. I do not think that is hugely onerous. I actually think it would be valuable if more boards and commissions did that, which is a separate point.

Trustee Walker: It could be very interesting. I would like to follow their meetings without having to go to all of them. I would be interested in receiving some brief description.

Mayor Swiderski: Then let us put in text that request.

Trustee Armacost: It is a summary.

Mayor Swiderski: The Board of Trustees would appreciate summaries shared with the Planning Board, Zoning, Safety Council and Board of Trustees.

Trustee Walker: I do not think Zoning needs to be on it.

Trustee Apel: And anybody else that wishes to receive that information. Anybody could sign up for it.

Trustee Armacost: For example, the head of the DPW or Parks & Rec might be interested in some of the topics. We are in a world where we have so much technology, and yet people still say they are not informed and do not get the information they need.

Mayor Swiderski: I hear you, I just do not want to make it onerous.

Trustee Walker: Do not make it a requirement then.

Mayor Swiderski: Right. I want to encourage it. This is going to be more formal than we typically do. I do not want to lard it up with too many requirements because these are volunteers.

Trustee Walker: Many of them already served on the Conservation Commission. They are taking on a second job.

Mayor Swiderski: I am conscious myself of the work e-mails take. It seems like it is just two paragraphs, but it is an hour if you set aside the time to think it through and check what you are saying. I hear you, I would encourage it, and I will put in the text to encourage it. I just quail at the thought of mandating it.

Trustee Apel: But we are going to mandate an agenda?

Mayor Swiderski: I think an agenda is mandatory.

Trustee Apel: Recommend that a follow-up summary be sent out to everybody.

Trustee Armacost: And the agenda needs to be publicly posted in the way that others are on the Web site and through the Village e-mail.

Mayor Swiderski: Through the Village e-mail: we can see. Do we keep the agendas for things like the Conservation Commission? I do not think we do.

Trustee Jennings: Not the Village-wide e-mail. The Conservation Commission has its own group and they usually to have an agenda, but it is only circulated to the 10 or 15 people. It is not like the Planning Board or Zoning.

Village Manager Frobel: No, it is not. Because, often times, it comes out late in the day. Hours before the meeting you will get it. So we do not have the lead time to print it out.

Trustee Jennings: I do not think it gets widely distributed. And I think the Conservation Commission is more agenda-oriented than some of the others. I am not sure how do circulate an agenda even to their own membership prior to the meeting, even a few hours prior to the meeting.

Village Manager Frobel: The Safety Council does, but they have a little clerical support. We have Ann School working in Susan's office helping them out.

Trustee Armacost: There are some groups that do not meet that frequently. Like the Commission for the Disabled just does not meet that frequently, if at all. The Ethics Commission, thank goodness, does not meet very frequently, if ever.

Trustee Jennings: It was designed to be reactive. But the Youth Council and there are lots of others.

Trustee Armacost: Yes, but the Youth Council has an agenda.

Village Manager Frobel: I have a note to talk to Joann tomorrow. I do not know, I have not seen their agenda. You made me think, and I wrote it down as an action item for tomorrow that I have got to ask her. I have not seen their agenda.

Trustee Apel: You probably said it here someplace, that the chair of the subcommittee should be reporting back to the Conservation Commission after every meeting to let them know what happened.

Trustee Armacost: Right, and we can be cc'd on that e-mail.

Trustee Apel: So if they are reporting back it is just a matter of what happened. Obviously, as you said, when they are forming they should be speaking to these other committees to find out what is it they want to know about. They can say every time you discuss parking we want to know. Or we want to know everything.

Mayor Swiderski: Then on to process.

"PROCESS: The Board anticipates that this process will involve several phases that are likely to include subcommittee formation and mobilization, which includes selection of chair, establishing dates and schedules, and deciding on procedural issues ..." – and I will put here the notes on agendas – "... preliminary review of Comprehensive Plan, review the Comprehensive Plan, and identify the initial projects" – roughly a year's worth of programs – "considered for initial implementation. This will be reviewed by the Conservation Commission and endorsed for presentation to the Board of Trustees. The subcommittee will present the first program to the Board and the public for review, and the Board will commit to the program."

Trustee Armacost: I do not think we should say "and the Board will commit to the program."

Mayor Swiderski: "May." We will review and consider endorsing.

Trustee Armacost: Yes. The point is not that we just implement everything. And certainly it relates to what financial state we are in at a given point in time.

Trustee Jennings: Also, I am confused as we jump from bullet point 2 to bullet point 3. Because bullet point 2 talks about "identify initial projects. This will be reviewed and presented to the Board of Trustees."

