

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 2, 2014**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 2, 2014 at 7:30 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Meg Walker, Trustee Nicola Armacost (7:35 p.m.), Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

ABSENT: Trustee Marjorie Apel

CITIZENS: Six (6).

APPROVAL OF WARRANTS

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

Multi-Fund No. 22-2014-15 \$12,253.26

PUBLIC COMMENTS

John Gonder, 153 James Street: There is nothing on the agenda about the vets. Did you give that up, the discounts on taxes for the vets? I know you are hiring an advocator for the commercial district, thanks to Meg Walker's efforts. We also could use an advocate for the property owners. Fix curbs, fix signs and this and that. But I also hope that you put something on the agenda for vets and give them a discount.

We have not had any reports about deer and here it is September. I think you are going to start working by November. I hope you have 10 gunmen coming up here. And not only one park, but all parks and the whole Aqueduct. And I hope you have enough people and all the approvals so there will be no excuses. I hope we do not need vets this term. Last time, you had to use vets, but now I think the shot is going to give something where you need a vet.

Mayor Swiderski: No, we never needed vets.

Mr. Gonder: Why don't we have a Chamber of Commerce? What happened? Does Village commerce not want to get together and solve some of their own problems? We have had it for years and years and it worked pretty good.

About the generator that you approved, the conduit. A year ago I said why do you not tie all three in. Just get a little bigger generator. You could have done it so simple and you could have had three bids. You probably would have saved a lot of money.

Tim Downey, 520 Farragut Parkway: I heard discussion regarding the downtown sidewalks and looking to redo an entire swath so there is contiguous appearance in the pour. Depending on the thickness of the slab you do not have to do the entire slab removal. Particularly if it is tied in together with steel, whether mesh or rebar. There may be locations where the concrete slab might be six inches thick. If it is six inches thick, or thicker, you could possibly remove the upper surface and pour the replacement areas and then surface, sort of like re-glazing a tub.

I also heard there was concern over the color. You can put dyes in concrete. Just be specific in the specs. Portland, where it comes from now is not where it used to come from years ago. There are different color variables to it. It generally comes out very whitish, it is horrible-looking. But you can mitigate that sometimes with dyes if someone's proficient at the dyes. If they do dye, find out exactly what quantity they use based upon the ratio so when you do future work, you can keep a match going.

I disagree with using brick in replacement of the Stampcrete. Brick has its own inherent problems, particularly the way we do our snow here with the heavy loaders. You can see the damage the loaders already do to the granite curbs. If you put in clay brick, even hardened brick, you are going to run into problems. The other thing is, if they do pours on a sidewalk you want to be very careful staying on top of them, how they do it, when they do it. The reason we ran into a lot of problems with the Bomanite stamped concrete, particularly up by the A&P, is they did on very hot sunny days. I watched them when they did it, in the late '90s when Neil Hess was here and this whole project went on. It has to be kept either under irrigation or with blankets so it does not dehydrate or cure too quickly.

It is nice that we are doing it in the fall versus July. But you still do not know. If you had a day like today and it cures too quickly, you could run into the same problems with your sidewalks. You will have "scaling." It will break and crack in the wintertime. There is an art to concrete so you really want to interview who does the concrete and have a dialogue in terms of how they are going to go about doing it.

Patrick Randolph Bell, Prince Street: I have concerns about your new municipal agreement between the City of Yonkers for the organic yard waste disposal. The first one was the typos in clause 7. I would like to see the final contract. Give the town proper notice before we sign it. Then because of those typos, it made me think about what was in that no-discrimination clause beforehand. Was it cut and pasted from someplace else, were things cut out, were things put into it? I thought about what else could be put in there to be more

reflective of our community and the agreement we would like to make with other communities in the future. Maybe we make our own standard no-discrimination clause that we use in future contracts.

The clause is glaringly deficient and does not mention anything alternatively and is not specific enough concerning sexual identity or orientation, gender, gender identity, gender expression, military or veteran status, union status, religion, lack of religion, ethnic origin, citizenship status, mental or physical disability, pregnancy status, status as a perceived or actual victim of domestic violence, partnership status, status as a parent and any other characteristic protected by state, local and federal law. That is something we should look into before we approve this contract. It looked like Yonkers had drawn up this contract. Before we agree to anything, we should think about some of those. Recently, President Obama, who is our number one Democrat in the country, and I believe most of you are all registered Democrats and part of the Hastings Democratic Committee, should maybe follow his example in which he amended two old executive orders from the '60s. He changed Executive Order 11478. He substituted sexual orientation and gender identity for sexual orientation. That was 1969, a long time ago. There was another one from 1964, Executive Order 11246. He changed sex or national origin to sex, sexual orientation, gender identity or national origin.

We should make the same kind of changes at the bare minimum. We should throw in at least some of those there. Make the typo corrections, of course. And other than that, that is what I came in here to talk about. I was wondering if anybody else. Mr. Jennings, is there anything you would like to add to this list that you think might be appropriate? Is there anything else I might have missed? Do you think we should have a protected class under our no-discrimination clause?

Trustee Jennings: I am not sure this is the time to enter into the conversation. But I would say that I am in favor of taking a look at the statement on nondiscrimination clauses. I am sure our Village Attorney can advise us about the state of the art language. It seems to me that certain important protections are probably not included in this particular draft.

Mr. Bell: Anybody else? Ms. Walker?

Mayor Swiderski: This is not a back and forth. It is public comment.

Mr. Bell: Are you voting on this particular contract tonight?

Mayor Swiderski: We are.

Mr. Bell: Would you vote on it, still, with the typos in it?

Mayor Swiderski: No.

Mr. Bell: Would you then re-fix the typos and give it back to public notice for the Village?

Mayor Swiderski: No. The typos are not meaningful or substantive to the document, and fixing the typos addresses a small issue that does not require reposting.

Mr. Bell: Would you not include anything else in there like veteran status, parental status?

Mayor Swiderski: We will talk about that when we get to the resolution.

53:14 INTERMUNICIPAL AGREEMENT FOR YARD WASTE DISPOSAL WITH CITY OF YONKERS

Village Manager Frobel: We recommend that we enter into this intermunicipal agreement, a successor to the agreement with Yonkers in 2005. There have been some changes. The city is asking for what I think is a reasonable increase. They have also broken out that fee into two components. One is the cost to handle the material, and one is for the administrative charge, both, in my opinion, very reasonable. Most importantly what is in this that was not in our contract of 2005 is that the city will guarantee they will accept grass, brush and wood waste. A few months we had an upset when the city said that that under their agreement they were not obligated to accept grass clippings. That has now been remedied.

I support this. With the exception of the commas missing in that one section which, by the way, was in the 2005 agreement as well, it is a good agreement. It is nice to have the disposal of our grass clippings, although we have a startup program of grass mulching. We are encouraging our homeowners to do that, but are some that still put it in bags and need to have us dispose of it. I want to thank Attorney Whitehead for helping me. She and I met with city officials several months ago, and I would like to think that as a part of that conversation this agreement came out of it. I support it, and I hope that the Board can allow us to continue this relationship.

Mayor Swiderski: What is the term?

Village Manager Frobel: Three years.

Mayor Swiderski: Before we discuss the one issue raised about discrimination, are there any other issues on the contract?

Trustee Walker: I was just curious if we included this in this year's budget.

Village Manager Frobel: Yes, we do include money. We did not anticipate this increase, but we do budget for recycling. The problem with this is it varies so dramatically. It is so weather-dependent. In other words, you have a year where a lot of grass is growing, a wet summer or spring. Looking at trends it is difficult. If you get a hurricane or a windstorm we have got even more. So there are a couple of factors. But we know we have got to pay this so we have a budget number in mind.

Mayor Swiderski: On to the clause raised by a resident. I am going to throw this to the Village Attorney to advise us what is typical and what the recommendation is here.

