

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 5, 2015

A Regular Meeting was held by the Board of Trustees on Tuesday, August 5, 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, Trustee Daniel Lemons, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

CITIZENS: Eight (8).

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of July 7, 2015 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 10-2015-16	\$125,709.96
Multi-Fund No. 11-2015-16	\$ 13,665.23
Multi-Fund No. 12-2015-16	\$146,215.17
Multi-Fund No. 14-2015-16	\$ 2,611.70
Multi-Fund No. 15-2015-16	\$ 14,062.68
Multi-Fund No. 17-2015-16	\$148,958.83

PUBLIC COMMENTS

John Gonder, 153 James Street: I noticed that the photographs of our last great mayors are nicely put up so everybody can see them. That was very good, whoever thought of the idea should get a lot of credit.

BP, they are not doing too well lately. Their stocks are way down, the price of oil is way down. Will they pay a dividend to the stakeholders? Our consultant Jeremiah Quinlan is still negotiating for a good deal. Building 52, what is going to happen? The Mayor says he has something over BP, and I believe it is zoning. I think you should pass some type of zoning early, like in the next six months or so. The zoning could be something like this: a 99-year zoning law, one acre lots for light industry; building height not to exceed 15 feet; building size 20 feet by 20 feet. Now you would have maybe 12 or 15 buildings down there.

Maybe BP would start negotiating if you put something in like that. BP is hoping the Iran deal goes through because they think they can put in over 100,000 barrels in a month more oil, and that is going to lower prices and hurt all the oil companies. But you should consider some type of zoning down there early, everybody for four generations would say we got four little buildings, 400 square feet, maybe 12 of them. We have the beautiful Palisades, we are going to have our parks and stuff, and we could live with it for four generations.

Tim Downey, 520 Farragut Parkway: We heard regarding the Warburton Avenue Bridge that there was a lack of communication. I heard it in spades, discussions about the fence and the problems dealing with the county. Yet there seemed to be a gap that some people were not aware of it. There are always going to be some people who just come around to getting involved or listening to things later. Then you have to say what could we do to perhaps improve that situation. We have the website and your e-mails but when we lost the banner at Five Corners we talked about having a kiosk or perhaps two, at Five Corners or the Rec Center and perhaps down here for matters like upcoming events or work being work done in the park or an upcoming meeting.

At the last meeting Trustee Lemons said snow removal is a difficult issue. I find just the opposite. It is a very simple issue. Southside Avenue is our solution. It is pretty simple. Everything about that area works, we just have to do it. In addition, as Trustee Walker has mentioned in the past, that is the gateway coming off the tracks and that is what we see coming into the Village, the carnage down there. We could clean that up and that would be a much neater appearance coming into the Village.

The last meeting we talked about a climate change sculpture. We are getting distracted again. I am just not a big art fan. My art is in looking at the Palisades, seeing trees, seeing the landscape around us. That is the beauty I find art. Having a bunch of clunky metal banging around, that is not my cup of tea. I hate to see us get distracted, putting resources to it. Meg Walker was very prudent on this point asked if we had a capacity to take on another item like this that has to be maintained. There are so many things that need attention that are already here. Those blue village signs that were put up in the '90s by Neil Hess, built by Robert Paquette, they are in need of care and maintenance. That is our greeting coming into the Village; missing caps, finials, stain. You cannot see the one on Warburton because it is draped in vegetation, as is the one on Ravensdale, leaves and debris over it. Let us pay attention to the things we have that need care, and not get distracted and thin our resources.

Jim Metzger, 427 Warburton Avenue: I believe the Trustees have all been informed that there are some fairly serious cracks developing in the walls of the Warburton bridge. Concrete will crack. Typically, those grooves in the sections of wall are called control joints. Those are put in so you keep the cracking within the control joint. We have cracking

developing in the wall an inch or two away from the control joint going from the top of the wall right down to the sidewalk. That needs to be addressed. We should not settle for some random we will grind it out and patch it. When we get a rain and a freeze, whatever they put in there is going to crack and get worse and we are going to be left with an eyesore for the next 50 years. We have to make sure the county does this right.

The curbs on the bridge: I took a look at an original drawings. Those curbs are supposed to be granite, and they are concrete. They are all cracking. Every time a car bumps into that curb it is going to erode. I had asked the county to make those sidewalks a foot wider; they are already too narrow. As the curbs erode, it is going to create even more of a hazard. We lived with spalling on that bridge for years. We are looking at that again, starting as early as the first freeze. We need to make sure they go to their original spec for granite curbing.

The original bridge had drains in the center of the bridge, and they are clearly called to be removed in the demolition drawings. There are no drains left on the bridge. All of the rain that comes down Main Street and comes on to Warburton is going to end up on Washington Avenue. None of that is going to be diverted into the parking lot below. I do not know if that was an oversight or if their engineers considered water flow. We had a hurricane in the Village about 12 years ago and the flooding on Washington Avenue was ridiculous. Our rain events are getting worse. We need to find out whether there should be drains there and, if there are, they have to be installed.

The original details for the fencing called for a metal plate with studs buried in the concrete wall. That is what the fence gets bolted to. There are no plates in those studies. When they put in the new fence they are going to drill the concrete and put expansion bolts in. The concrete is not holding up even on its own. When they start putting bolts in we are going to have a serious problem from that, as well. Somebody from the Village needs to alert the building department at the county and let them know they are building to substandard conditions and we should not be standing for that.

Dave Skolnik, 47 Hillside Avenue: Regarding street lights, I think it was the June 15 when you had your discussion and voted. Subsequently, I have spoken about it once or twice here, and I have also written a few letters. Based on the e-mail the Mayor sent out a couple of days ago, I do not have a sense that there is any response to the concerns that I have raised. In one of the letters I said the Village Manager was not telling the truth. I was surprised that the published that letter because I know how cautious he can be. I remain thoroughly disheartened at the way this board has handled this issue. If I did go through and annotate the minutes, those 10 to 12 pages of minutes, I think it would be embarrassing. Not for me, for you.

There has been nothing addressed with regard to the coloration. I cannot believe that you could propose that you have made an honest effort to elicit a response from the Village. And if you feel you have, then you should be concerned that you cannot generate a response when you ask for it. You were able enough to do that when it was a matter of the deer. You have gotten no real response, despite what you would say, about the lack of negative input. But it was clear from the meeting that Trustee Walker had gotten a great deal of negative response. She decided to vote for it anyway, but it was clear that this is an issue that is taking place because no one is around in August. I would still like to know what you are able or willing to do with regard to the concerns about the color temperature. It has never been addressed.

You went into a deal with either New Rochelle or with Dobbs and signed on to whatever it is they decided to do. I cannot see that this board has ever given any consideration, and even looked into the possibility, of what could be done. I did try to reach the contractor and had no response from them and had a terrible time even reaching them. I would like some response as to whether anybody has looked into it. Since Trustee Lemons seems to be the point person on this, I would like to know what the issue might be with changing the color temperature, the Kelvins, of this lighting. The newspaper framed me as being against LEDs. I am not against LEDs, I understand the need, the environmental and the economic reasons. But you have not given this the proper consideration.

Patrick Randolph Bell, Hastings-on-Hudson: Mr. Metzger was 100 percent correct about this bridge. A few weeks ago Bryan Allan noticed these cracks and posted it on Facebook. They are not just surface cracks; they go through the wall and they are mirrored on both sides. You are going to end up having to put up a net or shut off the sidewalk down, or the whole parking lot, before the rock starts falling on people during the wintertime. About the curbs, Mr. Metzger is also right. At least we should go back to what we had, the metal curbs.

The Conservation Commission: I brought this up with Mr. Frobel. A lot of these things I have been bringing up with Mr. Frobel I wonder if he tells you. I hope he does. According to the 1972 resolution which established it in the Village, you are supposed to have five members appointed by the Board. Maybe you touched on this that I do not know about in the last 30 years or 40 years. Mrs. Maggiotto does not think we have. We have seven members appointed by the Board. Who are the two that do not count? You are supposed to have four ex officio members who come to these meetings. I have never seen them there once. Planning Board, a DPW commissioner, chairman of Parks and Rec and the building board. I tried to get their contact information the other day. I was refused. Who refuses contact information for a public official? Mrs. Maggiotto did. I do not know why. I had to FOIA a phone number, I had to FOIA an e-mail? It is ridiculous.

