

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 6, 2015**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 6, 2015 at 7:33 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 (7:40 p.m.), Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

CITIZENS: Eleven (11).

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of September 15, 2015 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 26-2015-16	\$377,458.69
Multi-Fund No. 27-2015-16	\$ 25,760.83
Multi-Fund No. 28-2015-16	\$ 92,221.57

DISCUSSION

1. Proposed Local Law F of 2015 to Establish a Community Choice Aggregation (Energy) Program in Hastings-on-Hudson

Mayor Swiderski: We start off tonight with a discussion around a proposed local law to establish a community choice aggregation program in Hastings-on-Hudson. This is a program underway in at least 17 communities in Westchester, mostly northern Westchester but also including some communities here. It essentially involves the aggregating of the households in those communities into a single buying market for an auction among participating ESCOs, service providers for electricity, where we choose the lowest provider in terms of cost on several models. One of them is a fixed price for several years; one of them is a moving price that seeks to be under Con Ed, though we cannot guarantee that; and then the final one is competitive with Con Ed, but largely renewable. That selection process

is run, then the committee that is in charge of the process chooses one of those approaches, and all the participating communities have a chance to sign on or not.

If they sign on, everybody in those communities who are currently with Con Ed and have not chosen to opt out are converted over automatically. There is a chance to opt out; you can choose to stay with Con Ed if you prefer Con Ed; you can go with another ESCO; or you can go with the other two proposals that the ESCO proposed and won on. You may decide you want to do the sustainable energy option, while everybody else has cut over to the fixed price option. Your choice. Or you may decide to stay with Con Ed. The ESCO puts a mailing out to the Village giving everybody a chance to opt out. There is a waiting period, I think 20 days, then the cutover happens. At any point after that cutover, you can pull out and cut back to Con Ed.

So it is really a chance to aggregate the consumer power of all these communities, in a consolidated way, to bring down the prices for everybody. Seventeen communities are signed on so far in this current round, which we may not be able to make given the timing. But a second round is going to follow, there is a bunch of other communities that are in the same process we are in and queuing up. If we decide to go with this we will be, likely, in that second round unless things move quickly. It is a little complicated, but clearly advantageous, we believe, for the average consumer. We would rather see people save money than not, and not participating guarantees that you do not save money. We have asked a representative from the CCA effort to speak to us about this program and give us a chance to grill him with any questions we may have.

Glenn Weinberg, Sustainable Westchester Org.: We are the non-profit that has been authorized by the Public Service Commission, to implement this pilot. This is the first program of its kind in New York State. CCA, Community Choice Aggregation, has active programs in six other states. New York will be the seventh. The timetable is that the Westchester pilot is ongoing, getting ready to launch now, and then probably either in Q 4-15 or Q 1-16 the PSC will then release a state-wide rule, or order, setting the rules for CCA for the rest of the state. We are the CCA lab here in Westchester so that is exciting.

We are up to 20 now. Just last night White Plains passed their law and resolution. We are at 20 municipalities representing roughly about 140,000 homes. Not all of those will be in the program, as the Mayor mentioned. So if you already have a contract with a private supplier, an ESCO, you will stay in that contract unless you want to get out of it. You have to mind the termination fees or anything else that goes along with it. This program only covers residential and small commercial. The definition of small commercial is really small; it is just going to be small shops and things like that, like downtown. Even supermarkets, big pharmacies, anything like that will be too big.

The introduction was thorough one so I will see if there are questions. I should just say the last thing on the timing issue. We are on the cusp of the deadline of round one. The structure of the program is that the PSC said when you get your municipalities together send us a letter telling us who they are, copies of their laws, and a summary of what they have done in terms of outreach. That is what the order says. The municipality must let their residents know about this program in some way. There have been articles in local papers, postings on municipal websites, e-blasts, a lot of different public outreach. We have sent that to the PSC, and what that triggers is the PSC then ordering the utilities, here it would be Con Ed, to give us aggregate data for each of those cities, towns and villages that have passed the law in terms of how much energy they use monthly, how much they use at peak, et cetera.

When we get that data, that is when we are going to be able to go out to bid, put together an RFP, because we will know exactly the size of the aggregate pool we are asking the ESCOs to bid on. The next step is, they tell the utilities to give it to us and the utilities have 20 days. The only reason I would say the door is slightly ajar is because the utilities have essentially said to us we have 20 days, so almost saying like at 19 days and 23 hours you will get it from us. Maybe they will come sooner. But that is the only thing we are waiting for now. It could be up to three weeks we go out, but that would be the latest that the door would close on round one.

Trustee Armacost: Could you explain where people can find more information, if you could give people the website address so they can have a look and see which municipalities have signed up and some of the tool kits available on the site. But also, the math is compelling and you glossed over that. Could you delineate the three different solutions and why doing this is a win-win for the consumer at the end of the day, explaining why so many municipalities have signed up already. After that, I would like you to tell us why Con Edison is not objecting to this.

Mr. Weinberg: The first would be www.sustainablewestchester.org. . If you click on community toolkits, and there is just one right now, the CCA toolkit. That has our comprehensive FAQ and lots of other documents, including our petition to the PSC and approval, et cetera describing the program, as well as basic information about CCA and about the structure of our program. That is a good resource. You can also Google Community Choice Aggregation Westchester. There have been dozens of articles published in local newspapers, as well as online publications here and nationally, as well. So there is a lot of good information out about it now, which is nice because it has started the momentum going.

In terms of how the pricing and the structure will work, there are three different ways we can get a compliant bid, and really two. I will simplify it, then I will talk about the renewable option. The two compliant bids will be, one, if the ESCO says we guarantee every single month, we are going to charge a rate that is below Con Ed. This is rare, it has happened. It would be a pretty big reach for us, we think, just given the market. The City of Cincinnati, for instance, has that sort of deal, where the ESCO said we are going to peg our price seven percent below the utility; we are going to be seven percent below when it goes up, seven percent below when it is really low; we are always going to be seven percent below. We will also accept a compliant bid if it is a fixed rate, which Con Ed cannot offer us, for up to three years that is below the trailing 12-month average. This is for the energy itself. The delivery, meaning the poles and the wires, the distribution network, will still be owned and operated by Con Ed, you will still pay Con Ed for the delivery portion of your bill, and they will still be in charge of getting the power back on in the case of an outage or any other interruption. This is just for smarter buying or procurement of the supply itself, going out to the generation, the power plants, and buying smarter than Con Ed can. Those are the two compliant bids.

We are also asking for a 100 percent carbon-free that includes nuclear. So no nuclear-all renewables option. As long as they have a compliant bid from one of those first two criteria, then the renewable price can be higher than Con Ed and likely will be. That option will come, the green product will come, at a small premium, likely, over the base price to compare the utility rate. But it will be the resident's choice. Each household will make the decision whether they want to pay that premium. There have been cases where that renewable product is still lower than the utility. That may happen for us. We cannot guarantee it, but if it does it would be great because residents who want to buy green power will still be able to save money. It will still likely be a little bit higher than the default price, whatever that is, but it might still be below Con Ed.

Trustee Armacost: Like, for example, in the case of wind. Wind is very low compared to others. So it depends on how the renewables are coming in to the community.

Mr. Weinberg: Right. And, of course, we are asking for them to buy it for up to three years so there is a lot of future speculation that goes into the bidding. It is a little complicated, and we cannot say we definitely know we will be under Con Ed with the renewable product. But we hope so, and if we are then you could use that as the default price. Some villages and towns are considering using the renewable product as the default price if it meets one of those two base criteria.

Mayor Swiderski: The choice of default is by village? I thought it was set for everybody.

Mr. Weinberg: No, what is set for everybody is what counts as a compliant bid. If an ESCO comes back and puts in two products, a fixed rate product let us say and a 100 percent renewable product, and both meet one of those criteria, you could use either one as the default. What we anticipate is that most cities, towns and villages will choose the lowest price. But we have had a couple that have said we want 100 percent renewables as our default, is that possible? We said it is possible if it meets the compliant bid criteria.

Why is Con Ed not fighting us? It is a good question. In California, that is exactly what has happened. In northern California there have been CCAs, and PG&E has spent millions and millions of dollars in campaigns to kill CCA. The reason Con Ed and NYSEG have worked so well with us, and they have, is because in New York utilities cannot make a profit on the supply. They have to buy it at market rate and pass that price directly on to you. It is called "decoupled rates." They would love to get rid of their supply customers. Their supply customers are just an added headache for them. They cannot make a profit on them. They make all their money on the distribution, the delivery portion, of the bill. They would love to have zero supply customers and everybody as a delivery customer. That is what CCA does, takes all those supply customers off their plate, which they are fine with, and keeps them making all their same revenue on the distribution side.

Mayor Swiderski: Does this also apply to the gas portion of the bill?

Mr. Weinberg: Yes, it will be for natural gas, as well. It will be a separate RFP and probably a second supplier. We would love to have it be the same supplier just for convenience sake, but it could be two separate suppliers. It will be two parallel programs. If you have both power and gas, then you will be in both. If you do not have gas you will just be in the electricity program.

Mayor Swiderski: But everybody in a community not on an ESCO will be cut over to both the new electricity and gas provider.

Mr. Weinberg: That is right.

Village Manager Frobel: And your bill would still come from Con Ed. It would be one bill the homeowner would receive.

Mr. Weinberg: Right, it will still be one bill, still will come from Con Ed. The supply portion will now just say X, Y, Z Electric and the price. I want to emphasize again any resident is free to opt out at any time with no penalty whatsoever at any point. We are going to pay a little more for that because the ESCOs do not want that kind of flexibility. They want to know exactly how much. In other CCA programs in other states they have little fees

and things like that. We have said we do not want any of that. It is crucial the residents have the peace of mind to say I can sign up today and f tomorrow I can free and clear opt-out.

Trustee Lemons: How light-green are the non-green options? What can we know about the likely generations' sources?

Mr. Weinberg: The likely generation mix for the lowest price product will probably be similar to what we have now. We get about half our power, depending on which service territory you are in or which zone you are, from natural gas and about a quarter from nuclear. A tiny piece of PECO plants use oil. We have a little bit of hydro, not so much downstate here, and some renewables.

