

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
OCTOBER 21, 2014**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 21, 2014 at 7:43 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. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

**CITIZENS:** Fourteen (14).

**APPROVAL OF MINUTES**

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of October 7, 2014 were approved as presented.

**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. 30-2014-15	\$295,932.14
Multi-Fund No. 31-2014-15	\$ 17,602.12

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** I would like to talk about the municipal fire protection surcharge. You passed it a few months ago. The first bill I got it was only a few dollars. The next one was \$16.94, and I do not use much water. My water was \$71.61, and that is a 19 percent increase. The way the Board explained it, it was how much usage. But that was not true. I made a lot of phone calls on it. It is the size of the meter, and most residential have a 5/8 inch meter. I am going to read what it says. "The surcharge is based on the size of your water meter, as well as the number of fire hydrants in your town." I do not think that was explained properly. And when people see their total bills, and mine the total bill taxes on it is 55 percent, I do not think you told the right story when you were asking it. I was the only speaker that said we had a system for 100 years that worked. It is in, there is not much I can do. But Trustee Armacost and Mr. Frobel, I want to see \$250,000, I think that is the amount that was talked about, come back to the residents, whether it is a check, or maybe you decide to give it to the veterans in a discount or maybe you will give it to senior citizens. But I am going to watching that for the next six months while you are doing budgets very

carefully. Because you drive people out. You remember Faith Evans, you drove her out of Hastings because of taxes and stuff. You are not going to drive me out. I am going to pound you for that \$250,000 to come back to us.

**Mayor Swiderski:** We could look into that.

**Village Manager Frobel:** Yes, I am. Mr. Gonder raises some good points. I share with you the concern. We were also under the impression it would be solely based on usage. But, in fact, it is the size of the meter is what the utility commission decided it would be. A meter going into, say, the school or the nursing home is larger. So their proportion share is greater than yours and mine for our homes. But it is based on the size pipe that goes into the home because that is the theory, the amount of water you would be using is based on the capacity of the pipe into the home.

**Trustee Walker:** Do the sizes vary for homeowners?

**Village Manager Frobel:** They should not. We are seeing some inconsistencies. We have been comparing those bills for the last six weeks and there is some variation. One woman in my office had a bill for about 17 dollars and change. It appears to be on the billing cycle, as well, whether it is 92 days or 90 days or 95. So we are going to challenge it. I am writing a letter to the manager of New Rochelle to see what his understanding has been and see if he is also coming up with these inconsistencies. We are also trying to do a calculation as to whether the amount that we expect the water company is collecting is greater than the amount we used to pay for the hydrants.

**Trustee Apel:** Is there a way for us to get people in the community to let us know what they are being billed? If everyone says how much their bills are, then you are going to know how much they are collecting.

**Village Manager Frobel:** Let me take the first step and find out if there are some inconsistencies from our consortium's viewpoint as to whether or not they are also witnessing this. Our suspicion is, it appears the yield is greater than what we were paying as a whole for the hydrant rental.

**Trustee Apel:** They are going to gouge so let us catch them.

**Trustee Jennings:** Would that be a violation of some existing utility commission rule, or are they free to realize more than they used to?

**Village Manager Frobel:** I do not know enough about it. We had legal representation as part of our consortium so we will turn to them to get their help on this matter.

**Trustee Apel:** Can we roll that back if we change our mind, we do not like what they are doing?

**Village Manager Frobel:** I seem to think there was an ability to reverse it. I have to check that. I seem to recall there might have been.

**Trustee Apel:** Is there an equitable way to take that amount of money, and I know we put it into the normal tax bill, and were to equitably charge people to pay that off, \$250,000? Is there a different way other than through our taxes?

**Trustee Armacost:** So a restitution I think Marge is talking about. If people have, in fact, been gouged how do you provide restitution?

**Mayor Swiderski:** That is not ours to do.

**Village Manager Frobel:** That, I do not know.

**Trustee Apel:** Well, then, I think it would be up to us to tell them they have to pay back.

**Mayor Swiderski:** Just leave it at that?

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

**Tim Downey, 520 Farragut Parkway:** There would be an easy way to do that. If you had an audited accounting from the water company, a spread sheet on what they are collecting, if you could crosscheck it against a good sample size, based upon their itemized audit like your household, your household, your household, then go back against what has actually been showing from the bills that might be one way to catch them. I am distrustful of saying could you tell us what you are collecting? But an audited account of it that you can do a forensic analysis on, you could back-check it against bills here and could find out whether they are paralleling each other.

I am going to send out two emails to you. I have been waiting on the DPW study but I cannot wait any longer to submit what I want to submit. Insofar as our DPW practices, we are operating, in many respects, in a 1970s methodology for a 2014-2015 type of approach. We are using tactics and strategies that, once upon a time, dealt with just jumping out and collecting some garbage, whereas now we are doing two forms of recycle and trash. I am

going to break down different elements in terms of approach. The other e-mail has to do with snow removal. The way we are going about our snow-clearing services again is antiquated. There are much faster ways to do it. You have to make an investment in certain equipment, but you have to rely upon technology and equipment as opposed to the old-fashioned bucket loader. It is much more efficient, safer to our infrastructure, our curbs, which are taking a beating from the current practice. I will try and condense them as best possible, but take a moment and read them if you would.

**Frank Broadhead, 1 Main Street:** My question is about BP and the relationship between the Village and BP. The question is for those of us who are concerned about improper legitimization of BP through its sponsorship of Village activities and so on. When are the next cycle of arrangements or contracts or grant submissions due? When, and how, would be an appropriate time to raise this as a matter of public policy? All of you signed a letter to *The Enterprise* in support of the climate march recently. We would agree that over the last few years we have come to a greater understanding about climate issues, and particularly about the heinous role of fossil fuel companies and BP in this. I do not think that now, for example, we would undertake a youth program sponsored by Phillip Morris. It is time to revisit the BP relationship. When, and how, can we go about doing this?

**Mayor Swiderski:** The Village does not approach BP, and they do not run a formal process where they solicit projects. They are open to submissions for requests for money from any entity in the Village. That can include the Friday night event, that can include the Fire Department. We do not keep a centralized tally of what they are giving, but lately there seems to be less of it. It used to be we were aware, roughly, that around \$30,000 a year was being disbursed. It appears to be less than that. We are not entirely sure where it all goes because, again, it is not run through the Village. I do not submit letters to BP. It is individual entities and events submitted separately.

**Mr. Broadhead:** Are you aware of which entities these are?

**Mayor Swiderski:** Over the course of the last five years BP had given money to the Fire Department, to Little League, to the Take Me to the River concert, to Friday Night Live, and I know there have been others.

**Trustee Armacost:** Family to Family. There are a few others, as well.

**Male Voice:** Henry Hudson's anniversary.

**Mr. Broadhead:** Do the Trustees believe this is Village-wide public policy, and that the Village should have some role in saying how terrible this is?

**Mayor Swiderski:** I do not personally feel that way. If we had the money to disburse, ourselves, freely to those organizations it would be one thing. But they are a substantial owner of property that is not producing the revenue it used to to this village, and I personally will take an income out of a property owner one way or another if it finds its way into various Village organizations. That is my own personal position.

**Mr. Broadhead:** So the analogy of the Phillip Morris and youth program would apply, as well, for example.

**Mayor Swiderski:** I cannot speak to that. That is not what is happening here. BP is the owner of record on that property, and various entities reach out to them and ask for it. If a youth program thought that was a good idea to reach out to Phillip Morris it would not be mine to condemn them. Again, I am not speaking for the Board, I am speaking personally.

**Mr. Broadhead:** Are there other members of the Board who might have a different opinion?

**Trustee Jennings:** I think corporate philanthropy across the board in the United States is a very important thing that helps support not-for-profit organizations and activities in almost every community. I do not think one should condemn corporate philanthropy, per se. My concern would be if strings were attached to the support of local groups by a corporation that had a self-interested content. I would not want Phillip Morris to fund a program to get teenagers to start smoking. Phillip Morris funding something that had nothing to do with smoking behavior I am not so sure would be objectionable. Philanthropic grants to community groups, with no interference and no strings attached in terms of their programming, strikes me as not objectionable. At some point, the behavior of the corporation may become so objectionable that even its philanthropic division is tainted. I could see that as a possibility. I do not know that the local government would have any role in that. Under those circumstances the local government should not have anything to do with receiving funds itself. But you can play an educational role to alert citizens and not-for-profit groups about the behavior of a corporation insofar as we know about that.

**Patrick Randolph Bell, Prince Street:** Congratulation to Barbara Prisant for being selected as the Downtown Advocate. I think she is going to do an awesome job. She is a wonderful person who really knows what is going on. So congratulations, Barbara.

We have this new plastic bag lawsuit from the Food Industry Alliance against the Village. I read the lawsuit, I posted it on 10706 for the rest of the Village to read. It is not legal advice, but my suggestion may be completely drop the law now. Use that lawsuit as a roadmap.

Follow what you are being sued for. They are saying we did not do this? Do that. We did not do this? Do that. Come back in a couple months with new information that they are requesting. And ask the state for permission to have a test village of some other kind of concept. If they are saying the state has their own way of doing it, ask the state for permission. Bring it back up, make the lawsuit a moot point. Kill all their points now. Perhaps we can still pass this plastic bag ban that you would like to pass.

For Tim Downey and the tree people in the town, nice job on Farragut Parkway. I can see how it is going to help the trees there. Then the cherry trees that were cut down. Are we going to put those kind of trees back? People really loved those trees, and they were so pretty. To see Ms. Waczek sitting there with her dog, I loved that image of a nice old Village woman who has lived here for a long time, and her tiny dog. It has exemplified some of the best things about our village.