Village Attorney Whitehead: Obviously, the resolution should be amended to say, "as attached, with the addition of the two commas that are missing after the word 'color' and 'national origin'." Several of the categories that were listed in the e-mail and mentioned this evening are covered within this. It is just a matter of expanding. This is the City of Yonkers standard form. This only relates to the Village and the City of Yonkers with respect to this agreement. If we wanted to change it, we would have to go back to the city. And because it is standard and it is the form agreement they are doing with all the municipalities I do not think it is a substantive change. But they are not going to want to change it because it is their standard form. We could try to go back, but I do believe those categories are well covered within this and that for this particular agreement it would not be an issue.

Trustee Jennings: I am trying to imagine the scenario in which discrimination would arise under this agreement. And is this clause in here not because this is the kind of thing that would give rise to it, it is automatically put in every contract? Or are there scenarios we are concerned about prohibiting with this agreement that might arise realistically? I cannot imagine what that could be. Somebody's yard waste would not be accepted because it came from someone in a discriminated-against class? How could it possibly apply to reality?

Village Attorney Whitehead: The City of Yonkers, as a municipal entity, could not do business with you if you discriminate against a protected class. In many municipal agreements you will see some of language like this.

Trustee Jennings: So it would be cause for nullifying this agreement.

Mayor Swiderski: If we were the ones.

Village Attorney Whitehead: Or they, because you should not be doing business with somebody who discriminates as a public entity.

Mayor Swiderski: But how would they discriminate? They do not know the source of the clippings, so to speak. Is it who they hire?

Village Attorney Whitehead: Yes, it could be they are discriminating in hiring. But again, if they are discriminating in hiring they are in a lot more trouble than a yard waste agreement with the Village of Hastings because they are a municipal entity and they cannot discriminate. So it is a standard clause that is in many municipal agreements because municipalities are not supposed to discriminate. They need to make sure that whoever they do business with is not discriminating so they put this clause in. This is standard language that has been around for a long time. It can be updated, but I do believe that most of those categories are covered within here, and I do not believe everything listed there is a protected class under federal or state law.

Trustee Jennings: Getting this service is important to the Village and it is not worth jeopardizing the agreement or delaying the agreement necessarily. But I do think it is a little peculiar that the wording Yonkers is now using in 2014 does not include the phrase sexual orientation. Sex means gender, and it is not same thing. I do not know if the courts have fleshed it out so it does mean the same thing, but I do not think so. I am puzzled by that omission. I also note the inclusion of the genetic discrimination, and that is undoubtedly the federal law against genetic discrimination. But that is fairly recent. So it is odd to me that they have got that language picked up, but they do not have sexual orientation picked up

Village Attorney Whitehead: Fran, you said this was the same language that was on the 2005?

Village Manager Frobel: It did have genetic predisposition in the 2005 agreement.

Village Attorney Whitehead: So the City of Yonkers did not look at it that carefully. I am sure they used their old form, they changed the price, and they sent it back out.

Trustee Jennings: They probably entered that in at the time the federal law passed. It was a big deal at the time.

Mayor Swiderski: What does it even mean?

Trustee Jennings: There is a federal law that says employers and landlords, actually nobody, can discriminate, like insurers. If you have got a genetic marker for some kind of illness that is going to come down the pike you cannot exclude somebody for that reason. People who are concerned about genetic discrimination were fighting for that for years and they finally got it passed.

Mayor Swiderski: I cannot bend my mind around a case where that would apply here. I understand insurance, but why it was folded into here is puzzling.

Trustee Armacost: I think because it is standard language. Any time you accept money from the federal government you have to have a policy that you will not discriminate on the bases which are current. The point that our attorney was making was that sometimes all the agreements get updated and sometimes they do not. And sometimes it requires an intervention like the intervention of Mr. Bell to have everyone go back and have a look to see whether the language is updated. Whether or not we can influence what happens in Yonkers, we can look at our own laws and make sure that wherever that language exists in our own laws that we have updated it.

Village Attorney Whitehead: There are some here that are more important. We could go back to the City of Yonkers and say we know you just used your form from 2005, but we think in today's world it could use some updating.

Trustee Armacost: And it is not controversial because it comes directly from the federal government. It is not that one is making it an unusual case here. It is that what we are saying is we need, at the sort of city level and the village level, to be reflecting the same standards as the level of the federal government.

Trustee Walker: I agree, but I do not think it should hold up our approving this.

Mayor Swiderski: Right. So reducing it to an action item, we are going to vote and approve this particular agreement with the addition of the commas and the request that along with the signing of the agreement a mention that they should update their standard language.

Village Attorney Whitehead: We can request to the City of Yonkers that that paragraph be updated to include additional protected groups.

Trustee Armacost: And a separate point from that is to ask our attorney to look at our own laws to see where we have a similar situation.

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 authorize the Village Manager to execute the intermunicipal agreement as attached, with the addition of commas after “color” and “national origin” in clause 7. No Discrimination, with the City of Yonkers for organic yard waste disposal for a term of three years at a cost of \$6.00 per cubic yard.

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

VILLAGE MANAGER’S REPORT

Village Manager Frobel: Nothing to add besides my written report, Mayor.

BOARD DISCUSSION AND COMMENTS

1. Proposed Alarm Systems Local Law

Village Manager Frobel: This first came up several months ago. During our work sessions that we held on these amendments we had input from, at that time, Chief Bloomer. I thought we should revisit it with some additional changes. The Fire Chief had some suggestions of changes that were not in the draft that was before you. They are now. We have what we think is a copy of amendments to that ordinance that satisfies both the Police and Fire Department's concerns and addresses the overarching concern of ours, which was to encourage property owners who have a fire or police security system to keep it in good working order. That is the mission here. We want to make certain that our men are not called out on false alarms. We think that by strengthening the ordinance and by adding to the penalties that should be an incentive to people to keep their systems in good working order so they are not called out for false alarms.

Chief Russak, did you want to start? We want to be certain you are satisfied.

Fire Chief Russak: There are just a couple changes that probably were missed, one of the typos. 86-5: "Fees For False Alarms, Disconnection Of Alarm Devices." The words "disconnection of alarm devices" needs to be struck. That is in violation of the New York Uniform Code. We cannot have that. Also the next page over, under 86-7, it has "automatic cutoff required." That needs to read "shutoff." Again, the word cutoff is in violation of the New York Uniform Code. Other than that, the Fire Department is fully behind it.

Mayor Swiderski: Was there a reason why an "S" was added after "alarm systems?"

Fire Chief Russak: I believe that must have been a typo.

Mayor Swiderski: In the chapter heading, it says "alarms systems."

Village Manager Frobel: It always read that, so I just thought it was consistent.

Village Attorney Whitehead: No, this is the existing law.

Mayor Swiderski: OK, well, it should be struck.

Trustee Jennings: And it is singular in the definition section anyway.

Village Manager Frobel: We dropped the registration requirement, which was something that was talked about during those previous work sessions. We felt it was redundant or unnecessary. Whether or not a system is, in fact, registered with the police department makes no difference to us. What is important is our record-keeping on the number of times we respond to a false alarm. The fact that I am with ABC Security or XYZ really does not matter to the department. They respond regardless of ownership.

Police Chief Visalli: The other issue with that is, it would be redundancy. The alarm company is going to have all the contact information we would need anyway in any hazards that may be presented to the officers or Fire Department personnel.

Mayor Swiderski: My question is on the impact on the institutions that generate far more than three alarms, specifically Graham. Who else tends to rack up the false alarms?

Fire Chief Russak: False alarms, it was Graham School. But through the efforts of Fire Inspector Drumm, we have cut that down. We have also forewarned that this was coming about. Just as they are subject to the New York State Fire Code they would be subject to this also. They are well aware of it, and they are making the changes necessary, which they had ignored in the past. That also proves true for the Andrus Children's Home, which we had in

the past and, again, through Chief Drumm, have alleviated that problem. We do have a couple areas in town that are still negligent. But they are private residences and, hopefully, this will spur them to action.

Mayor Swiderski: I am less sympathetic to private residences that have more control over the alarm. In the case of the institutional alarms, if you pull the alarm repeatedly is that a finable offense, or is that different?