Trustee Lemons: Now, are we getting quite a bit of hydro from Quebec, Canada?

Mr. Weinberg: Again, it changes from the contracts coming and going. I am not sure about exactly where Con Ed's mix is on hydro right now, so it may be a little higher than that. I think about 50 percent natural gas, 25 percent nuclear, and then the other quarter split up among the rest.

Trustee Apel: I am a little confused. I remember getting an e-mail from you and Sue, the information on solar power.

Mayor Swiderski: This is different. Your point of confusion is a point of concern because, one is the existing power and one is the replacement of it entirely with solar.

Trustee Apel: Right. And you are not asking us to do solar power.

Village Attorney Whitehead: It is a different program.

Mr. Weinberg: We are involved in solarize. So the solarize, you guys are in round two for solarize. Solarize round toward is just getting going now, right? That is for residential rooftop solar.

Village Attorney Whitehead: And commercial.

Mr. Weinberg: Right, and commercial. I do not want to confuse the issue too much, but it is part of our long-term plan to incorporate what is called "community-owned solar" into our 100 percent renewable mix. If there are questions specifically about that, it is not on the table right now for us.

Mayor Swiderski: There are two distinct programs. One is solar panels, and we have selected a vendor for that. This is the regular power for those not be getting solar cells.

Trustee Apel: Except that my solar is not going to help me with gas.

Mayor Swiderski: This will help you with gas.

Mr. Weinberg: Even if you have solar on your rooftop you still power at night, of course, unless you have storage. When it is cloudy and nighttime you still need to buy from the grid. If you have solar on your roof it will not affect anything that has to do with the rebates you are getting, any of the incentives, your net metering benefit or, in other words, what you are getting paid to sell your solar power into the grid. All of that will stay exactly the same, and you will buy from the CCA program. So net, for any month, might be zero. But it may not.

Trustee Apel: Will we get only one bill or are we going to get bills from all these different companies?

Mayor Swiderski: No, one.

Mr. Weinberg: Your solar should be incorporated into your bill. It will be what you used times what you would pay for that, then they reimburse you for all the solar power you generated. It is called "net metering." The net metering is at the retail rate, so what you would pay as a consumer, and they pay it times the number of kilowatts you produce for that month. Then it is deducted from what you would have paid. It could be zero.

Trustee Apel: I am asking are we going to get one bill from Con Ed whether we have solar.

Mayor Swiderski: Yes.

Trustee Lemons: And then that metering would be with the ESCO rather than Con Ed.

Mr. Weinberg: No, it does not quite work that way. Con Ed will be sorting out what you owe and dealing with the net metering benefit still.

Trustee Walker: I am paying now for renewable energy through an ESCO. I have the option to stay with that, or once the supplier for the CCA program is decided I can opt to take the standard energy supplier. But did you say that we as a village either choose the standard energy supplier or we can choose renewable. But I could not opt for renewable CCA unless the Village, as a whole, took it.

Mr. Weinberg: Yes, it is a little confusing so let me clarify. The Village will have the opportunity, with the way designed it, that we are going to ask the ESCOs to come back with two prices, one that meets our compliance criteria, and lower than Con Ed, and one that is 100 percent carbon-free that does not have to meet those criteria, but it will be a couple, and then we pass that on. In that scenario, the Village would have no choice. There would only be one that could be the default, which is the one that meets the criteria. But the consumer, will get the choice of either.

Trustee Walker: When you say there is only one that meets the default it is because it is less than the Con.

Mr. Weinberg: Right. So that will be the one, as a village, you will say that is the default because we want to save people money as a baseline. And then give them the opportunity, if it is important to them to buy renewably, they can do so.

Trustee Walker: And it may be a lower-price option than what I am paying right now.

Mr. Weinberg: It probably will be.

Trustee Armacost: It almost has to be. That is the point why this is interesting.

Trustee Walker: But in terms even of renewable.

Mr. Weinberg: Right. Because we are buying for 140,000 homes instead of one.

Trustee Armacost: This is the crux of the matter, which is both of the two options are going to give you a price that is lower.

Mayor Swiderski: Well, may.

Trustee Armacost: One is definitely going to give you a price that is lower.

Mr. Weinberg: There is plenty of evidence around the country for 50 percent or even 100 percent renewable products being just about at the utility or even a little bit below. We cannot guarantee that.

Trustee Armacost: But the first option, by definition, has to be lower than the current price. This is something that is very attractive to us in terms of saving money for constituents. If people want to be greener than their neighbors, they can choose the slightly, potentially more expensive or not, and we will see when the bids come out.. But what we are guaranteeing

everyone, and the people who do not care one way or another, is a lower price. That is why this is attractive and why it is worth having a conversation.

Mayor Swiderski: What sort of money are we talking about, cutting to the chase?

Mr. Weinberg: The Northeast states, tend to see a 10 to 15 percent savings over the utility on the supply. Remember, the delivery portion is going to stay the same and it is about half and half, not quite. You will likely see about five to eight percent savings over the total bill.

Trustee Walker: That is not peanuts.

Mr. Weinberg: It is thousands.

Mayor Swiderski: Gas and electric.

Mr. Weinberg: Gas, the percentage is likely to be much higher because gas prices are low right now. We are getting the sense from the suppliers, and they are not all going to tell us exactly what they are going to be bidding, that we are going to do really good on gas and do reasonably well on electricity.

Mayor Swiderski: So thinking of my bills, possibly as much as 20 to 30 dollars a month.

Mr. Weinberg: Sure, yes. What we are saying, roughly, is that you could anticipate for a house probably a couple hundred bucks for electricity a year. If you have natural gas it might be closer to even like 500 bucks savings.

Trustee Lemons: To go back to how that is possible, is that mainly because we have somebody buying our energy right now who has no incentive to essentially do that?

Mr. Weinberg: Well, yes. But it is mainly because of the clout, the size of the aggregation. The size allows the supplier to make money, even though their margins are slim on any given household. They are multiplying by 140,000, the savings even more than that, potentially, when dealing this way from them having to spend no money on sales. They are paying a lot of money on marketing and sales and advertising. The advertising for ESCOs is all over the place now. They have big budgets, so this is an opportunity for them to get 140,000 customers without spending a dime on sales. All they have to do is put in the best, most attractive bid. They are able to give us a lower price because they are not factoring in their sales costs.

Mayor Swiderski: And they send out an opt-out letter, right?

Mr. Weinberg: They pay for the mailing. Sustainable Westchester, along with the municipalities, are going to be doing the mailings because we want control over the content. It will likely be double-branded, the town, village or city, and then Sustainable Westchester. But the ESCO is going to be paying for the materials and postage.

Mayor Swiderski: What happens after three years?

Mr. Weinberg: We will have to go back up, and likely mark-to-market will have changed a lot. We think, or hope, that renewables will be even lower then so we can be more aggressive with those types and maybe restructure our compliance depending on where the market has gone. But we will have to go back out. We may end up with the same supplier, we may not.

Randy Paradise, 35 Floral Drive: Since this is structured around the word "aggregate," and the more people who are in the buying group the better off we do, is there a disadvantage to having missed round one of the bidding process, which may have a larger number of households in it? From what I read in the paper it is above a third of the households already. And if so, is there anything we can do about trying to squeeze through that somewhat narrow crack in the door?

Mr. Weinberg: The short answer is yes because we will not ever get a group as big as this. We are going to be about half the county. The one trick here is that Yonkers is not yet part of this group. If Yonkers passes their law and their resolution, that will be enough on their own to go back out. Anybody that wants to piggyback on Yonkers, round two could come pretty soon. However, if Yonkers does not move on this we may never see a round two. If the prices go up and it is a year from now, and we are putting together round two, we may not be able to get the sort of bid we would need to move forward. I would like to be able to say for sure when round two will be, but we do not know.

Trustee Apel: Is round one closed?

Mr. Weinberg: We are in this limbo period now. We are waiting for the data. The only problem with that, and I know you have not set a public hearing, is that even just in theory if you passed it tonight we would have to then go back to the PSC and say Hastings passed it so now we need a new request for data for them. That may be another lag time so we would have to weigh our options depending on what we think because we have 20 municipalities waiting already, and we are getting calls and e-mails saying what is going on with it?

Trustee Apel: I would think, in the negotiations, if you have a core group already and you have 20 more that are coming, the deal would be we want this group and the 20 that are coming. I think that is what you have to negotiate. We are going to have not only this, but we are going to have the additional 20.

Mr. Weinberg: It cannot work that way because of the electricity market. To give you a sense, when we come back, and if we negotiate a contract, they hold the price for hours. We are going to have a scheduled signing event where every municipality is going to have to send somebody to sign the agreement that day. They will not hold it. If we want them to hold it for more than a few hours they are going to build more risk into the price, and the price will be slightly higher because they are buying a concrete amount of power. Yes, it is going to fluctuate a little bit and it is a long period of time, but in terms of the way the electricity markets are we cannot say we are going to buy this amount now and then we want you to hold that price open so that in a year if we want to buy more we can do that.

Trustee Apel: No, I am familiar with that. But I am also familiar with negotiating. If you are negotiating with them, even if you come later and say we are now representing even more people and we want the deal we got before or close to it, what are going to do for us?

Mr. Weinberg: And if prices have gone up 10 percent between then and then it may be difficult for them to say yes.

Trustee Apel: Yes, but at the end of your three-year contract with this group and the end of the next group, and we want to come together, they have got to know they have to make everybody happy.

Mr. Weinberg: That is something we might do. We might stagger it. For the sake of argument let us say we sign a two-year deal with the first group, and then in six months we have a group two that is big enough. We may want to sign an 18-month deal with the second group so they expire at the same moment and then we can go back out together as a huge aggregation. That may be something we want to do. But we have to treat them as two different entities for now.

John Gonder, 153 James Street: If you reduce gas and electricity by five percent the total savings now, with all the additives like taxes and fees, are like 30 percent or more on a bill. Will that also come down, or is that fixed?

Mr. Weinberg: The taxes and fees?