About the Farmers' Market and the trash, one of the library people thought there was too much of it. The DPW said they accidentally missed one pickup. Perhaps we could make a sign that says pack in and pack out what you have here. Perhaps the Farmers' Market could bring their own cans for trash recycling and then dispose of them so that there is not extra trash being pushed onto our DPW for something that does add a great value to this village.

The suicide fence, I talked to one of the guys working on the Warburton Bridge. They are thinking that one side for the Cropsey may be up by December. I told them slow it down, hopefully. He says the last thing they are going to do is put up the fence on both sides. So we have some time if we are going to maybe approach in a different direction.

No male or female impersonators clause and our no discrimination clause. I t want to see if we have made any progress on it. When I brought this up nobody could figure out how anybody would be discriminated against for gender expression. Transgender people experience double the unemployment rate of the general population, according to a study by the National Gay and Lesbian Task Force. About 90 percent of them reported harassment or discrimination when they did work. I would like you to keep that in mind, and maybe we can push that battlement a little forward, the discrimination clause, the sexual orientation and gender expression. I looked at the Town of Greenburgh website. They do not have it either. I am going to have a talk with Paul Feiner about that. And the no male or female impersonators, the ACLU loves this one. They have a whole section dedicated to this so I have been talking to them about it. They are very interested in that concept.

**Mayor Swiderski:** Try to keep in mind the typical limit in terms of timing on this.

**Mr. Bell:** Sure. Five minutes, right? What am I up to, 3?

**Mayor Swiderski:** Getting toward 4 ½.

**Mr. Bell:** You guys are always great. I saw Ms. Apel at one of my old roommate's father's Ken Tucillo show in town. It is great to see part of our Board out in the town and hanging out with individuals and meeting all different folks. That is a great thing that more people should do. If you do not all have Facebook pages you should. Check out 10706. You do not have to comment. It is crazy on there sometimes. But read everything. Read as much as you can in your free time. It is informative as to what the citizens of our village are speaking about and thinking about, at least some of the more outspoken ones and the ones who read them all.

**Mayor Swiderski:** Wrap it up.

**Mr. Bell:** Finally, as a courtesy I want to let you know about the freethinkers of Hastings-on-Hudson and the downtown holiday display which we are thinking about this year. We would like to put up a Festivus pole on Black Friday at midnight, since it is a symbol of anti-consumerism. I think that might be the best time to put it up. As a new accepted symbol of atheism I think that would be great. The freethinkers of the Freedom from Religion Foundation likes this and they support it around the country. I would like to put back up the same sign I had last year. I will try to make it look prettier this year. It says be good for goodness' sake. This is supported by the American Humanist Association, which last year Mr. Swiderski said there is a humanist philosophy. That just says be good for goodness' sake. And also the symbol of the American atheist, or the atheist symbol, which is accepted on tombstones in Arlington National Cemetery for our dead soldiers. It is one of the 55 accepted symbols, something like that, that our government does accept to be put up on a tombstone in our national cemeteries for soldiers.

**Mayor Swiderski:** Patrick, wrap it up.

**Mr. Bell:** It is OK. The last thing I want to say is, also as a reverend in the Universal Life Church, I do, and would be willing to, perform. I have not yet, but I would be willing to perform gay marriages and same sex marriages. Whereas the Catholic church, which has the manger there at St. Matthews, do not. Chabad of Rivertowns also does not. I went to Chabad today, spoke to the rabbi. Very sweet guy. He says he does not perform them.

**Mayor Swiderski:** Patrick, enough. Five minutes, you are at 8. Let us wrap it up.

**Mr. Bell:** I just wanted to do that as a courtesy, and thank you for all your time. I appreciate it.

**Mayor Swiderski:** I am going to ask that the 5-minute limit, in general, be respected.

You did steal a bit of the fire. I want to introduce Barbara Prisament for those who do not know her. Could you come to the mic so those on the camera can see you? If you have something you want to say, or just say hello to the camera and say your new role.

**Downtown Advocate Prisament:** Thank you for the opportunity to work with the Village. I really appreciate the support of the Board and everyone that I have talked to so far. Looking forward to doing great things together.

**Mayor Swiderski:** Thank you. You have started with a bang. It is your second day, and I think you have already been on the job for about 5 years. But thank you.

#### **55:14 COMPLETE STREETS POLICY**

**Mayor Swiderski:** Do you want to summarize the changes that were made?

**Village Attorney Whitehead:** Primarily there was some inconsistency with some of the terms and how they were used, in particular "sustainable," "complete streets," and the use of the word "policy." So we revised it. The idea is to incorporate both of these policies. That, I believe, are the only changes that were made. There was some cleanup language that was pointed out when we discussed it at the last meeting. The appendix is now attached. It has been retyped because it was a poor quality PDF. So thank you to Susan's office for retyping the whole thing. We also changed what used to be referred to as "design guidelines for complete streets." We have changed that to "design features." We talked last time about using a different word, but design features is the terminology that is used in New York State's Complete Streets law. So now the language is consistent with what the state uses.

**Mayor Swiderski:** Any issues or questions from the Board? Does the Conservation Commission want to comment? The Board notes a thumbs-up from the Conservation Commission.

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

**WHEREAS,** "Complete Streets" are defined as roadways that enable safe and convenient access for all users, including bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation and seniors; and



**WHEREAS,** "Sustainable Complete Streets" are defined as Complete Streets with elements of design, construction and operation that also serve environmental sustainability, including the retention of storm water through the use of permeable surfaces and landscaping elements such as street trees, planters, bioswales and rain gardens and, further, landscaping design features that curb storm water runoff have been found to contribute to safer mobility; and

**WHEREAS,** streets that support and invite multiple uses, including safe space for pedestrians, bicycles, and public transportation, are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles and trucks; and

**WHEREAS,** promoting pedestrian, bicycle and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

**WHEREAS,** many studies show that when roads are better designed for bicycling, walking and transit use, more people do so; and

**WHEREAS,** local focus on Complete Streets is compatible with New York States Complete Streets law, which requires that Complete Streets Design Features be considered for the planning, design, construction and reconstruction of roadways receiving federal and state funding; and over 40 other municipalities in New York State, 27 other States (as well as Puerto Rico and the District of Columbia) and at least 495 regional and local jurisdictions now have Complete Streets policies; and

**WHEREAS,** Complete Streets enhance safe walking and bicycling options for school-age children, in recognition of the objectives of the National Safe Routes to School Program and the Centers for Disease Control and Prevention's Physical Activity Guidelines; and

**WHEREAS,** the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and

**WHEREAS,** Complete Streets are supported by the Institute of Traffic Engineers, American Planning Association, American Association of Retired Persons and many other transportation, planning and public health professionals and organizations; and

**WHEREAS,** the implementation of Complete Streets will help the Village of Hastings-on-Hudson to achieve its goals as a Climate Smart Community; and

**WHEREAS,** the Federal Department of Transportation encourages States, local governments, professional associations, community organizations, public transportation agencies, and other government agencies, to adopt policy statements expressing their commitment to accommodating bicyclists and pedestrians as an integral element of the transportation system [Ref: United States Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation, May 11, 2010], now therefore be it

**RESOLVED:** that the Village of Hastings-on-Hudson Board of Trustees does hereby establish a Complete Streets Policy that provides as follows:

Purpose and Intent

- A. The Village of Hastings-on-Hudson seeks to enhance the safety, access, convenience and comfort of all users of all ages and abilities, including pedestrians (including people requiring mobility aids), bicyclists, transit users, motorists and freight drivers. This can be accomplished through the design, operation and maintenance of the Town's transportation network, so as to create a connected network of facilities that accommodate each mode of travel, consistent with and supportive of the local community and recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner.

Bicycle, Pedestrian and/or Transit Improvements

- A. For the purposes of this Policy, the term “bicycle, pedestrian and transit improvements” include those facilities and amenities that are recognized as contributing to Complete Streets, which may include, but are not limited to, street and sidewalk lighting; sidewalks and pedestrian safety improvements; median refuges; crosswalks; improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; transit accommodations including improved pedestrian access to transit stops and bus shelters; bicycle accommodations including bicycle storage, bicycle parking, bicycle routes, shared-use lanes, enhanced shoulders or bike lanes; street trees; landscaping; signage; street furniture and adequate drainage facilities.

Applicability

- A. The Village shall consider Complete Streets and Sustainable Complete Streets and associated practices when planning roadway projects, including design, planning, reconstruction, rehabilitation, and maintenance (with the exclusion of minor repairs and routine maintenance), and when considering new development within the Village of Hastings-on-Hudson by taking into consideration the features set forth in the Design Features for Complete Streets and Sustainable Complete Streets (the “Design Features”) attached hereto as Appendix .
- B. The design of new or reconstructed facilities shall anticipate the likely future demand of bicycling, walking and transit facilities and should not preclude the provision of future improvements. [For example, under most circumstances bridges (which last for 75 years or more) should be built with sufficient width for safe bicycle and pedestrian use in anticipation of a future need for such facilities].
- C. Specifically, bicycle, pedestrian and transit improvements shall be considered in the design of the following activities, except as provided under subsection D below:
1. Construction of any new public or private road, bridge or right-of-way.

2. Paving, re-paving, re-construction, or widening of roads.
  3. Land development or re-development projects, as determined applicable/appropriate by the Village of Hastings-on-Hudson Planning Board.
- D. Bicycle, pedestrian and/or transit facilities may not be warranted under one or more of the following conditions:
1. A project involving only ordinary maintenance activities designed to keep assets in serviceable condition, such as emergency road repair, mowing, cleaning, sweeping, spot repair, concrete joint repair, pothole filling, or when interim measures are implemented on temporary detour or haul routes.
  2. The approving agency, in consultation with the Village Consulting Engineer where it deems necessary, determines there is insufficient space to safely accommodate new facilities.
  3. The approving agency, in consultation with the Village Consulting Engineer where it deems necessary, determines there are relatively high safety risks.
  4. The approving agency, in consultation with the Village Consulting Engineer where it deems necessary, exempts a project due to the excessive and disproportionate cost of bicycle, pedestrian and/or transit facilities as part of a project.
  5. The approving agency, in consultation with the Village Consulting Engineer where it deems necessary, determines that the construction is not practically feasible or cost effective.