Mayor Swiderski: And endorsed.

Trustee Jennings: Then we are talking now about the first program. What is a program as opposed to a project?

Mayor Swiderski: Same thing.

Trustee Jennings: I suggest you use the word "project" then: "the first project presented to the Board" as the next bullet point.

Trustee Walker: But what you are saying is it is going to be brought to the Board.

Mayor Swiderski: No. "Program" in the third bullet point is a reference to a set of projects.

Trustee Jennings: But those were already presented to us in the second point.

Mayor Swiderski: No.

Trustee Walker: They are just endorsed for presentation.

Mayor Swiderski: It will be reviewed by the Conservation Commission and endorsed by them for ultimate presentation. I meant that they will send it.

Trustee Armacost: I think that wording is very confusing.

Trustee Jennings: Just put a period after "endorsed by the Conservation committee," and then it comes to us in the third bullet point.

Trustee Armacost: I agree.

Trustee Walker: And then we review, and we are not committing unless we want to.

Trustee Armacost: I would say "will be reviewed and endorsed."

Trustee Jennings: The basic idea is that we do not want to hear from the Conservation Commission about things they do not want to do.

Mayor Swiderski: That is right.

"Based on the proposed program, the subcommittee will work to form the individual efforts into projects ready for implementation. As those projects are ready to be queued up, they will be passed to the appropriate implementing body for ultimate disposition. During the project formulation stage, the subcommittee may seek input from other Village groups like the Safety Council, Police Department, the Village Manager, Planning Board or the DPW if it may involve reconfiguring of Village streets."

Trustee Armacost: It sounds as if the committee interfaces with whoever is going to implement, so that the committee would contact the DPW. I do not think that is a good process. The committee should queue it up for presentation to Fran, who then makes an assessment about implementation. For example, if it is to the DPW, and he has them fixing potholes, they need to understand how it fits into Fran's priorities as Village Manager.

Trustee Walker: But it is not going to be implemented unless it is approved by us and the Village Manager.

Trustee Armacost: Yes, but I do not think it is appropriate for a subcommittee to be disposing of things.

Mayor Swiderski: Yes, you are right. Should it come to us or should it come to Fran?

Trustee Armacost: It should come to us for approval, and we pass it to Fran. They are a committee of ours, so they should be bringing it to us, and then we agree among ourselves which of the things they have recommended. Then we have a discussion with Fran how it fits in from a budgetary point of view, how it fits in in terms of personnel and other resources.

Mayor Swiderski: OK, but that is step three, which is the preliminary program. Then as individual projects are then worked on, should they come back through us or go directly to Fran?

Trustee Apel: They should go to Fran. They do not need to go us, we have approved it.

Trustee Armacost: I am sorry, I am confused.

Mayor Swiderski: Four projects are chosen for the year, that is the program. They come to us and say this is our proposal. We agreed, at a high level, to that program. Then they go off and those individual pieces become their own little efforts.

Trustee Armacost: "They" meaning who?

Mayor Swiderski: The subcommittee.

Trustee Armacost: Well, that seems like an odd arrangement.

Village Manager Frobel: Yes. I thought, by then, they were out of the picture.

Mayor Swiderski: Here is the thought. They have gone through the Comprehensive Plan and agreed on what four projects they are going to take on. Before they develop a project into a full-fledged idea, I would like them to prescreen with us that we agree those should be the four they work on that year.

Trustee Armacost: Let us talk very practically. Let us say, for example, the project is we need to repair the stairs, or we need to create a sidewalk. They are not going to go away and implement that. And we do want a bunch of volunteers overseeing independent contractors. It goes to Fran and Fran manages that. I cannot see a scenario in which they would be contract managers.

Mayor Swiderski: I agree with you completely. But where the direction offered in the Comprehensive Plan is a goal – improve walkability to Hillside Elementary School – for them to take something that is a little general and craft it into a specific – we recommend putting sidewalks here and here and here – it is that additional work that takes a loose objective. Because otherwise, the Transportation Subcommittee will simply be queuing up three or four projects and they are done for the year.

Trustee Armacost: But we need to take apart what that means in practice. Let us take that example of we need walkable roads to Hillside or walkable pavements or whatever to

Hillside sidewalks, what will they do next? They will say we need a sidewalk along this road, we need a sidewalk along this road, here are some plans, here are some drawings. But we are not going to ask them to do the contracting. So we need to decide. What they are doing is, they are presenting a plan.