Mr. Gonder: Yes. If my electricity bill comes down all these fees usually will come down.

Is that correct?

Mr. Weinberg: Good question. Some of the taxes are consumption-based so it is X times how many kilowatt hours. Those would only come down to the extent that you use less. Some of the fees are fixed so those would not come down. There is one tax that is going to come off the bill entirely, so there is a tax cut. That is the sales tax, and this is a little confusing, not on the supply, which is what we are changing, but on the delivery portion of your bill. That sales tax will come off. Right now, you are paying sales tax on the supply, you are paying sales tax on the delivery. In CCA, you will pay sales tax on the supply and not on the delivery.

Village Manager Frobel: But you are still going to pay the gross receipts tax.

Mr. Weinberg: Yes, and there has been some issue in New York with ESCOs properly collecting and then remitting back to the county and the municipality the gross receipts tax. NYCOM, the New York Conference of Mayors, is championing CCA as a way of making sure you get all your gross receipts tax, because we are going to put in our RFP that any bidder has to agree to collect and remit all appropriate taxes, including gross receipts.

Paul Harris, 124 High Street: I have a question about the operation of the power market in New York State. How it currently operates is that the New York independent system operator, the New York ISO, takes bids from all the generators in New York State, runs the auction, then decides which generating stations should operate at a given time during the day depending on their cost and depending on demand from the market. How would Hastings' buying power from the CCA affect that process, and how would it affect the bid stack, and how would it affect the resources that are run? Especially in the case where Hastings buys 100 percent carbon-free power, would that cause more carbon-free power to run on a given day? And if so, which resources would those be?

Mr. Weinberg: In terms of the way the ISO works, this will not change anything. There are a handful of big ESCOs that are likely to be able to be big enough and credit-worthy enough to be able to bid. They are those that own a significant amount of generation assets already in NYISO. Con Ed is not necessarily buying, but buying some, from those generation assets. They are not necessarily buying exclusively from those assets. We are requesting all renewable to be either in the renewable generation in NYISO already, or wheeled in, meaning that the power is coming across the line from wherever it may be, a wind farm in the Midwest or Massachusetts or something, as opposed to what is called a "REC," a renewable energy certificate, where essentially the power is still brown, but you are getting credit for buying renewably because somewhere in Oklahoma there is a wind turbine that is serving somebody else's home. But you are buying it almost symbolically. This will cause

more renewable energy to run. If you take a significant number of customers, it is a demand issue. They are now demanding to get 100 percent of their power from renewable sources and that power actually has to come into the NYISO grid, what we call "wheeled in," come over the line as opposed to a symbolic renewable energy credit. Then there will be more renewable energy generation assets running and generating power that ends up at our homes and businesses.

Trustee Lemons: So you are saying that because of our decision a wind turbine that would otherwise not have been running, even though the wind is blowing, that wind turbine would be run because of our decision? Or would that wind turbine already be running just because the wind is blowing?

Mr. Weinberg: Yes and no. There are renewable generations of a wind farm or a solar farm or a hydro station that have a certain number of megawatt capacity. They do not necessarily sell all those megawatts all the time. So they may be running at full capacity sometimes, they might be running at half capacity. They have to have contracts for that power. That power has to be spoken for. In the long run, more customers buying 100 percent renewable will end up financing new generation. But for the time being, there could be dormant generation: yes, the wind is blowing, and that is sort of the shame that happens where the sun is shining but a solar farm does not have an off-taker for all that generation. This will not 100 percent guarantee, but come closer to guarantee that all our local renewable generation assets will have an off-taker from 100 percent of what they can produce.

Elisa Zazzera, 111 Pinecrest Parkway: We have heard the terms "carbon-free," "renewable energy," and "green." Wind, solar, hydrogen, nuclear I understand. Some people would consider nuclear carbon-free. Are there differences between all these terms, and how will the green, carbon-free renewable energy be generated? What kinds of generation are included in that?

Mr. Weinberg: It is a bit of a mire in terms of consistent message. When we say 100 percent renewables we are including solar, we are including wind, we are including hydro. We are not including nuclear. So those will be the three primary. There is a little geothermal, but not really. Those will be three primary sources. The ESCO will have to buy that power so it will be up to the ESCO what the exact mix is. But as long as it is coming from one of those sources we will accept it.

Ms. Zazzera: And will the ESCO show what percentage of the generation, not just the renewable energy but the regular carbon-based energy?

Mr. Weinberg: Yes, when we get the bids back we will know what the mixes are. That could certainly factor into it. We are not like a municipality that has to take the lowest bidder. We will weigh their credentials, whether or not they have served aggregation programs before, if they have experience. Because it is a lot of back office stuff that has to go into it. The mix, the price of course, their credit.

David Honor, 12 South Clinton: I want to thank the Board for potentially giving Hastings this opportunity. It is potentially a very good idea. I own a small business in Manhattan and I bought Peter's house. I want to talk to you about how cold it is, by the way, so I need your savings. I have had mixed results, one, because I was uncertain how ESCOs worked. Just in sitting here a few minutes I have learned a lot. You said Con Ed cannot earn a profit on supply. So say per kilowatt they charge ten cents, and the ESCO then undercuts them and charges eight cents because they can. I do not understand why Con Ed cannot charge eight cents. Also, if the ESCO is also charging eight cents I assume the ESCO is also making a profit or, hopefully, that is their plan. Again, I do not understand how they can undercut Con Ed, which has most of the customers. Also in terms of infrastructure, I understand Con Ed owns the lines. For example, in Hastings we have had trouble with downed lines and the weather has been bad. So how does Con Ed raise money, since they do not have this money from supply coming in? They would raise our delivery charge to cover the rising cost of all the damage we have had in the winters? How do they raise money to fix the infrastructure?

Mr. Weinberg: I will take the second part first. That process is strictly regulated by the PSC, always has been, always will be. If they want to raise more money, want to raise rates, they have to put together what is called a "rate case." They go in front of the PSC and say can we charge more money because we have downed lines in Hastings and we have congestion in Croton and other issues. We need to put money back into the infrastructure of the grid, can we charge more on our delivery portion? They are not allowed to do that for the supply. They are generating revenue from that, but they pass it right back through because they are buying the power. So they are buying the power, then they are charging us what they are paying for it.

The reason the ESCOs can be lower than that is because Con Ed signs contracts and has a portfolio of power they are buying at any given time, then it is a blended rate they offer you. It is very volatile. You will notice, if you go back through your bills, one month your Con Ed supply might be 17 cents, two months later it is six cents. That has to do with how they are buying on the markets. The ESCOs are going to be doing the same thing, but in many cases the ESCOs own the generation assets. They own the plants. Con Ed does not anymore. So the old vertically integrated utility model, the monopoly that is still the dominant form of the electric markets throughout the country, in New York we do not have that. We have deregulated markets, which means Con Ed does not own the generation and

other suppliers can sell their retail power, which is exactly what we are talking about here. CCA can work even in a regulated state. Then we have "decoupled rates," which means they have to get all their profit from other sources besides putting a markup on the power itself.

Mr. Honor: You said that if you try it and want to change, there would be no penalty. With my small business, if I back out because the rates on natural gas drop tremendously, and I signed contracts with the fixed rate, in order for me to get out I have to pay a penalty. There are not too many contracts you can get out of in life without paying a penalty. That, for me as a consumer, would be a big bonus. The prices do fluctuate, or have fluctuated, quite dramatically, especially over the summer with the dropping of gas.

Trustee Armacost: If you decide you want to opt out, are you barred from opting back in three months later when you realize you made a horrible mistake?

Mr. Weinberg: The short answer is no, but it is complicated. The ESCO is going to be buying X quantity on the market. There will be a point at which the initial bid will fill up. So in the beginning there is going to be a lot of coming in and coming out. People will be opting out, people will be opting in. The ESCO is fine with that. They have done aggregations before, they have models for guessing how much in and out there will be at the beginning. If at some point we reach where we are using all of what they are buying for us, people that are coming in later may come in at a different rate. And that rate could be higher. It could be lower, too. So they can opt back in, the rate may change slightly, they may not be getting the same rate they had in month one.

Dave Skolnik, 47 Hillside Avenue: You mentioned that Con Ed had, or would need to, raise revenue from other sources in terms of not being able to charge for supply, but for delivery. You said something about other sources of revenue. What other sources would that be?

Mr. Weinberg: Any time Con Ed wants to raise revenue for any reason they have to submit to the PSC. The other sources would be anything that has to do with the distribution networks, the infrastructure, the poles and wires, or service or billing. If they are saying we are getting killed on billing, we need to hire more people or we need to change our billing system, they might be able to put in a rate case for that. That is what I meant. They do not have to replace what they are generating from the supply because, again, that is a pass-through. They are required to do that. There cannot be any change between what they are paying on the market and what they are charging us. That is just the way New York works. We are unique that way. It makes it more difficult in New York to beat the utility, but it also means the utilities have been completely above board and open with us in terms of making this happen because the PSC told them they had to.

Patrick Randolph Bell: We get a lot of these phone calls about energy. One time, somebody changed our energy. So we got a bill, found out, and we were how did this happen? What we did was put a hold on our Con Ed bill to prevent the energy from being switched. What happens if you are already blocked from changing, would you then have to go to opt in and how would that process go? I am sure there are other households in the Village who already have a block on their energy so you cannot have this automatically changed. Would that be also in the letter? Would that be something that they would be made aware of? And how would you go back in?

Mr. Weinberg: That is a good question and something we are going to have to work out. We just talked through this a little with Con Ed. They said it is a little tricky on our end, we do not have a mechanism for it; the only mechanism we have is to put that block that you are talking about. And we do not want to do that, we do not want to put a block on all these customers. So they are going to have to figure out some way, in their system, where they can distinguish between the block that you are talking about and people that will be switched to CCA. So it is technical, and I am sure I will not understand the computer science part of how that will work. The short answer is that Con Ed knows this is coming and knows they are going to have to work that out.

Mayor Swiderski: But what will they do for the blocked customers?

Mr. Weinberg: I do not know. They are going to have to figure out some way of saying they will be automatically unblocked if they are part of this program. I do not know if they can do that. It is evolving.