This LED contract. Did we ever have a SEQRA, environmental impact thing on it? Did we also have a negative declaration? All the other villages say they have these.

Village Attorney Whitehead: It is a type two, which means no action is required.

Mr. Bell: Not even saying a neg dec, nothing?

Village Attorney Whitehead: Nothing. A type two means it is an exempt action and that no further action is required under SEQRA.

Mr. Bell: OK, great. There we go. I was going to say that would be a great article 78 for the Village right there. Like all we had to do was pass that. But anyway, thank you so much. I appreciate it, Mrs. Whitehead.

Village Attorney Whitehead: Miss.

Mr. Bell: Miss; a single attorney. About the LEDs, Mr. Metzger said the dark sky people were in favor of them. They are in favor of the ones that point down, it helps the dark sky. But they are not in favor of the color we are getting. I am not sure Mr. Metzger realized that. They are in favor of the yellower lights. Less than 3,000 Kelvin is what the International Dark-Sky organization recommends. I do not know if you looked into it yourself.

Miss Walker, we have talked about the two lanes in front of the school. Now that we are re-paving that, why do we not make sure that is a one-lane. We could put in some stripes on the side there against the grass so people do not keep passing each other like it is the Indy 500 off that starting line. You are going to see some road rage one day, and we have all warned you. Mrs. Walker agrees with me. She hates it, too. I think we all must hate that, when people pull up next to you at that stop sign and just take off as fast as they can and try to pass you. We can fix that now.

The county told us we do not want a net, that we cannot have a net because of these couple reasons. I hope you can post the e-mail or the document or whatever communication they have that says I did send this to the county, and this is what they sent back to me. We would like to see that we did make this effort and it is not just stuff you think you might have done, or just made a phone call and did not get it writing. Because you do that for your job as a living. Compliance.

The last one is the safety bars. Greenburgh has recently put these in on Jackson. I had some interruptions. Give me 15 seconds to finish this statement. It is good for us. So as you go

over the Jackson Avenue bridge people often pass people on the left and they try to run to that stop sign on Saw Mill River Road. Can we put in some yellow safety bars like Greenburgh did on the other side to prevent people from going into the oncoming traffic? I think that would be safe. Mr. Frobels is on the safety commission, maybe we can look into this. Thank you so much. I appreciate it. And thanks, Mrs. Whitehead, for informing me about this SEQRA type two thing. That is really interesting. Ms., Miss.

Village Attorney Whitehead: Ms.

Mr. Bell: Ms., OK.

Amy Huelsman, 756 North Broadway: I am interested in what is happening with Steinschneider parking lot. It still looks a mess. I saw that there is a new bin back there but, unfortunately, every Sunday I go down there and it is a mess and there is stuff everywhere. I am wondering what the follow-up is on that.

The lights are on the bridge already. What is going to happen when you go into the Village? Are those lights going to be the same? They are hideous and to have those throughout the Village would look bad. But to have them on the bridge and not in the Village would also look bad. I appreciate your hard work, but it seems like you mess up a lot and then we are left with trying to fix things. Like the cracks on the bridge, the fact that no one knew about the fence going up, it is getting frustrating that it seems like all we can do is ask questions and no answers come back. I would like to be answered about what is happening with Steinschneider. I would like to know exactly what color is going in the Village because that is important. Is it going to be consistent with the bridge, or are they going to be different lights? We are entitled to know these things because this is an important visual in our town.

Mayor Swiderski: The point about the conservation board is well-taken, thank you. We clearly need an update to the historical code. As long as I have been up here, which is getting to be onto 13 years, the conservation board has been manned as it is and has not had those appointed members from the other committees. It has worked fine in that fashion. We need to update the statutes to match the current reality.

In regards to the two questions asked by Amy, regarding Steinschneider we are working to get other bins, the nicer bins. Sakura is the one that put in the new bin. We are looking to get the store owners to put in similar bins so it cleans up the appearance instead of having these heaps of paper. We have introduced a pickup that removes the paper on Monday morning so it is not sitting there for an additional few days. At least we are moving it out of the area sooner than it has been in the past. But it is still messy, and we would like to introduce some holding bins.

Regarding the LEDs, when we speak of street lights nothing has changed from what we said before, which is, they do not include the 90 globular yellowish lights that are seen around the downtown. That is not in the current contract and we have not yet moved to change those. So when we are referring to street lights, we are referring to the set of cobra heads around the entire Village, but not the ones downtown. We will be seeking to replace those at some point. We have not had a discussion up here about how they should be replaced, with what color. I think the assumption would be that we would seek to match the current lighting; sort of quaint yellow lighting that people have become used to downtown. But you are right, it is at odds with what the county has put in on the bridge. It is a county bridge and it is a county selection on the code of that lighting. We can speak to the county. I do not seem them changing that. We are looking at the downtown bulb replacement separately, we just have not yet moved that. And that will be something we discuss up here and talk about. So no decision has been made on those yet.

Mr. Bell: Can we change back the one we have already changed?

Mayor Swiderski: We are not having these sort of dialogues back and forth, but raise it at the next meeting.

Mr. Bell: You said we have to change them. We have changed them already.

Mayor Swiderski: Full stop. Do you have anything you want to add to that?

Village Manager Frobel: Only that there has been a special effort, as the Trustees know, to keep the litter in the downtown picked up on a daily basis. I performed an evaluation over the six weeks, in which I photographed key public areas throughout the community, posted that on our website, and compared and classified the conditions I observed. Given the efforts of our DPW summer crews, it has been a marked improvement on the reduction of litter in the downtown area. We will continue that effort.

Ms. Huelsman: I disagree with that.

57:15 APPROVAL OF PURCHASE OF REYNOLDS FIELD PLAYGROUND EQUIPMENT

Village Manager Frobel: Over the past probably 10 months a group of eight to ten residents, along with staff, have worked diligently towards coming up with a plan to offer some capital investment and improvements at Reynolds Field. As part of the initial school bond initiative there were plans to make improvements to Reynolds Field. Rather than wait

for that to get sorted out, we felt we were committed to making some changes there. Tonight we want your authorization to move forward with the purchase of the play apparatus. But first we thought you would like to see what the citizen group has agreed upon as to the layout of the park and some discussion about the apparatus. Kendra will get into the logistics, everything from the demolition to the installation and the role that the community has played in raising a significant amount of money to supplement the Village contribution.

Kendra Garrison, Superintendent of Parks & Recreation: I want to show you tonight how we got to where we are today. About seven months ago there was a reach-out to the community for a group of volunteers to come and form the playground committee. Over the past seven months, we have met several times, often a few times a month for several hours, a number of people. We have done tons of research, we have analyzed different ideas, different proposals. We have spent a lot of time on this. We had two community meetings. Some of the issues that we had taken into consideration were the safety surface, shade, the equipment, water, bringing in natural elements, ADA accessibility.

The safety surface, the big goal was to get rid of the sand and replace it with something else. After reviewing different ideas and different safety surfaces, we came up with a combination of two. Underneath the small structure, the 2- to 5-year-olds, is going to be a poured in place rubber. Underneath the 5 to 12, as well as the swing set, will be the engineered wood fiber. The sand will be going to the waterfront.

Shade was a big concern. We did not want to put the equipment in and have it be hot and nobody able to use it. They have these canopies over the older kids' structure, and then we will also be putting in trees to provide additional shade. The next was the equipment. Everything is going and new state of the art equipment will be going in. The water fountain has been shut off for probably about 10 years now, but it will be restored. There will also be a little spigot at the bottom for kids to fill up their buckets with water and bring it over to the sandbox. There will also be a cool mister pole; you press the button and it will spray a mist at you for about 10 seconds. So when it is really hot the kids can go over get sprayed.