Mayor Swiderski: That is right.

Trustee Armacost: And that is the end of it. Are we agreed that it is the end of the plan? Really, the plan to implement it is Fran's.

Mayor Swiderski: Yes, it is to queue it up and hand it off to somebody else.

Trustee Armacost: Right, but the someone else has to be Fran.

Village Manager Frobel: Sure. Because then we will do design and construction documents, get the financing in place.

Mayor Swiderski: Agreed.

Trustee Jennings: I do not think you two are really disagreeing. Peter is saying that we want them to do more than, say, improve the walkability up to Hillside is one of the four things we do this year. If they stop at that level of generality, then we will not have used them fully. If we agree to that, yes, Hillside, and then they focus on Hillside and they give us something more specific, then they have done more. It certainly stops way short of design documents. But if we do it that way, I would like to talk about and approve that more detailed thing. I do not want to pass that to Fran without the Trustees.

Trustee Walker: I think what he is talking about is there is a step in between, where they first come to us and they say we want to tackle these four projects for the year. We have already done our prioritization, this is what we think is important.

Mayor Swiderski: That is the program leader.

Trustee Walker: Then will you give us permission to go ahead and start working on how this is going to be accomplished. It is like they are coming up with a work plan. They may be able to go out and get budget estimates, they might be able to do a few pieces that can help us decide whether we should proceed with it. We might not know how much it is going to cost, for example. Maybe they can call a contractor and get an estimate. Those kinds of things could be helpful. It is doing all the preliminary work before it has to go into design and construction.

Mayor Swiderski: Meg, is this in line with how you envisioned it?

Trustee Walker: Yes. But there is a wide array of projects they could tackle. Some would require significant budgets, and some might require no budgets at all, and some would require input from this committee. So they vary a lot. But basically we want to know before they start going into detail about how they are going to do it, they want to call the state DOT and meet with them about Broadway,; they have to come to us first and say we would like to meet with the state DOT. The Chief of Police should be there, Fran should be there.

Village Manager Frobel: That way, we will not be wasting anyone's time. If you are not keen on the idea, we do not have to go through it all.

Mayor Swiderski: Right. A preliminary approval.

Trustee Walker: And then they need to get the other players, the stakeholders, Fran, the Chief on board. If they want to come to those meetings with the state DOT, that is fine because they have thought these things through.

Trustee Armacost: A representative. They could have 50 people on these committees. The point we need to clarify in the wording is that the implementing authority is Fran as Village Manager. I know we have some racehorses on this committee who are chomping at the bit to get things done. And that part needs to be very clearly communicated, that they need to go through some procedural steps which may be a bit irritating.

Trustee Walker: That is really important. There are also people in the Village who are eager to see things happen, and they are writing to us. We need to let the public know that there is going to be a particular procedure. They can come to us, but we may just refer them back to this subcommittee. So that makes sense.

Trustee Jennings: Peter, you have put too much together in the fourth bullet point. You need to break out another bullet point or so to have a step that swings the project. You have got the program swings to us.

Trustee Walker: Do we want to review it before it goes to print? Let us say we approve the four things they are going to address. Then they start fleshing these things out. Do we want them to come back to us and talk about this is what has to be done, the whole implementation recommendation that they have come up with? Or do they go directly to Fran?

Mayor Swiderski: It will depend upon the magnitude of the project, but generally through us.

Trustee Walker: No, there could be some things that once we approve them because they are so small.

Village Attorney Whitehead: Maybe you want them to go to Fran, and Fran decides whether it comes to you.

Village Manager Frobel: Whether we can do it in-house or we need a contractor, timing.

Mayor Swiderski: It could be ensure that all signs are in good working order. I do not know if that has to come back to us.

Trustee Walker: Or take down redundant signs, which is one thing I want to do.

Trustee Jennings: But to give another concrete example, sticking with Hillside, the Hillside Avenue area is part of the program. It is part of the priorities for next year. Then we get down to what they want to do with the project about Hillside. Suppose the project about Hillside gets into the old question which we have been talking about for years in this Village: should you shut down Far Lane and turn that into a sidewalk, or not, right? That has implications for traffic circulation as well as walking circulation. That is exactly the kind of thing that we, the Trustees, ought to hear about and talk about.

Trustee Walker: We may want the public to weigh in.

Trustee Armacost: And the school board may have a view.

Trustee Walker: And by bringing it to us it becomes public. They can seek more public input, but at least it is starting to get aired publicly.

