

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 16, 2015**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 16, 2015 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost (via video conference), Trustee Daniel Lemons, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

**CITIZENS:** Nine (9).

**Mayor Swiderski:** Niki allows us to set all sorts of firsts, and now we have the first joint meeting from Manila.

**APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of June 2, 2015 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 1-2015-16	\$ 68,339.22
Multi-Fund No. 2-2015-16	\$211,228.04
Multi-Fund No. 4-2015-16	\$ 2,330.94
Multi-Fund No. 5-2015-16	\$121,697.94

**PUBLIC COMMENTS**

**Mayor Swiderski:** We have a new device, a five-minute countdown clock. Please keep an eye on it.

**John Gonder, 153 James Street:** A couple of things upset me at the last meeting, Mr. Mayor. One thing was that gentleman that lives at 50 Rose Street. He had some suicide fencing underneath. I remember maybe a year ago when James Metzger, architect, and his buddy, another architect, had three or four meetings with a stainless steel which was better than the anchor-type fencing. I did not think you gave that gentleman a fair shake. You told

him to go to Westchester County. I did not think that was fair, when you had Mr. Metzger three meetings or more. The other thing that upsets me: recent downtown progress. We all know that the Village is a village, not a town. We are a river village. Francis Frobel, it says Village Manager. So why do we not call it a village instead of downtown. village is a settlement, usually larger than a hamlet and smaller than a town. I wish you, from now on, call it commercial business district in the Village of Hastings-on-Hudson or something different than "downtown."

**Tim Downey, 520 Farragut Parkway:** I sent an e-mail to all the Village officials asking for a reply about the leaf blower law. I wonder if I could hear an official reply, both from the Trustees and the Village Attorney. I would hope to try and see the betterment of the Village by bringing ideas and dialogue to the fore here. Sometimes it feels like you are speaking to a wall of silence. There was a period of time when there was more interaction, and then it regressed back into the older ways of just looking at us speak.

Could we three or four times a year have a town hall format where there is an exchange and dialogue of ideas versus just coming up here, stating your points and not knowing if it has any value. A town hall format would be nice, given all the charm and appeal that went on for the election and how folks were engaging, which was nice at that time. It seems that has disappeared now, when we are back to business as usual.

The Zinsser matter is a function of three things. There is the park issue, the matter of the snow, and the storage of organic material and stockpiling stuff there, something I have warned against frequently at these meetings since 2008. As a result of not developing a proper policy, we have a lot of loss of trees up there, and damage. Who is going to foot that bill? If there is going to be any replanting the Village residents, the taxpayers. I have a problem with that in terms of accountability. It was warned in advance, we had the damage, now we are going to try and mend it. Yet it gets swept under and we do not discuss it. I would like to see where somebody says you fouled up, you did not think in advance. Yes, we want to expand park facilities and cannot even take care of the ones we have now because we are undermanned and under-equipped. There has to be some change in that because they cannot be handing the bill to Village residents when there is a foul-up.

**Mayor Swiderski:** You have made a number of comments on the leaf blower law. I have only heard people generally in favor of the law as it stands. I am not inclined to shift those dates. When we revisited this issue a couple of years ago, the community was relatively split. But the ones who were against the law were inconvenienced whether it was the fumes or everything else like the noise. Many of them were people who lived at home. I am not personally inclined to reopen that issue. You asked for a response, I am providing it. We have a hard enough time enforcing the basic law, and here simplicity is valuable. I do not

know if any other Boardmember wants to join me on an opinion on that, but I am giving you my answer.

**Trustee Walker:** I agree.

**Trustee Apel:** And did we not address the timing? That the Village Manager has the right to extend the time, the usage of it, as the seasons change?

**Mayor Swiderski:** That is one issue that is resonant. Seasons are shifting and it may indeed make sense to address the time frame over time. But for now, we will keep an eye on it.

**Trustee Walker:** I have t heard a lot of people thankful that we have that law. I am sure we could tweak it this way and that, but I am not sure if that is going to serve the purpose of the broader good.

**Amy Huelsman, North Broadway:** I love this town. There are a few unique spots in the town and, unfortunately, one of them is already gone, the building that is across from the youth center. A lot of people are upset with that situation, but it is too late. I am hoping we do not make the same mistake with the fence on the bridge. That is a historic spot there; Mr. Cropsey made it famous, it is a beautiful spot, it is one of the only spots we have left. The fence is going to be ugly but it is not going to be as ugly as you guys are going to look for putting it up. I disagree with the situation and you need to consider this fully.

**Andy Zimmerman, 7 Ridge Street:** I came to talk about the fence also. I found out something disturbing, that the fence on the Warburton Avenue was sold to us under false pretenses, that the state required a fence like that. But that turns out to not be true. The state requires a railing shorter than the railing we have now, a three foot six railing. The state regulations do talk about a fence, but only when you have a highway or a railroad underneath. The reason for the fence would be to keep people from throwing things off the bridge and onto a moving train or a moving car. There is nothing in the state regulations that say anything about suicide. That is not even what is contemplated in there. It is to keep people from vandalism and causing damage to moving cars and moving trains.

I do not know why the county seems to be over-interpreting that, but I wish we had known this a long time ago. The reason we have been told is fictitious. It is not too late. It is time to reconsider it now in light of these facts and realize it is not even part of the code or the state regulations. Try to figure out why the county is asking for this. If you guys are not going to help with, maybe Rob Astorino will. It just seems like it is wrong.

**Brian Allen, 101 Southside Avenue:** I would like to follow up on when we knew about this fence. The Village Manager received detailed specifications of this fence in June of 2011, and told no one. You sent me a letter saying we knew nothing about this until May of 2013, which is wrong. I know Manager Frobel knew about this fence. He received e-mails from county DPW people and responded to them. You all had discussions with the Cropsey people. Between May of 2013 and June of 2011, when you received the detailed plans, the architectural drawings of the fence, that is two whole years of time. That was a long time before the county began to talk about when they were going to start.

We had lots of time to talk about it, and we were deprived of that time as a community. Now we are told there is nothing you can do about this but spend money, which you are going to vote on tonight, for a better-looking fence which has no suicide prevention features. Someone climbs over this fence, who is paying for that? Is it the Village, the county? The fence you are going to vote on tonight is scalable easily, and we are told we cannot do anything about it even though the drawings for the original fence were on Mr. Frobel's desk on June 2011. I asked specifically about this, and you sent me a letter on Village letterhead with your signature saying you knew nothing about it, there were no plans. But there were plans, I have them. You should reconsider what you are voting on tonight.

I have some questions about the lighting the LED lighting which is a great idea, but I cannot tell from what the Conservation Commission talked about at their last meeting whether or not the LED lights include the downtown lamps. Downtown has these gaslight looking lamps with this nice amber glow, and the LED lights you are talking about are these COBRA style bright white lights that might be appropriate on Farragut Parkway or some other place but are inappropriate in the downtown. I would like some clarification as to whether or not we are talking about replacing every lamp on Warburton and Spring and so on.

**Mayor Swiderski:** It is not the downtown lights.

**Mr. Allen:** At the base of the stairs here there are two of the old-style downtown lamps, the very beautiful ones we all like. They have now a white fixture inside of them, not the amber fixture. I am wondering if there is a slow-rolling replacement of the amber fixtures?

**Village Manager Frobel:** That was a trial. Those lights have been that way for almost five years. They were our initial rollout of the LED five years ago.

**Mr. Allen:** But is there a plan to replace these downtown lamps with those?

**Village Manager Frobel:** We are going to look at replacing the downtown lamps with an LED fixture, but not part of this contract.

**Mr. Allen:** When we do that, will the public will have input as to the color of the lamps?

**Village Manager Frobel:** That is why we inserted those five years ago. We had asked for public input at that time.

**Mr. Allen:** So now you are getting some. It would have been nice, five years ago, if you had told the public.

**Village Manager Frobel:** We did.

**Mr. Allen:** Well, you did at the meeting. Who goes? Three or four guys. My only remaining comment has to do with the trees downtown. In the last couple of weeks the tree bed areas have been cut out and re-mulched. Great, but they seem to have stopped work and I am wondering if they are going to continue with the rest of the trees in the rest of the downtown area: south of the bridge, Washington.

**Mayor Swiderski:** That may be part of what we report on during the downtown update.

**Mr. Allen:** As you go through voting on the resolutions tonight I think it is very important to continue to ask Trustee Armacost if she can hear us and respond. Some of these resolutions are very controversial and it may come to pass that whether or not she votes or not depends on whether she could hear what was happening. I hope this works, but I think it would be a good idea as we get closer to these votes to bring her in and have her comment so we can make sure she knows what is happening in this room. So far, I cannot tell if she can hear any of us.

**Patrick Randolph Bell:** Can you hear me, Trustee Armacost?

**Trustee Armacost:** Very difficult to hear. Is this Brian Allen speaking?

**Mr. Bell:** That was Brian before.

**Trustee Apel:** She can see.

**Trustee Armacost:** Yes.

**Mr. Bell:** She can see. I think she can only step on-screen right there, not the rest. Can she?

**Mayor Swiderski:** All right, that is OK. It is not a question of seeing, it is hearing.

**Mr. Bell:** If you cannot hear the comments, though, I do not know how much that is going to help you make a vote later tonight.

I brought up more than a few times the downtown crosswalks, which do not exist anymore. I have never seen a safety issue this bad in this village. Nobody enforces the speed anyway. I brought this up two weeks ago and you ignored me. You did nothing about it. You should have fixed them the next day, or two. I nearly watched a girl die, one of the most dramatic experiences of my life, on Sunday, walking from VFW across Warburton to the corner of Spring. The girl is walking across the crosswalk. One guy barely sees her coming one direction, the other person flying down Warburton does not see her at all. She slams on the brakes so hard, this guy screeches to a halt about half a foot from this girl. The girl broke out hysterically, crying and screaming. She walked over to the corner of the wall, starting banging her head against the wall. That is how freaked out she was. She lost it. Still screaming at the top of her lungs. Then she sprinted down this sidewalk. She was probably ten or twelve years old, tops.

I do not know why Mr. Frobel, as our Village Manager and chief executive officer of this village you cannot get some crosswalks painted before somebody dies. If they do, it is going to be on all your hands. I even mentioned it to Trustee Lemons last week, nothing still.

