

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 1 , 2015

A Regular Meeting was held by the Board of Trustees on Tuesday, September 1, 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. Frobels, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

CITIZENS: Nineteen (19).

PRESENTATION – 25-Year Service Award – Police Lieutenant David Dosin

Mayor Swiderski: The first item of the agenda is something that is always a pleasure to do. It is a recognition by the New York State Conference of Mayors and Municipal Officials presenting this 25-year certificate of public service to Lt. David Dosin in recognition of 25 years of distinguished public service to your community. The New York State Conference of Mayors is pleased and honored to publicly acknowledge your dedication and commitment.

For me, personally, I would like to say it is always a pleasure to speak with the Lieutenant. He has served diligently, honorably, decently. He is respected, appreciated and loved by the community. For 25 years you have really done this beautifully. Thank you.

Trustee Armacost: I have had the opportunity to have a number of interactions with Lieutenant Dosin and it has been a complete pleasure each time, particularly in the context of the Little League, where you have shown incredible leadership outside of the context of your professional work in support of the community. It is something that my children have appreciated and loved over the years. And I know many, many other children in the Village have valued that contribution that you have made, as well as the contributions you have made in the school where I think all of the kids adore you. You have made being a policeman a lovely thing rather than a scary thing. So thank you for all of that.

Trustee Walker: I would like to echo those sentiments. I think we are so lucky to have you, Lieutenant Dosin. You are the model of what I think we would like our younger policemen to follow as an important part of the community and your relationship with the young people, and your overall community-mindedness in addition to your effectiveness as a lieutenant and a grant writer. You have done a tremendously valuable service to this community.

Trustee Apel: I would ditto everything that has been said. I am privileged to know you, it is a pleasure. It is so wonderful to be able to feel comfortable talking with a policeman and

know they are listening and hearing you and they are working for you and doing such a wonderful job. The children, as you know, adore you and I would say the adults do, too. We thank you so much for all you have done for the community.

Trustee Lemons: It is wonderful you are being acknowledged. You represent someone who is out of the community and serving in the community, which is a terrific example. As has been well said, everybody has benefited from that. Thank you.

Village Manager Frobel: Lieutenant, on behalf of all your coworkers congratulations on your years of service. It is indeed a pleasure.

Police Lieutenant Dosin: That was touching, I really appreciate it. Twenty-five years of service has gone by very quickly. It feels like I just started yesterday, and here I am standing up here; 25 years, I feel old. I would like to thank the Mayor, the Board, the Village Manager, the Deputy Village Manager for working with me. It is always a pleasure, and I look forward to continue working with you guys. My family, thank you. You have been nothing but supportive during the good times and the bad times. My coworkers, I love you all down there. They know it. My friends, thank you. Thank you for coming. We have a lot of work left to do. It has only been 25 years. The tank is probably half-emptied. It has been an honor to serve this village and I look forward to continuing to serve this village in the capacity of lieutenant. Thank you very much.

EXECUTIVE SESSION

Mayor Swiderski: We are now going to recess into an executive session on three different issues. One is an issue of public safety, one is pending litigation, and then we have advice of counsel. This is likely to be a good half-hour, so you can take your leave because we need to address these issues.

On MOTION of Trustee Apel, SECONDED by Trustee Walker with a voice vote of all in favor, the Board adjourned to Executive Session.

[meeting resumes 9:40 PM]

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of August 5, 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. 18-2015-16	\$ 16,818.54
Multi-Fund No. 19-2015-16	\$331,958.46
Multi-Fund No. 21-2015-16	\$ 86,708.56
Multi-Fund No. 23-2015-16	\$ 3,362.40
Multi-Fund No. 24-2015-16	\$ 4,522.14

PUBLIC COMMENTS

David Skolnik, 47 Hillside Avenue: I want to place in the record that I am submitting this document I had referred to a couple of times before. I hope by your next meeting you will have looked at it. I would make comment on it at that time.

I realize it is hard to understand at times what I am trying to say. The reason is that I am trying to be careful about walking this line about being confrontational. The fact is, this reflects a growing frustration I have had in trying to address this issue of the LED lights before the Board. I am hoping that even after you look at this there is possibly something you can still bring yourself to do that either alters the direction you are going, or at least addresses the things I and other people have raised with regard to the decisions that have been made with regard to this project. There are things that have been said and implied by the Board, by people presenting, that I think are gross misstatements. That is what I was trying to address in this document. At the next meeting I will bring this up.

Patrick Randolph Bell, Hastings-on-Hudson: I see you have the resolution later for the Conservation Commission. I am excited. It took a long time going to the meetings and trying to discuss it with you to get some of this changed and wrapped up properly. Some people think I am against the members of the Conservation Commission and the Conservation Commission itself, and nothing could be further from the truth. Once you get this settled it could be more powerful than ever and be untouchable in some of the decisions it may make and discuss with the Board. There could be a problem with the plastic bag ban lawsuit because of the way it was constituted.