This Policy shall become effective as of October 21, 2014.

Appendix A

<b>Design Features for Complete Streets and Sustainable Complete Streets</b>	<b>Y/N</b>	<b>Explanation</b>
<b>Pedestrian Facilities</b>		
Sidewalk with ADA compliant curb ramps		

Signalized crosswalk		
Marked crosswalk with signage		
Pedestrian detectors		
Audible signals		
Multi-use path physically separated from motor vehicle traffic		
No turn during red signs		
Safe and accessible public transportation stops		
Street furniture		
Other		
<b>Bicycle Facilities</b>		
Bike lanes and routes		
Shared lane markings/sharrows		
Bicycle signage		
Secure bicycle parking		
Multi-use path physically separated from motor vehicle traffic		
Other		
<b>Traffic Calming Elements</b>		
Landscaping, including street trees		

Narrower traffic lanes		
On-street car parking		
Speed bumps		
Reduced speed limit		
Visual street markings such as different pavement type or color		
Other		
<b>Sustainable Features</b>		
Permeable pavement		
Porous pavers		
Bioswales		
Vegetative swales		
Rain gardens		
Curb gardens		
Sidewalk planters		
Planted median islands/vegetative strips		
Street trees		
Street tree pits and trenches		
Bumped out planters		
Other		

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

**Mayor Swiderski:** Thanks to the Conservation Commission for yet more work well done.

#### **56:14 APPROVAL OF LOGO FOR REUSABLE SHOPPING BAGS**

**Mayor Swiderski:** Would the Conservation Commission mind if this is modified to read "Conservation Commission and Arts" ...

**Haven Colgate, 16 Crossbar Road:** I almost interrupted: "in collaboration with the Arts Hastings Village Arts Commission."

**Mayor Swiderski:** That will be reworded. Is it something you can show to the camera?

**Village Manager Frobel:** I do, but it is not very big.

**Mayor Swiderski:** We will ask if Raf can work that into the feed for this so it is visible.

**Trustee Armacost:** Which did you choose, the full wording of New York or just the initials?

**Ms. Colgate:** It will be one of the three options that you saw. We only got those two amendments from the artist last night, so the commission has not an opportunity to share the options with the Arts Commission. The artist is completely flexible and can redo those if no one likes them.

**Trustee Walker:** This is a design-related comment, and you can take it or leave it because a lot of other people have looked at it, but there are a lot of black lines. I wondered if some of the text could be filled in with a color. It might make it bolder.

**Ms. Colgate:** that was one of the comments in our private session. So that is under discussion with the artist, as well.

**Trustee Armacost:** Thanks to all of you for all the great work that was done. It is a lovely design, and it will be great to have those on the bags.

**Trustee Walker:** I really do like the design. I should have said that first because it is a great dynamic design. My only comment was, maybe it could be bolder and more legible.

**Trustee Jennings:** Do we have a sense of what color the bags themselves are going to be? That would make a difference in terms of how this is going to look.

**Ms. Colgate:** In response to Niki Armacost, I wanted to thank all the artists that gave us submissions. We had a fabulous palette from which to choose, and some very talented people put in a lot of hard work and creative thinking. We will share the other submissions at some point. To your point, we have not researched all the bag options yet. If that is something people would like to see, I am sure we could accommodate that.

**Trustee Jennings:** My only thought was that it does not make sense to finalize with the artist what colors will be used unless you also know the background.

**Trustee Apel:** I think it is great. But one of the concerns I have is that if there are too many lines the print may crack off however you are printing it on certain materials. It should be kept simple, and I like your idea of filling in more color. Otherwise, you will have this great design and then it will have a mush.

**Trustee Jennings:** I was at an event and we were given bags with a logo design on them. This was done with a cover of a magazine on the outside of the bag. It was like it was a separate piece of canvas which had been adhered, then, to the bag so it had an integrity.

**Trustee Apel:** That is probably more expensive.

**Trustee Jennings:** It was never going to break up and peel off. I do not know anything about this technology, but I think people who do could look into that approach.

**Mayor Swiderski:** The name of the artist?

**Ms. Colgate:** Amy Huelsman.

**Trustee Armacost:** So a Hastings resident.

**Mayor Swiderski:** All right, congratulations.



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 approve the logo as selected by the Conservation Commission for use on reusable shopping bags and on informational materials and signage to promote the use of reusable shopping bags.

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

**57:14 HASTINGS FARMERS' MARKET – APPROVAL OF USE OF MUNICIPAL BUILDING PARKING LOT**

**Sue Smith, Farmers' Market:** I am here on behalf of the market, coming to request again the winter schedule for the part that would be outside. There is one additional day from the previous years. We found that the vendors and the customers were confused when it was not every other week. When that fifth week happened, people got off-kilter. So it seemed if we did it on a cycle of every two weeks, which would add one day to the winter schedule, six months of winter, that that would perhaps help people. May has the extra day, and it happens to fall after Memorial Day. People also seem to think the market started after Memorial Day. This would accommodate that mentality of after Memorial Day summers starts.

**Trustee Apel:** I would like to discuss the fact that December is cold and we are getting into cold times. I am going to bring up something. I want to say how much I like the market. I do not want this to be construed that I do not like the market. But I was wondering if we could not either have it inside, or have we considered, since the Flea Market is doing well in the other lot, moving it down there for those times to try it out to see how successful it would be instead of up here. We have other people to consider that live in the neighborhood, and we have this argument all the time. I think it would be nice to at least try it down the hill for awhile and/or decide to have it in an indoor facility. Maybe we would go back to the Community Center in those days.

**Ms. Smith:** Santa Claus is at the Community Center for at least one of those times. I understand, but I will let you finish.

**Trustee Apel:** One, to have something indoors because the weather would be bad, and also to have it in a bigger space. You have lots of vendors coming and you need more space sometimes.

**Ms. Smith:** Winter is smaller because we do not have the big vegetable people. We have some small vegetable people who grow inside, but we do not have the big ones.

**Trustee Apel:** In the wintertime, for you, the bad weather would be December. And April is not particularly warm, if I remember correctly.

**Ms. Smith:** We take our chances. In New York City they are out the whole year. We have wanted, since 18 years ago when we started very small and have grown tremendously, in all kinds of ways, in appreciation and participation, to be close to the downtown. We have a good synergy with the library, and people come to the library from downtown. Down the hill is enough farther. Not that some people do not walk. We ask them to park there and to walk up. But it takes away the Village connection because you are part of the Village here. Being down there is another thing; then they are not going to go into the Village. We took the survey a couple of weeks ago of the people who shop at the same time they come here, or sometimes or all the time. It is a lot of people that do other Village errands at the same time.

**Trustee Apel:** I would be interested to know how the Flea Market is doing, though, in terms of are they getting people to shop. And, of course, I realize that it is on Sunday.

**Ms. Smith:** It is on Sunday so there not so much open.

**Trustee Apel:** I know it has been brought up before, but we are getting pushback from people in the community. And I think we have to hear from them, too.

**Ms. Smith:** I appreciate that.

**Trustee Apel:** They signed up, and they have come to terms with that.

**Ms. Smith:** To endure it.

**Trustee Apel:** Now we are adding more time. I think of myself, and if I had moved into the community and I knew this was going on, I opt to buy in and live where I am living knowing this is happening. But when I am living there in the community, and little by little I am

losing my places to park, some of the things I hear are that they do not want to leave their house because they are going to come back and will not find a place to park, they cannot have people over on the afternoon, they cannot do it until after 4 o'clock in the afternoon or whenever it is when you are finished. We have to listen to those people, too. I am not prepared at this time to vote on this because I need more information. I would like to know if there is anything else we could do to make those people happy as well as yourself and how we could work this out.

**Ms. Smith:** I would be interested to talk with you about it and more about what you have heard from people. I have one thing that will be into the record in hand, but I have not personally heard, nor the market committee people heard, from others. You are indicating something rather broad, and I would like to know if that is the case.

**Trustee Armacost:** Marge, is your concern about adding one more day? Or is your concern about all of the days altogether? I think all that is being asked of us tonight is to have one more day, is that right?

**Ms. Smith:** One more day compared to last year in the six-month time.

**Trustee Apel:** Every once in awhile it comes up and I think we need to address it.

**Ms. Smith:** We know it is going to come up.

**Trustee Apel:** Other people have concerns, and I think we need to think about that. We now have a Downtown Advocate. Maybe the Downtown Advocate would be able to come up with some thoughts with people and discuss some of these issues.

**Trustee Armacost:** But if it was cut back to what was voted on last year, would that make it more acceptable?

**Trustee Apel:** I am not speaking for myself. I do not know if it is making it more acceptable. If I was a homeowner living here I just see that you are asking for these dates. And even though it has happened every year, every year they are probably hoping that somebody will look at this issue and not have it.

**Trustee Armacost:** I think Marge is asking us to re-look at the whole list. I had originally understood that you had an objection to the one day being added, but I think you are asking us re-look at the whole issue of any of these days.

**Trustee Apel:** There is that. Because I remember and I understand. Yes, I think we should look at all the days as additions onto and how they are affecting the people that are here.

**Trustee Armacost:** That is a real challenge for the people who are in the Farmers' Market. They rely on these days, at least on the days which have been the traditional days. We need to have a very clear procedure. If we are going to review this, I think it cannot drag on for a very long time. Or we can decide to pass the original days and not pass that one extra day.