I agree with everything everybody else said about the LED lights, the fence. These LED lights are in the 4,000 Kelvin range. I think that is too white of a color temperature, even for these street lamps. Fine for Farragut, some places at with heavy traffic. But not on one of these quaint back roads. Like Mr. Gonder said, this is not a city, this is a village. You are buying these lights as an extension of a contract from the City of New Rochelle. We all know what New Rochelle is like. It is not like the Village at all. You should have tried to look into getting some different colored lights at least for the back of all these streets. Main streets, yes, but not in people's backyards. I do not want these lights shining through my window in the middle of the night. You are going to tell me they do not have a lot of spill. Yes, they have enough, especially if your window is looking at them or you are underneath them from an angle.

We have a couple hundred signatures on this fence trying to stop it just in the last few weeks. A lot of people do not know about it when we talk to them. I find this pattern of deception going on with this board a little bit, at least the Mayor on a couple things. You used to try to claim this was a suicide fence to try to push it through. I have seen the plans. You stand on the little cement wall they are going to have, the fence at its lowest point is only five feet. Right here; anybody could hop up there and easily just jump over that. I climbed that 42-foot wall over there in about 30 seconds. Ms. Walker saw me. She gave me a high-five. But this is not a suicide fence. This woman last week here thought it was a suicide fence. She also

asks is this not a county project? The Mayor twice tells her this is a county project and it is county money. It is not the county's money, it is the Village's money you are spending on this fence. It is \$103,000 that you are about to vote on. Say yes, you are little mistaken. It is Village money, at least for the fence. That it the pattern of deception I keep seeing over and over. I was looking at this law, it says the Village could have asked for a permissive referendum. You are spending \$103,000. You could have asked, probably for the same amount it cost to run an election. A thousand, two thousand bucks to spend this much money, you should have asked. You had three years to do it, almost.

**Jim Metzger, 427 Warburton Avenue:** Clarification on the fencing issues from my perspective, since I was involved two or three years ago. It was my understanding that the county showed up, it was supposed to be an introduction to what the bridge was going to be. They showed up with a full set of plans. It was my understanding that it was the first time the Trustees were seeing those plans. Whether that is true or not, I am not going to say. That was what was being discussed that night. Everybody was asking questions. They had not seen these plans before.

Without our village stepping up, due to the Mayor or Village Manager, if you think the fence that we are getting now is bad you have no idea what the county wanted to put in there: one inch square, black vinyl-coated, chicken wire fencing. It would have been a travesty. We asked the county to come back and present to the Village as a whole their plans so there could be a Village-wide discussion. Mr. Frobels e-mailed them on many occasions, had phone calls on many occasions, and the county refused to respond. We finally got the county to agree to meet with our Mayor, our Village Manager. They asked me to come along since I had done some work with Mitch Koch on some alternatives for the fencing. It took two meetings at the county legislature to convince them to allow us to put in fencing that would not obstruct the view.

If anybody has a problem with this fence they should not waste their time in front of this board; they should be going to the county and discussing it with them. The county said the bridge is being done, the fence is going in. We managed to convince them that if we spend money from the Village we would be able to do a fence that would not obstruct the view anywhere near as much as what is going in. If anybody wants to see what this fence looks like I suggest that you go to the city, the High Line, because that is where this fencing is installed. It is also installed on the Brooklyn waterfront underneath the Brooklyn Bridge. It is not the best possible solution, but it is a really good solution to something that was taken out of our hands.

In comment to Mr. Bell about the suicide fencing, I have done a fair amount of research on this in investigating the fencing. On a bridge like this, what tends to prevent suicides is not

someone who is going to actively climb a five or six foot high fence. It is someone who, in the course of walking by, has a momentary thought that their life is not worth anything. It is the ease of access to going over that railing that allows people to commit suicide. As soon as there is a delay in the process where you would have to climb a fence, you have to go someplace else, people tend to reconsider. It has been proven time and time again.

I am not crazy about the suicide fence. I believe that people find another way. But we do not have the option, as far as I understand from my discussions with this board and then at the county. We came up with a great solution, and I applaud the Board for volunteering to spend the money to do something that will at least be visibly nice-looking, even though it may conceal some of the view. The grid of the fence is big enough that if you want to take photographs of the Palisades just walk up it; a camera lens will fit through it. It is a fairly loose mesh, which makes it very difficult to climb. If you have ever tried climbing a net it is much more difficult than climbing a chain link fence. I thank the Board for the time and the effort they have spent on this.

**Mayor Swiderski:** Typically it is one comment.

**Mr. Zimmerman:** I want to respond to something he just said.

**Mayor Swiderski:** It is not a back and forth. It is public comment. You can send the Board an e-mail.

**Mr. Zimmerman:** I guess the Village is not going to hear about it, then. Sorry, everybody.

#### **46:15 ADOPTION OF LOCAL LAW NO. 2 OF 2015 REGARDING REQUIREMENTS FOR STREET OPENINGS**

**Village Attorney Whitehead:** Unless we are putting Dan's FaceTime up there Niki should not vote. Do we need Niki's vote?

**Mayor Swiderski:** On this vote, no.

**Trustee Lemons:** I will flip it around.

**Village Attorney Whitehead:** So long as she can see the Board and the Board can see her.

**Trustee Apel:** We can see her.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 2 of 2015 amending Article VII Excavations of Chapter 252 of the Code of the Village of Hastings-on-Hudson, Westchester County, New York, with respect to requirements for street openings.

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

**SECTION 1.** Section 252-41 of the Code of the Village of Hastings-on-Hudson is hereby amended to add new subsections K and L as follows:

- K. If any restoration completed by a permittee is not satisfactory to the Superintendent, and the permittee shall fail to correct the work to the satisfaction of the Superintendent, the Superintendent may cause such work to be done to his satisfaction. All expenses incurred by the Village shall be recovered from the deposit or bond provided by the permittee under this Article.
- L. If any excavation for which a permit has been issued hereunder exceeds 25 feet in length, the permittee shall be responsible for resurfacing the street from curb to curb over the entire area in a manner and with materials approved by the Superintendent. Where no curb exists, the resurfacing shall extend to the existing pavement limits.

**SECTION 2.** Section 252 of the Code of the Village of Hastings-on-Hudson is hereby amended to add new section 252-49.1 as follows:

**§252-49.1 Traffic Control for Excavations.**

- A. A Village police officer to direct traffic around the excavation shall be provided by any permittee when any excavation hereunder shall be likely to impede traffic. The Chief of Police shall determine whether the excavation will impede the flow of traffic or constitute a safety hazard so as to require a police officer.
- B. The cost of said police officer shall be paid by the permittee.

### SECTION 3. SEVERABILITY

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

### SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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

**Mayor Swiderski:** So what is the procedure moving forward for Niki, should she wish to vote?

**Village Attorney Whitehead:** We should just keep her there. Niki, did you hear all the public comment?

**Trustee Armacost:** I heard, I would say, half of the public comments.

**Trustee Apel:** We will talk louder.

**Village Attorney Whitehead:** It does not really matter. Because even if she had arrived late at the meeting she would still be entitled to vote on the resolutions.

### **47:15 INTERMUNICIPAL AGREEMENT TO FORM A TRI-VILLAGE MARINE UNIT**

**Village Manager Frobel:** As I reported back in 2013, Hastings joined with Dobbs Ferry and Irvington to consider forming a tri-village marine unit. They made an application to Homeland Security, the grant was received. Irvington took the lead in preparing specifications. It went out to bid, and will soon acquire a police boat. We are excited. We see this as another opportunity where by joining together we are able to provide a service that one village could not. I think it is a terrific opportunity. We expect to have the boat in the water perhaps as early as the 4<sup>th</sup> of July. It will be stored at no charge here in Hastings, and the three villages will share in all the operating expenses. Currently, we have four men that are trained and each of the departments will accordingly be chipping in a policeman, as well, to share in patrol responsibilities.

**Trustee Walker:** What laws would you be enforcing and how do you determine when to enforce them?

**Police Chief Visalli:** The officers go through a two-week training program. One week of that is classroom and navigation law, the law they will be enforcing on the river: boating while intoxicated, checking boats for life jackets, flares, other safety violations.

**Trustee Walker:** And how would you decide when to do the monitoring?

**Police Chief Visalli:** We are going to try and have the boat out at the busiest times, on the weekends, especially during the summer and fall probably be between 8 a.m. and 8 p.m. The officers, just like on land, have to have a reason to stop the boat before they can board it and look for any violations.

**Trustee Walker:** A few years ago we were looking at a harbor management plan when we were working on our local waterfront revitalization program. We were discussing asking the Board to enact some speeding laws within a certain distance of the shore for things like jet skis. But generally, anybody going over I forget how many miles per hour, especially in the area where we might have kayaking or kids taking kayaking lessons and that sort of thing. That is something we could continue to discuss, and now we have a way to enforce those laws, which is great.

**Police Chief Visalli:** Yes. I do not know how to go about that because I have not taken the course. But certainly that would be something we would discuss with the officers that are certified. I am sure there are already regulations in navigation law when you are within a certain number of feet of a coastline, a marina or anything else like that.

We are looking forward to it, we are very excited about it. We are getting more and more people engaging in activity in the river so it is going to be a useful service for us to provide.

**Trustee Walker:** This is not really for rescues, but I suppose you can.

**Police Chief Visalli:** It is going to be for both. The boat will be on patrol. We are still in the beginning phases of working out overtime schedules to man the boat for regular patrol, and it will also be docked here in case it is not on patrol and there is need for a rescue. We intend to have enough officers between the three villages that there is always enough to man the boat should they have to go out for a rescue.

**Trustee Walker:** Would you need an EMT on board?

**Police Chief Visalli:** Not necessarily, no. I believe the minimum manning is two.

**Trustee Apel:** This is for a trial period?

**Village Manager Frobel:** It is for one year.

**Trustee Apel:** I think it is a great idea. The concern was always the need for more manpower. But once you put somebody out there you have three villages that are doing this. So they could rotate that around. And you are going to have two men on a boat?

**Police Chief Visalli:** Yes, that is the minimum manning. They can have more but, generally, we would man it with two. We will work it out with Dobbs Ferry and Irvington as to the schedules. We are hoping that the overtime we incur we may get that money back from the county. They currently provide us funds for a stop DWI program, which we do on the roadway. So we are going to see if we cannot roll some of that over to the boat.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the Intermunicipal Agreement as attached for a term of one year with the Village of Irvington and the Village of Dobbs Ferry to form a tri- village Marine Unit consisting of uniformed officers from each municipality, the costs of which to be shared equally among the three municipalities.