Mayor Swiderski: It is clear to me what I need to do to change it. I will recirculate that paragraph. I am not going to wordsmith it now.

"Budget and Resources: The subcommittee will not have an independent budget and cannot raise money via grants or other avenues without the Board's permission. The committee will have access to meeting facilities, as mentioned above. The committee will also have access to input from the Village consulting engineer when a project has been approved and the Village Manager determines resources are available for such consulting services. If there is a need for engineering or

consulting resources beyond this, this subcommittee will need to make a request for funds and seek approval of the consultant selection and the terms of agreement from the Board of Trustees."

Trustee Armacost: This was another one which had a slippery slope feeling to me that was verging on implementation. . There is like two levels of consulting engineer, it seems here. There is the consulting engineer A, which is we are developing a plan and it would be really useful to see whether there are drainage issues if we are putting something in, or something like that. But the second level of consulting engineer seemed to be an implementation thing, which got back to why I thought program development was confusing. So I want to be very clear. That is someone Fran should be hiring.

Trustee Walker: No, Fran would be hiring. But I think I mentioned that and Marge mentioned it, too, the second sentence in there. We felt they are maybe things that are beyond the scope of what the Village engineer can do. If they need to hire a transportation engineer, a traffic engineer for example, to do a mini-study, let us say, they come to us and they say they want to do this, and then we make funds available. But I thought it stopped too soon by saying only Village engineer.

Trustee Apel: So they need to be able to know if they needed other things they should be able to have them, provided we approve.

Trustee Walker: Specialists, yes. We would determine whether they could hire, we would review the RFP or the terms of agreement.

Trustee Jennings: The Waterfront Infrastructure Committee, did it hire and did we pay for professional consulting?

Mayor Swiderski: It was told that it could. It was told we had a budget allocated to hire the consultant for \$30,000. In the end, they decided not to do so.

Trustee Jennings: That is an interesting precedent. I would hope that this committee can do what we want it to do without hiring outside people because that is getting down into too technical a detail. I would like to see them use their own expertise and give us a vision of how we should do these things, and then the next step, what some might call implementation, would come later.

Trustee Armacost: There is another reason for that, which is you have to follow very strict procurement rules, normally. So again, I do not think we really want a group of volunteers to be bearing that responsibility. That should be something that Fran is doing.

Trustee Apel: It just says that if you need more than the Village engineer, you can come to us and tell us what it is.

Mayor Swiderski: Come through us for a selection process. And that would be run by the Village.

Trustee Armacost: There is something odd about the way it is framed. "Beyond this." I would use other language than "beyond this." I would say for more technical work, or something.

Trustee Walker: Other consulting services that may be required.

Village Attorney Whitehead: You could just say for other engineering or consulting resources.

Mayor Swiderski: *"Committee Deliverables."*

"The committee will produce memorandums."

Trustee Walker: So what is the memorandum?

Village Manager Frobel: I will be there to watch that. We were going to say about the cost of an engineer, I will be there with them. If I am convinced there is a need to bring in special expertise to help us develop a program a little further before we even come to you, I will be there to evaluate that and make a recommendation to you.

Trustee Armacost: We do not have a Village engineer, right?

Village Manager Frobel: Right, we do not have a Village engineer.

Mayor Swiderski: We have an engineering firm.

Trustee Walker: That we typically use.

Village Manager Frobel: Does the waterfront work for us.

Trustee Walker: Fran, I do not know who you go to. But do you not always go to the same engineering firm?

Village Manager Frobel: The applicant pays for that.

Trustee Walker: Yes, they pay for it. But when they do, do you usually use the same consulting engineer? Or it just depends on whatever the project is?

Village Manager Frobel: I am not sure. I think it depends on the project.

Trustee Walker: Because it used to be that we always had the same engineer we would go to over and over again. That is why I did not question that.

Village Manager Frobel: There are several that Deven will turn to, and the Planning Board will say that is fine.

Trustee Walker: So then maybe this just gets lumped into one sentence about engineering and other consulting resources.

Village Attorney Whitehead: They may be more likely to need a traffic engineer or a transportation engineer than a civil.

Trustee Armacost: But the thing we have surfaced is that it is not they will have access. There is not a Village consulting engineer, so it is much simpler language. If they have need for an outside person, they need to approach Fran and us.

Trustee Apel: So if there is a need for any engineer or consulting resources they must consult with the Village Manager.

Village Manager Frobel: I have to take a hard look at it, yes.

Trustee Apel: They should know they can do it if they need it.