We are going to be putting in natural elements. There will be a sandbox. The idea is to surround it with some boulders and stones. There will be an art wall, a small stage area. It is probably about 8 by 8, about 12 inches off the ground. It is for kids' imagination and creative play. They can get up there and perform. Then there will also be a winding trike path so the kids can ride their scooters, their bicycles. Nothing huge. It will not only meet the ADA requirements, but it will exceed them.

I want to thank everybody that put in all their time, lots of time, and the Friends of Reynolds; without what they did we would not be able to add those extras into the playground.

The other neat aspect of it will be the community build. Mid-September we will be looking for volunteers to dig some holes and move some dirt, and get things moving.

Village Manager Frobel: One of the pieces of equipment Kendra believes we should relocate to Uniontown Park to replace one up there in very poor condition. That work will be done with the Parks and Recreation crews. The idea is to do as much as we can with our own forces, with DPW help if needed. They hope to begin that work almost immediately if we are successful tonight in getting the authorization to move forward. There is some time for delivery, and during that time we begin to do all the site work. The equipment is under a state contract bid, which was able to save us some time in speeding along the process so we are assured of favorable prices. The sand that is there we would like to relocate to Kinnally Cove; every year freshen up the sand down there.

Kendra, spend a little bit of time about the \$125,000 versus the \$30,000, and how the \$30,000 has been dedicated for things like the fencing. I know you mentioned the water fountain and a few items.

Ms. Garrison: The \$125,000 the Village allocated will pay for all of the equipment and the safety surface. Things like the bike path, the water fountain in the stage area, the art installation and the creation of the sandbox, that will all be paid for from the Friends of Reynolds.

Village Manager Frobel: Our contribution also has an element that we will have a paid member from the company supervising the installation. In other words, we will rely on citizen volunteers, but there will also be a person who is a professional who will advise us on how to do it properly.

Trustee Armacost: Are the trees are under the \$125,000 or the \$30,000?

Ms. Garrison: The \$30,000. Then there will also be the installation of log benches, picnic tables and boulders placed around.

Trustee Armacost: So the total is \$155,000.

Ms. Garrison: Correct.

Trustee Lemons: Is there concern about the poured rubber getting hot in the sun?

Ms. Garrison: We did look at that. It is in a shady area, and it will be a light color.

Trustee Apel: I have information on that. I spoke to Dick Evans, who used to live in Hastings and is now in Dallas. He said, with full disclosure, that he cannot sell us this product here but because he was a Hastings resident and cares for us he would give me the information on the poured rubber and the engineered wood fiber and the pros and cons. I have shared this with Kendra already. In the Dallas area they will not give you a warranty for more than three years, maybe five, for that, but I understand we are getting a longer one. Maybe in the Northeast it is better. He did mention that it does crack from the heat and some of his contractors do not want to use it because they think it is too difficult to repair. It is also more expensive. It is ten times the price of the engineered wood fibers. I know we are doing a much smaller area so that was the reason, and the coloring. He recommended that whatever you put in you make sure there is a drainage system you purchased with it. That is going to be the biggest problem, is the drainage underneath, regardless of which product you decide to use. He said the engineered wood fiber, contrary to what was reported, does not attract insects and bugs. That is why it is made that way. Usually what they will put is about 16-1/2 inches of the engineered wood fiber, and then it will take a couple of weeks to settle. Then it gets down to about a foot and becomes flat because you need to be ADA-approved so you can get wheelchairs across it.

I am not sure in our budget if we have also allocated maintenance. You have it for both surfaces. I know you already use the engineered wood fibers, and you get them every year. So it is already figured out that you have to do that. What he was trying to say was, if you have a lot of money and you want color, then you go with the rubber. If you do not want to spend a lot of money, the engineered wood fiber is the national standard. That is perfectly fine. We are doing both. It is up to the committee what they want to do, but I wanted to make sure we got all the information, knew what we were spending, and knew we would have to have maintenance.

Trustee Lemons: There obviously was a discussion to go with the wood in one place and the rubber in the other. What was the discussion that determined that?

Ms. Garrison: It was decided the rubber would go underneath the small structure because the toddlers usually like to sit and play there. There is also some concern they would pick it up and possibly put it in their mouth. Another piece I do not have up right now, a spinner, had to be poured-in-place rubber in order for it to be there.

Trustee Lemons: That is for safety reasons?

Ms. Garrison: Yes.

Trustee Lemons: So the rubber is considered to be a safer surface to fall onto?

Ms. Garrison: It is, yes.

Trustee Apel: They are going to put mats regardless where the engineered wood is, right?

Ms. Garrison: Correct. There are ways to keep the engineered wood fiber in place. The concern was that it would fly out of the area.

Trustee Lemons: What about the drainage question? That sounds like a serious thing to consider. We know in all of our fields that's been a huge issue.

Ms. Garrison: Drainage will be installed underneath both of those.

Mayor Swiderski: Thank you very much. A lot of work went into this.

Trustee Walker: I just want to say what a terrific job you have done, and the committee, as well. It all came together fast and with a lot of creative thought given to it.

Trustee Armacost: And also that the Friends of Reynolds were able to raise money for some of this extra stuff. It is a great public-private partnership.

Trustee Apel: It is wonderful.

Village Manager Frobel: It is four weeks from when you order the product, so it will take about a month to get here and then once here it is about a three-day install. You would have a three-day weekend arrangement. Citizen volunteers will be installing it.

Mayor Swiderski: So we are looking at the end of September.

Ms. Garrison: Yes, mid-September, end of September.

Village Manager Frobel: The Board of Education has been kept closely informed throughout this entire process, and they are very supportive of it.

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

RESOLVED: that the Mayor and Board of Trustees accept the proposal of Site Specialists Ltd., Westbury, New York, for \$125,000 for

playground equipment for Reynolds Field.

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	

58:15 NEGATIVE DECLARATION - ADOPTION OF LOCAL LAW NO. 4 of 2015 TO AMEND CHAPTER 295 ZONING OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO REENACT THE VIEW PRESERVATION WAIVER PROVISIONS

Village Attorney Whitehead: You are simply reenacting. The reason it has no environmental impact is that you are reenacting something that you enacted two years ago, the only difference being, at that time, you had a sunset provision. Based on all the recommendations, you are eliminating the sunset provision.

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

WHEREAS, a Short Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson dated July 8, 2015, a copy of which is attached hereto, has been filed with the Board of Trustees in connection with the adoption of Proposed Local Law No. C of 2015 amending Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson to reenact the view preservation waivers, and

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

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

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

59:15 ADOPTION OF LOCAL LAW NO. 4 OF 2015 TO AMEND CHAPTER 295 ZONING OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO REENACT THE VIEW PRESERVATION WAIVER PROVISIONS

Mayor Swiderski: I read this in full. I will read the "resolved" parts, since that is new. The rest of it was read in full earlier today.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2015 amending Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson, Westchester County, New York, to reenact the view preservation waiver provisions.

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

Section 1: Section 295-82.D. of the Zoning Code, Waiver of View Preservation Districts, as adopted by Local Law No. 4 of 2013 is hereby repealed.

Section 2: Section 295-82 (View Preservation Districts) of the Zoning Code is hereby amended by adding the following new paragraph:

D. Waiver of View Preservation approval. Notwithstanding the requirements of Subsection C above, View Preservation approval shall not be required where the Building Inspector determines that the erection or exterior alteration will have no negative effect on the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way, and that determination is confirmed both by the Chairperson of the

Planning Board, or another Planning Board member designated by the Chairperson, and by the Chairperson of the Zoning Board of Appeals, or another member designated by the ZBA Chairperson.

Section 3: 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: This local law shall take effect immediately upon filing with the Secretary of State.

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	

60:15 APPROVAL OF 99 YEAR LEASE EXTENSION AGREEMENT – PROPERTY AT 383 BROADWAY IN DRAPER PARK

Village Attorney Whitehead: When the original leases for the Draper houses were granted in the early 1990s, all the properties were sold with 99-year ground leases, and the residents owned the houses. In the past, this board has extended a lease term for a new owner. The Formans are looking to sell their property. The banks, if they are going to get financing, will generally look for a full 99-year term. It makes the new buyers more comfortable with what is an unusual setup in this area. Therefore, the Formans, when they were preparing to put the house on the market, contacted us and asked if the Board would do an extension for them, as they had done for at least one of the other properties in the past.