I notice you are discussing the membership and the procedures. I got this original resolution from Village Clerk Maggiotto awhile ago. Before the resolution there is something that is very interesting. It is Mayor Wagner and Trustee Chemka. It says, "Mayor Wagner noted that the Board had met many times relative to the proposal." It also met with representatives

from Albany and it was decided to present the resolution. There was a motion by Chemka, seconded by Trustee Localio. They voted unanimously to adopt this resolution. What I am trying to say is that this board, back in the '70s, spent a lot of time on this resolution and on the makeup of this membership: five appointed members and four ex-officio members. I do not think some of these ex-officio members even knew they were on this board until I sent an e-mail to most of them. We should get them to come. There has been discussion in these Conservation Commission meetings of trying to get more involved with other boards and commissions throughout the Village. Why reinvent the wheel when they already did this in 1972. These other boards and commissions were part of the Conservation Commission already. I do not think we need to change that. We should try to encourage these other ex-officio members to come to these meetings. When you are discussing recycling and food waste, it would be great to have the DPW commissioner there discussing it rather than two people then go talk to him on the side somewhere and then come back and report. As far as these seven members go, as we currently have, somehow we have to bring it down to five. I urge you keep five appointed, and the other two that we have now, have them come to the meetings and sit there as volunteers. I do not want to lose their wisdom and knowledge.

They are great people, they do this and they love this. I do not think they are on this board for the title alone of board member. They are there because they care. I do not think it would be a big deal if you brought it down to five, everybody quits, then pull five right back. I was upset at the last meeting where one of the members called me a jerk and an ass as well one of the Mayor's friends, my friend, Richard Ryan also, over and over. If you watch the video, while Mr. Lemons was there I think he was a little preoccupied with trying to figure out what I was bringing up at that meeting, but could have stopped him, and I wish you would have, because it was conduct unbecoming of a public officer. Not necessarily you, Mr. Lemons, but one of the members of the Board. I asked Susan Maggiotto do we give a handout to Board members and to employees of the Village, saying this is our H.R. policy, you got to try to follow it. I think some of the members might get a little upset and not realize they are not sitting on their own couch but sitting there representing the Village when they say these things to people.

Another thing that went on recently, where Raf called the cops on me. I went to speak to him after having a contentious phone call with him, where I tried to ask some questions about a FOIA. Raf got very upset, hung up the phone. I called back and asked Jen Corso if I talk to Raf. She is like he is not here, I did not hear anything. What are you going to do? I came back, talked to Raf. The first thing out of my mouth after I sat on the couch and waited for him to get off the phone for five to ten minutes were Hey, Raf, how is it going? Could I talk to you? He said yeah, what do you want? I said first of all, I would like to start over. I came down there as a peace offering. I like Raf, I think he does a great job. He has given 20 something years to this village and that has to be recognized. But I want to let people know

to stop yelling at the people who are trying to help and volunteering their time: me looking stuff up like this, me trying to find out more about the Village. How do these cameras work, how do things work. And Raf, I do not have any issues with us. Is it OK?

Mayor Swiderski: I will respond by saying you are absolutely right. The Conservation Commission does not do it for the grand title or all the fame they enjoy, but for a sincere and dedicated desire to improve the environment in this village. I respect them enormously for the time, the effort, the thought and the perseverance they have exhibited over the many years they have done it, while holding down jobs and family and other responsibilities. For that, I am hugely grateful.

63:15 ADOPTION OF LOCAL LAW NO. 5 OF 2015 TO AMEND ARTICLE VII STOP AND YIELD INTERSECTIONS OF CHAPTER 282 OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO PROVIDE FOR A STOP SIGN AT THE INTERSECTION OF AQUEDUCT LANE AND WASHINGTON AVENUE

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 5 of 2015 amending Article VII Stop and Yield Intersections of Chapter 282 of the Code of the Village of Hastings-on-Hudson, Westchester County, New York:

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

SECTION 1.

Section 282-16.A of the Code of the Village of Hastings-on-Hudson is hereby amended to add new subsection (61) as follows:

§282-16.A.(61) The intersection of Washington Avenue and Aqueduct Lane is hereby designated a stop intersection, and a stop sign shall be erected on northbound Aqueduct Lane at its intersection with Washington Avenue.

SECTION 2. 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 3. 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	

64:15 AWARD OF BID – ADULT MINI BUS

Village Manager Frobel: Everyone knows the history of what happened to us with the fire in late June. We went through several reviews how to best continue to provide this service to our seniors. It was determined the best way would be to purchase a new van that had our specifications. We did that. We were able to attract two bidders, both very favorable. Tonight there is a recommendation of award of the bid to the low bidder. Also, it was favorable balance. The difference between the insurance settlement and this new vehicle will yield money we believe we should place in our capital non-recurring fund, which gives us an opportunity to begin to seed the program the Trustees established a year ago. We understand it is in stock and we could have it as soon as 30 days.

Trustee Armacost: I am sure you have some kind of insurance policy. Can you describe what the policy is in relation to anything that might happen to the van, moving forward?

Village Manager Frobel: It is fully insured, like all our equipment, for replacement.

Trustee Armacost: In perpetuity.

Village Manager Frobel: Yes, every year. We have a policy, and all our equipment is insured.