Fire Chief Russak: No, the malicious alarm would not be. Again, it depends on how we call it as a fire department. We have gone on numerous alarms which we call "food on a stove." That would not be considered a false alarm because it is a smoke detector, it is smoke because you do not know how to cook, basically. But we do have residences and also institutions where they have smoke heads directly outside a shower room, outside a bathroom. Every time they take a shower that trips it off. That is considered a false alarm and would be subject to this fine. We have made note of that to the residences and the institutions, and the institutions have changed the head three feet in either direction. We need to get the residences to cooperate. It would be based on the incident commander, how he determines what the alarm is whether it is considered a false alarm or not.

Police Chief Visalli: With the malicious pulls you are into the crime element. That is a misdemeanor in this state. So occasionally there will be charges levied against the person who pulled the alarm.

Village Attorney Whitehead: And that is part of why you have the appeals process. There is an appeals process that if somebody is told that they are being fined because of a false alarm or repetitive false alarms they can appeal to the Village Manager and the Village Manager hears their appeal or their argument. It may be a matter of malicious acts, and the Village Manager has the right to modify the complaint.

Fire Chief Russak: I believe the wording is such where you are giving them the first two as freebies. That should be a wakeup call enough. I think that is quite fair.

Village Attorney Whitehead: And that is pretty typical.

Trustee Jennings: It seems very reasonable to have a couple of warnings before the fines are levied, and that should correct things like the head being in the wrong location, things like that that are easily correctable. I agree. My question has to do with the relationship between Section 86-4 and 86-9. It seems to me that 86-9, Penalties for Offenses, are saying that, in effect, if somebody does not pay their fines under Section 4 then they are going to be liable for \$500, really ratcheting up quickly. I am not clear on the way 9 is written. I wonder

if it could be made clearer that they are going to also have to pay the original fine, are they not? And then the penalty, too. Because it almost sounds as though if you blow off the fine then you are going to be slapped for \$500. I think you should pay both of them.

Trustee Armacost: I interpreted 9 as it was in addition to anything under four. So if that is unclear, we should tidy up that language if two of us have interpreted it in different ways.

Mayor Swiderski: I agree.

Village Attorney Whitehead: This may be an opportunity to clean up some of the other language while we are amending this.

Police Chief Visalli: What 9 is also saying is that if you are not paying this fine you can be charged with disorderly conduct. That was the purpose of this section. Ignoring us after we fine you we can now charge you with disorderly conduct, which is separate.

Mayor Swiderski: And what would that mean?

Police Chief Visalli: That is a violation, as well, but a separate charge in and of itself.

Mayor Swiderski: An additional charge with disorderly conduct in the case of an institution.

Police Chief Visalli: Yes, but not for a malicious pull. But we would not be able to charge an institution.

Mayor Swiderski: So with Graham School you cannot charge the institution.

Police Chief Visalli: Correct. Technically, I guess, you could charge the senior officers there, but I do not think that is what we are looking to engage in here.

Village Clerk Maggiotto: May I make a comment? I think the change in this law is that we took it away from the courts and made it a fee. So we are talking about a fee in the law section, the first section, 86-4. But then it becomes a fine in the courts if there are certain violations, whatever that language is.

Police Chief Visalli: Correct.

Village Clerk Maggiotto: We are able to impose a fee that has nothing to do with the courts.

Police Chief Visalli: Well, ultimately it will end up in court. Even when we issue a Village ordinance summons, if they dispute it they will wind up in court.

Village Clerk Maggiotto: Right. What I mean is, we could impose the fee without the court doing it initially.

Police Chief Visalli: Correct, it is going to be issued by an officer.

Village Attorney Whitehead: Another change is that in 86-4 it says "on conviction." That needs to come out.

Trustee Jennings: It is a good distinction to be aware of. But even so, I think we could clarify Section 9 such that we are asking the judge to impose the fine and the fee both, not just the fine.

Police Chief Visalli: Well, in 86-4, upon conviction they are going to pay the Court Clerk. That is who the fine is going to go to. When they make restitution, that is who they are going to pay. It is going to be made out to the Village Justice Court.

Trustee Armacost: I understand the point you are making. Because the implication is that it is not just a simple fee. The implication is that they have been charged with some kind of misdemeanor or something when you use the word "upon conviction."

Village Attorney Whitehead: And the judge would have to convict them.

Trustee Armacost: I think just a different word. We could either just cut the language out completely, or we could use a different word.

Mayor Swiderski: Linda recommended striking the words "on conviction."

Police Chief Visalli: I think that is a matter of semantics. They are being convicted upon pleading guilty to a false, negligent alarm. They are not being convicted of a crime, it is simply a violation in the Village ordinance. But it is a conviction, and they are going to pay the fine for it. They are not going to have a criminal record as a result of it.

Village Clerk Maggiotto: I have been interested in this for a long time and I have a lot of experience in my prior job with it. I really thought the idea was that we could send a letter and say that you are being charged this fee, and nothing to do with the courts. The problem with the old law was that they all had to go to court. I thought you were trying to avoid that.

Police Chief Visalli: Right. But what I am saying is, then they can avoid that simply by sending in their check with a guilty plea on the Village ordinance violation to the Court Clerk and they are not going before the court.

Village Clerk Maggiotto: So you are saying it is a violation for the court.

Police Chief Visalli: It is still going through the Court Clerk, yes.

Trustee Armacost: So it becomes like a parking ticket.

Police Chief Visalli: Any Village ordinance violation, including a parking summons, whether you plead guilty to it you are not coming to court. You just put your check in the envelope, you mail it in, and you have a conviction for like an expired meter.

Village Attorney Whitehead: What Susan is trying to say, in some municipalities it is done by just being a charge and it does not go through the court.

Police Chief Visalli: So we could change this wording to you are pleading no contest.

Village Clerk Maggiotto: Well, you do not have to plead anything.

Village Attorney Whitehead: The question is whether it is a violation that goes to court or whether it is just a fee that the Village charges through the Village Clerk's office.

Trustee Armacost: To me, it is the distinction between a parking ticket and the fee you levy to the guys who dump their stuff inappropriately, right? Because that is a fee.

Trustee Armacost: It is a Village fee, as opposed to a ...

Village Attorney Whitehead: A court fee, a court penalty.

Police Chief Visalli: Here is the issue with taking it completely out of the court's hands. The appeal would be to the Village Manager. The Village Manager says I do not agree with your appeal, you have to pay the fine. And the person says no. What recourse do we have?

Village Clerk Maggiotto: In my former job, the recourse was it became a lien on their property. I know this because that was one of my jobs, to write those letters to people. It was strictly between the Manager's office and the resident, and the court never got involved.

Fire Chief Russak: From the perspective of the Fire Department, we were assuming that 86-4 meant fee to circumvent the court, as you say. That needs to be made more clear. But this should read "fee." Again, if a lien is necessary, then maybe wording should be added into that. Instead of going to the Court Clerk, maybe it needs to go to the Village Clerk because it is a fee.

Police Chief Visalli: I have no problem with how it is worded. There just has to be some recourse.

Village Attorney Whitehead: There is conflicting language in here now. If you are going to the court you do not need an appeal to the Village Manager. It has got to be one or the other. Either it is a Village thing or it is a court thing. Some other municipalities, where they have the registration requirement, they say if you do not pay a fine for a false alarm your registration is pulled and then you have an illegal alarm system.

Fire Chief Russak: Or as suggested before, a lien on the property. Or again under 86-9, where you are charging with the violation on top.

Village Attorney Whitehead: Right. And there would be an additional fee if you fail to pay it.

Fire Chief Russak: But the key is the word "fee." The whole idea is to circumvent the court and keep it as a fee system. You would be shocked how much money the Village would have made this year if this bill was in place in January.

Village Attorney Whitehead: And the bills get sent out by the Village.

Fire Chief Russak: In excess of \$20,000 you would have made. We have had almost 180-something false alarms of the 700 we have run so far.

Mayor Swiderski: That needs to stop.

Village Attorney Whitehead: And were they repetitive, the same?

Fire Chief Russak: A number of them were repetitive.