**Trustee Walker:** I am confused. Are we looking at location, or extra days? Do you want to review the location?

**Trustee Apel:** I think it is location. Because if the people in the community want to take back their street and their parking and whatever they want to do, then we have to look at the location and decide if there is something better that would be good for those residents and everybody else involved.

**Trustee Armacost:** That is going to take a long time. If that process is happening we should agree to move forward as things have been going on for the last 18 years, and say that we are going to have that kind of a review on a date in the future. That would be my recommendation. A lot of people's jobs and businesses depend on the Farmers' Market, and it will not be resolved in time for the December dates.

**Mayor Swiderski:** We have two meetings left before the December date. I suspect you need more leeway.

**Ms. Smith:** We would try to let people know ahead of time so they know what is happening.

**Trustee Armacost:** It is a fairness issue for the people who are already involved. While I understand there are issues for other people, what we need to do is have a proper notification period with a number of months in advance so people who care strongly about this issue can make decisions on either side. It should be done in a procedural way which is fair to all people. But making what feels like an arbitrary decision, meaning we have not spent the time thinking it throughout tonight, to stop it will affect a lot of people's livelihoods.

**Mayor Swiderski:** I have one e-mail of record which I want in the record. But beyond that, I have not heard a complaint. I agree with Niki. Either we have a proper public hearing, where people can come out and express their opinion, or not. But I cannot have this decision made on the basis of one e-mail on record. It seems unfair to the market as a whole. I do not dismiss the idea of opening it up for discussion. It is, periodically, a healthy thing to do. You bring up an interesting point: that the Flea Market is a living example of an alternate

location, and it would be interesting to hear whether that has been more, or at all, effective in getting people to the downtown and how that compares. There is a perception, incorrectly apparently, that the Farmers' Market does not do that enough or will certainly do it even less.

**Trustee Apel:** We do not know that. We do not know anything at this point.

**Mayor Swiderski:** We do not know that, but it worth having that discussion.

**Trustee Armacost:** We should set a date several months out so there is time for people to adjust. We should make clear what the process is going to be in advance. In the meantime, if there is a concern with the extra date we can pass the resolution without that date. But at least get the other dates set so the Farmers' Market merchants and villagers who rely on the Farmers' Market know that they have that time set.

**Trustee Jennings:** I agree. If we are going to take a look at the program as a whole we cannot do it just before the planned program is about to start. If there is to be a reconsideration of either the dates or the venue then it should be a year in advance so you would have plenty of time to notify everyone in question. If I were a vendor I am not sure if I would care whether I had to drag my truck up one place or another, but I would definitely care about the dates.

**Trustee Walker:** In terms of the dates, it would be nice to honor their request for the extra day. It will better for the vendors and the community, as well. In my mind, the more Farmers' Market days the better. In terms of the location, it is worth revisiting. It would be good to have the neighbors within a certain radius or maybe just on Maple Avenue notified that we are going to have this discussion so it is not just buried in an agenda. Maybe we have an informal discussion before we have any public hearing to look at the pros and cons. We can also ask the merchants, so Barbara could be involved in talking to the merchants about it and they could come to this discussion. So giving a lot of notice for this discussion, and looking at it from all sides. I have no trouble with that.

**Mayor Swiderski:** I am going to drop some of the planning into Trustee Apel's lap, since this was her idea. When would make sense, February, March, in terms of timing for a discussion? It would be after a couple weeks.

**Trustee Apel:** March or April, yes.

**Trustee Armacost:** That is budget season.

**Ms. Smith:** Also, by then we are into the summer season. So we need lead time again for vendors. That is every week, so unless you are planning to change that.

**Trustee Apel:** It may not be until the summer when I am available to do that. But we will see.

**Village Attorney Whitehead:** So the idea of a discussion is for next year?

**Trustee Apel:** Yes.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the use of the Municipal Building parking lot for the Hastings Farmers' Market on Dec. 6 and 20, 2014; Apr.11 and 20, 2015; and May 9, 23, and 30, 2015.

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

#### **58:14 NEW YORK STATE SNOW AND ICE AGREEMENT AMENDMENT**

**Village Manager Frobel:** This reflects the more severe winter than the state anticipated when we initially entered into the agreement. After the winter there is an audit and they make an adjustment reflecting the amount of effort that we put into it. This shows the original estimate to be around \$9,500 when, in fact, it is closer to \$27,000. I expect we will get one from Westchester County, as well, although I have not seen it yet.

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign Amendment B to change the estimated expenditure for the New York State Snow and Ice Agreement for the 2013/2014 snow season from \$9,544.80 to \$26,503.91.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
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:** The sidewalk restoration project is moving along on schedule. The crews expect to be finished with Main Street this week. Even with the rain anticipated for tomorrow, they should be able to do removal operations in the rain. They cannot pour cement in heavy rain. They they will move their way up to Warburton. We are probably looking at another three weeks of work.

**Mayor Swiderski:** That sounds like it takes it into November, so what are the odds of Main Street getting repaved?

**Village Manager Frobel:** It is becoming more and more remote. I spoke with Con Ed officials today. Probably going to have them do a very good repair on Main Street, not a resurfacing. And you have seen the quality of their work. They do good repair work when they do patches. They will do the streets before the onset of winter, and then in likelihood will be back in the spring and do a complete overlay. But I would rather not run the risk of not being happy with the paving job if we do it too late in the year.

**Trustee Walker:** Is there any risk with the sidewalk repairs going later than you envision, and getting into holiday and shopping seasons?

**Village Manager Frobel:** Should not be. They promised. It looks like three weeks more.

**Trustee Walker:** It just started a lot later than we ever expected.

**Village Manager Frobel:** It did. There was probably a two or three week delay in starting.

**Trustee Walker:** They switched contractors.

**Village Manager Frobel:** Right. But they are making good progress. Main Street was the biggest amount of cuts. Warburton is less so it should move quicker.

I want to assure Mr. Gonder, because I know you raised the point earlier, about the fire hydrant challenge. The amount the Village has paid for the hydrant rental is not included in this year's budget. You mentioned you will watch this carefully next year. We took it out this year. We are not making that payment. So not only will it not be in next year's, it is not in this year's budget.

**Mr. Gonder:** But I am still paying the tax for it, and you are not.

**Village Manager Frobel:** I understand. But I did not want you to go away with the impression it was contained in the operating budget of the municipality. It is not .

**Mr. Gonder:** But I still would like to get whatever it comes to, \$100, in a check.

**Village Manager Frobel:** We will be holding a work session sometime before Thanksgiving. Typically at the end of summer I present the capital improvement budget to you. This year, because of other commitments, I let that slip a bit. So I expect sometime within the next two meetings we will spend an evening going over the capital improvement plan. I know the Board wants to see that plan before I present to you the operating budget. That will be not only focusing on key departments we have already talked like police, fire and parks and rec, but you will get a complete package. It is important that you see that package, especially in relation to what I have been telling you about the government efficiency law, the tax cap law which you are already familiar with, and our debt limitation. We have different factors all coming together at the same time, and you deserve a comprehensive look-see at all the needs of all the departments in terms of our heavy equipment and other capital needs.

I also wanted you to have a flavor from the auditors. They just completed their field work. They are probably going to be here before Thanksgiving making their oral presentation to you on the budget. I also provided you with language to establish your capital reserve fund. So that same night you are going to hear from the auditors not only how we did last fiscal year, but also about the capital improvement reserve policy we have developed for your consideration. So a lot of work before the end of the year. But I do want to present this in a very comprehensive fashion.

The Fire Department is here tonight. I do not know if the gentleman thought it was on the agenda to talk about your Protection needs and the pumper. I will yield my time to them, Mayor, if you would like to hear from them. But it is going to be part of a more comprehensive approach. Not only do you have the Fire Department to be concerned about, you have got to worry about the DPW, the police and parks. So there are several key items



that are all going to come into play this year as you begin to fashion a capital improvement budget for this fiscal year.

**Trustee Armacost:** It sounds like you have an excellent plan for laying out all the different elements that are going to be important. I would like you to take a little time in one of these upcoming meetings to explain the property tax freeze government efficiency plan both to us as well as to the public. We need to have that discussion prior to hearing about the capital plan and other budget issues. It underlies all of those other issues so it is important to understand that up front.

**Village Manager Frobel:** I would be happy to. I will take the narrative I presented and elaborate on it and explain it to the community. It is a very serious opportunity both to reduce taxes and an obligation, if you so choose, to participate in that program. It is something we are taking very seriously. At the last staff meeting, I explained to the department heads that they have to begin to think now of how we are going to reduce our expenditures by one percent. It is a big number for a small village like Hastings, which is why we are thinking of joining with our neighbors to try to come up with a comprehensive plan affecting all of, because we are all in this together.

**Trustee Armacost:** Is the idea to have this discussion in a separate work session or during a normal Board meeting?

**Village Manager Frobel:** I think a special night. I hate to feel rushed, and your agendas have been heavy. But I think a special night of just talking about the capital improvement plan because I think it is that important. And again, to allow the full flavor to come out from the department heads. You are going to need to hear a comprehensive plan and how we intend to address our capital needs.

**Trustee Armacost:** I was talking about the property tax freeze government efficiency plan.

**Village Manager Frobel:** As the Mayor mentioned, that would be part of my presentation next meeting. No need for a special night for that.

**Trustee Jennings:** But are you talking about a special work session on the capital plan in the month of November?

**Village Manager Frobel:** I was hoping to.

**Trustee Jennings:** Could we decide on that day tonight, or is it premature?

**Village Manager Frobel:** It could be before the end of the year. You do not get the operating budget from me until February so we have got time. Let me look at your agendas for the next two meetings and, if possible, before Thanksgiving. If not, in December.