Trustee Armacost: But is it not going to be more useful if it is in the name of the new owners?

Village Attorney Whitehead: It does not matter. When they sell, the lease will be assigned

and assumed by the new owners.

Trustee Apel: What are they down to now?

Village Attorney Whitehead: You have a copy of the lease extension agreement in your package. It was originally commenced in 1992, ending in 2091. You are going to be going from 2015 to 2114.

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

WHEREAS, Robert Forman and Yvonne Forman, the Lessees of the property owned by the Village of Hastings-on-Hudson at 383 Broadway in Draper Park, have requested an extension of the 99 year lease on the property in connection with their sale of the property and assignment of the lease, and

WHEREAS, the Mayor and the Board of Trustees have determined that it is in the best interest of the Village that the new owners/Lessees have a full 99-year term; and

WHEREAS, the lease extension is a Type II action under the State Environmental Quality Review Act and therefore does not require any further review under SEQRA, now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve the lease extension agreement for the property at 383 Broadway.

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	

Trustee Armacost: Can we just wish the Formans well, wherever they are moving. Hopefully within Hastings, but if not to wish them well wherever they are going.

Mayor Swiderski: And we hope the new lessees take as good care of the property as you

did.

61:15 NEW YORK STATE SNOW AND ICE AGREEMENT AMENDMENT

Village Manager Frobel: This is a two-step process. Typically, early winter we enter into an agreement with both the New York State DOT and Westchester County to provide certain snow removal operational assistance to them. At that time, they give you an estimate as to what they expect the payment will be. Now that all the expenses are in you adopt the resolution accepting the amount they feel is a fair amount for the service we provided. We went into it with an estimate of under \$10,000 and, when all was said and done, it came in at about \$34,000. It reflects the bad winter.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign Amendment B to change the estimated expenditure for the New York State Snow and Ice Agreement 2014/15 snow season from \$9,683.20 to \$34,026.76.

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	

62:15 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW D OF 2015 AMENDING CHAPTER 282 VEHICLES AND TRAFFIC TO PROVIDE FOR A STOP SIGN ON AQUEDUCT LANE AT WASHINGTON AVENUE

Village Manager Frobel: This comes as a recommendation from an observation from the DPW, and the recommendation is affirmed by the Police Department that a yield sign, which is now specified under the local law, be changed to have a full stop sign installed.

Trustee Apel: Is the stop sign facing the Aqueduct as you come out?

Village Manager Frobel: Yes.

Mayor Swiderski: That is a no-brainer. We can bring it right up after, but my

understanding is also that Greenburgh, in general, is urging that many of these yield signs be converted to stop signs. Are we looking at other yield signs in the Village, and can we expect more of these in the upcoming months?

Village Manager Frobel: I will double-check with both the Chief and Mike. Some of it is, from a motorist's point of view it might be on a hill where they are coming up and rather than a full stop, and if there is a clear vision they can yield and go. But let me talk to the department heads and see if there are other locations.

Trustee Walker: I have noticed a number of intersections that have no stop signs at all. What is the process for looking at whether a stop sign is warranted?

Village Manager Frobel: It starts with the Safety Council. These are spots where there was never a stop sign, you do not believe?

Trustee Walker: To my knowledge, no. It seems like they are warranted to me. I have seen people just zip right through, not even looking.

Village Manager Frobel: An e-mail to the Chief will start that process. He chairs that group for us and sets the agendas, so he would be happy to take it up.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Sept. 1, 2015 at 7:30 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law D of 2015 to provide for a stop sign on Aqueduct Lane at Washington Avenue.

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	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Staff has been working on development of a request for a proposal for certain engineering services. During the budget we talked about as our financials got stronger we wanted to focus our attention on infrastructure. I will circulate a draft RFP this weekend. We are looking for a survey of pavement conditions. There is a classification system where an evaluation is made of every roadway and it is ranked for a variety of conditions; everything from ride-ability, frequency of pothole fillings, surface conditions. This will serve as the basis for future decisions. From that report we would map out a strategy for the next five to ten years where we would scientifically recommend action for roadway improvements. I have structured the RFP both for one price for what I just described, and alternative bids for focusing on curbing, sidewalks, identifying certain neighborhoods or areas where they believe, in their professional opinion, drainage may be a controlling factor to the deterioration of the roadway. I am hoping we will get a comprehensive evaluation of our roads so we can use that document for the basis for making our future decisions. Right now, we rely on our observations, our experience, input from residents, from Board members. This would take it to the next level. I am looking to come back to you in October with a recommendation. This is the kind of work that, weather permitting, can often be done during the winter months and then have a report to you early next year which would help you make your decisions as we go into the budget process and take action next summer.

Trustee Walker: So they would be looking at roads and curbs, but not necessarily sidewalks or storm drains or other infrastructure.

Village Manager Frobel: I would have that as an extra price. Drains would be very expensive. But I would like them to observe, for example, Ravensdale which deteriorates quicker in some segments because of lack of drainage or lack of the road bed under the pavement. Those are the kinds of observations that would be helpful to us. So he would say, we are not going to resurface Ravensdale again because to do it would probably give you three or four years of good service, only to have it deteriorate again. That we could turn to, and there would be some confidence building that residents would know maybe they are not doing my street this year, but it is on the list, they have recognized it is in a condition that would require, in four years, some serious work.

Trustee Walker: It is a great idea. The selection of roads for resurfacing seems to be done in a chronological working your way through but to people it seems random. This would give it a basis in hard facts.

Village Manager Frobel: I know how important the infrastructure has been. As our financials get stronger you now have your capital nonrecurring fund, which we hope to make a contribution to this year. We have a road resurfacing fund through the operating budget. Today we found out the county is going to be doing some paving in the Village, as well. That, in combination with your new local law and all the work Con Ed is doing in the community, I hope we are going to see resurfacing of some of the roads. We have only seen the trench resurfaced, and now perhaps the entire surface.

Trustee Lemons: It is important to have this systemic approach. The public can have the sense that first of all, we are aware of what the conditions are and then that there is going to be a rational approach to it. It is also important going into the budget process to know what you are looking at down the road.

Trustee Armacost: And if there is a need for a bond because of the different issues we are dealing with, it is important to think about that before the budget process, not afterwards.

BOARD DISCUSSION AND COMMENTS

1. Street Light Conversion Plan

Village Manager Frobel: The staff met with the contractor in late July. In August the contractor will be conducting an audit. They will look at every street light and will determine whether the wattage or the fixture is in fact what Con Ed is billing us for. They will also make an analysis as to what they believe the proper illumination would be for that location. That process should take several weeks. Once completed, there will be an audit report and we will determine whether or not we agree with the recommendations. We will be telling them whether there are some extenuating circumstances that we are aware of, a certain location as to why there should be a slight modification to their initial recommendation. From there, they will place their order. It will take from four to six weeks to get delivery of the product. They will be working with one crew, going throughout the community, making the switch from either the high-pressure sodium, or mercury vapor still, to the LED. We will notify residents about why two men in a van are looking at street lights in front of their home. They will be conducting this audit at dusk, beginning around 7 to 9:30 or so, and then in the early morning from 4 to 7. The strategy is to have this finished by the end of December. We may have to post neighborhoods so cars are not left on the street during the day to allow the trucks to get in and out to change the fixtures. They will also be doing, at some point in time, an analysis for modern decorative lights, how we want to approach the conversion of them into LEDs. That will come later.

We have a dedicated e-mail address. Thus far I have received 16 comments from residents, all positive. The recommendations are simply that the lights always shined into the house or it is too much on the lawn, can we adjust that. I have a handwritten list of notes of that. I will turn that over to the gentleman conducting the audit, and we will make adjustments for any of those types of requests. Other comments have been the light there now is too dull; we want something brighter, we think we need better illumination in front of a home. I think I have 16 so far that have written in and every one of them has either been please adjust such that it does not shine in the house so much, or please brighten it up a little bit because we feel it needs a little more illumination.