Mayor Swiderski: So in the interest of advancing this, is the Board comfortable with this as a fee rather than a court system item?

Trustee Armacost: That is what I thought we were doing.

Mayor Swiderski: That is what I thought it was, too.

Trustee Armacost: I agree the Chief Russak, and I also agree with Chief Visalli that it needs to have a clear closure point. If it is going to be a fee system it needs to flow through to a logical conclusion, where there is a proper penalty at the end.

Mayor Swiderski: So to take that to its logical conclusion here, how does that mesh with the penalty-per-offense?

Village Attorney Whitehead: We need to do a little better redrafting here. We can work with the Village Manager, and look at some other codes now that we know what everybody is thinking.

Police Chief Visalli: If we are going to strike the conviction portion, then the paying of the Court Clerk should also be changed, as well.

Mayor Swiderski: Right.

Fire Chief Russak: To the Village Clerk.

Trustee Walker: And then there would be no disorderly conduct?

Fire Chief Russak: The disorderly conduct should be replaced with a lien on the property. This way, it eliminates that problem once and for all.

Village Attorney Whitehead: We will look at the language.

Trustee Jennings: I do agree with the thrust of this. I think we should have a fee system. It is not about the violation. You are reimbursing the Village for costs incurred for providing this service.

Fire Chief Russak: Correct.

Trustee Jennings: And that seems to be reasonable. On the other hand, I think there is a police dimension here in the sense of people who do deliberately do a false alarm and pull the lever. So I am not sure that we completely want to take the thing away from the courts and the police. If it called upon, if there is a crime, then it should be prosecuted as such.

Police Chief Visalli: That would be in the penal law.

Village Attorney Whitehead: You can still prosecute the malicious pulls regardless of this law. This law is strictly about charges for repetitive false alarms, where it is using Village services.

Trustee Jennings: Exactly. And the only thing you have to prove is the fact that the alarm went off and the fire department responded.

Village Attorney Whitehead: Or the police.

Trustee Jennings: It is not a matter of what the courts have to get into. The Village Manager is perfectly capable of determining the facts and assessing the fee. But it will not be a fine. It will be a fee.

Police Chief Visalli: We have had summers where people have gone to Europe for the summer. There was one home 76 alarms in a month. With no contact information left for the alarm company or a key-holder, we went there 76 times.

Trustee Jennings: Well, that is going to cost somebody.

Fire Chief Russak: I have one question, which I would like to present to legal. We cover the Town of Greenburgh under contract; does this apply to the fire district on the other side of the border?

Village Attorney Whitehead: I do not believe we can apply it to the fire district on the other side. We may be able to do it through agreement with the town, but I will look into that.

Mayor Swiderski: I want to follow up on Chief Visalli's example there. Let us just step through what happens if somebody's home alarm goes off 75 times.

Police Chief Visalli: We have to send officers.

Mayor Swiderski: So \$35,000?

Fire Chief Russak: It was not the fire alarm, it was the burglar alarm. And it had an outside audible. So in addition to us going there every time, until someone higher up in the chain of command made a decision to not dispatch any further.

Mayor Swiderski: That is an important point. This applies to all alarms, whether they are burglar or fire.

Village Attorney Whitehead: It is police or fire.

Police Chief Visalli: The neighbors were less than thrilled as well. It met the 15-minute shutoff, and then it would reactivate again. And it went over and over.

Mayor Swiderski: Right. That example, unfortunately, is one that we will deal with when it happens. But I cannot imagine us fining a homeowner \$35,000 for this.

Village Attorney Whitehead: That is where the appeal comes in, and the Village Manager can say we are not going to fine you this much, we are going to reduce it. But show us what you are doing to prevent this happening again in the future.

Police Chief Visalli: We always have the ability to use discretion.

Fire Chief Russak: The Fire Department on Christmas Eve and Christmas Day responded eight times in 24 hours to that same location for a fire alarm which was faulty.

Police Chief Visalli: The other issue is that every time we respond to something like this, everyone, firemen, police are placed at risk because we are responding in an emergency mode and there is always a risk for accidents.

Trustee Walker: And there is a risk that you cannot be where you need to be when something else is happening. It pulls you away from perhaps a real emergency.

Mayor Swiderski: So the upshot of this is there are a few changes that need to be made, and it will come back for another Board discussion. At which point, we could put it up for public hearing if we approve the new language.

Village Attorney Whitehead: We will come back to you with some new language. I will look into the Chief's question about the fire district outside the Village.

2. Proposed Vehicle Immobilization Law

Village Manager Frobel: What is before you this evening, and this is the first draft, is a team effort. It has been brought to my attention that there are a number of owners of vehicles that owe the Village quite a bit of money in parking tickets. Our goal here is to try, to capture those fines owed to the Village, and not rely on systems that either take too long to our satisfaction, or can be gamed in a way that the person who has these tickets can beat the system. Our goal is to capture the money for tickets that have been issued. I provided an example of the top 50 that are out there. It is not something that has been proposed since I

have been here. Maybe it sounds a little radical to go this far. But I view us as having an obligation, responsibly, to capture fines and fees that are levied against violators of codes, and to do everything we can to be effective in that regard. When I saw some of these numbers, and in my conversation with the Court Clerk, he gave me quite an education on how out of state motorists in particular beat the system. I felt I needed to come up with something and recommend it to your attention.

Mayor Swiderski: Could you give a little bit of that color?

Village Manager Frobel: For example, when I go out at noon for my walk, which I try to do, or a drive-around, I notice cars, say, from Connecticut, two in particular, parked on Maple Avenue with two or three parking tickets. I shake my head, and say I cannot imagine how he can afford that. I see that day after day. I ask what goes on. Oh, those people, they will park here from out of state all day long, take the train, probably go to the city, come back and leave. There is no way, through vehicle registration, we can stop their registration and suspend them from registering the vehicle in Connecticut.

Mayor Swiderski: Why is that?

Police Chief Visalli: We have no reciprocity.

Mayor Swiderski: But a bunch of the people on that list are Hastings residents.

Village Manager Frobel: They are. And we will have an opportunity to suspend their registration if they have not cleaned up their tickets. But there is a way they can game the system, and the Chief can go into that. They can dispose of the vehicle and let the registration lapse. These vehicles may be old clunkers that they do not care about anyway, so when they get to the time to re-register it they get rid of the car. They can walk away from those fines. We see this as a way that perhaps we can shorten that window, that opportunity for us to capture some of these monies owed to you.

Police Chief Visalli: I was not the chief when this law was drafted. Until today, I had no idea how many violators there were, and with some fairly substantial numbers, into the thousands of dollars on a single vehicle. I commend the Village Manager and the Court Clerk for taking this proactive position. It is not fair to the people who do pay their fines, which is the vast majority. But to my astonishment, some five pages of printouts of people who owe us some significant money in fines. Unfortunately, when you have out of state plates the tickets are only tied to the plates, not the VIN numbers. So we have no recourse in another state to have somebody's registration suspended. They just rack up tickets. They have ways around it anyway, even when we do. Let us say they have an old car they want to

get rid of and it has all these tickets on it. Because the fines are tied to the plates only they simply o junk the car or sell it to somebody else, and surrender the plates and get another car. Those fines are not tied to their name. So when they go to motor vehicles to register their new vehicle they are allowed to register it.

Mayor Swiderski: So if we do not have reciprocity with Connecticut, for example, we have a right to boot them and extract money?

Police Chief Visalli: We believe we are allowed to narrow the existing vehicle and traffic law; we just cannot expand upon it. So this is making our own ordinance that says even though motor vehicles says in order to suspend your registration you have to have 25 or more tickets on your vehicle, they do not attach a numerical value to it. So you have to have at least 25 tickets in order for us to put in a suspension order to motor vehicles, and it has to be on a New York-registered car. This would allow us, when our law says three or more and/or \$500 in fines, to boot your vehicle until you make restitution on those fines. It is allowing us to narrow that vehicle and traffic law set by the state.

Mayor Swiderski: Is there a mechanism for those people to work out a deal with a batch of tickets?