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

**48:15 SUPPORT RESOLUTION – PLASTIC BAG AND EXPANDED  
POLYSTYRENE BAN IN WESTCHESTER COUNTY**

**Trustee Lemons:** This came from the Conservation Commission, voting unanimously in favor. It is consistent with our stand as a village and very much in our interest for the county to adopt a resolution like this.

**Trustee Apel:** I agree.

**Mayor Swiderski:** We may have been first on the law. I know we are not first on this resolution. I think Scarsdale passed this yesterday, and maybe others. In this particular case, I am glad to have company.

**Trustee Walker:** Yes, definitely.

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

**WHEREAS,** plastic bags and expanded polystyrene are often discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter that last hundreds of years and are a potential source of harmful chemicals when they do break down; and

**WHEREAS,** film plastic and expanded polystyrene are nearly impossible to recycle, are not permitted in curbside recycling programs and cause damage to MRF machinery (and cost to tax payers) when they are included; and

**WHEREAS,** the Village of Hastings-on-Hudson amended its local laws to ban single- use plastic bags and expanded polystyrene in 2014 with

broad public consensus on the importance of taking this action and the unanimous support of our local elected officials; and

**WHEREAS,** the Westchester County Board of Legislators is considering an ordinance prohibiting the use of single-use plastic bags and takeout expanded polystyrene containers at the point of sale throughout the entire county to encourage the utilization of reusable bags and other reusable, recyclable and bio-degradable products; and

**WHEREAS,** it will be most effective to have a county-wide policy regulating the distribution of plastic bags and expanded polystyrene containers rather than a piecemeal approach that would be different in each municipality, as this will be less costly to local governments and less confusing for residents and retailers; and

**WHEREAS,** while all county residents would realize the environmental benefits of such a program, river communities such as the Village of Hastings-on-Hudson would realize benefits of reduced debris in its waterways as well as improved water quality in the Hudson and Saw Mill rivers; and

**WHEREAS,** efforts undertaken on a regional level will have positive impacts for the region as a whole and for the Village of Hastings-on-Hudson individually; now therefore be it

**RESOLVED:** that the Village of Hastings-on-Hudson urges Westchester County to adopt a law which would ban the use of single-use plastic bags and expanded polystyrene at retail stores and food service establishments throughout Westchester County; and be it further

**RESOLVED:** that the Village of Hastings-on-Hudson requests that the Village Clerk forward a certified copy of this resolution to the Clerk of the Westchester County Board of Legislators and the Westchester County Executive Robert P. Astorino.

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

#### **49:15 APPROVAL OF CONTRACT FOR LED STREET LIGHTS**

**Village Manager Frobel:** Several times during our budget n process we talked about the cost of this. For the last five years the Village has been a leader in converting our street lights to the LED. I also demonstrated that in the operating budget there has been a corresponding savings, the money we are not paying to New York Power for the electricity, we were putting into our capital investment. What came out of our discussions during the budget process was, perhaps we should accelerate that process. The Village Officials Committee, with Elmsford taking the lead, has been able to link up with the City of New Rochelle to develop specifications to offer that kind of savings that we wanted to. Not only was it a lower unit price, but the price was all-inclusive. We have been installing the lights ourselves, which added to the time it took for our department to do it.

What we saw was an opportunity where we can begin to realize a payback more quickly. That is what is before you tonight. Trustee Lemons and I have looked this over. We believe that this opportunity offers some real savings. We can come very close to demonstrating that the savings in electricity will pretty much cover the capital investment, if you choose the five-year lease, and that is the recommendation. Originally I was thinking the seven-year. If we went out seven year, obviously the annual payment is lower but it takes you longer to pay back the investment. The five-year is what we would like to do. It does not quite cover the projected electricity savings. Part of that is, our savings is not as dramatic as some of our neighbors because already we have converted about 23 percent of our lights. So we are on this path already, while our neighbors in Ardsley and Tarrytown, Irvington and Sleepy Hollow are probably seeing a greater savings because they have not been embarked as an aggressive program, much as it was, over the last several years. But they are looking to step up, as well.

It is my recommendation that we move forward. The company is here this evening. Heather Cuffel is here from Lumen Light Solutions, with a colleague. She is the one who has been helping all the village through this discussion.

**Mayor Swiderski:** What villages are those?

**Village Manager Frobel:** Last evening, Ardsley approved and Tarrytown. Tonight, I have reason to believe that Dobbs is going to approve it and Irvington. And Sleepy Hollow is probably within the next meeting. Elmsford is well on their way, Mayor. They were the first.

All of our neighbors that are involved are in the Village Officials Committee. It has been thoroughly examined. We believe it is the right thing to do if your intent is to begin to convert and save that electrical cost. We have had a long trial period. Complaints have been few, if any, over time that I have been implementing this program. Some concerns were addressed concerning the brightness of the light. Some valid comments were made and forwarded to the vendor. She can talk about that tonight. But these specifications address all those concerns about brightness.

There was also concern about whether or not shields can be placed. We can accommodate any concern a homeowner might have about whether the light is directed too close to his home. We can take care of that. Our first step, though, is an audit. What the company will do is review all our street lights, determine what type of light we have in there today, although we have a very good inventory. They will determine what is in there today, and they'll talk about a conversion. This is not one-size-fits-all. They look street by street, area by area to determine the appropriate fixture that should be inserted. It is a very thorough examination of our inventory. Our baseline audit is conducted, and then orders were placed for the lamps. The audit will take several weeks. Once that is complete, we are probably looking at an 8- to 10-week lead time for ordering the product. Our goal is to have it completed, all installation, by the end of the year. I like the idea that it will be done quickly. As I said, in the past we have had to pull from other resources of ours to have it done. It has worked OK, but this is a real opportunity to realize some savings sooner rather than later. It is our recommendation that we be allowed to move forward.

**Trustee Lemons:** The magnitude of the projected savings is significant, over \$40,000 a year. That's one of the reasons that it makes sense to do the five-year rather than seven-year payout. If we paid it out we are going to pay more per year, slightly more than we are going to be saving. But if we do that five-year program, in the end we are going to probably come out about \$100,000 ahead. Not insignificant over that period of time. From then on, it is pure savings, \$40,000 a year.

**Mayor Swiderski:** It is lower electricity use, and the replacement cost drops through the floor because these things last forever.

**Trustee Lemons:** They last forever, maintenance goes way down, and it helps us a great deal in lowering our carbon footprint as a village.

**Mayor Swiderski:** So I am not accused of deception, I do not literally mean forever. I think it is a 10-year warranty. What is the estimate on lifespan for the bulb?

**Heather Cuffel, Lumen Light Solutions:** It is 20 to 23 years.

**Village Manager Frobel:** With a warranty.

**Mayor Swiderski:** Right, warranted for 10.

**Ms. Cuffel:** Correct.

**Trustee Walker:** But we are paying this out over five years.

**Village Manager Frobel:** We pay it out over five years. We could finance this ourselves. I want to be right upfront, we could do a BAN. But in keeping with your philosophy, our idea was not to keep loading up debt. Let us pay as we go, let us show a true savings and a true cost. The company's financing, in my opinion and in the opinion of other communities, is attractive. The difference between what we would save and what it is costing us if we were to borrow it ourselves is very close. By the time we go through our legal requirements and the financing, I like the attractive financing. So did Ardsley and Tarrytown. A conversation with both those managers reveals that this is their recommendation of the way they are going. Again, your philosophy has been to keep out debt low, keep it off. Let us do it this way, let us pay for it as we go forward.

**Trustee Lemons:** Also there are significant logistics. Not just the installation itself, but updating the database and making sure those savings begin to roll in.

**Mayor Swiderski:** Who reports that to NYPA?

**Village Manager Frobel:** The company will.

**Ms. Cuffel:** I have brought Rob Craig, also with Lumen Lights. Lumen Lights is a joint venture of two local businesses that have been here for 20 years, and Yonkers Contracting has been here for 70 years. So you are looking at employing local labor, as well as all the other electrical benefits and the savings that you are getting.

**Rob Craig, Lumen Lights:** Regarding the brightness and color. The color of the light is the 4,000 Kelvin, which is the white light that allows excellent color rendering. The fixtures we are using are Phillips Fixtures, a company that has been in the LED lighting business for

years and in the lighting business for decades, and has a division devoted to LED lighting. They have been in the forefront of LED lighting and developing it. So I think the fixture is the best you are going to see on the market. You have seen some news lately regarding colors of lights and LED lighting. In Brooklyn, there were some complaints about LED lighting and how bright it was. That is because they were using 5,000 Kelvin instead of 4,000. So your green is going to be green, your red is going to be red, you are not going to see grayish colors; you will see pure color rendering and it will be a nice beautiful color.

**Trustee Walker:** Is it a warm color?

**Ms. Cuffel:** To the eye, you will see neutral color.

**Trustee Walker:** Like an incandescent?

**Ms. Cuffel:** It is comparable to an incandescent, yes, in terms of lighting.

**Trustee Walker:** Because some of the LEDs we have in the Village now are really bright and a cold white light.

**Mayor Swiderski:** Do we know what those are?

**Village Manager Frobel:** They vary. For example, we recently put in new lights around the high school, and that was also after a very thorough examination. They are brighter than you would see on the street lights.

**Mayor Swiderski:** But in terms of the Kelvin, the warmth.

**Village Manager Frobel:** That I do not know. That is too technical for me.

**Ms. Cuffel:** The original point that was asked was about the Con Ed database and who updates NYPA. The way you are billed is, there is a Con Ed street light database that has all your lights inventoried in it. They record the number of your lights, the rated watts, and the annual burn hours according to the Public Service Commission. Those then are reported in terms of kilowatt use to NYPA, and NYPA sends you a bill. We go through the painstaking effort of making sure every record in your Con Ed database matches a light that is physically in your field, using common language code as opposed to Con Ed's rather esoteric codes. So you can find them again if you need to update them or do anything with them, again which you are not going to do. So we match them all and we update them as we install the lights. That is how you see your savings each month. Then we will see your NYPA bill because you will give it to us, and we will confirm that NYPA is billing you properly.

**Trustee Walker:** Could we do a test run to take a look at the light?

**Village Manager Frobel:** I think that is what we have been doing.

**Trustee Walker:** But as you said we have a lot of different types of LED lights now in the Village.

**Village Manager Frobel:** Not different types, different brightness.

**Trustee Walker:** Different qualities of light. Yes, that is what I mean. So different types of brightness and different colors. If we are going to be installing all new lights in the Village I think we need to look at it first.