Mayor Swiderski: Is it replacement value or depreciated value?

Village Manager Frobel: It would be depreciated and there would be a deductible, which is standard.

Mayor Swiderski: What is the lifespan of the bus?

Village Manager Frobel: It is not a high-mileage vehicle. I think we have estimated a 10- or 12-year depreciation schedule, which I factored in when I did the cost analysis.

Trustee Armacost: And the one before was longer than that, was it not?

Village Manager Frobel: It lasted a long time, and it was our spare when our newer one went down. Our mechanics take good care of it, besides the driver.

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

WHEREAS, the Mayor and Board of Trustees authorized the Village Manager on July 7, 2015 to request bids for an adult mini bus, and

WHEREAS, a request for bids was advertised as required by law, and bids from two bidders were opened at the Municipal Building on Aug. 26, 2015, and

WHEREAS, Alliance Bus Group was determined to be the lowest bidder, now therefore be it

RESOLVED: that the Mayor and Board of Trustees award the bid for an Adult Mini Bus to Alliance Bus Group, 51 Kero Road, Carlstadt, NJ, in the amount of \$50,840.00 to be paid from the General Fund.

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	

65:15 APPROVAL OF PURCHASE – UPGRADES TO CABLE TV EQUIPMENT

Village Manager Frobel: I have asked Raf, our Technology Director, to join us. Raf brought to my attention some problems he is encountering with reliability of the equipment at WHoH-TV. I told him to begin to pursue some upgrades to it. He has money set aside for

just this type of item. It is not something that would be charged through our general fund; it is dedicated money for these type of repairs. Because it is technical in nature, I have asked Raf to take the lead in explaining it to the Trustees.

Mayor Swiderski: I do want to elaborate on something you just said. If you examine your cable bill you will see a PEG line, which is a specific fee you pay which is then turned over to the Village explicitly for equipment and programming. It cannot be re-rolled for other capital uses. There is a fairly considerable chunk of money sitting there. So it is not like we are dipping into a fund that could pay for paving, we are dipping into a fund that can only pay for things like this. It is important to understand that this is how the PEG fee works.

Village Technology Director Zaratzian: We have had this current TV station for about six years. It is based on a Linux system, standard definition only, and we are having some problems with it. Some people may have noticed that over the weekends sometimes there is no programming. It seems to lose the scheduling at times. I have talked to the company, and they no longer make this model. So we have been investigating upgrading. The new system is much more modular, easier to upgrade because it is a server with different devices over an IP network. So if a different standard comes out you just buy something and add it to the IP network. We will be able to convert to both MPEG 2 and MPEG 4, which is a high-definition standard, and we will be able to broadcast in both standard definition and high-definition, and have multiple stations. WE could have up to four standard definition, with two high-definition stations.

The one thing we will not be able to do is broadcast in true high-definition because neither Verizon nor Cablevision gives us that capability. We are hoping that just the ability to do it in high-definition and broadcasting it at a higher resolution will give it better quality on the standard definition. It will also improve what goes out over the Internet because the quality going to our streaming service will be higher. That is the crux of the reason for the upgrade.

Trustee Armacost: I do not have any questions about the equipment, but I am interested in the fund. Can you tell us how much is in the fund, and how it gets filled by us?

Mayor Swiderski: It is not filled by us. It is filled by a check cut from the cable companies.

Trustee Armacost: Separately. So when we have capital requirements in the budget, how is the decision made between what gets filled out of this fund versus what gets filled out of the general fund? First of all, how much is in the actual fund, total amount?

Village Technology Director Zaratzian: It is \$92,734.

Trustee Armacost: And this is a subsection of the betterment fund?

Village Technology Director Zaratian: Yes.

Trustee Armacost: Which has how much in it?

Village Technology Director Zaratian: Around \$255,000. It changes because of monies coming in for different projects.

Mayor Swiderski: But this is set aside and segregated.

Village Technology Director Zaratian: Yes, this is a separate fund.

Trustee Armacost: So the rest of the fund is used for what purposes?

Village Clerk Maggiotto: It is different funds.

Trustee Armacost: All different. So a combination of small different funds for different things.

Village Technology Director Zaratian: Yes.

Trustee Armacost: But not related to the cable company, related to all sorts of other things.

Village Technology Director Zaratian: No. Sometimes somebody donates for a bench, a tree, things like that.

Trustee Armacost: So how do you decide what comes out of the PEG fee, versus what comes out of the budget?

Village Technology Director Zaratian: It is for anything to do with equipment for the TV station.

Trustee Armacost: But we put things in the budget that relate to equipment.

Mayor Swiderski: Not for cable TV.

Village Manager Frobel: It is for software or computers.

Trustee Apel: I have a question for the future in terms of will those two companies ever give us HD, get better HD?

Village Technology Director Zaratian: We keep asking.

Trustee Apel: What is the reason for not?

Village Technology Director Zaratian: There are two things: they do not want to spend their money on giving us new modulators which cost a lot of money, and they would have to give us more bandwidth, which costs them even more. Unless the FCC, as it did 20 years ago, comes down and says this is a necessity there is no reason for them to do it. The other problem is that with everybody broadcasting on the Internet the cable emphasis is starting to come down.