**Mayor Swiderski:** The sooner the better. All right, thank you. Chief?

**Assistant Chief Bannon:** I was under the impression because I got an e-mail from Chief Russak that Manager Frobel would like to hear the update on our process of purchasing a new engine. I hold in my hands the specs. We are ready to go, we did not want to waste any time, we wanted to have everything ready. It is a custom piece of equipment. I can answer any questions you people have. I can give a copy of the specs to the Village Attorney, she can look them over. I know you have your budget process. But our 1991 is not compliant, and we just finished the ISO rating at which we got a higher rating. In the future, having that piece of apparatus as a frontline piece of apparatus will probably bring our ISO rating down. I was under the impression that the Board wanted an update so we have been ready to give you an update.

**Mayor Swiderski:** A few minutes, it is important.

**Village Manager Frobel:** Sure. That is why I said I would yield my time now, if you like.

**Assistant Chief Bannon:** Like I said, we are ready to go. We are looking to purchase a 2015, 1,750-gallon pumper, which would equal what the other two engines have. It has to be custom built for our firehouse. We had an engineer do a study of our firehouse, and in order to get something stock we would have to do millions of dollars of renovation to the building. It is an old building and that does not seem feasible to us. So it has to be custom. As well as the hills and the terrain of Hastings.

**Mayor Swiderski:** It needs to be custom because stock has grown too large to fit?

**Assistant Chief Bannon:** Without a doubt. It has always been custom only because of the height. Years ago they were very small, but now they have just gotten bigger and bigger. We put out seven to twelve requests for vendors to come and talk to us about. We got four that said they can build it out of that.

**Mayor Swiderski:** So the issue is shrinking it down.

**Assistant Chief Bannon:** Yes, shrinking it down, being able to fit everything we need by NFPA standards on it, making it safe, making it usable. We are increasing the pump volume with no added height or weight to the truck. So we are trying to get more bang for our buck,.

**Trustee Walker:** This is in the Protection engine?

**Assistant Chief Bannon:** Yes. Currently, it is a 1991 and it has served us very well for 23 years. But it just about time. It is a one-year build-out time, at which time when that piece of apparatus goes online we can watch it being built daily. They will give us a password to get in and we can look at each picture they take as it goes down the assembly line.

The safety features are paramount to us. The curtain airbags they have in the cab of this piece of equipment are the best in the industry because you do not want firefighter injuries responding to alarms. I can give you numbers that are astronomical. There was just an article today about a fire chief who was killed responding to an alarm. They will check out the Pierce after they are awarded the bid to see if it is worth a trade-in value. We can go that route. We can use it as a spare engine. That would also increase our ISO points. We lost some points because we did not have a spare engine.

**Trustee Apel:** Where would you keep a spare?

**Assistant Chief Bannon:** We would have to work something out with the ambulance building, maybe do something back-to-back with the ambulances and put it on the other side. If we go out of service, there is nothing protecting the downtown area. We are located in the highest-populated area in town. You want to have water right away around here. There are new NFPA-EPA standards coming out in 2015. They are not major, but there are going to be changes, as always. There is financing available. They also offer a prepayment plan which would save the Village in finance charges. We started working on this in 2012. We went to quite a few exhibits, we met with a few vendors, and this is what we came up with. This is our spec, and now the process is, if the Board is willing, go out to bid with it. We estimate the cost of anywhere between \$640,000 and \$670,000. It is a one year build-out.

Protection Engine is celebrating 140 years in 2016. We have been granted the Westchester County volunteer fireman's convention and parade, and we will be hosting in September of 2016. There will probably about 2,000, maybe 3,000 firemen. We are going to have a Friday night party. I will keep you up to date as we get all that together.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Advanced Notice for Liquor License – Taiim Falafel Shack**

**Mayor Swiderski:** This is a courtesy to allow us to comment, but we do not have legislative control here. Right?

**Village Manager Frobel:** Exactly. Because it is new, we would like to have it come before the Board. We also did it for the proposed operation on 45 Main Street. Nothing came of that. But this one did come in, and we wanted to have it in front of the Board for your reaction and comments that could be passed on to the state in their review.

**Zamir Iosepovici, Owner, Taiim Falafel Shack:** To be clear, this is not a full liquor license application. It is for a beer and wine license. Many people have asked me why do you not just have simple beer. For the first two years as the business got going that was the last thing I wanted to think about. In the last two years I worked under the assumption that the one-bathroom rule would prohibit me from doing so. Apparently, I have just found out, this was pure stupidity on my behalf because the one-bathroom rule does not apply to beer and wine licenses. I have the attorney that is representing the business issue a letter. There are seven copies here.

That is the first issue. Apparently, the one-bathroom issue would not apply to businesses as small as mine applying for a beer and wine license because of the hardship. There are only 19 seats, and we would apply that it is cost prohibitive to build that second bathroom. That is the waiver. The issue with the church also, under the law, does not apply. When you apply for a liquor license you have to be away from a house of worship 200 feet or obtain a waiver from that house of worship. The two sections I provided the Board show that the application is under 64-A, all liquor license applications, where that 200-foot rule applies. When you go to 81-A, that does not apply to beer and wine licenses. I highlighted those on the sheets. That is an issue that will not be a problem.

The hours will stay the same, very limited for a restaurant, 11:30 a.m. to 8:30 p.m.. We are closed Sundays and Mondays. It is really to enhance the business of those who wish to have this. I will not even carry bottles. A can of beer with a falafel, and probably will not even carry wine for that matter because unless I can find simple service; I have no intention of having my employees uncork bottles of wine. This is not the kind of place that calls for that.

**Mayor Swiderski:** There was one question raised about the fact that you left unchecked "type of establishment." There are multiple boxes there, and you did not check any one of them. It requests at least that "restaurant" be checked off so we do not end up with music or topless bar there.

**Mr. Iosepovici:** That was just a notice that was sent to the Village. I guess we just put "restaurant?"

**Mayor Swiderski:** Yes, check it.

**Village Attorney Whitehead:** And just confirm that that is what was checked on the application.

**Mr. Iosepovici:** The application has not been sent out yet because I have to wait 30 days after notice is received. I believe I was told that it was received on the 26<sup>th</sup>.

**Village Clerk Maggiotto:** The 29<sup>th</sup>.

**Trustee Walker:** I have a question about number 15, where it says licensed outdoor area, none. I am happy you are doing this and I think it is a good thing. I am not against it at all. I will be having a beer there. But number 15, licensed outdoor area, what about having a sidewalk café where you could serve alcohol. You do have tables outside.

**Mr. Iosepovici:** Yes, but the tables outside are limited to from May through October. I did not want to seek that. Again, it is not going to affect the business in and of itself. I am not looking for alcohol to enhance the business. And the clients we do have outside are limited because we only have three tables to begin with.

**Trustee Walker:** Will you have to monitor it and say I am sorry you cannot go outside with your wine or beer?

**Mayor Swiderski:** Why do you not just ask for it?

**Mr. Iosepovici:** I guess I could ask my attorney to ask for it.

**Trustee Walker:** I do not think we would be averse to it.

**Mr. Iosepovici:** This business, knock on wood, has flourished for four years or so. It has brought a lot of folks into the Village. Last Friday, I had two people who came in from Bergen County. The food is good. But I said there is nothing else? They said no, we wanted to come here. So this is just another angle, but we are not going to change the menu.

**Trustee Armacost:** I think it is a great idea. I think it is fantastic.

**Mayor Swiderski:** Is this enough for us to issue a letter in support, or do we just not act?

**Village Attorney Whitehead:** You do not need to do anything.

**Mayor Swiderski:** So we agree, but we do not need to submit a letter in favor or against.

**Trustee Jennings:** Is this process open to other entities in the community commenting, or is it just open to village government commenting?

**Village Attorney Whitehead:** Yes, they can comment.

**Trustee Jennings:** In that case, why are we so quick to say nothing? Suppose a private group writes a letter to the commission objecting to this license. Would it not be beneficial to have a letter from the Board of Trustees saying we think it would be good for the Village?

**Trustee Armacost:** Even though we do not have to do it, we could do it and it would be a positive statement on our part which would be supportive.

**Trustee Jennings:** Is there any reason not to do it?

**Village Attorney Whitehead:** There is no reason not to, but there is no requirement for it.

**Mr. Iosepovici:** My attorney is very confident, and I appreciate the Board's support. It cannot hurt. But I was asked to come here to answer any questions. I am not asking for it, but I would appreciate it.

**Mayor Swiderski:** I am indifferent to a formal letter supporting it. I think the likelihood of rejection is very low.

**Trustee Jennings:** I agree. But the effort to write a couple of sentences on letterhead is zero.

**Mayor Swiderski:** The Village Clerk has offered to put together the two sentences.

### **3. Increase of Income Threshold – Senior Citizen Rent Increase Exemption (SCRIE) and Disabled Persons Rent Increase Exemption (DRIE) Programs**

**Village Clerk Maggiotto:** The Village has participated in this program since 2006. I think three of you were on the Board at the time we did it, Marge and Peter and Bruce. We had quite a lot of discussion about it at the time. What this does is benefit senior citizens over the age of 62 in certain rental buildings. We have quite a few in Hastings that qualify under the Emergency Tenant Protection Act. It protects them, if they have a lowered income, from rent increases. In effect, what happens is the Village pays the rent increase. The rent has to be more than a third of their income.

**Mayor Swiderski:** Is it an actual payment, or is it a deferred tax?

**Village Clerk Maggiotto:** The way we have handled it because we have so few of them, we receive a statement from the building management for either the past year or the past two years and write a check and cover the difference, the increase. From the time the person applied, their rent is frozen at that level. So it is a way of subsidizing and helping people of lowered income stay in their housing, similar to what you offer for seniors in their homes. We offer tax exemptions for senior citizens who own their homes; this is an exemption for people who are in rentals. Since we initiated the program, we only have three tenants in one building that have consistently applied for this. We had one tenant in another building that has applied, but has not reapplied. This year, the payment was \$7,893.06 that covered for those three individuals for the past year. They have been in the program since 2008. It covered the increases, which are limited because this is under the Emergency Tenant Protection Act.