**Ms. Cuffel:** Have you driven anywhere in Yonkers in the last year? Down Central Avenue, anywhere in the City of Yonkers. All of City of Yonkers has these fixtures in them, everywhere.

**Mayor Swiderski:** Same warmth, the same 4,000?

**Ms. Cuffel:** Yes, exactly the same.

**Mr. Craig:** Everyone was really concerned with Yonkers. They were the first ones to dive in to the deep end of the pool and convert all the LED street lights. They were nervous of the public outcry of the change. Change is always tough for a lot of people. So we went through the project, everyone was holding their breath. We knew we were giving them an excellent fixture. We researched every fixture on the market that we could come up with. We took the best fixtures. The color is the key part of this. You get it that it is not brightness. Brightness and color are two different things. The color is between, let us say, a 3,000 Kelvin, and Kelvin is the temperature of the light, up to 5,500 Kelvin. That 3,000 Kelvin is that yellow, warm, orange-y light that people are used to. But they are used to it for the wrong reason. I am going to get into that in a second. Then other people, when LEDs first hit the market, they were all 5,500 Kelvin. We are talking Star Trek transporter bright blue. They were out there because that is all they had at the time.

Now they have developed all these high technologically advanced LEDs that are able to give, the ultimate color of lighting for municipal streets, which is 4,000. We are all used to high-pressure sodium lighting. High-pressure sodium lighting is somewhere around 3,000 to 3,200 Kelvin of light. The ultimate lighting that was available to municipalities and engineers was metal halide. Metal halide was the white light. Metal halide was 4,000

Kelvin. The problem with metal halide is twofold. One, it is an energy hog. And number two is, the amount of light it puts into the street is half of that of a high-pressure sodium. So you need double the amount of lights to effectively light your roads safely for pedestrians and motor traffic.

The great part was that we are able to offer a 4,000 Kelvin. The 4,000, why it is great, is that it is neutral lighting. It is not glary white lighting. People get nervous about brightness. Brightness is a different factor altogether. If somebody is used to a 100-watt in your house, and then throw a 400-watt bulb in your bedroom it is going to be super-bright. We are matching equally light-for-light. We took iso curves of what is there now for the fixture that is going to be there, and we compared it with the same fixture in an LED to give you more effective lighting. There are concerns that some of the fixtures cast light backwards. We had complaints where people say, "I can't see the keyhole on my front door anymore" because now the LEDs, instead of throwing a lot of garbage light way over there, we are trying to light streets and sidewalks. We are not trying to light people's front yards and porches. That is the homeowner's responsibility. These lights do it a lot better. The iso curves are beautiful. They give you more lighting where you want it and less lighting where you do not.

Also, I heard you mention that they offer shields. Those situations come up. It came up on Brooklyn, where you have a hot light on an apartment building close to the sidewalk. It is those people who are up on certain floors where some of the light is trying to light the sidewalk, some of those people who are just in the right spot, that one bedroom window, is the one where people have complained. There were some problems in Brooklyn, where this all hit the paper, that the contractor, not us, might have been mounting the fixtures on the wrong angles. There are adjustment points, and y a little bubble level in each one of the fixtures, so you know you are mounting these things perfectly straight. Not all fixtures have that, but yours will. One of the problems was they were mounting them down so the light was hitting some of the buildings. That was modified by people mounting the fixtures correctly, which we will do. The other problem was they used 5,500 Kelvin fixtures, which we would not do. The municipalities like New Rochelle were smart enough to understand what products were out there, and they made a very wise choice.

Color rendering: in the daytime when we look at lights and we look at white light, we look at light produced by the sun. When we come out we see the trees, we see flowers different colors. We can see that reds are reds and blues are blues. High-pressure sodium fixtures, the orange and yellow lights, every car looks a shade of gray. Every coat, every windbreaker looks a shade of gray. These lights are different because not only do they add the extra security of a red car went by with a yellow license plate, which you are not going to see with the yellow lights with the 3,000 Kelvin lights, but it is also great for the downtown. In the daytime, your red brick of buildings are red brick, the green grass is green, the flowers are

colored. With these lights you are going to be able to make those designations. With the other fixtures you are not. So it an improvement even on a aesthetic of the downtown at night, as well.

**Trustee Apel:** When you change a bulb and it is in front of a house, will you be leaving information to the people? How are we letting the people know we were here?

**Mr. Craig:** Some communities use the robocall system. I do not know if Hastings has that. If you s have websites, you are going to run a post of what we are doing. They had a complaint line where they would have people call in. There were few people that had some complaints. Some of the complaints were you did my neighbor's street and you did not do mine; why did you not do my street? That was probably 90 percent of them. Because we just hadn't gotten to it yet. Eventually, we did them all. I would say post something and let people know what we are doing. Secondly, go online and let people communicate with everybody and let them know we are there. If they have problems we will address them.

**Ms. Cuffel:** For New Rochelle and Elmsford we are giving them fliers they can post on their website in various formats.

**Trustee Apel:** I do not know if this is helpful, or not. Con Ed, when they cleaned the bottom of the poles they left little signs on the poles that said we were here and we cleaned whatever. They did not last very long because it was paper, but at least it was some notice and people saw them.

You answered the question about the color temperature. That was the important thing.

**Trustee Walker:** And the brightness. Those were our concerns.

**Trustee Lemons:** Since Yonkers has done this all over and you have hit all kinds of areas in Yonkers, when there have been complaints what have they been?

**Mr. Craig:** Have not gotten to their street when we did the street next door. Cannot see their keyhole on their front door. Most people call up and go did you change the street lights on my street. They look really great. Something is different, but have you changed them yet? So most people were positive comments.

We did have one problem. We were going by the Con Ed database. There were some areas that Yonkers made some changes to their street lighting system and maybe did not update that into the system. We would go to an area and it said 150-watt luminaries. We found out there are maybe 400-watt luminaries. We presented our map before we made the

installations, and it was decided that we were going to match what was there, within reason. If there was a 150, 250, 350 or 400 on the same street we picked a number. The one complaint was, we changed them all back per the Con database, per City of Yonkers all to the 150s. Happened to have been like five cars got broken into that night because there was not enough light. Yonkers realized it, it was not out fault. The asked us can you please change these to 400s or 400 equivalence. We did it literally the next day. We went out there with 400s and changed them to the higher because it was a security area. It was right near apartment complexes, and cars were getting ripped off. As soon as we went back up to the higher light that stopped. That was a problem, but we worked with them and we are going to work with you, too. When you have problems, you can understand we are going to be there, we are going to meet and be able to talk about these things. We will resolve them.

**Mr. Metzger:** One thing I wanted to point out is that in this light fixture you have got two different color of lights. The whiter light is probably closer to that 5,000 Kelvin, what we call daylight when you go to Home Depot and buy a bulb. The yellowish light is probably closer to, I am guessing, 3,500 Kelvin. It looks a little cooler than your typical incandescent light bulb, but it is certainly not as white as the other one. So you have a very good effect right in this light fixture of what the colors are. What people need to know who may not be familiar when we talk about wattage of LEDs, the typical 100-watt screw-in light bulb that we are all familiar with, to get the same amount of light out of an LED it only uses 19 watts.

A lot of people talk about, but they are not realizing they are talking about it, is the emotional component of the color of light. In our downtown, we talk about them looking like gaslights, like the New York City turn of the century. There is an emotional component to that that is not necessarily the light you want on a street as you are driving home. It is beautiful in our downtown, where we have lots of stores and a lot of other light coming out. But you would not want those lights on Farragut Avenue leading down to the Saw Mill. These lights will give us very neutral color, which is what you are looking for. Red will look red, blue will look blue. It makes it easy to determine what you are looking at because you have the color component as well as the shape, the object, the shininess. Makes it much easier to discern things, especially when you are driving.

**Mr. Craig:** Was there concern regarding uplighting?

**Trustee Apel:** You had mentioned that. Is it the type of thing you are talking about?

**Mr. Craig:** A little bit. The International Engineering Society, the IES, has rated mostly all commercial fixtures. They give what they refer to as a BUG rating. B for backlight, U for uplighting, and G for glare. Now, the dark sky complaint, I think since 2008 all municipal contracts, DOT contracts, New York State contracts, every fixture put onto New York State

properties has to have dark sky compliant fixtures. These fixtures are, of course, 100 percent dark sky compliant. Even better, let me get back to my friend the BUG here. Uplighting, the U is how much uplight. That scale is U-zero, which is practically no uplighting at all, to U-5, which is a lot of lighting. The fixtures we have submitted for this municipality is a U-zero so it is really good.

**Mr. Metzger:** There were LED fixtures installed on Warburton Avenue, I am assuming by the county since it is a county road. I would be curious to know if those were Phillips fixtures. Because in my research, every Phillips light fixture is a 4,000 K. We might have the fixtures in the Village that could give us a better sense of what this light looks like.

**Trustee Walker:** But if we drive down Warburton to Yonkers would those be the ones you are talking about? We just cross the border and we will see?

**Ms. Cuffel:** In Yonkers, on Warburton, there are a lot of the historical lights. A number of those are the Phillips post op version. All the streets in Yonkers have COBRA heads of 4,000 Kelvin.

**Trustee Armacost:** Can you tell us what type of warranty you offer and what type of after-sale service is available after the warranty runs out, if the lights last for 23 years?

**Ms. Cuffel:** The warranty is 10 years, and the photocell that goes on top has the same 10-year warranty. Both have a 20- to 23-year life so they will last the same. There are options we can arrange for extensions of the warranty, at cost. That question has never come up in the past but we can certainly look into that if it is a concern for the Village.

**Mr. Allen:** I assume Meg Walker's question of can we see one in a trial run was meant for the public to be able to look and see if these lights are good. If you vote now we are stuck with these lights whether they are good or not. Can we delay this vote for two weeks while the public takes a look? That was, I assume, why she asked that question, and I ask it too.

**Mayor Swiderski:** Trustee Walker, were you satisfied with the response around Kelvin and the light?

**Trustee Walker:** I think it was adequately explained, the difference between 3,000 and 4,000, and getting on up to 5,000 Kelvin, and that this kind of bluish light that we see here would be higher Kelvin, like 5,000, something like that. Warm incandescent would be more like 3,000. We are talking about 4,000 so I guess I am satisfied. I am going to go down and look at them in Yonkers, though. I want to see them. But I have noticed that some of them in the Village that were installed in the past, I was all for LED. I am totally in favor of it for

all those reasons of conservation and longevity. But there is one in my neighborhood that changed the nature of the street. The light spilled further than before, and it is a much colder light than before, and glare-y. That is why I was concerned. I do not know when it was installed, but that is why I brought it up previously. I was concerned about the color.