Village Manager Frobel: It was under a state bid that we got the pricing. What about delivery and installation?

Village Technology Director Zaratian: It is part of it.

Village Manager Frobel: And the time?

Village Technology Director Zaratian: It should be about a month.

Trustee Armacost: I am sorry to be pesky about these funds, but I had not registered the fact of these additional funds. I am trying to understand their relationship to the general fund.

Village Technology Director Zaratian: There is none.

Trustee Armacost: So they are totally separate from the general fund.

Village Technology Director Zaratian: This has nothing to do with the general fund, and these are funds that are self-supporting.

Trustee Armacost: But there is \$255,000 worth of money that is not related to the general fund. How do those decisions get made about how that money is used? For example, let us say it is about trees. When we have a line in the budget that relates to trees, how is the decision made that it comes or does not come out of the betterment fund versus the general fund? Because \$255,000 is not an insignificant of money.

Village Manager Frobel: Why do we not give you an accounting of it. One of the bookkeepers has been working on putting this all into a spread sheet. We will give you that. We will show you by name a dollar amount, and we will give you a little sense for that as to what we have in that betterment account.

Trustee Armacost: That would be very helpful. It would also be helpful to understand the decision-making process around it; how the money gets into those accounts and how the decisions about how it gets spent happen, and also vis-à-vis line items that might be similar in the general fund. Is, for example, the policy that you tap the betterment fund first or, if it is an equivalent type of thing like trees, do you tap the general fund first?

Village Technology Director Zaratzian: The betterment has funds that are set up for specific things. It is not like a budget. For instance, when we have Planning Board escrows it goes through there. We create an account for it, it goes in there, and it is an in an out. It varies on different things depending on the need of it.

Trustee Armacost: Let us look at the list and then maybe we can have a discussion when we see the list. That is probably more productive. Thank you, though.

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 approve the purchase of upgraded TelVue equipment for broadcasting cable TV, to be purchased through New York State contract from Troxell in the amount of \$25,780.25, to be paid from PEG (Public, Educational, Governmental) fees in the WHoH-TV fund in the T/A Betterment Account.

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: The LED streetlight conversion project is moving along. The base street light mapping is complete with phase one. The field verification is complete. What will happen now is that this data will be collected, and what we will begin to develop is a lighting plan, where we will see what is physically in the field versus what we believe should be the wattage, the illumination, of the lamp at a certain location. We will be receiving that sometime in October. We'll go over that, then we will begin ordering the fixtures, leading up finally to the installation.

Mayor Swiderski: The plan will reflect the public comments.

Village Manager Frobel: Yes.

Mayor Swiderski: Is there an option to consider a streetlight where there is none?

Village Manager Frobel: Part of their field verification they would indicate to us places where they thought a streetlamp should be.

Mayor Swiderski: And I imagine that will probably be on contract.

Village Manager Frobel: Yes, because you would have to put the arm in and all of that. So it will be a little more expensive. But that is something we would delay. Jim Sugrue has been in charge of the tree-lighting for awhile. We will be working with them to determine that he agrees or here are some problems with that or some consultation perhaps with the neighbors.

The second item, the sidewalk project where we are collecting data and getting some information, is continuing as well. The plan in particular is Farlane Drive and Hillside Avenue. There was some correspondence two weeks ago between myself and the chair of the board of education. We are including that as an alternate bid in the capital project for the schools. So whenever that project goes out to bid we will have some hard numbers as to the cost of that sidewalk installation project. We have an estimate, but now once we bid it you will know whether you are committed and here is the price.

Mayor Swiderski: What you are saying is that the school is going to be issuing an RFP for the bond-related work to be done, and we are a sidecar on that bid. It may differ from contractor to contractor, but when they choose a contractor we will know our prices at that point.

Village Manager Frobel: Yes, then you will decide whether or not you would like to pursue the project.

I also indicated in my comments that the CDBG is going through a revolution. We are not part of the Westchester group anymore. Westchester County, as you know, is no longer the lead agency in processing the Community Development Block Grant program, because that was tied up with that housing lawsuit. The state is trying to open up opportunities to apply, under CDBG, for communities that currently are shut out from Westchester County. I am working with our grant consultant to determine whether or not this project was a suitable candidate for a submittal. The problem is Hastings is going to have a very difficult time meeting the low-mod income guidelines. We are probably not.

Mayor Swiderski: Have they not been changed?

Village Manager Frobel: Even with their change, the income is too high to qualify for the grants. We are going to continue to fine tune that, but in all likelihood, even with the division of some of the census districts, we still cannot qualify. Meg, have you been following any of this on your level, aside from what I have found?

Trustee Walker: No, but I do know that over the years the number of census tracts that qualify under the low-mod regulations were decreasing in Hastings. At one time the downtown did qualify and we received CDBG money to do all that sidewalk work back in the '80s, and the street lights. When I was planner that no longer qualified. But the south end, like Washington Avenue and Warburton, and the area around the train station, we were able to do work. I am not up to date on where our census tracts are in terms of income levels, but it is not that hard to find out.