Mayor Swiderski: They do not know yet. That is the short answer.

Village Attorney Whitehead: They do not know yet, but they are aware.

Trustee Apel: How does the customer know that you are blocked? Maybe you did it awhile ago and you forgot. Does it say on your bill that you are blocked?

Mayor Swiderski: No, I think you have to call.

Trustee Apel: So people should call Con Ed to check to see if they blocked themselves.

Mr. Harris: A question about the natural gas supply. Do you know if the ESCOs would be buying the gas at the place like Henry Hub in Louisiana and then subscribing for

transportation to bring the gas from Louisiana up here? Or would they be buying at one of the local city gates?

Mr. Weinberg: We will not know until the bids come in. When the bids come in they will tell us how they anticipate serving the load we are asking them to serve, and we will evaluate them then.

Trustee Armacost: How do you distinguish whether the gas has been generated from a source which has used fracking?

Mr. Weinberg: That is a good question. They are probably not going to volunteer that. We are certainly going to ask them, and we will see how creative they are with their answers. It will probably take a good amount of research on our end to sort that out.

Mr. Harris: Niki you were asking the right question. I think what we will be able to do is say if it is coming from a particular supply point, such as Henry Hub, that the frack percentage of the supply probably in this range; if it is from a place like Dominion South Point, which feeds off the Marcellus Shale then it is a much higher percentage. We should be able to make that analysis.

Trustee Armacost: The reason I think it is important is that if people are opting in to something they think is virtuous, and then it turns out that there is something going on which they are opposed to, if we are promoting that we need to be transparent about the data so people understand what they are opting in and out of. Then in terms of the procedural questions, let us assume that we are all on board and that we are able to pass the kind of laws and resolutions in order for you to get the documentation you need. Is it worth us doing it? Are we locked out, are we in, do you like us enough that you will open the door a little bit? Can we woo you, can we seduce you? What can we do to be involved in this in some way?

Mayor Swiderski: Our next meeting is two weeks from now.

Mr. Weinberg: That was the question I was going to ask. In terms of how you have to notice your hearings, could it potentially be done two weeks from today?

Trustee Armacost: Yes.

Mr. Weinberg: In that case you will most likely be in. I hesitate to make guarantees, but Larchmont is the 19th. You will likely be in if it is two weeks from today. If it is any more than that you will likely be out. Just because, again, we are waiting on this timetable where we are going to get a lot of data and then we are going to try to go right out.

Mayor Swiderski: So it is worthwhile going to the effort of scheduling a public hearing.

Mr. Weinberg: Absolutely, and that is exactly the advice we gave to them because they asked the same question. We said schedule and do it and you will most likely still be in.

2. Affordable Housing Action

Mayor Swiderski: We have another item which was introduced today on a request of the Affordable Housing Committee. We have a member of the Affordable Housing Committee who needs to speak to that. It requires us to take some action next meeting, as well

Sue Smith, Affordable Housing Committee: We have rather suddenly come upon what is an opportunity, but also a challenge, particularly in the timing. The county, and Village Manager Frobel and I talked today. I think he y went to a workshop about this; the state is acting to administer funds for the county's benefit for a narrow range of things that are passed through for HUD as CDBG money. It is for three different categories. One is housing rehab, one is public facilities, and one is for public infrastructure like water, sewer and septic. We have a proposal for a new piece of property. We have just had a memorandum of understanding with the owner last week on a property on Ravensdale. Part of the project is a rehab, part of it is a new building. These funds the county is happy to give to us. However, the Village has to apply for it, Affordable Housing cannot. The Village can then have an agreement with us to carry out the proposal. It is for \$238,000, which is the rehab cost for this project. It is an existing house which needs a great deal of work. It would be divided into a family house and an accessory apartment, and it is on a piece of property that could hold an additional house with an accessory apartment. So we gain four units. The funding, as always, comes from a lot of different places, and this is one that helps with rehab. It is a fairly new opportunity that has come up, and happens to fit what we have been looking at. Today, the County Planning Board approved acquisition of the property, the funding for that, as well as the money from the state housing corporation for \$80,000 for the project. The pieces are beginning to fall.

Unfortunately, the timing is very tight and we are not the only community that is being pressed accordingly because the county wants to get all the funding in line before the end of the year to be able to say they have these units coming on. Our agreement with the purchaser is dependent upon planning and zoning approval and funding so we are protected in that way. But we need to know we have the funding to be able to move ahead. We are keeping our fingers crossed that all the other parts can come together. As you know, there is very little property in Hastings. There are always issues that you have to deal with, and planning issues, but we have usually overcome them.

Mayor Swiderski: What is the access to the property?

Ms. Smith: That will be the question for planning. It is at the corner of Kent and Ravensdale so access is difficult on Ravensdale. The extra piece of property fronts on Ravensdale, but because of the curve and the hill that is an issue. We are going to present some options for that to the Planning Board, but it is not a simple solution.

Mayor Swiderski: What you are asking for us to pass?

Ms. Smith: It will be a resolution to make an application to the county for this money, that is due by October 23. The Village is the one that has to make the application, but it does require a citizens meeting, which would be in our case in the form of a public hearing.

Mayor Swiderski: All we are doing is committing to an application here. This does not override anything from the Planning Board or Zoning Board.

Ms. Smith: That is correct, absolutely.

Mayor Swiderski: All we are doing is reaching out to grab the money. And it may turn out that the lot, for whatever number of reasons, is not conducive to this.

Trustee Walker: I have a question about the CDBG program. We no longer qualify in most of Hastings because it did not meet the low-moderate income requirement. Is this different?

Ms. Smith: Correct. This is a different scenario in the case of housing rehab. You could have a community rehab program, which some communities choose to have to encourage people to improve their properties in the low-mod areas. But an affordable housing project, a specific development project, would qualify in any location. That is an unusual situation, a unique situation. This is a one-time thing that there is a pass-through from HUD to the state for a way to compensate for us not having gotten these funds. But it will not happen again. Apparently, it will be the whole state, and competitive in the future, where in this case it is just Westchester County: a \$4 million-plus pot.

Trustee Walker: So we are pretty much guaranteed to get it. That is excellent.

Trustee Armacost: Will the plan require bringing down a lot of trees?

Ms. Smith: Some trees, depending on the access. There are lots of trees on the property.

Mayor Swiderski: The model is two sales here and two rentals. And would they both be at the same income bracket thresholds?

Ms. Smith: The sales are always 80 percent medium-income, the rental is at 60 percent.

Mayor Swiderski: Questions? I think we are going to move on it.

Ms. Smith: I do not think other than the timing crunch it is y any loss for the Village. And the Housing Action Council would write the application to spare you that.

Village Attorney Whitehead: You need resolutions to schedule both of those.

PUBLIC COMMENTS

Mr. Gonder: Most people know that BP was fined about \$20.8 billion. And we want to clean up Anaconda property for about \$350 million. Twenty-point-eight billion is like 21,000 million. You just cannot fathom how much money that is. I think BP is just going to give us troubles, delay, delay, nothing new on Building 52, nothing new going up down there. I am worried about the cleanup. I do not think it is going to take place. Mr. Quinlan told us within six years. I think he has been out about five years already

Used to be, London Bridge is falling down. Maybe it is Hastings' Washington Bridge is falling down. I hope somebody is doing something, at least contacting Mary Jane Shimsky and see if she could get all the inspectors' reports. I hope there was a lot of inspection on that bridge. Jim Metzger was very concerned, and if he is concerned I am concerned and the Board should be concerned. You should do something about it. If the county does not do much maybe you should hire a professional concrete bridge analyst and pay them for a couple of hours of work, with a report. That is terrible that there is going to be problems.

Deer. Here it is the fall. I told you one other time it was not my choice but it is the best thing we have. To improve it, I know you got to save money but you need more shooters. If you have eight locations you need eight or nine shooters. Last year, you had four shooters. I hope you can get it earlier, like in December instead of January and February when we get the snowstorms.

The gateway clusters was very good at the last Board meeting. But there are people like me that do not want to bring people into Hastings. I want to keep them out. I think you should build these mansions like they are doing in Tarrytown. Have 100 acres and put up maybe 20 buildings that go for \$13 million, \$5 million and two or three acres at a time. That way, you do not have to build new schools like we have this thing on Saw Mill. They are starting to

dig now quite a bit, operations going on. Where do the kids go? Ardsley. Across the parkway, where are their kids going to go? Ardsley. Ardsley is building up a lot of places also. We are dumping, and they are going to have to build new schools. I hope we do not do that in Hastings. I would rather see something like that estate on Broadway, \$350 million. But even those lower, \$5 to \$10 million, and keep our village like it was, not keep on bringing people in.

Last, my friend Mr. Tim Downey is here. I would like you to review his ordinance on leaf blowers. In May, June, July, August and September I see people using blowers. I know he does not, but other people using blowers. You have to call the police to get them. But I drive around quite a bit and I see it. Mr. Froebel can give permission if there are storms or something and a lot of leaves come down. So you ought to re-look at it. Plus, he put on two sessions downstairs a couple years ago; these blowers are quieter now, much better.

Mr. Paradise: Later on we will be discussing traffic mitigation problems. I noticed from an e-mail that you are looking at putting a temporary speed bump on Villard Avenue at the crosswalk where the Aqueduct Trail goes across. I wanted to talk about that location. I walk to the train station down Villard Avenue every morning, Monday through Friday, and I come there just before 8 o'clock when there are a lot of kids using that spot. One of the best things the Village could do to improve safety for the children, and also for adults, for joggers, for everybody there is to create a no-parking zone for at least 30 feet on either side of that crosswalk. I regularly see large SUVs, vans parked right up against the edge of the crosswalk. I see kids peering around the corners of these things to see if it is safe for them to get across the street at the same hour in which people are concerned about getting to their trains. It is a convergence of two circumstances that is rife for danger. One of the best things we can do about mitigating that is making sure everyone is as visible as they can be. I drove up from the train station this evening, and on the downhill side of Villard Avenue was an SUV parked just downhill from the crosswalk with its rear bumper hanging over the edge of the crosswalk, the wheels almost right up against the white. A speed bump is not something I know whether I am in favor of now or not, but certainly making sure there is no parking permitted. There are no houses right there. It would be possible to do it without interfering with anybody's property rights directly in front of their own homes, and it would make a huge difference.