Village Manager Frobel: We have talked about a couple of scenarios. We do not think so. Under the ordinance, the person would come upon the car with the boot on it. They would have to come in and see the Court Clerk, find out how much was owed to the Village for the tickets. There is a fee associated with removal of the boot. Once that is squared away, we would release it and he could go on his way. I asked the Court Clerk, what will happen now? Can the judge then refund money to the person? In other words, under the ordinance they have to pay the full amount to have the vehicle released. Can he then go to the court and try to get an adjustment? Chief, you helped through that scenario.

Police Chief Visalli: Yes. Generally what will happen is, once the fines are paid they are paid. It would very difficult for us to now have the Court Clerk issue someone back. If they had \$1,500 in fines and he decides to settle for half we are not likely to reissue a check back to that person for \$750. That deal would be made prior to the matter being settled.

Mayor Swiderski: In good faith.

Village Attorney Whitehead: If they made it in a reasonable time frame.

Police Chief Visalli: Correct. If they did what they were supposed to do, and come in and threw themselves on the mercy of the court and said, Your Honor, I have \$2,000 in fines,

will you take a thousand? If more people did that we would not be in this position today. But they are not doing it.

Trustee Jennings: If we were to go forward with the booting process, perhaps we could, before it takes effect, have some period where people who now have a huge amount could come in and there could be some negotiation of a lesser amount. So we could collect something. They would have an incentive to do that because once we start the they are going to be stuck.

Village Attorney Whitehead: You could do that. You could make the effective date of the law three months out, four months out. And then just notify people this law has been passed starting on this date cars will be booted. If you want to come in and pay your tickets in advance to avoid this. It is not really clemency because they still have to pay the tickets.

Trustee Jennings: I am not proposing this, I am just throwing it out. We get this printout showing \$400, \$2,000, whatever it is. Is this public information? If it is, I wonder if we should not make these names public. Now, it is not going to affect people in Connecticut. People who live in Hastings, this is embarrassing.

Police Chief Visalli: You cannot FOIA court information, as far as I know.

Trustee Jennings: So we cannot release this and shame people into paying?

Village Attorney Whitehead: The court is not subject to FOIA.

Trustee Jennings: I did not understand the scenarios of people who live in Hastings and how they can avoid paying these tickets that they have incurred. We know who they are. Can we not simply go and charge them with something? Why do we have to do this by booting their car? Can we not arrest the person?

Police Chief Visalli: Because we have no other recourse.

Trustee Jennings: You cannot arrest somebody who owes you 5 thousand bucks in unpaid tickets?

Village Attorney Whitehead: Not the parking tickets.

Trustee Armacost: Some of these people may have left Hastings. But it certainly looks like there are a number where the date of the last ticket issued is recent, where those people are here, and that would have some effect.

Police Chief Visalli: I am going to backtrack for a second on the arresting part. Is it possible? Yes, because you can arrest somebody for a violation. So if this scofflaw is considered a violation, technically you could arrest somebody. The reason that DMV started the suspension process, they made that a misdemeanor, so that now when you stop a vehicle with a suspended registration, so long as it is the registered owner operating the vehicle you can now arrest them for a vehicle and traffic misdemeanor. We bring them in and they get a bunch of tickets. So it is a process. And we impound their car at the same time.

Trustee Jennings: But you have to catch them speeding in order to get them.

Police Chief Visalli: If the registration is suspended, no. All we need is a confirmed plate to hit, confirm that the suspension is active, and then you have probable cause to stop the car. However, if the registered owner is not the operator they would just be issued a summons for operating an unregistered motor vehicle because we would have no way of proving in court that they knew the vehicle's registration was suspended. If it is the registered owner of the vehicle operating it they would have received a notice from motor vehicles saying their registration is suspended. Now we have enough to charge them with the misdemeanor.

Trustee Walker: What is our recourse when a car is left for too long a period.

Police Chief Visalli: It is 14 days. We impound the car on the 15th day.

Trustee Walker: And you tow it.

Police Chief Visalli: Correct. Here is where we run into issues. Someone may call and say the car has been there for three months already, tow it. We cannot because the law says 14 days from when it was reported to us. So we mark the tires, we take pictures of the vehicle, and on the 15th day we can now impound the car.

Village Attorney Whitehead: And you have to be careful because there are liability concerns if you wrongfully tow a car, wrongfully boot a car, cause any damage to the car.

Police Chief Visalli: Correct. We ran into one of those issues recently and, fortunately, the officers on both ends of the process documented things very well, including some pictures that proved that the person had not moved the car, in my eyes, beyond a shadow of a doubt. So we welcomed them wanting us to reimburse them for the towing. I said absolutely not, we will see you in court.

Trustee Walker: So now I am just trying to look at parallels between the two. Where is the car taken when it is towed?

Police Chief Visalli: We use two impound services: Bob's Service Station and Giampiccolo. First, they have to come here if we have impounded the car. They have to come to police headquarters and sign a vehicle release. Then we call the impound yard and advise them that they can release the car. That is provided they have paid all the tickets.

Mayor Swiderski: How much does it happen?

Police Chief Visalli: Quite regularly.. We have people that live in apartments that have multiple cars and no driveway, and this goes on all the time, in particular in the area of Washington Avenue, Ridge Street, Aqueduct Lane. Pretty much every week we get some type of complaint about abandoned vehicle.

Mayor Swiderski: But how often do you actually tow?

Police Chief Visalli: Fairly regularly, unless they come and move the car.

Trustee Walker: And then how much do they usually have to pay?

Police Chief Visalli: That is up to the impound.

Village Attorney Whitehead: They pay the towing fee and a per-day storage fee.

Police Chief Visalli: We have nothing to do with setting those fees.

Mayor Swiderski: Who gets those fees?

Police Chief Visalli: The impound service.

Trustee Walker: Could we do that instead of booting?

Police Chief Visalli: Again, ultimately yes.

Trustee Walker: I mean for the unpaid parking tickets.

Police Chief Visalli: If the state did not have just a 25-ticket minimum for a suspension, and they put a dollar value to it, most of the vehicles on our list would be suspended at this point. You cannot park a vehicle with a suspended registration on a public street. We would then be allowed impound the vehicles.

Trustee Walker: But can you impound because of unpaid parking tickets?

Police Chief Visalli: No. Not without a separate local law in place that would allow us to do that. That is what this is for.

Trustee Walker: Why do you choose the boot over the impound?

Police Chief Visalli: We are not necessarily doing that. Those are some of the details we are still working out. We have a clause in here that says that the car, after it has been booted, has been there 72 hours we are going to impound it; that had to come out of a vehicle and traffic law somewhere. Otherwise, why would we not just tow the car right from the get-go instead of booting it?

Village Manager Frobel: What I gave was 72 hours to cure it rather than go through that impound fee for storage. You got another chance. It has been there 72 hours, come in and square up with us.

Trustee Walker: It increases the amount they will have to pay if it has been towed. So this is a slightly more lenient and less expensive option.

Village Attorney Whitehead: The cost is less to get a boot removed then to pay towing.

Police Chief Visalli: Or similar. It could be equivalent, but the point is like the Village Manager said. There is just a boot on their car, the car has not been taken yet. So if they pay their fines during normal business hours we can have somebody remove the boot and they get to drive home that day. Once it is in the impound yard or it is after normal business hours, they are going to have wait until the following business day.

Village Manager Frobel: A lot of have received repeated notices from us, reminders, of what is owed. No one is going to be surprised to know how much they owe. Even when we impose this law we can do notification again. But these people have already been told repeatedly that that amount is owed to us and we expect payment. They are sent certified mail, and sometimes they are not even accepted. And we have had people say that we take it throw it away. What are you going to do?

Village Attorney Whitehead: The one problem with giving a time frame is people will do things like transfer the registrations and get new plates.

Police Chief Visalli: Correct. That is one of the issues.

Trustee Jennings: So when you cancel a registration there is no check on unpaid parking tickets. You can get out from under, say, the \$5,000 you owe the Village.