Village Manager Frobel: There is a workshop next week that I will be attending with our consultant. The applications are not due until the end of October. I was hopeful that this sidewalk project would be a candidate.

Trustee Walker: It probably does not fall in a census tract that qualifies. If we said it was lower Washington Avenue maybe so.

Village Attorney Whitehead: Most municipalities in Westchester are having the same problem. They might have good projects that would qualify, but they cannot meet the income guidelines.

Trustee Lemons: Is there a SEQRA requirement for that along Farlane because of the location of the woods and so on?

Village Attorney Whitehead: Yes. Before you approved anything you would have to go through a SEQRA process.

Trustee Armacost: Could I come back to the issue of the betterment fund? When you present that documentation to us could you also show us exactly where it shows up in the audit? Or perhaps when we have the discussion with the auditors.

Trustee Walker: I have a question about the sidewalk on Farlane Drive. If the number is too high and we decide we do not want to build a sidewalk, can we look at some other alternatives, for example, a gravel path. It is a woods, and in a way a sidewalk seems almost overbuilding in that area. There could be a simpler solution. You need space for people to walk, but perhaps it could be a gravel path instead of a concrete sidewalk.

Village Manager Frobel: Sure. The difficulty in the project is along Hillside, as you know, where the sidewalk ends and it becomes a gravel path up to Farlane.

BOARD DISCUSSION AND COMMENTS

1. Conservation Commission Membership and Procedures

Village Attorney Whitehead: A little bit of background, the reason this came up in 1972 and probably the reason there was so much discussion was that it was at that time that the state legislature first adopted legislation that provided for conservation advisory commissions and conservation boards. It was a very new concept. That is why, when we talk about discussions with state legislators and people at the state and everything else, it was it all so new. Clearly, in forty years it has evolved and what your Conservation Commission does has evolved. It was done by resolution. We can simply prepare a new resolution that would amend the membership and procedures and other thing you choose to modify.

The first thing is membership. You can make it a seven-member commission, you can make it a nine-member commission. You can give yourself the option of from seven to nine. I do not think you need to keep the ex-officios from the other boards. All your board members put in a lot of time. I do not know they are going to want to have to go to an additional meeting every month. That is an unusual provision. We see conservation commissions all over the county. That might have been an idea that, at the time, seemed good. The things you need to decide, and we can prepare a resolution for next month, are how many members; whether you want them all just to be appointed members; the two-year terms, if that works it is fine or if you want to change it.

We can keep the two-year terms. They elect their own chairman and vice chairman, you can keep that. You can provide, in creating them, that they can hold meetings but because they are not taking any formal action and are they are just an advisory board, you can provide that they are not required to have a quorum. If they are not required to have a quorum, then they are not a public body under the public officers law. So it loosens some of the requirements. Again, that is completely optional. And because they are only advisory you do have that option, if you will.

You will see in section five of the old resolution there was a long list of powers and duties. You might want to go through that. There are some things they definitely do, some things you might want to change, some of the language. Some of the things about conducting studies, surveys and inventories of natural and manmade features, were required by the new state law in 1972 if they were going to be a board that took binding action as opposed to just advisory. Interesting to some discussions that have been had within the last several months, under this it says "annually prepare and recommend to the Village Manager a budget, and putting the care, removal, planting and replacement of trees on Village streets and other Village lands." But now that you have a tree committee and some other groups I do not know that you want that. It is something the Conservation Commission has never done. I think this list of powers and duties should be refined as well.

Trustee Lemons: This was clearly the product of the beginning of the green movement in the '70s. It is a strong document because of what it purports to do. But there are quite a few things in here that do not seem appropriate anymore.

Trustee Armacost: And that is true, I think, of many laws that are on the books.

Mayor Swiderski: This is not a law.

Village Attorney Whitehead: When the state adopted the legislation, the Village was right there. You were at the forefront, as you are today.

Mayor Swiderski: When is the next Conservation Commission meeting?

Village Clerk Maggiotto: They rescheduled for September 29.

Village Attorney Whitehead: So not until after your next meeting. I was going to call Kerry-Jane and say you may not want to have a meeting until after the Board of Trustees acts on this.

Trustee Apel: How many members do we have at this time?

Mayor Swiderski: Seven.

Trustee Armacost: We have had seven for a long time. This discussion of the members that are ex-officio or not ex-officio, that came up when I first became a Trustee. There are a few other boards and commissions where there are ex-officio members, and my recollection of that discussion, and we would have to go back and look at the minutes to see where we came out on it, was that we decided we did not want to put an obligation on people to attend but that it was optional. There may be scenarios in which it would be valuable to have the input, but it was not something we wanted to force on people. I think that is why we ended up with seven. Because five was too little, but nine was too many given that a number of those people were people who probably were not going to show up regularly for meetings. Does this ring a bell?

Mayor Swiderski: Vaguely, but if you are not obligating attendance then why bother having ex-officio positions? You can always attend and comment.

Village Attorney Whitehead: And the commission can always request that somebody attend when there is a specific issue.