Trustee Apel: How do you plan to notify the public?

Village Manager Frobel: We have our e-mail blast, and the Mayor has previewed it in his comments. We will do periodic mailings, and we will draw people's attention to our homepage where we hope to have a list of the streets where the men will be working.

Trustee Apel: So there will be a mailing going out to the entire Village?

Village Manager Frobel: I was not planning on a mailing. I was thinking more electronic.

Trustee Apel: That is where I see the problem is, that a lot of times people talk about miscommunication.

Mayor Swiderski: What is the concern?

Trustee Apel: That if we wanted to notify people that there are going to be some strange people looking around the neighborhood, and you are sending some e-mails out and some people do not read e-mails, then they are not going to get the notification. I would strongly recommend a flier go to households in those neighborhoods, maybe the day before.

Mayor Swiderski: It is an expense for something where what is the worst possible outcome. They might call the police. So you tell the police to have a specific response. But to incur a \$2,000 or \$3,000 expense, I do not know.

Village Manager Frobel: The Chief has been an active member of the team. He is sensitive to the role the department will play. The experience that this company has had in Yonkers and Elmsford has been pretty positive. They have not had a lot of calls saying why is this van here. The van is clearly marked as to what it is doing.

Trustee Apel: At least when Con Ed would come around they would put notices on the poles. That might be better if you do not think a mailing is sufficient. But at least something.

Village Manager Frobels: Let me give that some thought. Whatever we are going to have appear on our homepage we could print out and have distributed, perhaps, in the neighborhoods.

Mayor Swiderski: If you ask Raf to stick it on the crawl on TV, as well, on those days.

Trustee Armacost: And a notice in the Village hall notice board and in the library. These are places where people look.

Village Manager Frobels: I thought maybe *The Enterprise* also. All right, so the library and the notice board.

Trustee Apel: Is there not a big chalkboard when you come out of the downtown?

Village Manager Frobels: Yes, Barbara keeps that up, the Downtown Advocate.

Trustee Armacost: And the Community Center.

Trustee Apel: Do we know how many people are signed up for our e-mail versus the amount of people that are in the community? Is there a way for us to encourage people to sign up if they have not already?

Trustee Armacost: Peter and I were signing people up when we were at the Farmers' Market. It is quite large number of people.

Trustee Apel: I understand that you to go online to sign up. When people pay their taxes or something maybe we could send out a notice to remind them then, and a few other reminders along the way. I would encourage that.

Mayor Swiderski: It is hard to say, since in several households both have signed up. But if we assume there are 2,800 households and there are 2,000-plus addresses, you can probably say that half of the households are on the e-mail list.

Trustee Apel: There are different ways to market it. We could ask the real estate brokers to hand out a notice. If you are going to pay your taxes, please sign up. Any way we can hit people so we can communicate better with them and they cannot say they did not know. The

challenge is there are some people who do not use e-mail. A number of the seniors I have worked with do not use e-mail, and there are other people who do not want any more e-mail because they are spammed out. And even if they do receive the e-mail, sometimes they do not read it. As witty and interesting as Peter's e-mails are, not everyone will read them.

Mayor Swiderski: I agree.

Trustee Walker: I wanted to say something about the color. I had expressed some concern at the meeting where we learned about the various ratings, and I have been studying the lights. My problem was when there was a dim high-pressure sodium light next to a new LED light, that the LED light looks overly bright when you compare it to the old yellowish high-pressure sodium. However, now I have walked down streets that are all LED lights and I do not object to them. I can see that sometimes you have the light escaping and getting into areas where you do not want light. So it has to be carefully done, has to be adjusted. I think it is one of those things that one gets accustomed to. Once we begin to enjoy the fact that this is more like daylight, that the colors are real, and that it is not an objectionable color and not necessarily overly bright but just different, you get used to the difference and it is not so bad. That is my opinion, after walking around and looking at them, because I expressed a concern about it before. , I am curious about the various ratings and if the other LED lights we put in are going to be the same as the ones they are going to be putting in in the future. .

Village Manager Frobel: All right. I will have them focus on that.

Trustee Armacost: There have been a huge number of innovations in the solar and LED sector in recent years. I know this from the work I do myself in developing countries on this topic. We should be careful about "the same." We do not want the same, we want the best that is possibly available for the price we are able to pay. We started this program several years ago, and the discussions have been ongoing for many years about this. We do not necessarily want to be using the same as before. We want to be looking at something else.

Trustee Walker: Also, I think the quality is probably better and you can see the difference. I am just curious about that. I do not know what the difference looks like, but I absolutely agree. I think the light is probably not as blue and not as cold as it used to be, as I had thought of LED street lights before, and I do not find it as objectionable. So they have made improvements, and probably I have gotten used to it at the same time.

Trustee Lemons: The analysis so far shows that we are going to save \$40,000 a year in electricity bills, and we are clearly going to reduce our energy consumption. Those are important. It was fortuitous, probably, that we managed to join up with the other

municipalities, right, Fran? Because we started this discussion, actually coming out of our budget discussions and looking at that particular part of the budget. We decided to really go after this because it made good sense. And it just happened, timing-wise, that we managed to link up with these other municipalities to get a better deal.

2. Waterfront Infrastructure Report – Final Edits and Permission to send to New York State Department of Environmental Conservation and BP/ARCO

Mayor Swiderski: Meg and I had a couple of edits to the document to address ambiguities and add some clarity. That has been done. None of it has been substantive enough to merit a public hearing, other than a new quarter-page chapter that has been added entitled *Next Steps*. I want to read that into the record and talk about that because it is a change to the document that has a material impact on what we do next. The document in its updated form is on the website. It incorporates this chapter, which has been inserted before the appendix.

Trustee Armacost: This chapter was written by you and Meg, or was written by the infrastructure group?

Mayor Swiderski: By Meg.

Trustee Armacost: Has the infrastructure group approved it? Have they consulted on it?

Mayor Swiderski: No. I do not think it is challenging or controversial, and I do not consider this their report anymore. I do consider it our report. It has been turned over to us and we are editing it. I have not looked to their input. I do not think it is necessary.

Next Steps:

- A. *Share this report with BP and DEC and seek their comments.*
- B. *Further study and community input should be given to shoreline treatments in order to make recommendations to BP. These should take into account access to the river for recreational and commercial marine uses; fishing docks; future swimming beaches; environmental flood and tidal constraints; and remediation considerations.*
- C. *Grade change and site topography and flood control requirements should be studied in collaboration with the DEC in order to make recommendations to BP.*

D. The final road location and park design should be developed further in collaboration with BP as part of the form-based planning and zoning effort.

These are all words we have spoken aloud in talking about this document in terms of next steps. We are simply institutionalizing it into the document so it becomes part of what we pass on to BP and the DEC so they know what we are thinking. All of those are sensible and noncontroversial.

Trustee Walker: I incorporated these in slightly different language into the body of the report. It seemed to me that we needed to understand, first of all, that what they mapped as a shoreline treatment was not necessarily what we are recommending to BP. It was important to say that this was just an example of what it could be, but it needs to be further studied because that question has come up, why are we putting riprap there, why are you putting bulkhead here, and we have not really talked about that.

They put a lot of emphasis on grade change and topography, and a lot of this is going to have to be discussed in concert with the consent decree revisions. Those two things are going to have to go together. But also we have got to understand side of the aisle thinking about this right now, and we may need some additional information, whether it is the DEC or a consultant before we make that recommendation to BP. Finally, you know they showed a road. I am not objecting at all to the road that comes along the railroad tracks as the main conduit for infrastructure. That makes perfect sense. There is another road that meanders and it will have some infrastructure underneath it, but we do not know exactly where that road is. They should not just take it from this report and map it onto the site. That needs to be figured in concert with our next planning steps, eventual planning steps, and considering where development goes, where parkland goes, and so on. That is an important consideration we cannot put off forever. We are going to have to think about that pretty soon. Those three things I thought were critical to mention, so nobody sees them as a given that we are recommending these things necessarily that are in this report.