Police Chief Visalli: Right. If DMV went by name and/or VIN number that would not be the case. But they do not. And there would still be a loophole. If they did it by VIN number you could still sell your car to somebody else and DMV would have no idea that you made this sale until the buyer showed up at DMV with a bill of sale and the title to reregister the vehicle, at which time they would say you cannot register this vehicle, it has got \$3,000 in fines pending in Hastings. Now you would have another mess going on because now I want my \$3,000 back that I paid for the car. And the person is going to say, I am not giving you your check back. It is not a perfect system by any stretch of the imagination.

Trustee Jennings: There is a service you can find out if the car has been wrecked and repaired. CARFAX ought to include that.

Trustee Walker: So is this done in New York City?

Police Chief Visalli: Yes. Most major cities do it. Dobbs Ferry just began enacting theirs. Some of the other logistics we have to work out is who is going to put the boots on the vehicles, who is going to remove them. One of the things I would like to avoid is having all of my officers have to go through training and be responsible for the boots. Fortunately for us, the full-time parking enforcement officer in Dobbs Ferry we hired here as our meter repair person; he is here in the morning. But he puts a boot on your car in the morning, he is no longer here, you come in and pay your tickets during normal business hours. Who removes the boot from your car? These are logistics that have to be worked out.

Village Attorney Whitehead: Who is doing the booting is very important. If there is damage done to the car in the process there may be liability.

Police Chief Visalli: And we are going to hear that. It is also common when vehicles are impounded. They often accuse the tow company. To get out from under their fines they accuse the towing company of scratching or denting their vehicle. It is why, when we impound vehicles, we make notations on the impound to any damage that was on the vehicle prior to it being impounded so they cannot come back and say that.

Mayor Swiderski: How much does a boot cost?

Village Manager Frobel: They range from \$600 to \$200. I saw one today for \$200, a very simple device. I think anyone could place it on a vehicle.

Trustee Armacost: A different way of ordering this list would be last ticket issued. That would give us a sense of which ones are possibly actionable. My guess is that anything that is before 2013 probably you are dealing with either a move out of Hastings or a re-registering of the car or a disposal of the car.

Police Chief Visalli: I am sure the list can be sorted in different manners. I would like to find out how many vehicles are suspended already by motor vehicles. Then we are going to look for those vehicles, take them off the street. We will keep narrowing the list down.

Village Manager Frobel: Today I met with a gentleman who is on that list and paid \$1,400 in back tickets because he was coming up for registration renewal. So it is constantly changing.

Police Chief Visalli: The Village Manager mentioned earlier the delay. Currently under scofflaw if you have three or more parking tickets all we can do is put a hold on your registration, which simply means you cannot reregister your vehicle until you clear up your fines in Hastings. If you just registered your vehicle, and it is done every two years, we cannot touch them for another two years.

The other part of the legwork that has to be done first is to run the registrations and see where these vehicles are today. We are probably going to find out for maybe an entire page the plates have been surrendered, the car is gone already. That is why we have not heard from them; they already found the loophole and did away with the vehicle.

Trustee Walker: But if there is an expired registration, it still could be on the streets.

Village Attorney Whitehead: If you find it then on the streets without plates.

Police Chief Visalli: And the beauty of our the technology today is we put those plates into our Plate Hunters and we can now run them up and down the street. Eventually, if that car is there, the Plate Hunter will pick up the plate.

Mayor Swiderski: So you can upload this list into Plate Hunter?

Police Chief Visalli: Correct, which would save quite a bit of time. Let us say the person still has this vehicle but they have simply moved from one address in Hastings to another; once those plates are in the Plate Hunter instead of going to the residence and they are not there, just cruise the streets and it will pick it up.

Village Manager Frobel: Another provision we inserted in this draft which is a deviation from our neighbors under Section D, and Linda is going to have to look at this, I was trying to tie these outstanding parking fines against the owner of the immobilized vehicle. We know we have motorists who have tickets on car A, but also have excessive amounts of tickets on car B. Not yet in jeopardy of a vehicle being suspended, but still owes us money. I was hoping to tie it to the two. The Chief is not sure that is legal.

Police Chief Visalli: I believe we cannot hold one car hostage because somebody has 50 tickets on another vehicle, even though they are registered to the same person. It is done under the motor vehicle law when regarding insurance lapses because your insurance card is covering your entire fleet of vehicles with one policy. With tickets, the argument there would be I am the registered owner, but my wife is the one who racked up all those tickets in Hastings, why are you putting a boot on my car? I know we are going to hear that, we would have a difficult time getting away with that.

Village Manager Frobel: Just food for thought.

Village Attorney Whitehead: It is a good idea.

Trustee Jennings: I have a question just about the wording of Section A-1. I understand what the intent is, but I am not being naïve in reading the words on the page. You do not say, and you should say, that people who have three or more parking tickets in the last 18 months and have not paid for them.

Village Attorney Whitehead: I had written in the word "unpaid" already.

Trustee Jennings: As I read this I am thinking that the clock starts again every 18 months. So if you go for 18 months and you do not have any tickets, then you are only going to look back 18 months. If you have gotten 100 tickets three years you are not going to see it. That is not your intent, surely. You want to see the whole history, right?

Police Chief Visalli: No. What we are saying is the scoff is still in existence. Whether the 18 months have expired, you still accrued three tickets in 18 months. And if you never got another ticket after that it does not matter. You did not pay these three that you accrued in the first 18 months. It is not the most current 18 months, it is any 18 months for the history of the vehicle.

Trustee Walker: So why 18 months? Why not two years, why not three years?

Village Manager Frobel: The law is a two-year registration.

Police Chief Visalli: And generally, everything in motor vehicles is done in an 18-month period when it comes to penalties and fines. For instance, driver's licenses. Three speeds in 18 months, they automatically suspend your license. So that seems to be the range that is within most of the laws.

Trustee Jennings: if I get two parking tickets and I do not pay them, on the third one, if it is within that 18-month period, you will boot me. But if I have one parking ticket and it is not paid and I get a second one, you will not boot me.

Police Chief Visalli: Not so, if it exceeds \$500. Because also the fine doubles, and then there is a \$5 monthly charge for each month that you do not pay your fine. Once it hits the \$500 mark we can also boot your vehicle.

Village Manager Frobel: But if you just had two or three recently, then you are not going to get a boot, because it is still the \$500 threshold.

Police Chief Visalli: Unlike the state law, we have attached a dollar value, as well, not just the number of summonses.

Trustee Jennings: And when you see a car that is going to get a ticket you scan the license plate. You are going to have all this history so you will know it is time for a boot.

Police Chief Visalli: If it is something we have uploaded, yes we will know. If that is one of the plates we have uploaded from our list we will know that is the car we are looking for.

Trustee Armacost: Is the normal parking ticket \$20? How long would it take you to get to \$500 on one ticket?

Police Chief Visalli: It is \$60 a year on that one ticket each month you do not pay it. Plus the fine doubling to \$40 after the first 30 days. So you are looking at a long time. It could be five years.

Trustee Armacost: So it is unlikely to happen on one ticket. It would have to happen on two or three for you to hit the \$500 threshold.

Police Chief Visalli: Yes. It would take you seven years on a \$20 ticket to exceed that \$500 threshold. But again, the purpose of this is not to find the single ticket violator. We are not doing this because we want to punish everybody. This is for persistent violators who are blatantly ignoring us.

Mayor Swiderski: Other than the small niggles to the wording, it does not sound like there is much disagreement with the overall approach, the numbers or the math.

Trustee Walker: I had a question about the imprisonment, penalties for offense: "Any person violating any provision of this chapter shall, on conviction, be punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both." The violation of this chapter is something like if you were to tamper with the boot.

Police Chief Visalli: Now you have entered into a crime, again, of criminal mischief.

Trustee Walker: What violations could involve that?

Police Chief Visalli: Depending on the dollar amount of the boots we buy, you intentionally caused damage to property. Now we can charge you with criminal mischief on top of all the fines you already otherwise. That is a separate matter.

Trustee Walker: But in E, "Penalties for Offenses," there are other violations. What else is a violation that could end you up in jail?