**Trustee Apel:** Is not part of their contract to go and look at all these lights now?

**Village Manager Frobel:** Yes.

**Trustee Walker:** Maybe we could find out what that one is. Maybe we can change it to something less glare-y and cold. I know there is not a lot of choice, but what you are choosing is something that is neutral and that sounds like what we are looking for.

**Mr. Craig:** Yes.

**Trustee Lemons:** We have got the specs that probably are the best we can get. So unless we want to chase technology for 3, 4, 5, 10 years, even then we are probably not all going to think is a great light. I have these discussions going on in my own home frequently. But we have got a big issue here, which is energy utilization. We can adapt to the difference. It is going to be a change, and probably none of us are going to love everything about it because it is a change in appearance. But here is where we have, I think, a moral obligation to do the right thing.

**Trustee Walker:** I agree, we are getting the best that technology has to offer. Yes, it might get better, but we don't want to necessarily wait. So I would agree with that. Jim Metzger did some research, as well, and sent us a link so we could learn more about the Kelvins. You were also saying that 4,000 was what we were looking for in terms of neutral. I am comfortable with that if that is what we are getting.

**Trustee Apel:** If you look at other neighborhoods we are only going to see if the light is working in that particular neighborhood. A person is going to have more concern in their own neighborhood. So if we have better communication with the people on the streets, and they can respond after if it is in and there is a problem, we can go back and have a discussion and deal with it then.

**Mayor Swiderski:** I do want to point out that we have run an experiment, and a quarter of our lights are LED. I walk under a whole string of them on the way home every night. So we do not have to travel far. We have been experiencing these

**Trustee Walker:** And I have heard a lot of complaints about it.

**Mayor Swiderski:** I heard initially of the change, and then eventually people do not mind. When the sodium lights came in it was universal that it made you look like you were dead.

**Trustee Walker:** Yes, that is true.

**Mayor Swiderski:** You were yellow and black. The fact is, you got used to them and what you got used to is flat color. This is not. Once you get used to the fact that it is white, which is what incandescent bulbs are but outside and much brighter, you get used to it. It is white light, a little warmer than 5,500. We have run an experiment now.

**Trustee Walker:** It sounds like it is a lot warmer than 5,500, from what you are saying.

**Mr. Craig:** We would not have suggested those. We would never have recommended them. I do not want to put those up.

**Mayor Swiderski:** And it is a substantial saving in energy and in money.

**Trustee Lemons:** Also it is not significant that they have this very low upward cast. Light pollution is a huge issue everywhere on the globe. If we can diminish that it is great.

**Trustee Apel:** We will not necessarily realize it until they have done a larger portion of the Village or have gone over the places that may seem too bright for some people today, and they are going to be changed. While this process is going on if the public sees something they would have a concern about they need to get in touch with us or with the Village Manager. Then we will take a look and see what that concern is.

**Trustee Walker:** But can you do that?

**Ms. Cuffel:** As the Mayor and Mr. Frobel pointed out, the first step is an audit where we map out what kind of things you have, do a field verification. If there are concerns about not enough light or too much light, that can be all reviewed when we give you the audit results and show you what your lighting plan looks like and what your village looks like on a map of the wattages and you can make adjustments.

**Trustee Apel:** Besides talking about wattages, because the regular person is not going to know, this report would need to be able to say we are going to make this neighborhood a little brighter or this one is too bright. You have to explain that because the wattages are not going to mean anything.

**Ms. Cuffel:** Our goal is to match what is there unless people are not happy it.

**Trustee Apel:** But how would you know if the people on a block were not happy?

**Mr. Craig:** There is a guideline for what we are trying to accomplish.

**Ms. Cuffel:** If you enter into a contract I am assuming on your website you are going to announce that you are going to have this great and wonderful new LED project coming to the Village. And if people have concerns they can certainly contact us. We can create an e-mail address so they can contact us directly, or to you and you can funnel them to us, and then continue to update them via your website. We have prepared fliers that can be mailed.. But most people go to websites or look for e-mail blasts. We can accommodate whatever communication methods your constituents are most comfortable with.

**Trustee Walker:** So rather than just telling people what is happening, we can also ask them if they have some issues with the lighting in their neighborhood now that they want to be addressed. There are areas where the lights are very dim. So it goes both ways.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to enter into a contract with Lumen Light Solutions, LLC, Yonkers, New York, to extend the terms of Lumen's bid/proposal for the City of New Rochelle to provide an LED street lighting system throughout the Village of Hastings-on-Hudson at a cost of \$265,000 over a five year period, such cost to be paid from the savings realized on street lighting bills.

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

**Mayor Swiderski:** Thank you to the Village Manager and Trustee Lemons for the work done here.

**50:15 BOND RESOLUTION – FIRE PUMPER TRUCK**

**Village Manager Frobel:** The next five resolutions are the result of the work sessions, the capital improvement plan, development specifications, awarding of a bid. This is the final step. These are items that have already either been authorized to be purchased or will soon be authorized for purchase. We have them all on this evening because the idea is to have some economies of scale. Our goal is, once we have received your approval we will then go to the bond market and see what we can do in terms of an interest rate for a short-term note. These will probably be within a five-year unless, as we have in the past when the market seems advantageous, we will cash in BANs sooner than the five-year period and go right to serial bonds. This is the final step in the administrative part of moving forward on these capital projects.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$633,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the purchase of a Fire Pumper Truck in and for said Village.

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

**51:15 BOND RESOLUTION – ACQUISITION OF VEHICLES**

**Village Manager Frobel:** This is the garbage truck you awarded just a few meetings ago, and the dump truck for the DPW and one for Parks and Recreation.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$388,500 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the acquisition of vehicles for construction and maintenance purposes in and for said Village.

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

**52:15 BOND RESOLUTION – RECONSTRUCTION OF REYNOLDS FIELD PLAYGROUND**

**Village Manager Frobel:** This resolution came up about a year ago and was tabled. There are some concerns about the school project. We are ready now. I gave you a report bringing you up to date on the work of the citizens committee in the design of that park. We are looking to have approval for the funding so when they are ready we will come back to you with a final design and look forward to buying the equipment and having it installed.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$125,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the reconstruction of the Reynolds Field playground in and for said Village.

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

**53:15 BOND RESOLUTION – FENCING AT THE WARBURTON BRIDGE**

**Village Manager Frobel:** This is our share of the modification to the design of the fence for the bridge. We will have some paperwork to do before we can pay for that fence in terms of the intermunicipal agreement with the county that we worked out and some additional work that the Village Attorney reminds me of. This is to get the authority to have that in place, when the day comes.

**Mayor Swiderski:** To clarify issues and facts here so it is clear there is no misleading or anything like that, the bridge is a county bridge. The expense of the reconstruction, in full, is the county's responsibility. We are paying the additional amount above and beyond what a one-inch plastic vinyl-coated chain link which is the standard, would cost the county were it installed. The number was \$40,000, I believe, but it is somewhere in the record, the cost they would have paid for that chain link fencing. We are adding on the additional amount of monies for steel wire mesh fencing that we agreed was a more attractive alternative and better for views than the fencing required by the county.

I cannot speak to the county's requirements. We explored other options, and they were firm on fencing from day one. We explored netting, and they were uninterested in the expense of, I believe, maintaining netting or installing it. In the end, we determined that the view was important enough to try to preserve as best we could. So we engaged in the public process, where citizens helped us out both in offering options and then working through the mechanics of helping us modify the proposed plans so we would get a better option than the one the county presented to us.

That is where we are. The Board heard about this in 2013, plans were submitted in 2011. But we heard about it in 2013, and we reacted to those plans in 2013 seeking an alternative. At no point in the discussion with the county did they ever waver from a fence. In the end, it is their bridge, their standards, and we are getting what we think is a reasonable alternative to what would be a very ugly fence. With that clarification, I am going to ask for a motion.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$103,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the fencing at the Warburton Bridge as part of the reconstruction of the Warburton Bridge by the County of Westchester in and for said Village.

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

**54:15 BOND RESOLUTION – VILLAGE HALL EXTERIOR COLUMNS**

**Village Manager Frobel:** During the budget process you heard from staff about the condition of the columns in front of Village Hall. The recommendation at that time was that we replace them. We have tried to do repairs over the years. They are beyond that point. This would be some extensive repairs on the columns.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached to authorize the issuance of \$65,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the partial reconstruction of the Village Hall exterior columns in and for said Village.

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

**VILLAGE MANAGER’S REPORT**

**Village Manager Frobel:** Three items I would like to brief the Trustees on this evening, the first of which is the improvements to Zinsser Park. At the last meeting, you heard from some residents about their plans and some suggestions they had for improvements they would like to see made at the park. I have asked Kendra to come here tonight to brief you as to what was presented to the Parks Commission last Thursday evening and what has been agreed to and what we expect to see occur at the park over the next several months.

**Kendra Garrison, Superintendent, Parks and Recreation:** At the last Recreation Commission meeting the commission approved the planting of the 10 fast-growing trees that was stated in the letter they had sent the Board as well the Commission. Some of the other items like the garbage cans, picnic tables and picnic benches are a work in progress and we will be working on them. There was a report of graffiti and we have removed that. So we are moving forward, according to their plan.

**Village Manager Frobel:** I have invited the Friends of Zinsser Park to meet with myself and staff tomorrow night to talk about our snow removal operations. That is an annex of this whole park review. I hope they take up the opportunity, but I want to brief them on what we have found so far in terms of alternatives to storing the snow on-site. That is part of this equation. But I wanted you to hear from Kendra as to what the Commission is looking to do for short-term and long-term improvement.

**Ms. Garrison:** Other parts of the plan will be discussed in the future. We are going through it piece by piece.

**Trustee Walker:** So the 10 fast-growing trees are close to the playground to provide shade for the playground?

**Ms. Garrison:** They are near the playground, yes, at the outer edge.

**Trustee Walker:** What kinds of trees?

**Village Manager Frobel:** Is there not consideration for tenting, while you are looking for that?

**Ms. Garrison:** The shade sails also, yes.

**Trustee Walker:** Then you are also going to look at some bigger, longer-growing shade trees for specific spots?

**Ms. Garrison:** Right.

**Trustee Walker:** Then on the far side of the parking lot a lot of trees were removed. I was wondering why they were removed there. Was that to create more parking?