Tim Downey, 520 Farragut Parkway: I want to go back to a thought I had regarding the change of schedule in July and August with their only being one meeting during those months. That is a terrific idea. This job does not pay much, and there is nothing that is that important that you cannot be human beings, too, and take a little time off and give yourself a break. I do not know if that was done in the past or if it something newly-instituted.

Mayor Swiderski: It has been done in the past.

Mr. Downey: I want to check on something that I brought up in one of the meetings regarding community signage. I had gone to a school board meeting two years ago and said their sign with movable letters is obsolete and recommended getting something else. They went ahead and did it. That is why I suggested it would be good for the community, but I would like to retract that. Maybe something that was a blend of that, where Raf and staff could constantly update and communicate to the community. But there is something nice about the way Dobbs Ferry and Irvington have their kiosks. They have some nice artwork associated with whatever event or occurrence is going on. If there could be a hybrid where there is something that is both electronic for quick updating or communicating, particularly the storm idea with the Community Center, and then something that also allows itself some sort of community character. In particular, I like the one in Dobbs Ferry and also the one on top of Main Street in Irvington.

The paving curb-to-curb idea when there is utility work done is a great idea. It would be ideal if we could correct the curbing at the same time that the utility work it is done. We correct the curbing, they pave it, we have brand-new roads. We should get in front of the paving work with new curbing.

Working at Zinsser Park this summer, something caught my eye is that wall and the entrance pillars that are some of the historical element in the Village. But they are in decline, the jointing and pointing. If they blow over it is a much more expensive thing to repair versus if we could stay on top of it with some maintenance, some new pointing and jointing like we did in the VFW plaza this year. I suggest if we just do a portion of it or if we contract out We do not want them to decline further.

Finally, there has been radio silence on the DPW and deer issues, the DPW consolidation conversation. I e-mailed a sheet of suggestions regarding the deer program before it gets underway this season. I have stated publicly I do not think the plan will work, but I am equally as adamant that if we are going to do it give it everything we got and do not miss anything. There were a number of statements.

Mayor Swiderski: Could you resend that?

Mr. Downey: I will resend the points on the deer issue.

Mr. Skolnik: In the past the Board had protocols that allowed for public comment later on in the agenda when there were issues that were being discussed. More recently, for probably a number of reasons, the Board seems to have eliminated that opportunity. Especially since

the actual text of this discussion about the transportation working group appeared, at least to me, for the first time I am requesting an opportunity to be able to respond to the discussion rather than use this time to make comments about something that might already be answered once you have the conversation. I am requesting that, even in spite of the fact that most of the other things I have to say have become predictably adversarial, which pains me. It is unfortunate, but at this point that is mostly the way I feel. The interaction has come.

So I am making that request, but I will go forward with the other comments I have. First being a reminder that the LED street light situation has not disappeared from my consciousness. I travel quite a bit now back and forth from Yonkers in the evening. I know that in the original presentation that was given the woman from the company suggested that you go drive in Yonkers and look at these lights. Well, I look at them and I continue to be appalled by them. There is quite a bit of variation between these lights in a local community setting and as they appear on highways like the Henry Hudson Parkway or Central Avenue. The fact that the Mayor and the Board indicated that you were not looking to respond to the extensive comments I submitted a few weeks ago, I am going to continue to put this before you. There is an issue you have not addressed and you ought to address.

With respect to the Conservation Commission, I could not make the last meeting and I would like to know what the conversation was with regard to certain things on their agenda, but I am confounded as to how I would find that out. I continue to feel there is a tremendous opacity with regard to the way that group functions. On the Village's website the Conservation Commission has a space and a series of points they have addressed. The transportation issue has, and continues to have, nothing with regard to transportation. Yet it has been on their agenda and I have to believe they submitted some comments. But I do not know what they might have advised the Board, going forward.

In the list of the departments and committees on the website there is an advisory committee, regular committees, boards, commissions, and council. With what you are about to discuss this evening there is now going to be a body called a "group." I would like to know what the responsibility of these different structures are, what defines them legally. I feel we are very much in a mode where we are communicating legally. In the past, I might have been able to ask for certain information. Now everything needs to be FOIA'd. In that case, I need to understand the structure of those types of bodies in regard to open meetings, and also even the subcommittees that would be functioning in this group under the Conservation Commission.

Mayor Swiderski: I will answer the question on the boards versus the others. It is quite straightforward. If it is zoning or planning those are boards with legal mandates and a requirement on quorum, minutes and everything else. The rest are advisory and have no

quorum requirement, no obligation under sunshine laws. We prefer, however, and they do abide by, the sunshine laws in the terms of open meetings held in public areas announced ahead of time with agendas. And all of that, which they are not obligated to do, they all do. Group, committee, all those are different forms of the same animal. None of them have any legal weight in terms of being able to enact legislation or carry out any legal action. Therefore, they are strictly advisory.

Trustee Armacost: On the other point you made, I think Susan is probably one of the most helpful people in the Village. If you have any questions she is more than happy to answer them. You definitely do not have to FOIA requests. You can go to Susan and ask in a civil, ordinary person kind of way, which I would encourage. Asking for information about the way the Village runs in that kind of a way is helpful for all of us, including Susan, who is the one who has to pull the data together. I would encourage having those kinds of conversations. Obviously, if you are not satisfied you have recourse to something else. But if the initial question is asked in a thoughtful and pleasant and civil way it makes it easier for everyone.

Mr. Skolnik: Yes, I will. I would appreciate that, but the question is whether there are a category of documents that require a FOIA request. To make it more specific, by my own experience I was asked to submit that kind of request. While I appreciate that, and have had that interaction for many years, the clarification.

Village Attorney Whitehead: There is a difference between asking a question and requesting copies of documents. FOIA is not for questions. If you have a question, a question about how a board functions or something like that, you can try asking Susan the question. If she can, she will give you an answer or she will contact us or Fran. If you want to request documents, that is what FOIA is for. FOIA is not supposed to be used to ask questions.

Mr. Skolnik: Then I misunderstood because that is not what I have ever done, so thank you..

Mr. Bell: You are right, Susan is awesome. By far one of my favorite employees of the Village. She knows everything. If you do have a question ask her. I go to Susan, and occasionally there are things you just do FOIA for. There are certain things you just cannot get, like records rather than just documents, all kinds of records. You have to FOIA it to see if it is going to be redacted.

Randy's idea about parking, a little extra space on the side of the crosswalks throughout the Village, awesome idea. About the broken bridge, I spoke to Mr. Frobels about it a few

months ago, he said he could not do anything about it, we did not have an expert, dah, dah, dah, you know what I mean. I am so glad Trustee Apel brought this up at the last meeting and pushed it. It was in *The Enterprise*. Pushing it along and forcing something to be done about it. I really appreciate you for doing that.

Tim Downey's thing about curbing the street side to side while you are doing that, and fix the curb at the same time, awesome idea. Might as well do it. The striping of Farragut that Ms. Walker has been talking about for awhile, making it one lane, awesome, much safer. It will stop a lot of confusion and conflict at those intersections and throughout the entire street. There is a space right where Farragut Parkway and Farragut Avenue meet. The big problem is, there is a sign there that says it comes to one lane and it is blocked by the trees. We have to trim it. Part of the Village could say you cannot trim trees, you cannot go and just do it yourself. We can ask the landowner, maybe, because it is hanging there within the public right of way. It is blocking the yellow merge sign. We are having a lot of problems right there, maybe Mr. Frobel you can check it out.

Village Manager Frobel: Sure.

Mr. Bell: Thank you for asking about the opt-out versus opt-in, Meg. That was a perfect question. The intermunicipal agreement between the police officers, lots of benefits, few risks. We get a lot of extra police officers in case of emergency. And if we need to go somewhere else some of our guys can get some great experience. Hopefully, they do not have to go to one of these super-horrible events that this looks like it is made for. It is another great thing.

Ravensdale affordable housing, again the Mayor. Great, perfect question, parking. How are you going to have access to Ravensdale. That is a dangerous street right there, that intersection. Concerned about that, but the way it looks it is all about a resolution. It is just about getting the money for some kind of place. Push it through, see what happens. But still worry about the parking and the access to the property.

Our last Conservation Commission meeting. This transportation working group is coming up later. The Conservation Commission, you are saying no minutes are involved or anything like that, they do not have any public power. I think you are giving them public power. The Conservation Commission will have the right to add new members to the working group when needed, and also rescind membership for an individual for the working group. It is all will and discretion. You are giving them public power.

Village Attorney Whitehead: It is not governmental.

Mr. Bell: I know we disagree on some of these, Linda.

Mayor Swiderski: But it is not a question of disagree, it is a point of law. We have had a determination on that and we are satisfied with that determination.

Mr. Bell: I am sure you are. I can still disagree. So what are you going to do? If you are going to make a work session, here is says they can decide if there is going to be a work session or public input. Let them do it before the meeting, maybe put that in the agenda so people know if they do not want to go. But I do want to talk about, once again, this meeting held in that room right there, the conference room. Once again, I was accosted by a few members who were very upset about having me tape a public meeting in the most public building in the Village. If you are going to have a public meeting in that room you are going to let people tape it. I prefer, like I have said multiple times, see that camera over there pointing out the window being unused? Stick that in the room, I will never tape another meeting in that room. We will not have this problem. Tape all these meetings in that room except for your executive sessions when you hold them over there, even though you speak very loudly and you can hear everything anyway. I was very upset about that at the last meeting. Trustee Lemons could have said, guys, go a little bit easy. Thank you to Attorney Whitehead for saying "please." She is the only one who used please to stop taping.

Village Attorney Whitehead: But it did not work.

Mr. Bell: The only disruptive people at that last meeting was the Conservation Commission itself in the beginning of it. As the Mayor saw, the rest of the meeting was perfectly smooth.