Mayor Swiderski: Other than damage to the boot.

Police Chief Visalli: Committing the violation of the scofflaw itself is a violation.

Trustee Armacost: But then are you not being penalized twice?

Police Chief Visalli: No. What the law is saying is that you have committed a violation, which is that you have violated the scofflaw, and when you are brought to justice either A or B can happen. The judge can say ass you penalty I am going to put you in the county jail for 10 days since you cannot pay your fines.

Village Attorney Whitehead: That is not really a violation of the provision of this chapter. It is broader.

Police Chief Visalli: But the law in New York State is conviction for a violation you can get up to 15 days in the county jail. So if you were speeding, that is a violation. We can arrest somebody for something as simple as speeding and they could get 15 days in the county jail for that violation.

Trustee Armacost: So are you saying that anyone on this list can be fined that \$250.

Police Chief Visalli: Correct. Now, again, here is one of the technicalities. Can they be? I do not know. We will have to talk to legal about that because now we are enacting a law tomorrow and punishing somebody for something that they did five years ago. It may require an amnesty day, where we invite these people to clean up as much of it as they can.

Trustee Jennings: If we boot somebody we can find out what their record is, and we can fine them and the judge could even incarcerate them.

Police Chief Visalli: Correct.

Trustee Jennings: OK. If they are booted. But we know all the same information, except this last time when they got a ticket and got booted. But we cannot go to them directly and arrest them. So I do not understand why the booting triggers things that we cannot do.

Police Chief Visalli: We can arrest somebody for any violation. The point is, we are trying not to go to those levels for something that is a violation. But yes, you can arrest somebody in this state on a violation and the process is the same. They are brought before a judge and he can say pay your \$2,000 or you are going to county for 15 days. We can do it. We would not be the first people in the state of New York to have somebody go to jail under a scofflaw. It does happen. Again, we are trying to avoid those extremes in this process.

Trustee Walker: It may just be a technicality here, but the booting allows you to impose the fine on the violator. But if they are already in violation, what keeps you from going to their house?

Police Chief Visalli: Nothing. What the boot is doing is bringing them to us.

Trustee Walker: Right now, in our law, is anything that prevents you from that? Or we have to put that in this law in order for you to be able to put them in the county jail.

Police Chief Visalli: Currently, they are not in violation of anything.

Village Attorney Whitehead: There is some additional language that needs to be in here to say that this creates a violation.

Trustee Walker: Right, that creates a violation. Then if they remain in violation, then you have the option of the \$200.

Police Chief Visalli: If the car was suspended, technically we can go to their house, knock on their door. Are you so-and-so, is this your vehicle? OK, you are under arrest for having

a vehicle with a suspended registration on a public street. In New York State, it is a misdemeanor now. But yes.

Trustee Walker: I think there are some states where they do that on a regular basis.

Police Chief Visalli: Again, the larger cities, they have people that are dedicated to this full time. So they have traffic and tow units that go out, and this is what they do all day long. Have you ever seen the show "Parking Wars"? That is the city going out, and they have Plate Hunters and they are looking for everybody who is under a scofflaw in their city. They are going to take your car, and there is no debate. They back the tow truck up and they take your car.

Trustee Walker: There was an article in the *New York Times* last year about this kind of thing going on in small Texas towns. People who just happen to be driving through, but they had one violation or another and they were hauled in to jail.

Police Chief Visalli: I do not know about that. They would have had to have committed some type of violation.

Trustee Armacost: The fee to release the vehicle immobilization device, that is basically the fee to take the device off. Then the fee to replace it, that is the fee if somebody has damaged the boot.

Police Chief Visalli: That is correct.

Mayor Swiderski: So to be clear, let us step through. Somebody who owes \$500, the device is put on their wheel because the Plate Hunter beeps at you. To release it, they have to pay the \$500, plus the \$150, plus the \$250?

Police Chief Visalli: No.

Mayor Swiderski: So the \$250 is only incurred when you what?

Police Chief Visalli: That is probably a section that has to be revisited and something changed there. Because it sounds like we are double-penalizing. Yes, that is confusing there. They are going to pay their \$500 in parking violations, they are going to pay the \$150 which would be equivalent to them paying the towing fee had we impounded the car. But they are going to pay it to the Village because we are the ones who put the boot on their vehicle.

Mayor Swiderski: Then just one more time. The \$250 is incurred when they do not pay?

Village Manager Frobel: We have to rework that.

Police Chief Visalli: Because actually it would be lowering their fines. If you had \$1,000, we are telling you we cannot exceed the \$250 fine. I believe the \$250 does not include the fines you owe for your tickets, does not include the \$150 for booting the car. That is the fine for committing the violation of the scofflaw in the first place. Which, again, cannot exceed \$250 and/or 15 days in jail.

Village Attorney Whitehead: We are going to look at it.

Police Chief Visalli: Let us say you come to court. We picked you up under the scofflaw, and you do not have any money to pay your tickets. The judge has to make a decision. That decision can be you are not going to pay the \$150 for the boot, I am not going to make you pay the \$1,000 in tickets. Can you come up with the \$250 fine for the violation? If not, I am going to put you in the county jail for 15 days.

Trustee Walker: Then you are off easy. If you have \$1,000 in tickets you can get off for \$250.

Police Chief Visalli: Again, that is section that we would have to look more closely at.

Trustee Armacost: It is quite expensive to have people in jail.

Police Chief Visalli: And again, that is not ultimately the goal here.

Village Attorney Whitehead: The goal is for the Village to collect the money.

Police Chief Visalli: Correct. And we want people to be compliant with us. That is always our objective, voluntary compliance. It is not fair to the people who do pay their fines, which I believe the vast majority of people do. We have all gotten parking tickets. I have always paid all of mine.

Trustee Walker: On page two, D-4: "New summonses are added daily, and penalties will continue to accrue each day until payment is made." So this means new summonses are added daily if your car has been impounded?

Village Attorney Whitehead: I am not sure about that.

Trustee Walker: What are the new summonses?

Police Chief Visalli: I do not know what the new summonses are for, but there is a daily storage fee when your vehicle is impounded.

Trustee Walker: I understand the storage fee, but I did not think there would be a summons each day. The car is off the street.

Police Chief Visalli: I do not know where that came from, but that would be something we would have to strike. But there is a daily storage fee if the vehicle is impounded.

Trustee Jennings: So this kicks in after the 72 hours when you tow them.

Police Chief Visalli: Correct.

Mayor Swiderski: I do not know about that. I do not think number D-1 is. D-1 is immobilized, it is not towed.

Trustee Walker: That is true.

Trustee Walker: Releasing a vehicle to owner could be also un-booting it.

Village Attorney Whitehead: Correct.

Trustee Walker: So then D-4 could be a booting. "New summonses are added daily and penalties will accrue." So your car has been booted, not towed, in this case. And it t could continue to accrue parking fines until you pay the fines.

Police Chief Visalli: If you look at 3 it says, "The owner of the vehicle is responsible for all towing charges and storage fees associated with the immobilization of the vehicle." Meaning after the 72-hour period, if we had to tow the vehicle you are now responsible in addition to the boot also paying any towing and storage.

Mayor Swiderski: But 4 implies that while booted it may accumulate further tickets, and you are on the hook for those while it is booted. Right?

Police Chief Visalli: I do not like the part that says new summonses are added daily. There may be new summonses since the vehicle may still be in violation wherever it is.

Mayor Swiderski: So there is some further work here.

Village Manager Frobel: Oh, definitely.

Trustee Armacost: One other question, which is B-D: "Notice, Warning to Owner, D, notice that any person tampering with the device shall be subject." And then C. Is it just that B-D is the notice, and C is the same? They seem very similar to me.

Village Attorney Whitehead: B is the information that you have to post on the car.

Village Manager Frobel: We put a little sticker on the car.

Trustee Armacost: And then the corollary is E-3, the actual penalty that goes with that.

Village Attorney Whitehead: Yes.

Trustee Walker: All right. I think we are on the right track here.