Trustee Armacost: Why do we not just use similar language to the Waterfront Committee language, which was that the consultant was available if they needed it?

Mayor Swiderski: This is almost directly lifted from it.

Trustee Jennings: But it is a little different there because we did have a budget. But here, we are talking about our reserves.

Trustee Walker: Unless they can come to us at budget time and say we want to put \$20,000 in the budget for something. That means they have to plan way ahead.

Trustee Jennings: We need to convey to them that we need to get as much as possible pro bono out of their own expertise. The Green Code people did that. Those people, like Bill Bobenhausen and others, spent hundreds of hours.

Trustee Walker: When Kerry-Jane asked about that question I said I thought most of these things were probably going to be something they could handle within their subcommittee, and that there are resources out there. I can ask somebody a question. But there are also street design manuals, there are the traffic engineering manuals which you can refer to. There are resources they can avail themselves of, and they are all online now.

Village Manager Frobel: And for traffic, we often turn to Westchester County engineers. They will come out here and help us. The New York DOT has been out here a number of times to help us.

Trustee Walker: When I was planner, and people were saying motorists were speeding in certain streets, we got Greenburgh over here. We borrowed Greenburgh's Counter. So there are ways we can use the other municipalities, the county and the town. There are resources out there. In any event, I do not know what it would be specifically.

Trustee Armacost: Another interesting reflection on the Waterfront Committee was that we cast a very wide net and we had people with spectacular skill sets in that group that were quite different from one another and very complimentary. That is part of the reason why they did not need to solicit a lot of other people. Here, they are self-creating this group. I think you can write an e-mail thing, anyone who wants to volunteer for the group, in the way you have done and we have had good responses. But that is part of the reason why we have not needed that with them.

Trustee Walker: But you are limited, then, by the expertise on the committee.

Mayor Swiderski: Yes, there has to be the option if you need consulting services to request it. I think we are over-engineering this particular document.

Trustee Walker: I think that needs to be there. I think it can be simple language.

Mayor Swiderski: It will be simple, but there may be a point where it is necessary.

Trustee Walker: They just have to understand how to go about it.

Mayor Swiderski: There is a specialized skill set here that we cannot count on appearing on that committee. While I respect the fact that the Waterfront Committee did such fabulous work without consulting help, I will point that they are a year late and they still have not delivered. You can only go so far on volunteer help. So there are times where they need to reach for the professionals.

Trustee Jennings: Another difference is that they were doing work which was input into a multimillion dollar engineering process that was going to happen anyway. There is no analog to that here.

Mayor Swiderski: No, the difference is intellectually that committee's scope was very well defined. They stepped into it knowing exactly what they were doing. Here, you could stick three experts on and it will turn out the first project they do is outside their expertise. Transportation circulation is baby talk for a very wide range of possible projects. So we may need help. I will rewrite it so it is a little more broad.

Mayor Swiderski: *"Committee Deliverables."*

"The committee will produce memoranda, draft language for legal changes, plan."

Trustee Armacost: What does that mean, "Draft language"?

Mayor Swiderski: It means what the Green Code people did. They did not write the legal code. They wrote the language that was ultimately turned into legal code.

Trustee Walker: So if you want to change the ordinance there are code changes.

Trustee Armacost: Should not the word "changes" be "code"? "Changes" is just what is confusing to me.

Village Clerk Maggiotto: "Code changes."

Trustee Apel: "Changes to codes."

Mayor Swiderski: OK.

"Plans, and any other deliverable necessary to describe a project in great enough detail to ensure implementation."

It is the kickoff, like the Green Building Code project. It does not have to be down to engineering drawings, but it needs to be enough so that it is clear what the proposed project is.

Trustee Walker: So they may want to bring a map to us. Maybe it is an aerial, and they have circled the areas they want to tackle, something like that.

Mayor Swiderski: So if they come to us, we are not asking fundamental questions; it has been thought out. I am trying to offer different ideas here, but it could be something else not described here that will simply provide enough detail.

"Subcommittee Sunset Clause. The subcommittee has no termination date. They will continue to function as long as there are transportation issues worth review and project implementation. It can be terminated at any time upon recommendation from the Conservation Commission to the Board of Trustees."

Trustee Armacost: The Board of Trustees should be able to sunset it independently of the Conservation Commission.

Trustee Walker: Yes, I was wondering about that. What happens another three or four years out, and we are revising our Comprehensive Plan and we are having more community meetings, we are getting more input about pedestrian issues or whatever. It may morph into something else. We probably have to have the freedom to terminate it if we want to.