**Ms. Garrison:** No, those were dead trees that needed to come down.

**Trustee Walker:** They were just dead trees that needed to go. Because people are parking there now, I noticed.

**Ms. Garrison:** That I did not know. I am sorry I do not have the list of trees.

**Trustee Walker:** It is all mulch now. Is there a plan to replant that area?

**Ms. Garrison:** We have no plans at this time.

**Trustee Walker:** Because it has become de facto parking. Maybe that is OK. But it is a 10-foot wide swath now where people are parking.

**Ms. Garrison:** Right, where with put down the wood chips.

**Trustee Walker:** I know this is premature, but we start talking about revising our Comp Plan in the next couple years.

**Trustee Apel:** Sooner.

**Trustee Walker:** We should have a much bigger, more robust parks component to the Comp Plan. It is important, and with a lot of public input. It is did not come up last time particularly. Now people have more concerns and it is a hot button issue for a lot of residents.

**Trustee Armacost:** Fran, if it is possible to have a meeting when I am back in the country I would be grateful because I am liaising with the Zinsser group on behalf of the Board of Trustees. I will be back on Friday of this week to be able to have a meeting next week.

**Village Manager Frobel:** Sure, we can reschedule. I set this meeting up two weeks ago. Let me go ahead and meet with the group. I just want to keep them informed as to the status of my research. There will be another meeting, that is fine.

**Trustee Armacost:** Maybe I could have a one-on-one meeting then when I get back. Then we could have a group meeting some time when we are all about.

**Village Manager Frobel:** That would be fine.

The second topic, I did provide the Board with some sketches and a narrative from Kendra on the Reynolds playground committee work. They are proceeding nicely. The equipment they appear to be leaning towards is on the state bid so that should be a savings. It should

also give us an opportunity to have our crews install the equipment, or citizens. There is a blend there I think you were talking about.

**Ms. Garrison:** Correct, it would be a community build. It will be a contractor from the company as well as the whole community coming out to put in the equipment.

**Trustee Apel:** Is not that committee always fund-raising?

**Ms. Garrison:** They are, yes.

**Trustee Apel:** They had pictures at the Friday Night Live of some pieces they could use. I am sure you are taking into consideration what is in the news today about artificial turf and what they are not using anymore, coconut fill or whatever, I do not know what they are talking about. I am sure you are looking into using more organic.

**Ms. Garrison:** Absolutely.

**Trustee Walker:** What you are doing is great. Getting all the public input was well worthwhile, and I want to thank you for reaching out to the community. That was terrific, and people seem so excited now.

**Ms. Garrison:** Right, it was great to hear from everybody.

**Village Manager Frobel:** The final part of my report also involves Parks and Recreation. I presented the Board with our memo on the senior van. I assured Ann Schnibbe there would be no action tonight, but I did let her know that I was going to report to you that we are exploring alternatives. My recommendation is, I would like to see us look to acquire a used van. It is used extensively not only by the seniors, but in other capacities.

The thought is that although we have not totally given up the Dobbs Ferry notion we are still working on some scheduling issues. I feel that what we have heard from the seniors and what our research is revealing in terms of cost and the difference between the two programs is having us lean toward a continuing program as it exists. But we will have a final report to you at the next meeting. In the meantime, we are getting by with a rental vehicle. We are still in discussion with them as to the value of the loss.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Ginsburg Development Park Planning - Confirmation of park land to be deeded to Village as part of Saw Mill Lofts Project on 9-A**

**Mayor Swiderski:** The Ginsburg project involves 66 units on 9-A. As part of the arrangement with Ginsburg, they are going to deed to us 1.8 acres of land as a park for us to dispose of as we see fit. They also would like to be involved in the decision making on that. Our response is no more so than any other participant. But they will have equipment and contractors on-site, and their ability to execute on a park at a reasonable cost may be worth pursuing. First, Kendra, you are about to be charged. We have got to figure out what to do with that 1.8 acres. Is it a passive park, is it orientation toward wetlands? What do we want to do with it? A playground? Who are we servicing, what is the population there, and what can we do with it?

Another one of the amenities to keep in mind as we head forward on that project is that Ginsburg is setting aside a small parking lot of eight spaces or 10 spaces and a bridge that will go over the Saw Mill to the South County Trailway. These joint amenities are something we can use as a village, but the park is ours to dispose of as we see fit. Gin up the process again with the Recreation Commission, and open it to the public. We need to begin to think about how to use those 1.8 acres that we will now be in possession of.

**Trustee Walker:** It is ours to maintain, as well, then.

**Mayor Swiderski:** It is ours to maintain, and ours to do with as we see fit. But it comes at a cost.

**Trustee Walker:** The fact that it is also an entrance to the South County Trailway is significant because that means people from the region will be coming there, for better or worse. If it is something that is attractive to families who are bringing their bikes. We want to serve our citizens, but there will be other people coming there, as well, because it is not going to be exclusive to Hastings residents. That is something to take into account. A playground there might be used by just that kind of thing; something for families who might be coming to use the South County Trailway and have something else to do there when they come. Or picnic tables for somebody who wants to have a picnic while they are riding the trailway. I do like the idea of opening it up to everybody to think about. The Ginsburg staff or whomever he wants to send should be invited to that meeting.

**Mayor Swiderski:** The timeline on the Ginsburg proposal, because they are well underway, is second quarter next year, right? Completion? I believe.

**Village Manager Frobel:** I am not sure. I know they have not even taken out a building permit.

**Mayor Swiderski:** But at least in the media they have spoken about middle of next year completion. But they will not be doing their landscaping until the end. So we do have a little lead time, but not a whole lot.

## **2. Waterfront Infrastructure Report - Next step with final draft**

**Trustee Armacost:** I am going to have to leave, unfortunately. So thank you so much for bearing with me from so far away, and thanks to Raf and to Dan for making it possible for me to participate.

**Mayor Swiderski:** So waterfront infrastructure report. This document is at its tail end. We have received it, there has been public comment and we have offered comment. One of the things we heard in the public meetings was a concern out of Ridge Street and Southside residents that the lozenge of development was heavily skewed toward the northern end of the property, including in front of their view. The Waterfront Infrastructure Committee offered up a one-page alternative posted on the website, both on the front page of our website and also on the waterfront issues page, that breaks that lozenge up into a northern portion closer to the train station and the southern portion, south of Ridge Street.

Also something that has come up is that they are asking for a 19-foot elevation in certain portions above sea level, or mean height between tides or whatever the technical term is, which apparently was based on a guess as to what FEMA's maps would be. FEMA is in the process of reworking their flood maps so this was based on a guess. What they were seeking to do was five feet over the 500-foot floodplain. The idea was that conduit would be laid at that level, above the flood zone, and then five feet above that the housing would go. So it might be at the floor of a parking structure, and then building above that. That adds up to 16 feet, not 19 feet. I would push for 15 feet instead of 19 feet.

**Trustee Walker:** We are estimating it at 11 feet.

**Mayor Swiderski:** Right. FEMA did come back with their maps in the interim. Not final maps, but preliminary maps, were published at the beginning of this year and they have a 500-foot floodplain now at 11 feet, and it used to be at seven. I am guessing on these numbers. I do not remember precisely, but it is pretty solidly within range. We are not talking about four feet higher for the floodplain, and their recommendation would put it above that.

**Trustee Apel:** Nobody knows for sure. My feeling is whatever we can get, however high we can get it, we have to go for it because we are never going to really know. They are saying 19, and we are saying maybe 15. But how do we really know?

**Mayor Swiderski:** Sixteen.

**Trustee Apel:** Sixteen, we are talking about three feet. But if we can get 19 feet out of it why not go for the 19? Nobody wants to look back in hindsight and say we should have just done the other three feet. It took FEMA so long to come out with this, who knows what they are going to get. I do not trust anybody when it comes to this, and I think we should go for as much as we possibly can. That is t my feeling. It may not be scientific.

**Mayor Swiderski:** So you want to leave it unaltered.

**Trustee Apel:** Yes.

**Trustee Walker:** My feeling is that I do not think we have to ask BP to take it to the ultimate level that we think it might need to be for development to be safe. We can ask a developer to do that later, when the time comes, if we feel strongly that it should be higher. That could be the developer's responsibility, not necessarily BP's responsibility. We do not know exactly where the development is going. They might be putting a parking garage on the ground floor that could be below that level, and all the residential units are going to be above. There is a lot now about resilient design, so you are building to withstand sea level rising and flood surging and so on. When the time comes and we have development applications we go up from there. That is my feeling. I do not think we can get BP to do that much more. They are obligated to do five feet.

**Mayor Swiderski:** No, they are not obligated to do anything. If they want it to be developable they will have to be insurable.

**Trustee Walker:** But in terms of the consent decree we said five feet over everything.

**Mayor Swiderski:** Right. The original consent decree was five feet over grade.

**Trustee Walker:** And grade changes. Grade was higher near the tracks.

**Trustee Apel:** If we can get BP to agree to it, then we should try to get them to do it. If I was a developer coming in I would want it developed and pre-done as much as possible so I, as the developer, would not have to spend the money to do that. I do not want to be discouraged from developing if I now have to add three more feet. Also, I'm tired of hearing that the garage will be down there and it will be OK. If I had a car in that garage and it flooded I would be pretty angry. We have to try to do the best we possibly can for this piece of property if that is what is going to end up there. If we decide we are not going to let them

put garages down below, but they want garages on the attic or whatever, you have to negotiate and push for the most. If we can get BP to do it, why not? Then the developer coming in will not have to do it, we will not be discouraging developers, and we will have protected whatever is developed there from whatever flood, 500 years or 1,000 years or whatever. We see what is going on with the weather today, and you cannot predict it. You do the best you can, but if we can make it as stringent as we possibly can or fill it in then why not ask for it and see what happens.

**Trustee Walker:** They are only showing it in a small area it is opposite the commuter parking lot. I have an issue with that only because of a potential view shed. Right now people park there. But we have identified it as a future development site. We may, in fact, not want high land and high buildings at that point. I am not sure we gain that much from having that pod of 19 feet. But it is not a big area. One thing they say that I do like is that they are looking for uneven topography, which is an interesting idea. However, I would like to have a landscape architect figuring out what that uneven topography is going to be and where it should be, and if we are going to have some higher areas we have them in a particular area for a reason. I do not necessarily see that there is a good reason for the 19 feet in that spot.