67:15 APPROVAL OF INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR MUTUAL AID AND RAPID RESPONSE PLAN

Village Manager Frobel: This is a renewal of our existing formalized relationship with the various police agencies in Westchester County, looking for a five-year term as indicated in the document. This is an opportunity to share our resources. There is no reason each community has to have a canine unit or an arson investigation squad. It makes perfect sense. Also, it is helpful in the event of a crisis where more manpower than any one department can supply is needed and agencies know they can turn to their neighbor for assistance. I would like to see us renew this.

Mayor Swiderski: I do not think there is any controversy or question here.

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 authorize the Village Manager to sign the Intermunicipal Agreement with Westchester County for the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County commencing on July 31, 2015 and terminating July 30, 2020.

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	

68:15 SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW F OF 2015 TO ESTABLISH A COMMUNITY CHOICE AGGREGATION PROGRAM IN HASTINGS

Mayor Swiderski: We just went through an hour on this, I think it is pretty straightforward, and let us hear a motion.

On MOTION of Trustee Lemons, 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, Oct. 20, 2015 at 7:30 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law F of 2015 to establish a community choice aggregation program in the Village of Hastings-on-Hudson.

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	

69:15 SCHEDULE PUBLIC HEARING REGARDING APPLICATION TO WESTCHESTER COUNTY FOR FUNDING FOR AFFORDABLE HOUSING PROJECT

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 schedule a Public Hearing for Tuesday, Oct. 20, 2015 at 7:30 p.m. or shortly thereafter regarding the making of an application to Westchester County for Community Development Block Grant (CDBG) funds for an affordable housing/rehab project for property at 69 Ravensdale Road at the corner of Kent 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: I want to update the Trustees on the status of our specialized engineering study. Last summer we prepared a request for a proposal to conduct a pavement classification system. Our goal is to have a professional engineering firm look at our streets and roads, and look at the condition of the roads. The goal is to develop a classification system where we have some order into how we make determination as to which roads need to be repaired, and when. We received a very good proposal from James Hahn Engineering. We have turned to this firm a number of times, the Planning Board has, to assist them in subdivision review and engineering questions.

They met all the conditions we have included in that RFP. They are very eager to start. It is a project we can accomplish over the winter months, barring a severe winter. I would like to have the firm come to your next meeting to go over the proposal, making certain it addresses the concerns we heard during the budget development sessions, and that it is one that you are comfortable with. I think it is a valuable tool. It is one that I have advocated in the past. We do need some scientific approach as to which roads need to be fixed, and when. And as requested, not only does it include the pavement management element, but we have a

separate price where they would be prepared to evaluate our curbs, sidewalks, any of that other type of work that is associated with roadway maintenance.

Trustee Lemons: I think it is really important to move this ahead.

Mayor Swiderski: Yes, I think it is important. I thought it was thoughtful and addresses the two requests we had. I would want to consider signage in the inventory. It sets the scheme for the evaluation, but it will do a first class evaluation of the streets, right?

Of the streets?

Village Manager Frobel: Yes, that is what they do. They will go in and measure. There is a standard that is used by engineering firms to determine ride-ability. They will look at whether there is a subsurface problem with road. They will be able to give you a good indication as to whether or not the road is a candidate for a simple resurfacing, which is what Hastings has traditionally done, or whether you should consider reconstruction. You are going to have those costs estimates to make some informed decisions as to how you want to spend those tax dollars in the future. I think you will be pleased. This is something the Town of Irvington does. They have used this same firm for a number of years so they are very familiar with municipalities. We did mail this out to a number of firms, and several major firms wrote back indicating they were busy. It is a niche, and a small firm like this is the best-equipped to give you a document that you are going to be pleased with and one that should served you well into the future.

Mayor Swiderski: Let us schedule that for next week.

Village Manager Frobel: Our road resurfacing program this year has hit, pardon the pun, a bump in the road. We are not alone. Hastings was scheduled two weeks ago to start the road resurfacing. Traditionally this is done over the summer months. It did not happen two weeks ago. We were promised it would start this week. It has not started this week. In all likelihood, based on my conversation with the contractor, they are aiming for next week. None of the member towns have had their roads resurfaced this year either. We are all in the same boat. We heard at the VOC meeting that we are all very dissatisfied. Whether or not we have to look at maybe going it alone, I am not sure what we need to do. But we need to do something because the contractors are busy. The low bid that we selected has other jobs. This last time, he complained of the weather. I guess they thought the hurricane was going to come so they demobilized some of their crews. They seem to be too busy to take on the member towns that have bid this work and intend to have it done. Now, none of us can compel them to come here and do the work. I have got Mike Gunther calling them three times a day, I call them probably every other day. They know the pressure I am under to get the job done this year. But as of now, we are hoping for a Monday start.

Trustee Armacost: But is there no non-performance clause in the contract?

Village Manager Frobels: There is a date.

Trustee Armacost: And if they have blocked everyone out by putting in the lowest bid, but then they do not perform, that is an unfair way to operate.

Village Manager Frobels: That is what we are looking at now, to see what our recourse might be. It may simply be you need to rebid it: we are going to walk away from it, we are not going to be able to perform.

Trustee Armacost: But that means we have lost a year, then.

Village Manager Frobels: That could be the tragedy, or we could wait until next spring. That is when we did Ravensdale and High Street.

Mayor Swiderski: But you said they are going to start.

Village Manager Frobels: But again, Mayor, they promised it two weeks ago and they promised it last week. So I am still relying on a promise. So we will keep the pressure on. The managers from Ardsley, Elmsford, Tarrytown, and I spoke to him this week, we are all extremely disappointed and frustrated.

Trustee Armacost: But is there no penalty for non-performance in the contract?

Village Manager Frobels: That is what we are going to be looking at, to make certain there are provisions in there.

Mayor Swiderski: But there are now.

Village Manager Frobels: I cannot swear to it. We rely on the legalese to be prepared. I think Tarrytown took the lead on that, given the manager is also an attorney. But we are going to need to look at that and see what our recourse is. We want the work done is what we want. I do not want to have to threaten that. I would rather have the work done, and I know we want the work done rather than to go through that.

Trustee Lemons: One of the concerns, too, since they are so busy because there is so much work going on, that we will not get the best job. There will be a rush because we have been pressing them.

Village Manager Frobel: And obviously you are right. The best time of year to lay asphalt is in the very warm weather. There is no getting around it. And in the summer you can rely on better weather because you do not want the surface wet when you are laying the asphalt. With each day the weather becomes dicier and dicier and you are going to have a passing storm.

Getting back to the engineering specs, I also indicated, they will help us review our specifications for the paving at no charge. The engineering firm would be interested in being our inspector on these jobs. Part of my concern has been to pay for the inspection services, But to have him available on an as needed basis or on call for a couple of hours to spot check the quality of the workmanship I think would be money well spent. That is in his program, as well, but also to help us review the specs, although I think the specifications are very good in terms of the technical aspect. But they would provide that service as well.

Mayor Swiderski: We are paving Main Street?

Village Manager Frobel: Main Street is first on the list. I am worried about the Thanksgiving holiday. I worried about the 4th of July, I worry about Friday Night Live. I have to keep working with the contractor, telling him you start it this week but do not mill the road on Wednesday when we have got a live night event on Friday. I am trying to juggle all these different elements, and get him out to do the work.

Mayor Swiderski: And this will fully go through the \$260,000 that we allocated?

Village Manager Frobel: It will be somewhat less because a certain element of that would pay for this engineering study. We had factored that in as part of the program. The cost for this engineering study which, in my opinion, is reasonable would be part of that element.

Mayor Swiderski: And what about Villard? I was walking up Villard last night. It looks like they have marked for a partial re-paving, not a curb-to-curb.

Village Manager Frobel: When the Board adopted that local law we immediately contacted all the utilities, putting them on notice. In fact, we had told them in advance that this was being considered. They were notified that this law would require them, if the excavation was greater than, I think, 25 feet ...

Male Voice: It was 100.

Village Manager Frobel: Initially, but we reduced it.

Village Attorney Whitehead: We reduced it.

Village Manager Frobel: But we reduced it, and they know it. After they finished the installation of the gas main they did go out and mark it. Mike Gunther immediately told me he thought they have marked it to only fix the trench. Mike called the inspector, told him there is a local law. He said we forgot. They were supposed to go back, talk to the contractor. But I need to be prepared that in the event that for whatever reason, and I do not suspect this will happen, if Con Ed were to test that I need to make certain we are in a position to require them to adhere to the local law.

Trustee Lemons: I would like to speak to what Tim Downey said because I have been noticing it. The curbs there are so low, if they pave curb-to-curb they are going to be over the top of the curb in places. Can we reset those curbs?

Village Manager Frobel: They will have to mill it and reduce it. The problem with coordinating various contractors is getting in there before Con Ed's paving company does the work. That is what we ran into on Main Street. My initial plan was to have the same contractor do Main Street for us at the same time. Con Ed absolutely refused. They would not allow it. They prohibited their paving contractor from doing the extra work on Main Street at our behalf.

Mayor Swiderski: On our dime.

Village Manager Frobel: On our payment. The idea was, there would be one set fee to do the entire street, Con Ed would give us a credit. What they would have paid to do their trench work we would apply towards the total resurfacing. Totally broke down. We reached a point where Con Ed was going to say, you know what, Hastings? You were going to pave the road anyway, we are not even going to put on the final coat on the trench. That is when I said, You know what? You are going to put the final coat on the trench and do in front of the ambulance and the hook and ladder, we are going to do our work at some point in the future. That is why you saw a nice finished product in those segments I just described, and that is why we need to go back now with our contractor and cut those areas that have been finalized, put in the new asphalt, and then seal it. It was a nothing or we pay it all. It took almost four months to get to that point, with arguments, phone calls and difficulty.

Trustee Apel: When you are on Broadway and you can go up to Warburton, if that is considered Warburton, when you are going to go on Broadway there is a sunken area there. Is that something that is part of Con Edison or someone else? There is a big round disk in there for something underneath it that is sinking.

Village Manager Frobel: Like a manhole.