Trustee Armacost: My suggestion is, it can be terminated at any time by the Board of Trustees, which could be a recommendation by them, or we could decide independently. But I do not think the Conservation Commission needs to be listed there.

Trustee Apel: Right. Terminated at any time by the Board of Trustees.

Trustee Jennings: They have the power in an earlier paragraph to kick people off. So one way to terminate is just kick everybody off.

Mayor Swiderski: All right, I will reissue. I think there are enough changes that I do not want to just rely on e-mails going back and forth. Can you wait until the next meeting before it is reissued?

Trustee Armacost: Just this point of kicking off, do they have to have a formal meeting to agree to kick people off? Or is it that the chair kicks people off? Or does everyone have to agree if the person gets kicked off? The way it is worded is that if the Conservation

Commission is one person when, in fact, it is however many, seven? Is it a majority of the Conservation Commission? "Have the right," and also to "rescind membership for an individual from the subcommittee at its own will and discretion." By a majority of the members or something? By vote of the majority of the members?

Trustee Jennings: We are piggybacking on the operating procedures of the commission now. We do not stipulate now whether they have to have a majority or whatever.

Trustee Walker: When they make decisions about other things.

Trustee Jennings: We are silent on that in this document.

Trustee Armacost: For example, if the commission has a meeting where only three people show up, and that those people decide they want to kick someone off the Transportation Subcommittee because that person is being too active, say. Do we care?

Trustee Apel: I do not know, what constitutes their meetings?

Village Attorney Whitehead: Is that a meeting? It is not a quorum.

Trustee Armacost: They are a very unofficial board. They are not even writing minutes.

Village Attorney Whitehead: But they are an advisory board, essentially. If they act as an advisory board I think they still need a quorum.

Trustee Jennings: At the next meeting the majority would put them back on. This is not really happening. But I do not think we should necessarily stipulate how they would have to do it in great detail.

Trustee Walker: And think about all the other things they have been doing. Just bringing the plastic bag law to us, we do not know how they formulated that. We do not know if they voted on it, a majority. They figured it out. We should give them the freedom to figure it out.

Trustee Jennings: You are right that we do not scrutinize it. If we go to the meetings, as I do occasionally, we know how they operate. So I think it is not a problematic situation. I do not think we ought to try to specify a majority or something in the wording of this document.

Trustee Armacost: This is a tricky thing. It is different than the plastic bag law. It is about community relations.

Trustee Jennings: But they handled it like pros with the Green Code.

Trustee Armacost: But they were not getting rid of anyone for a committee.

Mayor Swiderski: They handled personnel issues there that were as dicey.

Trustee Jennings: It was very dicey, so there are lots of considerations before you toss somebody off that has been on.

David Skolnik, 47 Hillside Avenue: Trustee Walker mentioned about projecting three or four years when the Comprehensive Plan would be coming up for review. Can you remind the date of acceptance, and when that review would begin to be active?

Trustee Apel: It was adopted July 19, 2011. So three or four years, we start reviewing it.

Trustee Walker: But I do not think we said, in the Comprehensive Plan, that we were going to bring it back for review or amendments by a certain date.

Mayor Swiderski: There is no mandatory legal requirement for us to review it 50 years or five months. We spoke about five years as a period when we first passed it, but that is not a legally mandated period. It was our thought that it makes sense to review priorities and see if it still in synch with the community.

Mr. Skolnik: So what mechanism would, in fact, initiate a review of the Comprehensive Plan?

Trustee Walker: We would call for it.

Mayor Swiderski: There is no formal mechanism.

Trustee Walker: Many states require that a comprehensive plan be reviewed and amended every five years or whatever. States have requirements for municipalities to do that, but not New York State.

Village Attorney Whitehead: New York State does not even require you to have one.

Mayor Swiderski: It is arguably under constant review. We are reviewing it.

Trustee Walker: And our Trustee here is doing that.

Trustee Apel: When I met with Sue and Jim, we are seeing that as we start ticking off that we are doing all these things, there is less and less that we need to accomplish. We have accomplished them. If you check online you will see the accomplishment report of everything we have done that relates to the Comprehensive Plan. As we accomplish things we put them on this report, and we have less and less that is in the report. At that point, we start to say it is time to start reviewing this because we need a new list or we need to revise what we have.

Trustee Armacost: Is it not a five-year plan?

Trustee Walker: We did not specify.

Trustee Apel: But , among ourselves, we had thought that we probably would do it in about five years. We are getting close.

EXECUTIVE SESSION

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

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.