Trustee Armacost: It needs to be clear who is doing the studying: further study by us, by BP, it is unclear who the onus is on to do that. And what the output of those studies are. It is a different thing if it is an implementation committee doing another study versus us hiring somebody because there are cost implications, and where is that covered? You have got four points which should result in four outputs. Who is going to create those outputs, and just to be very clear who is bearing the cost burden of those outputs?

Mayor Swiderski: That is a good point.

Trustee Walker: We may not be able to decide that in detail before we finalize this report. But we can to some degree.

Mayor Swiderski: Which entity at least.

Trustee Walker: Right. We may not know whether we are hiring a consultant or we are going to work with the DEC, but at least we know the Village is going to take the initiative and we want to be clear that it is a recommendation coming from the Village to BP.

Trustee Apel: The other thing that concerns me is, this is on page 66 of this report at the end. It should be up front, it should be starred, because it is going to be lost. Next steps, you should be very clear that this is what is happening.

Mayor Swiderski: It should be in the executive summary, you are absolutely right. We will do that.

I would like to get this off as soon as possible. We will circulate draft language after this meeting so we can get this document off. I would like to conclude here that, pending approval of the Board of the changes as specified tonight, both location and ownership of these things, this document is ready to go to the DEC and BP.

Let us break a champagne bottle on the side of this document. It is a tome and it represents an obscene amount of work the Infrastructure Committee put in. The indication of a good consulting document like this, which is what it is because we would have paid a quarter of a million dollars if you had hired somebody to do this, is when you finish it and of course it makes sense, but we hadn't done this before. It makes sense and they captured that. That is an accomplishment.

Trustee Armacost: The Waterfront Infrastructure Committee has completed its task so are we disbanding that committee?

Mayor Swiderski: I think we should. They have completed their work, we have accepted the document, we have modified it relatively little given how much text there is, and their work is done. We will issue thanks and gratitude and sunset the committee.

3. Comprehensive Plan Update Committee – Job Description

Trustee Apel: In your packet there was a memo. Do you want me to read it out loud so everyone knows?

Mayor Swiderski: Please.

Trustee Apel: *"It is decided to call this committee the Comprehensive Plan Update Committee. As stated in the Comprehensive Plan, adopted by the Village of Hastings-on-Hudson Board of Trustees on July 19, 2011, the main goal of the plan is to protect those assets which make the Village such a desirable community to live in while planning for, and responding to, potential impacts to its community character. It provides a positive vision for a sustainable community that balances financial realities, potential development, quality of life issues, and much more.*

"Into the fifth year of this plan it is time to review it, see what we have accomplished, and make changes and recommendations for additions and updates to the plan, as stated on page six of the Comp Plan 2011. With the above in mind, the Comprehensive Plan Update Committee needs to be formed with" – blank "number of people," we have to decide – "from the community, appointed by the Board of Trustees to do the following: 1) review the current Comprehensive Plan from 2011; prepare a list of accomplishments," which is mostly done; "review the document to see what still needs to be done; research and prepare a list of recommendations of topics that need to be added to the document; prepare an updated comprehensive plan document to be presented to, and adopted by, the Board of Trustees.

"In doing the above, it is important to include the community in the process by: a) have several meetings to" – and this is what they have got the meetings to discuss – "present the original Comp Plan to the community to discuss the process of review; b) go over the committee's findings; c) get input from the community; and d) present the final document before it goes to the Board of Trustees. The committee needs to develop a schedule and plan, with possible costs for any experts or advisors that they may need to complete the plan and present it to the Board of Trustees for approval. All meetings are open to the public and will be posted on the Village website."

This reviewed everything we said we wanted to have this committee do. The numbers, I looked over what we had before; around 11, an odd number maybe.

Mayor Swiderski: Nine?

Trustee Armacost: We might want to talk about the characteristics of people that we are looking for. With the Waterfront Infrastructure Committee, we were looking for particular types of people to be part of this group. So that would be what I would add. Unless we just want to accept any citizen volunteer CV.

Mayor Swiderski: I think we want to put out a call. The original Comprehensive Plan Committee, there were a number of criteria. We looked at geographic dispersion in the community. We looked for a representation of various groups so they were not all from a social circle. We tried to include some skill sets like planning and architecture and environmental expertise so that would inform those discussions. But we did not want to discourage submission of résumés. We were not eager to make this a committee of experts; we wanted it to be a committee of residents. Those criteria apply here. It was an interesting process choosing those CVs. We succeeded in a good balance. It was across the whole Village and various groups, and I think they enjoyed it as well, in part because it was such an interesting mix. I would replicate that.

Trustee Walker: There is one other thing I would like to suggest, and I am not sure whether it goes in the first list or the second list. In the beginning of their review they should, maybe formally, go to a number of boards and committees and ask for input: this board, the Planning Board, the Conservation Commission, and maybe some others. Since we already have a document we have all been working on and thinking about for awhile, those folks who have been really thinking about, like the Conservation Commission, probably have a lot of thoughts about it. That is something they do at the beginning of the process.

Trustee Lemons: I have thought it would be good once in awhile to have a meeting in which every one of the commissions is in the room at the same time. This is something I have experienced with the Clinton Foundation work. They all get together in the room and they all get to hear what each other's doing. It can be quite interesting.

Trustee Walker: And it is not to play down the community input because that is critical. We may hear things from the community that we have not even thought about. But those folks that have been working on this for awhile will also have strong opinions.

Trustee Armacost: To Dan's point, I think rather than them going to each of the committees, having all the committees attend a meeting is where you get a cross-fertilization of ideas.

Trustee Apel: Would you like to put that in this description?

Trustee Armacost: We can invite all of them, theoretically, but I think Parks and Rec is important, not just in terms of the rec side, but also the maintenance of the parks as nature preserve. The Safety Council is also important to have included, particularly in terms of transportation and some of those other issues. But we can certainly invite all the committee members if they want to attend and the public as well.

Village Attorney Whitehead: You can also include individuals from some of the different committees on the Update Committee, someone from the Conservation Commission, someone from the Planning Board.

Trustee Armacost: If they volunteer. That is part of the reason, to the point that was raised earlier, whether certain people are attending other meetings it would be interesting to check that language. But my understanding was that it was voluntary, not mandatory. A representative can attend, as opposed to a representative is obliged to attend. Everyone's bandwidth is very thin, so taking on meetings where you are not specifically needed becomes a challenge for some people. Just fitting in their own obligations is difficult enough.

Trustee Apel: Where do you want to put that in this job description, or do we not need to?

Trustee Armacost: I do not think we need to put it in. If we just invite people we can set up a specific date which is the meeting, and then if a few people from each board and committee come, particularly the ones where we are soliciting attendance.

Trustee Walker: And if they cannot come they could be invited to send comments.

Trustee Apel: Peter, are you the one that sends out the call?

Mayor Swiderski: I am the one who sends out the call. I just want to hear everybody assent that this is a fair description of the committee.

Trustee Lemons: I want to go to point four. In our earlier discussion we talked about the current plan as the base and as an evolving document. So you need two other options to put there, and I think it is important to make it explicit as to modify or delete, because in evolving that there may be some things that will get removed, and that committee needs to know that those are all the options there.

Trustee Walker: Added, modified or deleted.

Trustee Lemons: Yes.

Trustee Armacost: "Deleted" meaning we have done it?

Trustee Lemons: Or that it is not a priority now. I do not know, but it could be.

Mayor Swiderski: This was something that came up at the last meeting, and I agree. I think we may have moved on.

Trustee Apel: So these are recommendations of the topics that need to be added, modified or deleted.

Trustee Armacost: Also, if we are going to edit things I think we can also, in the sentence which says, "*In doing the above, it is important to include the community in the process by having several community meetings to*" ...

Village Attorney Whitehead: That belongs before the colon.

Trustee Armacost: Yes, exactly. So colons should just be changed to "having."

Village Attorney Whitehead: Several community meetings to ...

Trustee Armacost: "*It is important to include the community in the process by,*" delete the colon, "*having several community meetings to*" colon.