Mayor Swiderski: So to frame the discussion tonight, I want to make sure, throwing the job of secretary to Dan since he is the liaison for the Conservation Commission, is let us step through the key sections and give you our guidance so this can be crafted and passes next meeting. To me, the primary thing is that I do not want the Conservation Commission missing a meeting because they are concerned about their legal standing.

Trustee Apel: The one thing about those ex-officios is that I would be interested to know if any of the people on those committees feel they should be having somebody.

Mayor Swiderski: The commission, as it stands now, does a fine job. So whatever we do to this should reflect the current operating nature of the commission, since it has been serving us well in its current form and format for years now. We should bring the law into line with what it does. And then in the future, if we decide we need to add more to it we can always do that. But my objective is to fully update the proclamation here to reflect the current reality so the committee can meet without any issue.

Trustee Lemons: That is in the “if it isn't broke don't fix it” line of thinking.

Trustee Walker: I always thought the Planning Board could ask the Conservation Commission to review plans that they were reviewing for site plan approval and offer an

opinion. I thought that was an official role of the Conservation Commission, but it is not here.

Mr. Bell: It is in the Village code.

Mayor Swiderski: This is not a public comment period.

Trustee Walker: It is in the Planning Board section, not here though.

Village Attorney Whitehead: You might want to put in here that if requested by the Planning Board they will provide advice.

Mayor Swiderski: Let us head through section one on legislative intent. This is a wordsmith-able section, I would argue.

Village Attorney Whitehead: You could leave it alone.

Mayor Swiderski: Just leave it because the original intent can remain, who cares.

Village Attorney Whitehead: You really only want to address the things you want to change.

Mayor Swiderski: Section two, yes, stays. Section three?

Trustee Apel: Do you want to make that seven to nine, or just leave it seven?

Mayor Swiderski: If we want to change it to nine we will just change it to nine at some point. Let us make it exist as it does now.

Trustee Apel: OK, so seven.

Mayor Swiderski: Let us drop the clause about poor Fran appointing them. Do you mind?

Village Attorney Whitehead: It should be the Mayor with the advice and consent of the Board.

Trustee Armacost: And delete the ex-officio.

Trustee Walker: Yes.

Mayor Swiderski: And delete the ex-officio.

Mayor Swiderski: That is seven, period. The two terms remain.

Village Attorney Whitehead: Two-year terms.

Mayor Swiderski: Number two in section three. Section four, "Members shall annually elect to remain."

Trustee Apel: Under section four, what is this active lists?

Village Attorney Whitehead: That says they name their own chair and vice chair.

Trustee Armacost: But this section also requires them to take minutes.

Trustee Apel: It says keep accurate records of the meetings.

Mayor Swiderski: The first sentence remains, we agree. Do we agree for a need for a vice chairman? Do we have a strong opinion one way or another?

Trustee Armacost: I think we can say it is optional.

Mayor Swiderski: And if they so choose, a vice chairman thereof?

Trustee Apel: They are going to elect a recording secretary, it says in there.

Mayor Swiderski: Is there a need for a formal recording secretary. We do not require that of other boards.

Village Attorney Whitehead: And they are not making binding decisions, they are advising.

Mayor Swiderski: If they are to keep notes, I say they work that out among themselves as long as the notes are kept?

Trustee Armacost: Yes, I think that can go.

Mayor Swiderski: "Adopt rules and procedures for its meetings: I think that is something that remains. "... shall report to the Village Manager and shall report to the Board."

Trustee Armacost: Yes.

Mayor Swiderski: If you do not mind, Fran?

Village Manager Frobel: No, not at all.

Mayor Swiderski: "It shall keep accurate records of its meetings and activities, and shall file an annual report." The "accurate records of its meetings and activities," let us talk about that.

Trustee Apel: I think they should give an annual report.

Mayor Swiderski: Annual report, or the first clause in that sentence implies minutes.

Village Attorney Whitehead: Right. But if we are going to leave it in there it should say "minutes."

Mayor Swiderski: Fine, but are we asking them to keep formal minutes?

Village Attorney Whitehead: Formal minutes can be minimal.

Mayor Swiderski: Agreed. I am asking the Board.

Trustee Walker: Yes.

Trustee Apel: I think they should.

Trustee Walker: If they can record their decisions.

Village Attorney Whitehead: Their advice.

Mayor Swiderski: When there is advice for outcome that is going to be recommended to the Board.

Trustee Walker: Or action steps they are going to take.

Trustee Apel: Right.

Mayor Swiderski: Is the Board comfortable with that?

Village Attorney Whitehead: Do you want to call them minutes?

Trustee Lemons: So it is keep minutes of decisions?

Village Attorney Whitehead: They do not make formal decisions. They are making advisories.

Trustee Walker: Among themselves they do, though. For example, at the beginning of the year they decide on their agenda for the year: we are going to address this, this and this. They could put that in writing.

Village Attorney Whitehead: You want to be careful of that, calling them decisions.

Trustee Lemons: Advice.

Trustee Apel: Outcomes.

Trustee Walker: Outcomes of their discussion?

Village Attorney Whitehead: Keep minutes, and just leave it.