**Mayor Swiderski:** So what is involved here?

**Village Clerk Maggiotto:** We have a resident here who happens to be a member of the Rent Guidelines board, which is not directly related to this. But Genevieve Roche brought this to our attention. The income limit when we initiated this program was \$24,000, which had been set by the state. But the state has raised the income limit to \$50,000. So the Board has the option of raising the income limit to any number you want between \$24,000 and \$50,000 as the upper level of income under which a person would qualify.

**Genevieve Roche, 465 Broadway:** I am a tenant member on the Westchester Rent Guidelines board. Every year, the board for Westchester County enacts what the allowed percentage increases are for one and two year renewals, for those apartments that qualify as ETPA apartments. I have been on the board since 2010. I think Marge knows, I inherited this position from her friend, the Shapiros, because Jay left town. They talked me into this. My first year on the board, we were able to convince the board because I was just the new kid on the block and they did not understand I was a lawyer who lawyered accountants and could crunch numbers, we got the first rent freeze in 25 years for rent-stabilized tenants.

The larger issue is that there only now remaining 25,000 rent-stabilized apartments in all of Westchester County. So while making the percentage increases as low as possible helps, the real tragedy is the state law that allows vacancy income deregulation. When someone leaves the apartment can flip and become deregulated. Those two laws are causing a precipitous decline in the number of rent-stabilized apartments. A separate issue is the issue of seniors, which I do deal with in my presentation every year to the board. There are many seniors who live in rent-stabilized apartments and would have nowhere to go if they cannot afford their rent.

I put together some basic stuff to sketch it out so you would understand. If the Board were to increase the income limit in accordance with state law we are talking about a handful of people. But from my perspective, every person that we can help stay in their apartment and afford their rent, and not have to spend more than 30 percent of their income on rent, is something good for the community. The state law that authorizes this is RPTL-467B. As of July 1, the income threshold limit was raised to \$50,000. The last time it had been raised was in 2009, at which point it was \$29,000. Every municipality can pass its own law of what its limit is going to be. You just cannot go higher than the limit. New York City immediately went to the \$50,000. The Mount Vernon tenants union is also presenting it to their town council to get it raised. Many of the other towns in Westchester are already at the \$29,000. In March 2006 Hastings instituted the program for the first time at the \$24,000 threshold. It did not increase it in 2009 to the \$29,000 threshold.

I know the cost is an issue for you and you want to get your hands around how much raising the limit would cost. The current law is only good for two years. So whatever we do, it is going to be good for two years and then the state legislature has got to decide whether to continue it. Also, ETPA is up for renewal next year. There is some discussion among tenant advocacy groups of rolling SCRIE into the ETPA if, indeed, it is even continued. I think that it will be. Even if you raise it, which I am going to argue that you should, if in two years it is too much for the budget, the law can be amended.

We talked about the criteria. You have to be 62 years of age or older; you have to live in a rent-regulated apartment which is your primary residence; you have to have annual household income below the threshold; your total rent has to be more than one-third of the SCRIE-calculated household income, which they will derive from your federal tax return for the year prior to the year you apply. Recipients of Section Eight subsidies do not qualify. In Westchester the renewal lease has to be for two years, so that limits it even more. People who renew their lease one year at a time could not qualify for this. The current increase for the year beginning this October 1 is 2.5 percent. That does not seem like a lot, but you have to weigh it, when you consider for seniors on a fixed income, that COLA, cost of living increase, was 1.5 percent; Medicare premiums went up. The way the freeze works is that the tenant applies to the DHCR, not to the Village. They make the decision, and the landlord then would apply. They are supposed to get a tax rebate, if you will, much like the rebate or the exemption that senior property owners get. The landlord gets the difference, in other words. The landlord does not lose the rent. The way the program works is, the tenant's rent gets frozen and the municipality reduces the property taxes of the landlord by that amount. I understand from Susan that is not the way you reimburse the landlords.

**Mayor Swiderski:** We started off the conversation by saying we were cutting checks, or Susan did.



**Ms. Roche:** Susan is saying that, but I do not know the mechanics here. Generally speaking, the way it would work is that the landlord gets his rent. He just gets it in the form of less property tax.

**Trustee Armacost:** But can the landlord raise the rent at any rate the landlord wants?

**Ms. Roche:** No, it has to be the rates that the Board passes if you are in an ETPA building. We are only talking about people in those rent-stabilized buildings.

I did some demographic research based on the U.S. Census Bureau and it is their five-year estimates as of 2012. The 2013 estimates are about to come out any day from the Census Bureau. Approximately 18-19 percent of the population are seniors here, and approximately three percent of seniors live below the poverty level here.

**Mayor Swiderski:** But those would be already covered under the program, since I would assume that's the \$25,000 and under. I do not think \$50,000 would qualify as poverty, right?

**Ms. Roche:** Right. This is just general demographics. In terms of renter statistics for Hastings, the total occupied housing units are 3,336. Of those, 860 are renter-occupied. And of those, only 350 are ETPA units. I spoke with the statistician in the DHCR and that is as of today, even though the other numbers are from 2012. So approximately 41 percent of the rental apartments are ETPA in Hastings. I understand that of those 350, approximately 170 of them are at 555-565 Broadway, which is being converted. The number of ETPA apartments is going to be reduced significantly in the process of that conversion.

This is where it is difficult to give you a hard number because I can tell you how many ETPA apartments there are, how many seniors there are, but I cannot tell you how many seniors live in ETPA apartments and, of those seniors, how many of those incomes are below \$50,000 and that their rent is more than one-third of their income. There is no way to know that, short of the town doing some kind of survey. However, I did pull together some information to give a feel for why. You have three right now, and I do not think raising it is going to have that many more people asking for this. Of the 860, 38.4 percent of the renter-occupied apartments in the Village the household income is less than \$50,000 a year. So that is 330, give or take.

As best as I can determine from the census figures, approximately 153, or 18 percent, of rental apartments in Hastings are occupied by seniors. But we do not know how many are in ETPA apartments, we do not know how many earn less than \$50,000, and we do not know how many paid more than one-third of their income on rent. I did a calculation, and even if

all 153 did qualify, which is highly unlikely, under the current 2.5 percent two-year renewals, 83 percent of the apartments in Hastings rent for more than \$1,000 a month. If someone's rent is \$1,000, the cost of SCRIE for the town would be \$300 a year per apartment, and the senior's income would have to be below \$36,000 for that \$1,000 to be one-third of their income. At \$1,500 a month, the rent freeze would cost \$450 a year. And if that senior's income were \$50,000 or below that would be 36-plus percent of their income. At \$2,000 a month, I think it is not very likely because their income would have to be below \$50,000 and that means their rent would be 48 percent of their income. So I do not think we are talking about anybody in that category. Even all the seniors at the \$300 per unit, it would come it at about \$46,000. But it is not going to be 153. I think it is going to be more like a handful. Then I did just a quick comparison on the number of seniors who own their homes and get property tax exemptions for being seniors. The cost of that program I was told, in 2014, was \$66,163. And the income thresholds for that are below \$37,400.

**Mayor Swiderski:** Is this STAR or is this something else?

**Village Clerk Maggiotto:** STAR is on school taxes. We offer a senior exemption on Village property taxes. The upper income limit is \$37,400. We have always increased it to the state limits. We have 49 seniors who have the exemption. The value of that exemption for homeowners is \$66,000 on the current tax roll.

**Ms. Roche:** My point is, as a policy matter, that unlike a homeowner who may own their home by the time they are 60, or could take out a home equity loan or sell and move, a senior renter has no place to go, given the lack of affordable housing and what the rents are. The other point is that in the beginning, the cost is whatever the first time they apply. But if there is someone who is applying not because they lost their job or whatever, but it is going to be a permanent thing, then it would grow over time. But that is why I also pointed out that right now this increase is only for two years. The reason I wanted to bring it before the Board sooner rather than later is because the new rent guideline increases went into effect on October 1. So people whose leases renew in this year, from October through next September, it would be nice for them to know they could apply for this.

**Trustee Apel:** I would like to understand the Hastings property exemption for seniors. If their income threshold, let us say, is \$37,400, what is the percentage of the money they are getting in their exemption versus what would happen to people that are getting rentals?

**Village Clerk Maggiotto:** It is a sliding scale. If your income is \$29,000 or below then you get 50 percent off your Village tax. At the upper limit of \$37,400 it is 5 percent.

**Trustee Apel:** So what I am trying to understand is, is it comparable? What level of household income would it be comparable to refunds going back to those people as it would be for the taxes for the people that have a house?

**Village Attorney Whitehead:** It is not a dollar amount on the houses. It depends how much your taxes are.

**Ms. Roche:** I did the comparison, because I have no knowledge of this, to show the total cost to the Village. The village is spending \$66,000 a year on 49 property owners. But for less than 10, say, seniors in apartments the cost would be considerably less than what is being spent. It just seems fair to me that those people need to have their rent frozen because they have nowhere to go if their rent keeps going up.

**Trustee Walker:** How do we set the income levels for the property exemptions?

**Village Clerk Maggiotto:** It is set by the state, and your practice has been every time the state has raised it you have also raised it.

**Trustee Walker:** Do we vote on it?

**Village Clerk Maggiotto:** Yes, you vote on it.

**Mayor Swiderski:** But how do we know what the seniors' income actually is? Is that handled by the state?

**Village Clerk Maggiotto:** It goes to our Village assessor Fred Gross. He just sent out the applications and the renewal applications to the seniors who qualify. They have to send him their financial data, and he figures it all out.

**Ms. Roche:** So that program is administered directly by the Village, whereas the SCRIE, they have to go through the DHCR to get it approved. I have represented people. It is not easy.