Trustee Apel: OK, no problem. Can do that. I will retype this and send this out again. Did we decide nine or eleven?

Mayor Swiderski: Nine.

Trustee Walker: Nine.

Trustee Armacost: Eleven is a lot.

Trustee Apel: It was much bigger. The original committee was 13.

Trustee Armacost: We can give them more people, if we need to, later

Trustee Apel: You could start with nine, and then if we need more.

Trustee Armacost: Yes, at least nine. We can word it like that. We can say at least nine and not more than ...

Mr. Metzger: The original committee was 11.

Mayor Swiderski: And I will put together a call for volunteers that will reference this. You can send me the updated version and we will set up the website and then the call for volunteers to work on it. We will reference it.

Trustee Apel: I want to thank Linda because she was very helpful. She read it over and we had three discussions.

4. Proposal to Request Westchester County Board of Elections to Conduct Village Elections in March

Village Clerk Maggiotto: This is a proposal to request the county board of elections to conduct our village elections in March. We did touch on this in several other contexts as a possible way of saving money as part of the efficiency plan we had to prepare. And also looking at it as a way of simply being more efficient. Other municipalities have done this, particularly Tarrytown, Rye Brook and Elmsford all have the county conduct their elections in March. They all report it works beautifully. One of the people from one of the municipalities said it was a no-brainer to have this happen.

We are not talking, at this point, about having the election in November, although a number of our neighboring municipalities do that: Dobbs Ferry, Ardsley, Irvington. There are reasons to do it, there are reasons not to do it. Some people feel it detracts from the local election to have a village election in November, but that would be the most efficient way to do it. However, it does have to be done by referendum, not by a simple resolution of the Board. We could have a referendum at the next election to move it to November. This does not require a referendum.

Village Attorney Whitehead: A permissive referendum.

Village Clerk Maggiotto: These are the changes. All the filings would be done in the county, things that come to the Village Clerk's office: certificate of party nomination, independent nominating petitions, they handle all that. The county prepares the ballot, the county hires and pays for the election inspectors. Absentee ballot applications would be submitted to the county, not the Village Clerk. The county would use electronic voting machines. We may have seen the last of the lever machines, which is going to happen anyway eventually. Also, the Village no longer certifies the results. The results are available, from what I understand, that evening because the inspectors call the results into the board of elections; it goes up on their website, everybody can see the results. These are unofficial results that are certified within a week by the board of elections. So you do not have that resolution at the board meeting that you have had where you certify. You can still have your celebrations and so on, but it is more informal.

This year I budgeted \$3,080 for the Village elections: for the inspectors, the voting machine delivery, the printing, the poll roster books from the county, supplies, technicians. It could

possibly be less than that if we do not have a contested election and do not need as many inspectors. That is about what we spent this past year.

The other issue is that we have combined for Village elections into one election district, and we all vote for Village elections only in the Community Center. That was a change made a number of years ago. It is not clear to me yet if the county would maintain that for us, but I doubt it. I think we would revert to the general election districts. That would be what everyone does in November. Four of the districts vote in the Community Center, and then we have four other polling places: the three fire houses and Andrus. So we would be back voting in five different places for the Village elections. Which is not an altogether bad thing. We simplified it for a number of reasons, but it causes confusion. We get phone calls and questions for weeks: where do I vote,? It probably would be fine if we went back to the five places so that is all people had to remember. Every election, you go to my regular polling place except school district. Then they go to the school.

Trustee Walker: So we do not have to pay them?

Village Clerk Maggiotto: No, there is no charge to the villages.

Trustee Armacost: So we save \$3,000.

Village Clerk Maggiotto: We save \$3,000, and it is more efficient.

Trustee Apel: They hire our people?

Village Clerk Maggiotto: They hire the inspectors.

Village Attorney Whitehead: Just as they do in November.

Mayor Swiderski: Well, they hire the inspectors, but they are off of our lists, right?

Village Clerk Maggiotto: No, they are off the county list. They have to be county-trained inspectors. The inspectors go through training; they need to know how to use the electronic machines, for example. But every year they get trained. Most of the people we use are county-trained. They would certainly try to use local people. I would expect that I, as the clerk, would be involved in a lot of these things because the county cannot do everything, but all my official duties for running the election would be turned over to the county.

Trustee Apel: The only objection I have is that I do not like the electronic voting machines. I like the levers, and my preference would be to keep voting on them as long as we possibly

can. I think they are truer. People are having trouble with the electronic ones, and they do not trust them, and I do not think we should buy into that just because it is going to save us \$3,000. I want something I know I can trust. I understand why you wanted to do this, because we save the \$3,000 and save some work, but I just do not trust the machines.

Village Clerk Maggiotto: We are allowed to use the lever machines by a special act of the legislature. It expires, and has been renewed once. There is certainly no guarantee it is going to be renewed again.

Mayor Swiderski: When is the renewal up next? Do you know?

Village Clerk Maggiotto: I am not sure if it has to be reenacted for next March or not. It is likely that it does. The issue is that the machines are old, they are not making parts for them, and there are not people that can be the technicians for the machine. I have a technician who is on call. He is facing retirement. I do not know that he has anybody to replace him.

I agree with you 100 percent. I think the lever machines are reliable. But that ship has sailed, unfortunately. Although it does not really matter, when the decision was made to go to electronic machines not one clerk was consulted. We were never asked. It was coming down, there was a tremendous amount of money to be made through these electronic machines, and there was no stopping that juggernaut. Even though I would say that most clerks would agree with you that the lever machines are preferable, I do not think we are going to be able to continue to use them, and I doubt the county would use them for our election.

Trustee Apel: Again, if we can use them as long as possible, and knowing that we have this problem figure out a way we can complain about the other ones and start talking with other communities that we do not want those electronic machines. We have to start fighting this. We have to fight for our constituents. They need to know that their votes are counted and that we do not like these machines. If we could keep the lever machines as long as possible, and at the same time, start finding out maybe through your associations of how we can start fighting back. This is unconscionable. People do not trust the electronic machines. They have showed they cannot be trusted. We were better off when we did it more simply.

Village Attorney Whitehead: It is a very small number of municipalities that are still using the lever machines. It can only be the ones that have March elections, and even some of those have switched. You are not going to get a lot of municipalities to band together because there are very few who still are using them.

Trustee Apel: Yes, but they may have been forced to switch and maybe they do not like them. And now it is time to speak up.

Village Attorney Whitehead: If they are doing November elections they have no choice.

Trustee Armacost: But I agree with you, Marge. It sounds as if, from what Susan was saying, we can make a request to keep them again. Is that what you were saying?

Trustee Walker: But only if we do not go with the county.

Trustee Armacost: There needs to be an act of the legislature in order to be able to use them again.

Village Clerk Maggiotto: The legislature may not continue to authorize the use. If they do not, we are stuck using the electronic machines. If we decide to request the county to conduct our elections I can say with a pretty strong degree of certainty they are not going to do it on lever machines.

Village Attorney Whitehead: Because they do not want to be responsible for them.

Ms. Merton: Point of information. It is worth noting that the legislature has decreed that within the next five years all the electronic machines have to be replaced. A huge issue, very expensive. The issue is what will they be replaced with. There are a number of people and organizations, including here, the Concerned Citizens of Westchester are organizing to have an impact on what happens with the replacement. If if you made the move to November it might be worth it to give up the machines because the sum total advantage of collapsing the elections would justify that. But if you are going to stay in March, then I would like to see the Village continue its own autonomy and control of the process.

Mayor Swiderski: Meg, do you have an opinion on machine vs. \$3,000 saved vs. the whole topic?

Trustee Walker: I do not think my opinion is as strong as others. For now, I think we should keep the election in March. I do not think we should move it right away without giving it some thought and having public input. In March it does not get swallowed up by the national election. As we have in the last few years, we have been able to get people to be interested in voting in a village election, even though there is nothing else to vote for. But in the coming year we should just stay autonomous and then make a decision when we see what is happening with the voting machines.