Trustee Apel: "Of its meetings and activities and a report is provided." What is section six?

Mayor Swiderski: An annual report.

Trustee Armacost: I think this notion of an annual report is quite useful for all the boards and commissions.

Trustee Apel: Right.

Trustee Armacost: We get that from some, but we do not from others. The thing one needs to consider, dealing with volunteer boards, is putting too much of an administrative burden on people who are trying to do good by the community and do not have a lot of extra time. There was a time when Village staff were appointed to a number of the boards and commissions and I do not know what the arrangement was, whether they were keeping minutes or whatever. But that is not the case now. So we need to be careful.

Mayor Swiderski: With that said, we are still asking for an annual report. It sounded like a contradiction.

Village Attorney Whitehead: If you go to section six it defines what should be in the annual report. And, of course, if they have taken minutes they can attach their minutes.

Mayor Swiderski: I do not think that is onerous.

Village Attorney Whitehead: And this just really says, "... and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes..."

Trustee Apel: I think that is good.

Mayor Swiderski: Section four, we have not killed it. But we have gone through all the sentences and we have a new formulation. On to section five.

Trustee Lemons: I have a rewording suggestion. It is in the second. I suggest we say "... in the case of human activities."

Village Attorney Whitehead: Instead of "man."

Mayor Swiderski: "Manmade" can be de-sexified. And there is "manmade" features.

Village Attorney Whitehead: It is here, where it says, "... in the case of 'male' activities and development." Oh, "manmade features"?

Trustee Apel: "... case of 'man's' activities"?

Village Attorney Whitehead: "Man's activities" I think is a term of art. I think it was "man's activities."

Trustee Apel: Yes, men and women's activities."

Village Attorney Whitehead: Human activity.

Mayor Swiderski: Two is fine, right?

Trustee Lemons: Yes.

Mayor Swiderski: Three?

Trustee Apel: We said they are not conducting studies and surveys?

Village Attorney Whitehead: Three should ...

Mayor Swiderski: Be stricken?

Village Attorney Whitehead: Yes, you are not having them do that.

Trustee Lemons: It is optional. They are not required. There is a reason to take it out. When they were developing the Green Building Code they conducted a study. It did not take the form of a report, it took the form of a code.

Village Attorney Whitehead: But you want it to be only needed to carry it out.

Mayor Swiderski: Add the words "as needed."

Village Attorney Whitehead: It says it, but it is really two separate things.

Trustee Apel: As needed, as may be necessary.

Mayor Swiderski: Four is too much to ask.

Trustee Lemons: Yes, I think we just get rid of four.

Village Attorney Whitehead: Again, that tied into if they were a decision-making board.

Mayor Swiderski: Formal board. Five is, I do not think, controversial.

Trustee Armacost: Nor is six.

Trustee Apel: Right. That is what you were talking about in seven.

Village Attorney Whitehead: But this is different.

Mayor Swiderski: I would kill the first clause, and just say start with "recommend."

Village Attorney Whitehead: Work with the Planning Board.

Mayor Swiderski: Yes, work with whoever they need to work with.

Trustee Armacost: Or provide recommendations.

Village Attorney Whitehead: There is no longer a master plan. It is a comprehensive plan.

Trustee Apel: OK, so we change that: "... in the Comprehensive Plan."

Village Clerk Maggiotto: And strike the word "ordinances."

Mayor Swiderski: Eight, I am not sure. I do not know about eight.

Trustee Apel: They can make recommendations. Why not?

Trustee Armacost: This is the one section that uses the word "conservation." It talks about the conservation and use of Village parklands.

Trustee Walker: And it does say "at the request of the Parks."

Mayor Swiderski: I would kill the first sentence and leave it at the second.

Trustee Apel: Why not start with "at the request of the Parks and Recreation Commission," then say "they can make recommendations to the Park." I think they should. That is what they are here for.

Trustee Walker: Well, it also could be at the request of the Board of Trustees.

Trustee Apel: OK.

Mayor Swiderski: That is mostly where their initiatives come from. The direction comes from us, and I am not sure about looking for them to spontaneously develop a lot. Much of it is coming from the Comprehensive Plan and what we direct them to do.

Trustee Walker: Right. But give an example. The Parks Department is having drainage issues and they want to institute some green infrastructure or something.

Mayor Swiderski: Go to them for help, I agree.

Village Attorney Whitehead: Should I just leave in the last sentence? Leave just the second sentence?

Mayor Swiderski: Yes, that is my point.

Trustee Walker: Oh, OK.

Trustee Armacost: But I still do not see the problem with the first sentence. If you change the words "Parks and Rec Commission" to "Board of Trustees." What is the problem with the first part?

Mayor Swiderski: It is who initiating, who is setting the agenda and setting the initiatives. I would argue they come down from us and the Comprehensive Plan.

Trustee Apel: Then why should it not say at the request of the Village the Conservation Commission shall participate and assist in the preservation of plans for conservation."

Trustee Lemons: Good, yes.

Mayor Swiderski: I like that.

Trustee Walker: This is specifically about parks, and I guess what you are saying is they are not going to spontaneously do this without our request.