**Trustee Apel:** Was it not for flooding? Would you like to be in the commuter lot and not have that protection in front of you?

**Trustee Walker:** I do not think that is why they put it there, though. Peter, why do you think they put it in that particular spot?

**Trustee Apel:** Could they put it anyplace along the way, or just there?

**Mayor Swiderski:** They could put it anyplace along the length. They put it there because it was a place where they figured fewer view sheds would be blocked than others. However, in my view, the most salient part of this proposal is where the roads and conduits are. The height of the dirt cap at the end is easily adjusted. The real value of this effort has been to identify the lozenge of likely building and where the roads are going to go, because that will materially, potentially affect where different types of fill go. Where exactly it is 19 versus 11, this is indicative. I am willing to guarantee it will not be that height.

**Trustee Walker:** I remember another reason they said they wanted it higher at that area was to create a gradual ramp for the new road coming down from the bridge. But it is not all up on stilts so they are building up the land to meet the ramp. Which is a nice idea, but we can work that out later depending on where exactly that ramp is going.

**Trustee Apel:** Not if you have not made the deal to put the 19 feet there, or wherever you are putting it.

**Trustee Walker:** We do not know exactly where they are going to put this. What I am saying is we need more information before we can tell them where to put the 19 feet.

**Trustee Lemons:** Right, and I think it is a matter of a few hours with a bulldozer for ultimately where it goes. I am agreeing with Marge, though, on the 19 versus the 16 feet. We do not know what the right level is, but my feeling is higher is better and more realistic.

**Trustee Walker:** But where would you put it in this particular spot?

**Trustee Lemons:** I feel that is a little bit arguing about the angels dancing on the head of a pin. There is too little known yet.

**Trustee Walker:** But they are asking for it in an arbitrary way then.

**Mayor Swiderski:** Where this can play a role is when we get around to the form-based zoning and specify where the building floor is and where the buildings are. At that point, you specify 19 feet or whatever it is.

**Trustee Walker:** Just going along with what you are saying, do we want to say we want to have some higher level at some place? We are not sure exactly where it is going to go, and we are asking BP. Or do we want to be specific? Do we want to say we want it higher under the new ramp coming down from the bridge? Of course again, that is coming much later.

**Mayor Swiderski:** We are saying we want it above the 500-foot floodplain within the road, within the development lozenge. That has over the floodplain, over 11 feet.

**Trustee Walker:** Right, but we cannot tell them where to put it.

**Mayor Swiderski:** Specifically 19 versus 11, no, not now.

**Trustee Walker:** Most of it is 14 on there.

**Trustee Apel:** They have lowered it here because of the street.

**Trustee Walker:** This brings up some questions I have overall with the report and how it intersects with next steps. I wanted to point out a few other places where we could put in some language saying yes, we have an intention here but we do not know exactly where

these things are going or what we are going to look at when we look at a shoreline design; that is what we are going to look at when we look at form-based code. We cannot direct them specifically to do certain things because we do not know where those things go.

**Trustee Apel:** The other thing is, if we are talking about the conduits under here they are going to go way down no matter how much soil is down, right? They are not going to make the conduits go like this, they are going to go straight through. They are going to fit below the 11-foot one. Then whether you have three more feet above it or five more feet it, that is a moot point. In reality, they could dump the soil anywhere and, as we said, we can just move the soil. As long as we have the soil and do not have to pay for it we have got it and can move it around later. As long as they have a concept that we need X amount of soil somewhere, plop it there, then we have got it.

**Trustee Walker:** I do not think it is as simple as that.

**Trustee Apel:** I know, I simplified it.

**Trustee Walker:** It is going to have to be planted. You are not just dumping soil, otherwise it is going to all erode into the river.

**Mayor Swiderski:** And those are points for negotiation in the consent decree. That consent decree is heading toward completion. A foot of soil times, 28 acres or whatever subset, it is minor. Whatever subset it is, it is money.

**Trustee Walker:** And we do not know how big an area we are talking about, how many cubic yards of soil we are talking about.

**Mayor Swiderski:** We have some idea.

**Trustee Walker:** I mean the area that is going to be 19 feet high, it is hard to say.

**Mayor Swiderski:** Back to your comment, you are looking for additional language or it is pointless? Which one did you settle on?

**Trustee Walker:** I am looking for additional language, but I wanted to bring it up as a discussion. I do not have, necessarily, the language.

**Mayor Swiderski:** About what. What is on your mind?

**Trustee Walker:** You asked for a few comments, right?

**Mayor Swiderski:** Yes, that is why we are meeting today on this topic.

**Trustee Walker:** I will start with the general, and then work to the specific. The first thing is in terms of putting the infrastructure underneath a road. We understand where the road that runs parallel to the railroad tracks is going to go. We may not know how wide it is and so on, and that will come later. But generally, we understand where that is. They are talking about, here, a secondary infrastructure pathway in the curvy road, our Riverside Drive. That, we have not really located. So are we asking them to create that road for us and put conduits under that, too? Can we give them some language that we will determine where that road is going to go? Can we even determine where that road is going to go? Do we need infrastructure under that road as well as under the straight road along the railroad the tracks? That is a question because we do not want them necessarily to locate that road.

**Trustee Apel:** What do you mean, a lot of structure under that road?

**Trustee Walker:** The secondary infrastructure pathway. The utilities that we are asking for.

**Trustee Apel:** I thought we had a spine that just went straight out. Why would you then also put anything in the road?

**Trustee Walker:** This is what they are saying: underground conduit and piping with traditional manholes, utility services only for public spaces, not for the private development.

**Trustee Lemons:** You are right that eventually that roadway has to be identified because there is infrastructure under there, there is conduit space.

**Trustee Walker:** This is what we are asking for. We want them to build this infrastructure.

**Trustee Lemons:** It is going to have to be located.

**Trustee Walker:** We want them to figure it out. It is a big determinant. It is like the division between the public space and the private space and the developable space. It is huge. And the way it curves is critical because that has to be figured out with the shoreline design, and so on. So do we need to have that done during the remediation. That is a question.

**Trustee Apel:** It seems right because you have to put street lighting on there.

**Mayor Swiderski:** Ultimately, the selection of fill and placement of fill is the last step in the remediation. So the precise curve of the road is something where you are right, it will come

later. To me, the most salient idea here is the spine, a lozenge, and a curvilinear road around that.

**Trustee Walker:** If they are agreeing to do it and they need information from us, with have to figure out where that goes.

**Mayor Swiderski:** You are getting into a level of park design that the Infrastructure Committee did not.

**Trustee Walker:** Right, and we all understand that.

**Mayor Swiderski:** So they have not failed us in any way. They backed into the size of the lozenge using the logic that is impeccable. There is really no choice.

**Trustee Apel:** They gave us the primary construction pathway, and we have a secondary.

**Trustee Walker:** I agree with what they are saying, and I like the curvilinear road and am in total agreement.

**Mayor Swiderski:** So if you want language in there specifying, with the understanding that a precise curve of the road may be determined later by park design issues and other access issues makes total sense.

**Trustee Walker:** Park design issue, shoreline issues, figuring out the developable area more precisely. That is one thing. Then f along those lines, the shoreline treatment. They recommend a certain shoreline treatment. We know BP and the DEC, in fact, is asking for quite a bit of soft shoreline, probably a lot more than the committee is showing here. I am not saying we have to redesign what they did. We just need language in here, again, saying that this is going to be refined. Indicative, not specific. Different types of shoreline are definitely things we are interested in. We are not exactly sure where they are going. Their proposed shoreline treatment is simply an example of how it could play out. We need language about that.

That is why we went after this grant, to try to get some money to hire a consultant to figure out exactly what that shoreline will look like. We know they have a certain direction they are going in, but we may want to alter it a little.

Then in terms of flooding and the FEMA map. We have got the number, they could put it in there now, I suppose, at least the estimate. And they do talk about raising it up, what we were discussing, the site up for flooding, for tidal surge and so on. I am wondering again if

we need language that this is an opportunity. Dan went to that meeting a few weeks ago where the DEC estuary program is eager to work with us on looking at this. How to design for flooding and how to create a resilient site.

**Trustee Lemons:** Right. Their approach is like ours. It is expansive, not just pinned to the shoreline. It is what it connects to.

**Trustee Walker:** Right, all the way up to the developable area.

**Trustee Lemons:** It goes pretty far.

**Trustee Walker:** What they are saying in here is correct. We want to expand upon that when we get more information and have some technical assistance. There may be more specifics. They may tell us where to put that 19-foot hillock. We could have an opportunity think it through in more detail.

**Trustee Apel:** A caveat when this report is handed to them is that this is all subject to future plans and decisions.

**Trustee Walker:** But if we could just put that in here.

**Mayor Swiderski:** But they are in possession of this draft. It is a public document, and its assumptions about that lozenge of land which is driven by the various agreements in place, the setbacks et cetera have, are, and will be driving decision-making and negotiations because it makes sense and has been vetted here. We are talking about changing the curve of that road. We are not saying there will not be a second road.

**Trustee Walker:** Right, we want a second road.

**Mayor Swiderski:** We are agreeing with the general thought.

**Trustee Walker:** Where is it going to go, how does it curve.

**Mayor Swiderski:** We are agreeing with the basic concept.

**Trustee Walker:** And we do not want BP necessarily to figure out where that road goes.

I do not remember seeing it in here, but I wonder if it would be useful to say that we want a continuous path, whether it is an esplanade, a path, a trail that becomes a part of the county's RiverWalk system. It should be mentioned in here because when we come back to designing

the shoreline they will say why do you want to put a trail here, we want to just create riprap. But we want this to be part of the RiverWalk. We are trying to get people to the river. We are making an effort to join this with other river walks all along the Hudson River. It is also helpful to have this language in here when we are looking for grants. If we have language in here that says what we want in the future it is helpful to show to the state or to a granting agency. We can say it is in here, we have discussed this with the public.

**Trustee Lemons:** We should specifically reference the Hudson River restoration plan, because we are working as a part of that coalition. That is going to be a vehicle for funding. We will be one of many partners all up and down the Hudson, but it is a very mobilized group now. If it is mentioned in this you are right, it becomes something we go for funding with in conjunction with that group. We have got something concrete to say yes, we are part of that and we are working towards those same goals.