Trustee Lemons: I share those sentiments. I would be reluctant to see us move it from March. My experience in this past election was that it did allow for people to pay attention. The process reignited interest in issues that would be completely swamped in the middle of a state election or certainly a national election. So I am in favor of keeping it March.

Mayor Swiderski: What about the second?

Trustee Lemons: It is appealing to think of saving \$3,000 and allocating that to something else, but I am also tending to think it is better to keep the operation here in the Village.

Mayor Swiderski: Then it looks like, for at least one more year.

Village Attorney Whitehead: Just so everybody understands the reason this had to be brought up tonight is if you are going to have the county take over the resolution needs to be adopted six months in advance of the election. That is why the decision for this year had to be made now. So there could be a resolution for the Board at your next meeting.

Trustee Armacost: I did not realize when I read this in the agenda how the lever versus non-lever issue was tied into this. That is something that is interesting to public. If there is a way when this comes up the next time that somehow we can make that clearer so people understand. It was luck that we had Vanessa here to give us that point of information. If all those machines are going to be changed in five years, and we go back to a lever system and our reason for doing this, you do not think it will ...

Village Attorney Whitehead: It is not going to go back to a lever. They are looking at touch screens and some other electronic option.

Trustee Walker: It is casting doubt on the accuracy of the machines we have been using.

Trustee Apel: We could go back to paper, for all you know. We do not know what the decision is going to be.

Village Clerk Maggiotto: There is one clerk, when she has an uncontested election, who does it on paper ballots. In the years we do not have a contested election we had 200 or 300 people voting. We could easily do it on paper ballots.

Trustee Walker: That is a good point, and that would save some money.

Village Clerk Maggiotto: I will find out when the authorization for the lever machines expires.

Trustee Armacost: That would be helpful. But in any case, if we put it on hold for a little bit of time that is fine. We will forego that saving.

Mayor Swiderski: Driving lawn signs in March and walking door-to-door in February is totally miserable. Just saying. On the other hand, this is a Democratic board, but the only shot a Republican would ever have in a local election is in March, because if they can rally enough people, and you are complacent, you may be beaten. In a fall election, people will not be paying attention to local stuff. They just vote line across. And as appealing as a victory like that might sound, it feels cheaper than fighting for the vote. So I would rather stick to March and give the outsider a shot, if distant, then move to November and lock in the Democrats.

Ms. Merton: In October there is going to be a symposium on this topic, hopefully at the Community Center, that Concerned Citizens, the Democratic Committee of Hastings and some other organizations are planning to cosponsor. If any of you want to participate that would be great.

Trustee Armacost: On the topic of the voting machines ?

Ms. Merton: The focus is somewhat on the voting machines, but other issues related to election process, because they are kind of tied together. There are issues like early voting, electronic voting, changes in absentee voting, although the focus is going to be where is all this money going to be spent on new voting machines, and what kind of new technology.

Mayor Swiderski: Finally, on the technology, concerns about the accuracy have been expressed more on the national level elections than the local ones. I cannot say I am as concerned, but I understand the rest of the Board's concerns and I am going to agree with the majority. I have got no issue in waiting for a year. I would rather certify the election that night than have to wait two weeks or a month. So it is appealing to keep it.

Village Clerk Maggiotto: You do not certify anymore. The board of elections certifies.

Mayor Swiderski: So we would not have to wait. It would happen the next day.

Village Clerk Maggiotto: Well, no. They certify within a week.

Mayor Swiderski: There is some appeal to it happening that night. While I am not bound by tradition, I do not mind sticking with it for at least another year.

Point of information. We do not have cluster zoning on tonight because we do not quite yet have a draft. We will have a draft before the last meeting in September.

Downtown is on holiday, and we were provided with a summary of what is up. I do not feel like reading that into the record. We have got some more work to do tonight.

Mr. Downey: There was a pretty significant event that happened last month in River Glen. While we are on the topic of engineering and so forth in our infrastructure, can you let the community know what transpired, how far along we are in that repair process, and approximately the cost to the Village.

Village Manager Frobel: Everything has been repaired. It was a major undertaking. I know you have been following it closely, Tim. Mike Gunther has kept me informed of your interest. One of the large pipes, probably a 24-inch pipe, gave way and caused an enormous sinkhole. I may get this wrong, but I was there several times, and it was probably 20 by 20, 15 feet deep. We needed some outside engineering services to serve as our consultant. Mike Gunther took the lead in addressing it, in my opinion, as quickly as he could. We needed outside contractors to work. Our crews are not equipped to work in a situation of that depth. Obviously, the safety of the workers is of paramount importance to us, and we do not have the expertise.

Our own crews saved us money by being the go-to people. They moved material, they were the ones that went to get the product that had to be installed, the pipe. So we supplemented the workforce in that regard. They did it very quickly. There were a host of issues in terms of the tightness of the site. It was a very narrow area between private property, a garage, the paved areas. Very difficult working conditions. But it was all accomplished within a two-week period. It is closed now. I believe they have even seeded it, not quite certain on that. But most of the field work is down, and they are doing final touches.

Mayor Swiderski: Is there an expense associated with it?

Village Manager Frobel: I do not have all the expenses. I do not believe it is over \$100,000. My initial estimate is around \$40,000.

Trustee Walker: Was it caused because of the age of the pipe, or because of the increased stormwater runoff that the pipe is carrying?

Village Manager Frobel: We believe it was related to the pipe. It was an old clay pipe. We believe it might have been installed in the 1930s, maybe 1940s. It was buried with

rubble and material that you would not typically bury pipe around. In time, that contributed to its deterioration.

Trustee Walker: A certain amount of pressure, weight on it?

Village Manager Frobel: I think all those factors. We do have a drainage easement. Should a garage have been allowed to be built over the pipe? Probably not. I do not think that was a wise move. Part of the garage had to be demolished. So it was a major undertaking.

Trustee Armacost: Was it covered by insurance?

Village Manager Frobel: No. I do not believe there is any insurance that would cover that.

Trustee Walker: I do wonder, considering the increase in storm events and stormwater runoff, if some of our pipes might be endangered for that reason.

Village Manager Frobel: Yes, they are occurring more frequently. There was one in New York City just this week. These pipes continue to age. There is no way you can predict it.

Trustee Lemons: It is so expensive. Meg's point is a good one. If those pipes are compromised, and now you have increased surge, that velocity of flow in that pipe is going to erode it much faster.

Trustee Walker: Or in some cases, like up higher on Circle Drive, they literally explode because they cannot carry the amount of water, the smaller pipes. We found they just burst.

Trustee Armacost: But we are getting up to 100-year-old pipes. There is a point at which you should know. Unless you are building one of the ancient systems in Afghanistan or Iraq, where they have been there for 3,000 years, normally they do erode at a certain point.

Mayor Swiderski: You are not talking about preemptive replacement.

Trustee Armacost: No, I am talking about having a sense that you have, in the Village, these very ancient types in certain places. Just asking people, if they are related to Village property, if they are seeing anything in those areas. Anything that would indicate, like for example the crack in the wall of the garage, that there is something one might want to investigate.

Trustee Walker: If there is indication there is a collapse or cracking you can put a video camera down into them and examine them.

Village Manager Frobel: Which is what we do when we have a suspicion that something is failing. We also did that as an initial step to determine where exactly the break occurred. A special note of thanks. I was away for a few days when it occurred. Mike Gunther, Chief Visalli, Buddy Minozzi, the team pulled together. I was on the phone with them continuously, and I am very proud of the work the men did in getting this back together as quickly as they did. The Chief and his men and women notified homeowners. People were without cooking gas for awhile. It really was a real team effort. And, unfortunately, a very expensive undertaking. We do believe it is our obligation, and we do not believe there is any insurance coverage for it.

EXECUTIVE SESSION

Trustee Armacost: There is a personnel issue relating to boards and commissions.

Mayor Swiderski: And personnel relating to the Police Department.

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss matters of public safety, personnel for police, and personnel for at least one board.

Mayor Swiderski: I did ask our attorney to draft some basic rules and procedures for conducting the Conservation Commission meeting to better structure those meetings. Those are likely to be released at the next Conservation Commission meeting.

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 9:45 p.m.