Trustee Apel: OK, so just cut out the first part.

Trustee Armacost: But to me, the first sentence is needed to go after the second sentence. At their request they make the recommendation.

Mayor Swiderski: That is fine, swapping it out.

Strike nine? Ten seems a heavy responsibility. Are they really equipped legally to handle that, accepting real property?

Trustee Armacost: No, they definitely should not be accepting real property.

Mayor Swiderski: When authorized by the resolution. Sentence one says that. But I am saying it is easier to strike ten.

Trustee Armacost: But why would they accept it?

Village Attorney Whitehead: The idea is you are taking a piece of land that is being given to the Village for conservation purposes, and you are asking them to oversee it.

Trustee Armacost: I do not think that is going to happen.

Mayor Swiderski: Right, strike that.

Trustee Walker: I cannot imagine.

Mayor Swiderski: And eleven we will leave.

Village Attorney Whitehead: Which lets you bring ten back in should you need to.

Mayor Swiderski: That is right.

Section six remains, we have agreed? Section seven, strike the reference to "including ex-officio" and leave the rest.

Village Attorney Whitehead: Reimbursed with approval of the Village Manager.

Trustee Walker: "With approval of Village Manager"?

Village Attorney Whitehead: Yes expenses if they go to a conference.

Trustee Walker: Just going back to section ten.

Trustee Apel: It should say as approved by the Village Manager?

Mayor Swiderski: Yes.

Village Manager Frobel: That is standard. Everything has to be approved by me first.

Trustee Walker: Going back to section five, the powers and duties of the Conservation Commission, we want to add a duty that I mentioned earlier of responding to requests from the Planning Board for review of plans. There is language, as you pointed out, in the Village code under the Planning Board section that we may want to be consistent with here.

Village Attorney Whitehead: Yes, and it has got to be limited. They are not going to do the Planning Board's reviews and the Planning Board has special consultants which the Conservation Commission does not.

Trustee Apel: Do they have to respond to the Planning Board or do they have to respond to the Village Manager, who has gotten requests from the Planning Board?

Village Attorney Whitehead: Then you are just putting an extra step in the middle.

Mayor Swiderski: If it becomes a problem that the Planning Board asks every decision to be reviewed by the Conservation Commission we will deal with it then.

Trustee Walker: It did come up when I was planner. There were issues.

Village Attorney Whitehead: We can say to review environmental aspects of a plan.

Mayor Swiderski: Eight remains, right?

Trustee Armacost: Eight, do you want to use the "manmade" or do you want to say "artificial"?

Mayor Swiderski: Artificial environment.

Village Attorney Whitehead: The provisions we were not going to change we were just going to leave alone and not put them in the new resolution.

Trustee Walker: I think "manmade" is OK.

Trustee Apel: Yes, it is a common phrase.

Mayor Swiderski: Two out of three women agree "manmade" is fine.

Village Attorney Whitehead: It was the mans' activities that we changed.

Trustee Armacost: But man's activities are not the same as men making things?

Village Attorney Whitehead: No, "manmade" is a term of art.

Mayor Swiderski: Eight and nine therefore remain.

Trustee Apel: And the effective date?

Village Attorney Whitehead: It will be a new resolution.

Mayor Swiderski: Could I request that the resolution be shared with the Board ahead of the meeting?

Village Attorney Whitehead: Yes.

Mayor Swiderski: Everybody reads it, then comes prepared with edits they have so we do this the next meeting.

Village Attorney Whitehead: OK, Dan, we are on it. Because I also have to write cluster zoning for the next meeting.

Trustee Lemons: I have it as a Word document so we are good.

Trustee Armacost: Can we just add one thing? Which is that they can constitute subcommittees.

Mayor Swiderski: Good idea.

Trustee Walker: Do we want to say anything about volunteers? One of the things we did discuss when we changed it from five to seven, if I remember correctly, that if there were additional people who wanted to work with the committee we were all for that. They could assist and they would be assisting the Conservation Commission.

Trustee Armacost: That is what this subcommittee will allow people to do. I think meetings are open, so people can show up to the meetings.

Trustee Walker: Could a volunteer be on a subcommittee?

Village Attorney Whitehead: Yes, subcommittees made up of members and other volunteers.

Trustee Apel: Are they appointing subcommittees?

Village Attorney Whitehead: Yes, they will appoint them.

Trustee Armacost: The composition of the subcommittee is their choice.

Village Attorney Whitehead: They may have someone with particular expertise in that area that is willing to sit on that subcommittee that is not a member of the Conservation Commission.

Trustee Walker: Which is what they did for the Green Building Code.

Mayor Swiderski: On another topic, the Transportation subcommittee we want to prod into

life. I have asked Meg to queue up a couple of simple starter projects as a way to gin up the process of addressing issues in the Comprehensive Plan around pedestrian safety and streets: simple, low-cost to inspire the Transportation Subcommittee and begin to move forward on that part of the Comprehensive Plan. So, Meg, if you could do that.

Trustee Walker: For the next meeting. And we are inviting members of the Conservation Commission who are part of the Transportation Subcommittee to come.

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 10:45 p.m.