Trustee Apel: Yes, a manhole and it is sinking. When I notice it I do the same thing. Everybody is trying to avoid it, but if someone is coming at you in order to avoid it you either have to go into oncoming traffic coming at you or you are going the other way. It is a big thing, and you cannot put an orange cone there.

Village Manager Frobel: Let me talk to Mike. I am sure he is aware of it. If it is Warburton it is the county.

Trustee Apel: It is not Warburton, it is Broadway.

Village Manager Frobel: Then it is the state, the New York DOT.

Trustee Apel: What I have been noticing in driving around, we probably all have been noticing, that there are different places like that and people are avoiding them because they are not being paved. Someone is going to get in a bad accident.

Village Manager Frobel: It could cause an accident. I will bring that to his attention. Let us find out if it is the utility and whether New York DOT is waiting for them to come back and do final restoration.

Trustee Apel: And you cannot see it because it is all dark. At night you would not notice it. It is not like someone put some yellow florescent paint around it that says beware or something. It is just there.

Village Manager Frobel: Final item, the Reynolds Field community build has been rescheduled to this weekend. I was there today. Crews are working on-site today where the two representatives from the playground apparatus company are working with our crew doing the final grading and determination of where some of the concrete placements have to be. Kendra assures me we will be ready Saturday, and there are still opportunities for volunteers. IF anyone is inclined please come out and lend a hand.

Trustee Armacost: What kind of volunteers do they need? Heavy lifting, or is it tidying?

Village Manager Frobel: All of that. I think some work with rakes, carrying lighter things to some of the heavier stuff that has to be installed. But Kendra assures me they can put everyone to good use to help out.

Trustee Apel: I want to go back to something, in reading James Hahn's engineering report. On page four of his letter that he signed, we get all the costs for the estimated hours of the engineers and fees for extra services. But the big stuff here, we do not have anything. "Implementation, construction quality assurance, inspection programs," that is to be determined. And "identify stormwater drainage improvements." There is no cost there.

Village Manager Frobel: No, that was not part of the RFP. When you see their work for what we did specify, and you are inclined to say yes we need you to go further and we want you to go and look at drainage, I talked to him about that, how there are areas in the community that need drainage improvement. That is going to be a separate arrangement and we will bid that or talk to them if we are satisfied with their work, and determine whether or not you would like to continue. But we do not know that. That is a big job in itself. That is why you are going to have to make the determination. You may just focus on a neighborhood. In the past they have looked at the area around Ashley. We spent a lot of time looking at drainage on the Fenway, in there. You may just target an area for him to look at, but that will be in the future.

Trustee Apel: Do they have ball park figures of the cost, or are they going to have to then cost out again the cost of the engineers? It would be the whole thing all over again?

Village Manager Frobel: Yes.

Mayor Swiderski: Final question: Farlane and Hillside sidewalks?

Village Manager Frobel: The school awarded the contract last week for all their capital improvements. Part of that is the sidewalk construction on Chauncey Lane and along Farlane. I am meeting with the engineers Friday morning and we are going to look at the scope of work. I have the specifications. I have been told it is concrete. We are going to need to work with the contractor to determine whether or not you are inclined to support sidewalk installation on Hillside where it ends, bringing it up to Hillside Park. We have an estimate, but we do not have a final bid price for that. I got the sense that the contractor for the sidewalk has it on a unit basis, so we are going to need to determine how much more work you might want to do for the money you want to allocate for the work. I will know better after Friday as to what we are looking at in terms of cost for the entire project.

Trustee Armacost: Is there a way to show us on a drawing what their committing to and what we would be asked to chip in?

Village Manager Frobel: That is what you need to know. Their program ends at that intersection of Farlane and Chauncey..

Mayor Swiderski: So we are taking it along Farlane up to the access road to the pool.

Trustee Armacost: All the way, basically, along the top of Reynolds Field.

Village Manager Frobels: They are doing that.

Trustee Lemons: No, along the east side of Reynolds is what you mean, that goes along the drive?

Village Manager Frobels: On the east side, yes.

Trustee Armacost: I have often wondered what is exactly needed in terms of a sidewalk. There are sidewalks that are very expensive that involve a lot of cement, and then there are walkways. They are cleared. But it is not necessarily cement and is less expensive and perhaps easier to maintain, and perhaps even more attractive, with woodchips. I wanted to understand whether a decision had already been made about having cement there and what the rationale was for that, or whether there were options for more sustainable and perhaps less expensive and, arguably, more attractive walkways along that route.

Trustee Walker: That is a good point because you could use like a decomposed granite or another type of material there that would be pervious and could be more like a path. It is a more woody location.

Village Manager Frobels: And it is a lower volume. You are not going to get the heavy pedestrian use that you might on, say, Hillside or on Chauncey. I agree with you.

Trustee Armacost: I wondered whether the reason was there was some legal restriction or whatever. But I think if there is a way to do it I would like to see a bid that incorporates some of those elements. That may be something the community can also help with.

Trustee Walker: You might even be able to keep some of the trees.

Village Manager Frobels: And even if you do it with bituminous asphalt it is more forgiving. It gives with the roots.

Trustee Armacost: Yes.

Village Manager Frobels: Concrete is very rigid, and when it lifts or starts to spall then you are looking at something major.

Trustee Lemons: I would argue against asphalt because that is so out of character with that. That is a very natural place.

Trustee Armacost: Anyway, I would encourage that. If it is under our control, then let us see if we can look into some of those other options rather than concrete.

Mayor Swiderski: When does the work begin?

Village Manager Frobel: They are not sure. Because it was just awarded they do not have a schedule. They do not know whether they are looking to do the sidewalks this season or wait until spring.

Mayor Swiderski: Regardless of the surface, there is still some engineering that needs to be done to create the area for the sidewalk where there is a drop-off or where there is a steep slope, right?

Village Manager Frobel: There is, and they need to look at the rock because at the end of that there was a tremendous outcropping of rock.

Mayor Swiderski: Are we on the eastern side or are we on the western side?

Trustee Lemons: Eastern. There is a very swampy area there. That is going to be a huge problem.

Village Manager Frobel: It does pond there, but it usually drains pretty quick.

Trustee Lemons: It does not.

Village Manager Frobel: No?

Trustee Lemons: No, that is perennially swamp.

Village Manager Frobel: That is where we put the wood chips periodically. Are we in the same area?

Trustee Lemons: I walk it all the time.

Trustee Walker: But you are talking about the uphill side as opposed to the downhill side.

Trustee Walker: Why the uphill side and not the downhill side?

Village Manager Frobel: I think there is more of a drop-off on the other side.

Trustee Walker: So it would require more retaining walls. This just means chopping in more.

Village Manager Frobel: Yes, unless you give up some of the pavement of the road.

Trustee Lemons: No, alternatively you could swing around that rock. There is enough space around on the other side.

Village Manager Frobel: In back? Is there not a trail already?

Trustee Lemons: It goes behind there.

Village Manager Frobel: The kids do cut across that way. You can see where that is the natural way, and that has been talked about.

Trustee Armacost: That is why I was also suggesting, again, not to use concrete. Because one can be more nature-friendly and creative.

Village Manager Frobel: What I thought would come out of my meeting Friday would be just these comments: that they need to come here and make a presentation, get some feedback. I do not think it is critical we do our work when they are doing theirs. , I think we have time to think this through carefully. The thorny one is the Hillside installation, and I have talked about that and given you the estimate for that. We are talking some tree removal, it is narrow, there is the brook there.

Mayor Swiderski: Yes, but that is also heavily used and treacherous. That is arguably, foot for foot, the most important one.

Village Manager Frobel: Clearly. I agree, but we need to be certain you are comfortable about how we lay that out.

Trustee Walker: In some cases where it is difficult to build a sidewalk and you have to have a shared street, then, like on James Street which we are going to speak about in a few minutes, you figure out a way to slow the traffic down to such a degree that pedestrians and automobiles are compatible in the same space. They call that a shared street, and it is not unusual. It certainly is not unusual in Hastings. We have a lot of them. I live on one.

Trustee Armacost: But that is not the issue there because there is a lot of space.

Mayor Swiderski: No, there is not a lot of space.

Trustee Armacost: Oh, you are on Hillside. Yes, on Hillside there is not.

Mayor Swiderski: Hillside is treacherous, and it needs the sidewalk.

Trustee Walker: It does but at what cost, and is it possible, and how many trees are we taking out and how much construction are we going to have to do to support it.

Mayor Swiderski: Everything is possible. With enough engineering you can build the pyramids. It is the cost.

Village Manager Frobel: There is a path there, although it is very narrow. That is part of it, trying to bring it to a standard.

Mayor Swiderski: So let us go on.

Trustee Armacost: I have just one question for Fran: where do we stand on the audit?

Village Manager Frobel: The audit field work, as I reported, has been complete. They expect to have a printed copy to you early November and schedule their oral presentation to you before Thanksgiving. The Village ended on a positive note, but I will let them get into detail. We did add to our fund balance \$345,000. Our expenditures were under that which was budgeted, but not by much, under \$10,000.

Trustee Walker: That is pretty tight.

Village Manager Frobel: Very, very, very tight.

Trustee Armacost: So we did better on projected income.

Village Manager Frobel: We did better on projected income and, as I noted, there were a couple of extraordinary events that occurred during the year, part of which dates back to the Youth Advocate office where there was a disconnect in the flow of money. After a several-year effort, we were able to convince the staff to pay back the money.

Trustee Armacost: So it is kind of like back pay, in a way.

Village Manager Frobel: Right. We never give up.

Trustee Armacost: Good, excellent. Well, well done. Congratulations to you and the team.

Trustee Lemons: I have one question, and I assume there has been no response to our letter to Astorino, the county executive, about the bridge.

Village Manager Frobel: None, no.

Trustee Apel: In that case, there was something in the letter that said what we wanted to do. Are we going to do it?

Village Manager Frobel: I think the Mayor wants to talk strategy on that.

Mayor Swiderski: Since it may involve negotiations we are going to stick that in executive session.