Village Attorney Whitehead: Yes, it is taking the concept and cleaning it up. What the Village Manager wanted here was to see that the Board was on board with the concept.

Village Manager Frobel: Exactly, before we spend any more time on it.

Trustee Armacost: I think we are in favor of the concept.

Police Chief Visalli: Again, I thank the Village Manager and the Court Clerk for coming up with this idea. Again, I really was shocked at how many persistent violators we really do have.

Mayor Swiderski: So was I. I was initially not favorably inclined. It seemed draconian. Then I saw the numbers.

Police Chief Visalli: There are people on that list that are making an effort. Some are no longer on the list because they came in and hashed out a deal with the court and got on a payment plan and were removed from the list. So there are some people that are making an effort. We are just trying to get the worst of the worst to voluntarily comply.

3. Update on the Downtown

Trustee Walker: The step we can mention that we have narrowed down the candidates for the Downtown Advocate position. The cutoff date was August 4. We received 39

applications, and have narrowed it down to five whom we will interview at the end of September, early October. I do owe some language about what we want them to bring or send us in advance. I will get that to everybody.

We are planning to have a Friday Night Live on September 26. Closing Warburton Avenue and we need to talk to the Chief about it and make sure we do not have the same issues we faced over the summer with difficulty in doing anything in the streets, and the difficulty in asking the police to work providing the barricades and the security at the event. Then we would like to do a reprise of the Friday Night Dead, which was such a big hit last year, at the pool on October 17, with the rain date the 24th. That is a joint Village/Friday Night Live event. Then, Bruce, the date we are talking about for our Off the Shelf event Friday Night Live literary event is November 7, which will not be a closing the streets, but poets and authors reading from their work and potentially a poetry slam and maybe a poetry contest.

Trustee Jennings: It does not preclude my helping to organize, which I am very willing to do, but am not going to be here on that date so I will not be able to attend the event.

Trustee Walker: Oh, no, we would like you to be there. We did not want to get too close to the holidays, but what about the November 14?

Trustee Jennings: I am sorry, I do not like to do this an individual. But I have to be in South Carolina for my job. The 14th would be fine.

Trustee Walker: We will talk more about it.

Some of the things Mr. Downey mentioned about the sidewalks would be interesting to look into. I wondered if you had any further discussion with him.

Village Manager Frobel: Not further discussion. But last Tuesday night, when we discussed it as a group, I wrote to Con Ed and I outlined in an e-mail to them what we would like to explore. I have since counted each of the squares that would be impacted as part of this proposal. About 17 percent are going to have to be replaced on Spring Street, Warburton and Main. So it is not that large a percentage. But I will go back to Con Ed again. It has been a week now and they have not replied. But I clearly told them exactly what I wanted and that we needed to meet with the contractor. You were not available. You wanted to get together this week and talk, right?

Trustee Walker: Yes, I am available this week.

Village Manager Frobel: I did not push them last week because I knew you were not here anyway. I will write to them tomorrow and tell them we want to meet and let us explore the cost to replace sidewalks.

Trustee Walker: It would be interesting to know, and it is a starting point. The other question would be about the removal of a top layer, as Mr. Downey suggested. That requires a different type of equipment.

Village Manager Frobel: I am not familiar with that type of approach, and I would be very surprised if we had that depth. That is not what I have seen when they opened the sidewalks for the service connections. I never saw any sidewalk like that. But we will talk to them. In my e-mail, I told them about the coloration of the sidewalks. I looked at the sidewalks that were replaced last fall. They quickly fade or darken in time. It does not take ages for them to blend together, new versus the old. But we will talk about it. But a very small percentage of the total sidewalks are impacted by this project. It was upwards to about 510 squares I counted, and of those about 17 percent we are going to have to replace anyway.

Trustee Walker: It may be in those areas where there are so many in a small area, like on Spring Street.

Village Manager Frobel: The south side of Main seemed to be the closest. So there is only two, then one good sidewalk, and then two and then one good. So I thought those might be an area where you wanted the whole part.

Trustee Walker: Yes. So that is something to look at. Because then they could look more consistent than so choppy.

Trustee Jennings: Are we still operating in terms of what they will pay for, or are we going to add Village money on top of it in order to achieve this goal of uniformity?

Trustee Walker: I think we need to find out how much we are talking about.

Mayor Swiderski: Yes. They are not going to do it for free.

Trustee Jennings: OK, so we do need to figure out how much extra we are going to have to kick in.

Trustee Walker: What is the timing on that?

Mayor Swiderski: Late September, early October.

Trustee Walker: So this is another important consideration. How quickly can they do it? Will sidewalks be blocked while they are doing it? What is the impact? I know they rip them out pretty quickly, but will putting them back take longer? .

Village Manager Frobel: Usually it cures to walk on within 24 hours.

Trustee Walker: Just want to make sure it is not going to impact if we want to have an event. If we cannot walk on the sidewalk that could be a problem.

4. Update on the Waterfront

Mayor Swiderski: I do not have an update on the waterfront. Do you?

Village Manager Frobel: I have nothing new.

5. Deer Update

Mayor Swiderski: We have a proposal from the Humane Society for what changes this year. It is more of everything. They are talking about two teams, each with two potential darters. So a total of four individuals. Seven to eight feeding stations in place longer so deer become habituated to coming. This would take place February and March of next year. It will be a two-month period instead of a one-month period. For the Village, the big effort will be to substantially broaden the number of homes we get permission from so the darting can take place anywhere around the feeding stations, which will be all over the Village. It is a bigger effort, it is more time. I have got to sit down with the Chief and work out new protocols because we agree generally with the Humane Society that volunteers are of marginal use. We have to move to a new agreement with the police on acceptable protocol for the darters. In the end, the most effective was the moral equivalent of drive-by shooting. They came up to a feeding station where there was a deer and the shot was taken from the car. That will be the recommended way forward, but we require protocols in place that the police would be comfortable with.

Trustee Jennings: Getting out of the car and approaching them, they were skittish.

Mayor Swiderski: The deer take off. A guy in a vest with a gun, they have an idea that he is up to no good. The shot has to be relatively close, within 20 yards. So the deer take off if they see somebody coming.

Trustee Jennings: And how many did we inject and tag?

Mayor Swiderski: All of eight. After two years they need to get the booster. This time we are only going after untagged animals with the tranquilizer and then the injection. It is an experiment, and that is what the protocol calls for. Deer that are being re-immunized two years in, they have already been tagged, the tag number is visible from a quarter mile.

Trustee Jennings: Part of the reason for the tranquilization is we have to get a tag on them.

Mayor Swiderski: That is right. But the re-immunization for the deer that were already tagged will just be as described. No sedative, just tag them.

Mr. Gonder: How many riflemen?

Mayor Swiderski: Up to four.

Mr. Gonder: Is that enough?

Mayor Swiderski: This is not free. We are not paying their salaries, but they cost money. Ultimately, while this is an experiment, as this evolves over the years we have to be looking at it as is this something we can do year-in, year-out.

Mr. Gonder: I thought we were going to do it.

Mayor Swiderski: We are trying to figure out what works, and if it can be done by volunteers; that is all part of what we are going learn over the next few years. There is a certain expense involved. We are going to try to control those expenses. We are looking to rent an apartment or a house for the months of February and March. We are on the hook for the local living expenses so we are seeking the cheapest possible way to do that rather than paying \$140 a night at the local inn. In September I will be putting out a call to the Village to see if anyone is willing to rent. So it is under way. There are conversations with the police to be done. And restart the effort with the high school students to knock on doors to get permission. That will start in October. They did put up the enclosures in the woods to keep the deer out, and those have been in for a couple of months. I walked by once, and there is nothing visually different yet. It will take a few years.

Trustee Armacost: Have you had reports from the hosta people? My hosta has been well nibbled.

Mayor Swiderski: Mine was destroyed in four days after it was put out. No, we have not yet asked her to ask for people to report in. So the pieces are there, it is coming together. I

wrote up a grant application for \$10,000 to cover the extra expenses of this year, and we are hoping that will be granted.

EXECUTIVE SESSION

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss 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 9:25 p.m.