**Trustee Armacost:** I t am interested to know if you think the upper limit is 153 seniors who might qualify for \$46,000 of potential.

**Ms. Roche:** The upper limit is a handful of people.

**Trustee Armacost:** So why do you think it is a handful of people? Why do you think it is not 153?

**Ms. Roche:** It is not 153 because that is how many, according to the census, are renting in Hastings. But only 40 percent of the rental apartments are ETPA, number one.

**Trustee Armacost:** So you think it is 40 percent of 153?

**Ms. Roche:** No, we do not know. We cannot know because we know approximately 150 seniors are ...

**Mayor Swiderski:** You are worst-casing it.

**Ms. Roche:** Yes. We know approximately 150 seniors rent in Hastings.

**Trustee Armacost:** But to get like a handful is like five people.

**Ms. Roche:** Five, 10 people?

**Trustee Armacost:** So why do we think it is five versus 153?

**Trustee Walker:** Well, it is only three now at the \$24,000 level, right?

**Trustee Armacost:** But we are doubling it so that could make it up six. I just want to know the math because I would rather know the math than not.

**Ms. Roche:** I would love to give you a number, but I have no way of knowing how many seniors.

**Village Manager Frobel:** I remember back in 2005, because I was new here, Susan and I looked at this for the first time. We sold the Board on this, and it was a leap of faith. I am glad it has worked out well. But we looked at neighboring communities. Did you look at like Dobbs?

**Ms. Roche:** No. I just e-mailed Peter a couple of weeks ago and then I got called in.

**Village Manager Frobel:** That was the answer to how we addressed it, trying to figure out. A neighboring community had the same program, they have got seven families involved, or they had five. So we said we will go with that kind of a ratio.

**Ms. Roche:** I could tell you, and I do not know if it is helpful, of the 25,000 rent-stabilized left in Westchester 75 percent are in Yonkers, New Rochelle and Mount Vernon. Yonkers

has the \$29,000 limit right now. It is Yonkers so there are a lot more apartments. Hastings is very small, 350 rentals is not so many. I definitely understand what you are saying. It is a leap of faith. And short of a survey to find out, there is no way. You are right. I did the worst case. We know there are 150 seniors in apartments.

**Mayor Swiderski:** Right. If every one of them were in rent-controlled and every one of them applied.

**Village Attorney Whitehead:** Every one of them at the income limit.

**Ms. Roche:** It is not an easy hurdle to fit within. Then I tried to give you some statistics, about the levels of rent I live in La Barranca. There are people who have been there for decades and their rent is \$1,000 a month. So even those who made less than \$50,000, it is going to be a subset of that.

**Trustee Armacost:** Yes, I am just trying to get my head around 153 at the high end versus a handful. There is such a big difference in there I am just trying to understand whether there is a way to think it through logically.

**Ms. Roche:** I think the way to do that is to do a survey.

**Village Manager Frobel:** I think our Senior Advocate could help.

**Ms. Roche:** And do not forget, we keep saying 350. But there are 170 in this building that is doing the condo conversion. So that is going to get cut in half. And then like I said, that is just the rentals. Then you have to be a senior, and you then you have to make less than \$50,00 and you to pay more than a third of it. So the closer you get to \$50,000 the higher your rent has got to be to qualify. So all of those factors, I deducted that there are not many people.

**Trustee Armacost:** Susan and Fran, how many other exemption programs? We have an exemption program for the volunteer firefighters? And are there any other categories?

**Village Clerk Maggiotto:** We have veterans from a previous program that we do not currently offer.

**Village Manager Frobel:** I think that ended in 1983.

**Trustee Armacost:** And how does it work if people are part of multiple programs? Does one program trump, or can they tap into multiple programs simultaneously?

**Village Clerk Maggiotto:** They can.

**Trustee Apel:** So can our Senior Advocate do a survey?

**Village Manager Frobel:** The woman who worked for us, Jenny Murphy, helped us in 2006. I think she did do some interviews and collected some data. We were obviously concerned. We did not know how popular this was going to be. We did not have these kind of statistics. This is very good, some good work you have done. Thank you.

**Ms. Roche:** Well, thank you. I pulled the current application. You are right. There are seniors who would maybe even qualify who would not go through it. You have to produce your tax return, you have to reduce not just your tax return but you have to prove everything in your tax return. So W2s, 1099s, all of that.

**Village Manager Frobel:** I can talk to Anne Russak and see if she could help collect data.

**Village Clerk Maggiotto:** It is household income.

**Trustee Apel:** If she would advocate for those that do not even know they can apply that would be wonderful.

**Ms. Roche:** That is a good point that Susan is making. It is household income, too. You should not be thinking, a senior making \$50,000 and that is a lot for a fixed-income. All the income in the household has to be under \$50,000.

**Trustee Armacost:** The Senior Council has asked me to meet with them at their next meeting, which is in November. I can raise this topic. If you would like to come, I am sure they would love to hear directly from you.

**Ms. Roche:** I would be happy to. Just let me know when.

**Ms. Roche:** All that is required, as I understand it, is the current provision of the Hastings code, would be amended to insert the higher number. Again, it is only going to be good for two years and because the rent year has started on October 1, I would urge you.

**Trustee Armacost:** But we should not think about it as only for two years. If we are committing we are committing. If you do something like this you do not take it away. We need to think about it as an ongoing obligation.

**Mayor Swiderski:** Sue Smith is sitting here. I am thinking from the terms of affordable housing policy and affordable housing that this is ultimately what this is. This is the rubber hitting the road, and the commitment to affordable housing. And if we are bleeding apartment units because of condominiumization then I am inclined to pursue this process to understand what those numbers are.

**Ms. Roche:** I will keep refining the numbers. This is what I had done as of tonight. More than, I think, 50 percent of what I gave you of the apartments are over \$1,500 a month. The higher the rent goes, the greater percentage of your household income. As I am sure all of you know, 30 percent of someone's household income is defined as affordable rent.

**Trustee Jennings:** Our program, if we increase the income eligibility limit up to \$50,000 a year, would only cover people who have a lease in an ETPA building. Now, does the ETPA program control only the renewal increase percentage, or does it set an absolute ceiling no rent in this building can be above \$2,000?

**Ms. Roche:** No. Westchester and Nassau-Rockland-New York City are losing so many of these rent-regulated apartments; we do not have that much effect based on the rent increases, although every percentage pushes an apartment that much closer to a level of rent that makes it become unregulated. But they can see decontrol. So if someone who is in an ETPA apartment moves out, then they can deregulate the apartment.

**Trustee Jennings:** What is the level above which it is no longer ETPA?

**Ms. Roche:** It depends. It is either \$2,000 or \$2,500. But then your income also has to be higher than a certain level if you are continuing. So there is vacancy decontrol and there is income decontrol. If you are a current tenant and income reaches, I forget in Westchester if it is \$2,000 or \$2,500, then the landlord is entitled to ask you for your income. If your income is over \$175,000 or \$250,000 or whatever it is now, you could lose your protection if you make too much money. But all the rent guidelines board does is pass what the percentage increase can be every year. And it is relevant to the SCRIE because that percentage increase is the amount.

**Trustee Jennings:** That is what we are at risk for.

**Ms. Roche:** Yes, whatever increase. So that is why I gave the history that in the last four years since I joined the board the increases have not been so high.

**Trustee Armacost:** Four percent during the middle of the financial crisis was quite high.

**Ms. Roche:** That was the reaction because I convinced everybody on the board to have rent freezes the year before and the landlords got pretty active. There are two tenant reps on the board, two landlord reps and five public members. The tenants and the landlord reps cancel each other out. Our job is to convince the five public members to go our way.

Susan has my contact information and I will be happy to come to the meeting. I will keep crunching the numbers and trying to get more information. But I asked the DHCR statistician who I work with if there is any way, based on rent registrations or whatever, that we can tell how many are seniors, and he said there is not. That would have to be done at the local level.

**Ms. Smith:** Just to put it in the perspective of affordable housing and the measurements for that, the median income for affordable housing, the maximum for a one-person household, is \$43,000 and some odd number, call it somewhere around \$43,600, and the rents in Hastings depend on utilities a little. But they are around \$950, \$1,000. It is hard to find a good apartment, even a one-bedroom, in town for that. The effect of everything going condo or co-op, and you see the difference just from that one big building complex, is tremendous here. We get requests from seniors, or from all kinds of ages of people, but there is real pressure on seniors. We value the diversity in our community of all kinds of situations, but age is important to be able to have people stay here. So I would urge you to, as you are, give it serious thought.

**Mayor Swiderski:** We agree.

**Trustee Walker:** Niki, you are going to be meeting with Senior Council. I was wondering if, when you do, you could explain to seniors the reassessment and the appeals process.

**Trustee Armacost:** I do not know that I will be very effective at doing that, but yes.

**Trustee Walker:** Maybe that is something that Anne Russak could do.

**Mayor Swiderski:** Edie could drop by, for that matter.

**Trustee Armacost:** Certainly we can encourage them to have a meeting about that topic. The group has been very active and has done a fantastic job of collecting the data of people for emergency situations. So it could be that it would be possible for them to conduct this kind of a survey.



### **3. Update on the Downtown**

#### **3. Update on the Downtown**

**Trustee Walker:** Friday Night Dead is this Friday up at the pool. I encourage you to attend. It should be a lot of fun. There is going to be a very scary haunted house and food and entertainment. We are postponing the literary event that Bruce is helping with to March. We can get our Downtown Advocate involved in that, which will be helpful. There will be a holiday tree lighting event in December. That is something I wanted to discuss with you all, the tree. The second thing I wanted to discuss with you is the cherry tree issue.

About the holiday tree, I have had a lot of discussions with the Parks and Rec Department about the difficulty they are having in maintaining the holiday tree at VFW Park. There are a few issues. One in particular is, it has gotten so big it is difficult to put the lights on with ladders. They need cherry pickers, but you cannot put a cherry picker up there. They leave the lights on all year now. But if they need to put new lights on it is difficult because the tree is too tall.