**Trustee Walker:** I do not know where to put that, but it should definitely go in. That helps us also when we talk about the three things we were saying we need caveats for: the road, shoreline, and flooding.

**Trustee Apel:** It is safety. We just passed this thing with the police that we are going to all these boats.

**Trustee Walker:** Well, there you go. That's the other thing, locating our marine uses, which they do mention in here. The only things they do not stress are two things. A marina because it did not rate high in the survey. You almost need a harbor focus. You are going to have various places where you can put in a kayak and everything, but you need one spot where you put your police boat in the future, which is where people come if you need help. You have one major location that is our port, our dock, our whatever it is. But it is kind of a locus, the focal point of our waterfront. We have to locate that shoreline design. But they did not stress anything like that, to have a focus on the waterfront where the Clearwater would come if it is sailing and so on.

**Trustee Lemons:** Or those tour boats they are talking about revitalizing up and down the Hudson.

**Trustee Walker:** Right. But it is also a placemaking thing. It becomes the center of your waterfront.

**Trustee Apel:** Is this the deepwater port area?

**Trustee Walker:** It may have been at one point. Both of those were deep, but they may have silted up. But we know that the dolphins have some deep water next to them because they are out so far.

**Trustee Lemons:** You maybe knew this, but there is a fairly recent mapping of the shoreline of depths along the shoreline. This came out in the workshop I went to on the restoration plan recently. That question came up, and it was like we say we have deepwater ports but we do not have current topographical mapping. But apparently, there may be some available that have been done fairly recently.

**Trustee Walker:** Again, this estuary program has done this and they have this information.

**Trustee Lemons:** Yes, they have gone all up and down.

**Trustee Walker:** My comments were mostly about the stepping stone to the next steps. Alerting them that we need to locate things more specifically. BP did not want to give us a letter of support for the grant we applied for yesterday. I do not know exactly why, but we need to engage them in this discussion. In refining this and being specific about this information they need to be our partners. This is not us telling them what to do. We have to do this together.

**Trustee Apel:** The question is why are they hesitant.

**Village Manager Frobel:** It might have been the time turnaround. You do not think that was part of it?

**Trustee Walker:** No. Mark Chertok said it was something else. It was not time.

**Trustee Apel:** There is something else going on because otherwise they would be involved. The question is, why are they holding back.

**Mayor Swiderski:** The request came to them less than a week before their proposal. Our chance to make a pitch for why a collaboration is better than not was not made. We did not have the time to do it. Their natural big, corporate, giant reaction is we do not understand that this can turn against us and we have not worked out control mechanisms here, no thank you. That was their argument. We do not have a control here. We do not understand this, this may somehow work against us.

**Village Manager Frobel:** That is what I attributed it to.

**Trustee Walker:** You are right. It takes a little time to get them comfortable with the idea.

**Trustee Apel:** But they overall do not want to share? They do not want to play nice?

**Trustee Walker:** It comes in at a level where they are thinking about remediation. They are not thinking about shoreline design and where to put in a kayak or where the ferry goes.

**Mayor Swiderski:** Well, they are because we are making them do so. But it is not their instinct. Their instinct now is to get this thing remediated. And we are having those negotiations with them, and they are not hugely happy campers in doing so because it diverts them from their desire to get their engineering design done to clean it up.

**Trustee Apel:** If that is going to happen someone should remind them that their public relations counts on the small things and they should get on board.

**Trustee Walker:** They are giving us at least eight acres of parkland, so it is going to be ours in the future and probably more.

**Trustee Apel:** If they wanted to they could ease up a little bit.

**Trustee Walker:** I think you are right. Maybe somebody higher up has to talk to the people we were talking to and there has to be more communication.

**Mayor Swiderski:** There is an element here that it is an opportunity for them that they are missing. But it is a very big corporate focus on remediation. The ARCO company we are dealing with is a shell that exists only to remediate.

**Trustee Apel:** So the question is, who is in charge of this? Who would be the person that you need to talk with in order to make this happen?

**Mayor Swiderski:** DEC. They have asked for this document as well.

**Trustee Apel:** So they are going to make BP soften and help us with these things?

**Mayor Swiderski:** They have said they want to see this proposal and an understanding of where we want water uses. And, in fact, they are here a week from Thursday. They will be talking about the remediation design underway, where it is. I think it is an obligation they have and they are fulfilling an obligation. It is also Bill Ports' victory lap. He retires a week later so he wanted to do this. But pressure on them to make sure they keep our design elements in mind.

**Trustee Walker:** Right. And this is a time where we can say, yes, we are talking to your siblings over there in the DEC estuary program, and we want you guys to talk to each other because this is really critical.

**Mayor Swiderski:** And they do know that, absolutely.

This is our document now. I want to get the document for them and make a draft of the changes marked up so you can see what I did, based on what you said, unless you want to do it directly and share it with the Board. I sure would prefer that.

**Trustee Walker:** I t cannot do it in the next couple weeks. It depends on how quickly we need to do it because I have too much on my plate right now.

**Mayor Swiderski:** BP has this document, and the changes you are adding are reminders.

**Trustee Walker:** That is true. It is when you take a draft to final you want it to be something, when it has a life of its own, that it can stand on its own.

**Mayor Swiderski:** Right, I agree. I will get the copy out of Doug. We are competing for busyness. I will do it, otherwise I will turn it over to you.

### 3. Recent Downtown Progress

**Trustee Walker:** I am excited about the tree pits that the public noticed. And also the changes in front of the new Juniper Plaza, the new junipers that have been put in pots there. The DPW has been working hard on deepening those tree pits and putting mulch in them so they look a lot better. They will function a lot better and the trees will be healthier. All of that is positive, so I am pleased about that. Barb and Susan are particularly to be thanked for working on that, and the DPW.

Our Friday Night Live was successful and fun. People loved the climbing wall, and it was quite impressive to see not just children, but sometimes some others.

**Trustee Apel:** People that thought they were under 18.

**Trustee Walker:** Right, climbing the wall. Again, that was Barbara's idea. And working with the Boy Scouts, we have the Boy Scouts to thank for bringing that in. We had high school bands that attracted a lot of high school classmates to hear them, and graduated high school bands.

Regarding Steinschneider parking lot, it is beginning to snowball. Sakura Garden has purchased a plastic bin to put their garbage cans in, and other tenants and restaurant owners have seen them and want to do the same. In some places they have to level that slope in order to get them in. It is great because we did not have to use the stick, we got to use Barbara's wonderful kind of encouragement and positive reinforcement in order to get it done. That is a big improvement. It has not really happened yet, but it is in progress.

**Village Clerk Maggiotto:** In front of Juniper Plaza is a wonderful example of what we hope to do in the downtown, which is a public-private partnership. We have had several meetings out there, and it was clear we were starting to do something. We started to do the pits. Then we came back one day and the benches were painted. We said how did these benches get painted? Alex Chu, the chef and owner of Juniper, took it upon himself to do it because he was encouraged that we were doing something. I love the way it is working together, the word you used, "snowballing" over in Steinschneider, once it gets going. I drove by to admire the shrubs the day they went in, and was horrified to see that we already had cigarette butts in the pits. I stopped the car and I could not help myself, I picked out the butts. Somebody who was having dinner in Juniper came running out and wanted to thank the Village for fixing up this area. He said it made such a difference and it is so nice to sit here in the restaurant and look out at this. It is great that those efforts are appreciated.

**Mayor Swiderski:** Now we are going to look into cigarette receptacles, outdoor, industrial quality.

**Trustee Lemons:** There are concentration gradients of cigarette butts, too.

**Mayor Swiderski:** That is a nice scientific way of putting it.

**Trustee Walker:** Thank you for pointing that out. When one party starts to do something, then others do it and I often say you just start with the petunias. You start with something really small, and you can build from there and people start getting involved and it makes a difference. So we are seeing that.

**Mayor Swiderski:** Finally, art in Chelsea's windows.

**Trustee Walker:** That was a collaboration. It was Barb's idea, and she spoke to Susan Richman of Upstream, who said we have all these artists, and then the landlord agreed.

**Trustee Lemons:** The other downtown event that was really successful was the music. The venues all had a lot of people, and the music quality was really good.

**Trustee Walker:** And the restaurants and retailers really benefited from it. So having something during the day is great for retailers.

**Mayor Swiderski:** One of the bands is returning in two weeks to play at VFW in a 12:30 to 2:30 slot. Trying to keep people downtown.

**Trustee Walker:** Yes, that is something we have been talking about with the Downtown Collaborative, and Barb is trying to make it happen. Retailers have asked for that. Move the activity from the Farmers' Market up into town.

**Mr. Allen:** In my original public comments I had asked if the pits on Washington Avenue were also going to be done, and I was told to wait for the report. I would just like to know if you are going to do all the pits in the Village.

**Trustee Walker:** We have not talked about it, but it is a good question. They were all done at the same time on Warburton. The pits on Washington were constructed at a different time. A lot of the property owners have taken them over on Washington Avenue. They have planted things, put bricks in them.

**Mr. Allen:** That is why the pits are being cleared on Warburton so they can get all that stuff out of there, mulch, and save the trees. My question is, are you going to continue to do it on Washington or not.

**Trustee Walker:** We do not have plans yet. Not to say that we will not, we just have not talked about it yet. But it is a very good point, so thank you. And south of the bridge, I noticed that the property owners in the residential buildings are taking care of a lot of the pits in front of their buildings. The best thing is when a property owner will do something attractive. I do not necessarily think we need to go in and take out what they are doing and replace them.

**Mayor Swiderski:** But in the downtown we want something ideally consistent.

**Trustee Walker:** I would agree. So it is something to look into. Washington Avenue has always been a combination of residential and commercial. It is not the same as a shopping district. Not to say that it should not be attractive.

#### **4. Other**

**Trustee Apel** Chief Bannon has gone and I wanted to thank him and the volunteer firemen. Sunday night there was a whole crew of them on my street. Someone had called in what

they thought was going to be a fire, and the volunteer firemen need to be thanked for coming out. They were standing there in the rain and there were all these trucks out there. They certainly made everybody feel a lot better by being there and checking out what turned out not to be a fire. I want to thank the firemen for coming out and for doing a great job, and thank you again for doing all that hard work.

**Trustee Lemons:** That another benefit of Friday Night Live: the recruiting for EMTs was very successful, I heard. They had 10 or so people.

**Trustee Walker:** They were there the entire time, and the kids were getting in and out of the ambulance. They made it into something fun and also extremely effective.

### **ADJOURNMENT**

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