Secondly, we have heard from the VFW folks that they would like that tree to be removed so you can see the monuments up on the hillside, so there is more visibility, and also because there are not always positive activities taking place on the lawn behind the tree because it blocks views from the street. You remember a couple of years ago when Liz Liebeskind came to the Board and asked if she could remove the tree for Friday Night Live or a Spring Thing because it would be a great place to put a temporary stage or, in the long term, a gazebo. You can have people sitting on the lawn and looking at a stage in that area that could also be viewed from the street.

There are a number of reasons to relocate the tree. I was talking to Tim Downey about it, and he suggested we think about planting a new tree now before we take out the old tree. Planting a new tree, figuring out where it should go, and then phasing out the old tree slowly. Maybe we have one more holiday with the old tree. That is my idea, not necessarily Parks and Rec. And then take it out in the spring so we can start opening up the park for more activities. Tim's suggestion was this is a good time to plant a tree. You can get them more cheaply this time of year, and it is also just better than planting in the spring, so why not think about that now.

**Mayor Swiderski:** Where would it go?

**Trustee Walker:** There is the question. The Parks and Rec Department would love to see it outside the Community Center so they could have all their activities in one place. We can

buy as big a tree as we can afford, but that tree probably will take a few years, or many years to reach the height of the existing tree.

**Mayor Swiderski:** But where would it go?

**Trustee Walker:** There is a big culvert that goes under the property between the monument and the Community Center. I am not sure if there is space for it. Tim was going to look at that. That is what the Parks Department would prefer. But I am wondering if we could also open up the possibility of putting it in another place in VFW or putting it in the library park. I like the idea of people moving through the Village when you have a tree lighting ceremony, that it would not all take place in one place, and then they rush into the Community Center. Barbara and I have been talking about having more activities on the night, maybe even the weekend of, the tree lighting, with holiday market, special activities, promotions, things that would engage the merchants. She is going to start talking about that with them this Thursday, when she is having a meeting with the merchants. She is going to broach the topic of having more activity in the downtown that they are involved in when we do the tree lighting so it is not just a Santa event and hot chocolate at the VFW so that we engage the downtown in trying to increase their sales.

**Trustee Armacost:** I remember when Liz and Dana made the offer to purchase a gazebo for the Village. I thought it was a great idea then. The only place where it could go is where the tree is. It interesting that it has taken this long to catch up to what was, in my view, a clever and generous idea at that time. It seems as if we need another tree. In order to be able to let go of this tree, we need another tree.

**Mayor Swiderski:** And the location for it.

**Trustee Armacost:** Or we could just choose to not have another tree.

**Trustee Walker:** A lot of cities string lights on a pole.

**Trustee Apel:** Make it look like a tree.

**Mayor Swiderski:** You have lived here long enough to know how much change this village can absorb in one burst. That is asking for a lot of change.

**Trustee Apel:** I think a tree by the library, at that end. You could do whatever you want, and then you would have it at the library. I do not know where because we have the statue there. I do not know how that would affect where you would put that.

**Trustee Armacost:** But I do think the idea of opening up VFW Park, irrespective of what happens to this new tree, is a great idea.

**Trustee Apel:** One of the suggestions was putting a stage up there? How would that affect having a gazebo?

**Trustee Walker:** I think you start with a stage and test it out.

**Trustee Apel:** And then you put the gazebo in?

**Trustee Walker:** You do different kinds of performances there. We could do movies with an inflatable screen. We see what kinds of uses we would like to have there, then we decide on the gazebo.

**Trustee Armacost:** They brought plans, which I have still copies of, that I can bring back. Not that those plans have to be the plans. But a group of creative people have spent some time thinking about this.

**Trustee Walker:** I thought that idea was an excellent blend. I am just saying that maybe before we just jump into building a gazebo we make sure that is the right spot.

**Trustee Armacost:** Well, we do not have money anymore for a gazebo. The money went when the idea was not accepted. The money was being offered by a private individual.

**Trustee Walker:** No, a lot of people contributed money toward it to the Chamber. I remember I gave money toward it, and it went to the Chamber.

**Trustee Armacost:** This was, I think, a different plan. This was not related to the gazebo. That was coming from a private individual in the Village.

**Trustee Walker:** OK, but they were raising money from citizens, as well.

**Trustee Armacost:** I do not think so.

**Trustee Walker:** Yes, they had a big bucket at one of the Friday Night Lives and they were raising money for the gazebo. I remember it clearly because I gave. But at any rate, maybe the first thing is to start gathering information. I can work with Barbara on talking to people about this. One of the reasons we decided not to do it at that point was we needed discussion with the community, as well, not to mention with the rabbi and the temple who gave us that tree. I think we need to come up with a process and address it, and we should do it right

away. My proposal, if we could divide up. Barbara can take on some of this, I can take on some of this.

**Trustee Armacost:** But if what you are saying is that a tree needs to be planted soon, then I do not think we can take too long or we are waiting for another year for a tree to be planted.

**Trustee Walker:** And the Tree Board would need to be involved. It may be aggressive.

**Mayor Swiderski:** Right. And you have got to do location. And then the delicious process of consensus building with the downtown merchants.

**Trustee Armacost:** Do you want to talk to us about the cherry tree?

**Trustee Walker:** The cherry trees in front of Juniper Restaurant on Warburton Avenue and in front of K Variety were removed in the last few weeks because of the Tree Board. Am I saying this right, Susan? The Tree Board deemed them structurally unsound.

**Village Clerk Maggiotto:** One was dead and the other was damaged.

**Trustee Walker:** One was actually dead?

**Village Clerk Maggiotto:** Totally.

**Trustee Walker:** But that just happened recently because they were in bloom in the spring. And the second one was dying, so they had to be removed. Brett Schneiderman gave us a plan for replacing them and putting both trees in the little plaza area and along the street. I thought this would be a good opportunity to talk about placemaking. Placemaking is enhancing a public space so it supports community needs. This is one of the only little public spaces we have in the downtown where you can do a variety of things. It is very small. But already, Juniper has outdoor tables there. And there were two benches which were frequently used. It was becoming an unsightly space because the tree pits were ugly, they were often collecting trash. The sidewalk in that area is deteriorated. This might be a good time to look at how we can do placemaking in that spot and think about what we want to use that space for. Engage the merchants, at least those in that neighborhood, in thinking about this, and come up with a design. Perhaps we could even think about putting in brick pavers similar to the ones in Boulanger Plaza and making it a lovely space, and then replacing the cherry trees. Think about where they could go in terms of where we want the benches to be, and maybe Juniper is interested in having more outdoor dining tables there.

**Trustee Jennings:** This would also spill into Movie House Mews.

**Trustee Walker:** Exactly, and they should be engaged.

**Trustee Jennings:** And that is nice but underused. People go to the stores there, but I rarely see many people sitting in the plaza area of the mews. I think the owners lock it up at night, which is unfortunate.

**Trustee Walker:** Maybe a portion of that the gate goes further in and we increase the size of the plaza. There are a number of things to look at and people to engage before we rush in and replace the trees. I am pushing to replace one tree and holding back on replacing these other trees. Brett Schneidermann is interested in getting involved and Barbara, our wonderful Downtown Advocate could also engage the merchants in a discussion about it so we can do it in a deliberate way, and we will have something beautiful when we are finished.

**Village Clerk Maggiotto:** I wanted to add something and ask Meg a question. Every year we have a tree replacement program in the downtown. This year we were focusing on the area on Warburton between Main and North. We have identified seven places where we are going to try to put trees. We are going to work on the pits to see if we can make them big enough. Taking down those two trees was part of that program. Now there is a young cherry tree now in front of Juniper, by the street and there is a pit in front of Kay Variety. The plan was to put a companion cherry tree there. The planting is going to happen mid-November, which is considered the prime time to plant trees. Do you think we should go ahead and put the cherry in that pit by the street?

**Trustee Walker:** Well, maybe you could put the cherry in the pit, and that is a funny way of saying it instead of putting the pit in the cherry.

**Village Clerk Maggiotto:** We were not going to replace the other trees. The thinking was, it was too crowded an area to support new trees.

**Trustee Walker:** But maybe you hold off on creating the final design for the pits in that spot until we think about it.

**Mayor Swiderski:** Why plant that second tree if you may end up redesigning the whole space?

**Trustee Walker:** Because it is right by the curb and it is a street tree. It is like a missing tooth. I was thinking more about the trees that were back by the benches. I do not think there would be anything wrong with that because that is an area where you are not necessarily going to have outdoor tables. Just do not put a lot of effort into thinking about

how that pit is going to be rebuilt.

**Village Clerk Maggiotto:** OK, so we will go ahead.

**Trustee Walker:** This would be a physical improvement in the downtown and a nice gesture to the local merchants. It is one of the only areas where we can have outdoor dining.

**Trustee Armacost:** Did the plans you have have a cost associated with them?

**Village Manager Frobel:** No, he did not put a price to it. He had some suggested plantings, but there was no prices.

**Trustee Walker:** Instead of cherry trees by the benches he showed shrubs. Then keeping everything pretty much the same. And then cherry trees out by the curb. That may be the way we want to go. But before we rush into that let us think about it.

**Trustee Armacost:** Does that come in the normal tree budget line that we have? Or is it coming from somewhere else?

**Village Manager Frobel:** Well, we go to that and also we have gone to the beautification fund in the past. And we have that donor that helps out on trees. We have a gentleman who, every year, contributes. So between those three sources, we have put together a program every year of planting upwards of eight, ten trees.

**Trustee Walker:** I will work on that with Barbara. It is something I am very interested in. And Brett and Susan.

### **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 for advice of counsel.

### **ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10 p.m.