BOARD DISCUSSION AND COMMENTS

1. Transportation Subcommittee – New Charge

Mayor Swiderski: We have got the committee charter, and then we want to touch on the two pilot projects which Meg will describe. And also on Farragut Parkway safety. You have a draft of the transportation working group in terms of reference, which is a rewritten version of what was issued a year and a quarter ago when this was the transportation subcommittee of the Conservation Commission. I am going to posit this as a series of questions which will help to finalize this document. First is, does this remain a subcommittee of the Conservation Commission? I am not entirely sure that is where it should sit. I think it may best report to us for the time being, and I would like to raise that with the Board with a sentiment there on keeping it where it sits or moving it out.

Trustee Armacost: I think it should not be a subcommittee of the Conservation Commission for a couple of reasons. One relates to some of the questions that have been raised about making sure there is full transparency, et cetera; if it reports to us, any of its deliberations come to us, and it is very clear and transparent. Those issues go away at that point. So it protects everyone, from that point of view. But also it is something that will come, ultimately, under the jurisdiction of the new Comprehensive Plan Committee. It is probably better if it starts out separated from the Conservation Commission at the get-go so

there is not a confusion of jurisdiction later on. To ease process later on I think it will make sense. There is no reason why Conservation Commission members cannot also be members of this group, or that they cannot be members of the subcommittee. And the group will always, of course, be indebted to that group for its origins.

Trustee Walker: Yes, I think at that point, because of staffing reasons more than anything, it is probably better to make it independent, as well as making it directly responsible to us. That is a good point. There may be Conservation Commission members who want to be a part of it so we should make sure they can. We have also received quite a few volunteers already interested in serving the committee, a remarkable number. There is a lot of interest in this in the Village. For all those reasons it is probably good to make it its own committee. I do not think it will be subsumed by the comprehensive planning committee, or the update committee. I think it will continue to work on its own.

Trustee Armacost: Or operate in conjunction with.

Trustee Walker: Yes, it can operate in conjunction with. But there is so much in the Comp Plan that still has not been implemented. They can help update the Comp Plan, for sure. But we want this to be an implementation committee to get stuff done.

Trustee Armacost: To that point, the sentence which says, "The Conservation Commission will have the right to add new members," if we make this decision it should say Board of Trustees.

Mayor Swiderski: My intention was to leave that blank, like the first one: " ___ will have responsibility for determining the number." That is the Board of Trustees.

Trustee Armacost: Good. So in both cases, Board of Trustees.

Trustee Lemons: I do not know what the ownership feelings are in the Conservation Commission about it. There might be some, but it seems likely organizationally it does make sense to have it work independently. The Conservation Commission has a lot on its plate anyway, and this is a way of getting that out of their meetings and letting them focus.

Trustee Walker: There is one piece of this that we need to address again, which is the Complete Streets part of it. The Conservation Commission worked very hard to get the Complete Streets passed. Andy Ratzkin has been putting together a plan, and in fact I have the PowerPoint here, to take to Village staff and the public to educate folks about Complete Streets. I do not know if we want to take that away.

Mayor Swiderski: I would argue that Complete Streets, while it is transportation in nature, is also sustainability, and that can stay where it is just fine.

Trustee Walker: This is a resolution we passed and comes into effect when there is work being done on the street, whether it is by another agency like DPW, state or county, we ask them to follow our Complete Streets law. Whether it is put in a bike lane or improve a sidewalk or improve the walkability, it gives us the right to do that. Staff needs to be aware of that because these things are happening all the time. So when somebody is re-paving a street or rebuilding Ravensdale Bridge or painting in bike lanes – I don't know if we could – those things do come into play. Maybe, then, we ask Andy to complete his charge.

Village Attorney Whitehead: He is running a program for municipal officials and he is doing it with some of the other municipalities. It is a group thing, so DPW and different people will be there.

Mayor Swiderski: I am going to be abrupt, and say "done." And number of bodies?

Trustee Apel: Nothing is going to be in a vacuum here. You are discussing it, and in terms of structure the two groups might want to meet every couple of months for structure.

Mayor Swiderski: What are the two?

Trustee Apel: The Conservation Commission and the transportation group, or any other group, if we want to have a mini group and they have to meet every couple of months.

Mayor Swiderski: I do not know if I want to impose that on either one.

Trustee Apel: They need to be touch and know what each other is doing so I think we should impose that.

Village Manager Frobel: This requires minutes to be submitted, right?

Trustee Apel: You need to get these people to come together every once in awhile and say I am working on this and I am working on that.

Mayor Swiderski: Oh, I do not argue that. But I think we can get a Conservation Commission person on this committee.

Trustee Apel: So there should be a liaison person.

Mayor Swiderski: Right, they will effectively function as that.

Trustee Armacost: I am sure Andy will want to be a liaison.

Trustee Apel: If we do that, then I would be satisfied.

Mayor Swiderski: Number of bodies.

Trustee Lemons: Go for seven.

Trustee Armacost: We need at least a minimum five. There are a lot of activities. What I am imagining is that there are going to be subcommittees. I don't know whether we want to have a large enough group that they can easily turn themselves into subcommittees or whether you have somewhere between five and seven members.

Mayor Swiderski: Do you like five or do you like seven?

Trustee Armacost: I like seven because it means more people to do the work.

Trustee Apel: I like seven.

Trustee Armacost: I do not think it can be done with less than five.

Mayor Swiderski: I think there is work here. Meg and I spent some time imagining that there is everything from measurement to some degree of analysis. Seven sounds good.

Trustee Lemons: It is a lot, and you need that many people.

Mayor Swiderski: The other significant difference between this and the last one is a focus on traffic calming and walkability. Previously it was pretty broad on implementing the Comprehensive Plan and previous traffic studies. The recurring theme we hear from people over and over is calming and walkability. The quick kills we are talking about are not going to be that quick. They will take some work, the calming exercises we are talking about, and they should remain focused. The death of a committee like this is to become too ambitious, get caught up in all sorts of things, and then nothing gets done.

Trustee Walker: The idea is both to deal with the traffic and to make pedestrian improvements, whether it is crosswalks or even sidewalks. Perhaps they can be in on sidewalks.

Mayor Swiderski: Right, but the low cost and easily implemented were explicitly put in here. I do not need a wish list for sidewalks, with all due respect. We have got years of wish lists of sidewalks. They are expensive and difficult.

Trustee Walker: There are some that keep cropping up and we are trying to address them. Like the ones on Broadway, if we talk to the state.

Mayor Swiderski: Agreed, but we could easily spend the efforts of such a committee on one of those projects. I am trying to provide some focus so the Village sees some experiments underway and efforts out of that.

Trustee Walker: OK, so prioritize traffic calming and pedestrian-oriented recommendations.

Trustee Apel: It talks about increased access for pedestrian and bike traffic. It would still be there.

Trustee Walker: Just in the first two sentences it emphasizes it. But it could also morph it if it needs to.

Trustee Apel: Right, they will add to it if they need to. In the meantime, they see what their focus is. If they are successful and they want to move on we can always ask something else.

Trustee Apel: So let us get them started.

Trustee Lemons: Has there been any discussion with Andy or with people on the Conservation Commission about this?

Trustee Walker: Not about this per se, but about their ability to take on more work. That is what we talked about. They are going to be pleased. Andy would rather not head up a committee right now. He wants to finish the Complete Streets piece of it, and maybe he would be happy to be on as a liaison. We have not asked him that.

There are two other pedestrian plans that were done. So we want to say, under "creation of first year's program," "the group will review the Comprehensive Plan, previous transportation and pedestrian plans." They are focused on pedestrian. They were done on my watch as planner. They are important to read.

Trustee Armacost: Can we just remove the question mark at the end of that sentence, because it should be reviewed and enforced by the Board of Trustees.

Mayor Swiderski: Yes.

Trustee Walker: A group will review the Comprehensive Plan, previous transportation and pedestrian plans, community input, and their own experience. We can make those available, they are on our website, there is a lot of information in them.

Trustee Lemons: Is this a unidirectional relationship to the Comprehensive Plan, that is to the current comprehensive plan, or is there anticipated feedback because the Comprehensive Plan is coming up for renewal and reevaluation?

Trustee Armacost: There could be a separate point, which is an "in year two." I am reading the very end, which says this will go on into perpetuity, and it is all written as if it is going to happen in 2016.

Mayor Swiderski: Right.

Trustee Armacost: One thing we might do is take out some of that 2016 language so it is a charge that is more general, unless you want to have a clause that talks about that. And have a sentence in there which looks at the future comprehensive plan. So providing input into the future Comprehensive Plan.

Trustee Walker: Yes, take out the "in 2016" then.

Trustee Armacost: That is in the first thing. It says: "... with a focus 'in 2016' on low-cost and easily implemented traffic calming efforts." It does not need to say "in 2016."

Trustee Walker: The idea is we want them to it as soon as possible.

Trustee Armacost: Well, they have got to come up with a first-year program. "Finalize initial program approval." But this charge needs to look beyond the first year. Now that we have decided they are reporting to us, it should also talk about coordination with other bodies.

Trustee Walker: It does say that.

Mayor Swiderski: Under program development.

Trustee Armacost: But I am talking about a Comprehensive Plan group that we have not anticipated.

Trustee Walker: Why do we not make that a separate point: interaction and comments, input, whatever to the Comprehensive Plan Committee.

Trustee Apel: Comp Plan update.

Mayor Swiderski: Done. I will make the changes, we will have it at the next meeting. We will choose some members the next meeting, right? We should allow a few more days for résumés to filter in.

Trustee Armacost: Why do we not have an executive session so I can fill you in on how information has been coming in to us? Then we can talk about what needs to happen next. You need to do a cutoff.

Mayor Swiderski: A final e-mail with a cutoff. So next week will set aside time in exec session to formula the committee. We'll have this finalized and we will charge a committee.

Trustee Walker: I have had a discussion with a manufacturer of these temporary speed humps and speed table. I got a lot more information and we can downsize this to 14 feet by 30 feet by 3 inches high. The idea is to replace the crosswalk. There are different colors we can make it. Where the Aqueduct crossed Villard there would be appropriate signage and probably some painting leading up to it to warn people of it, as well. But the idea is that it would have a flat top, hence "speed table," which would be about seven feet wide. The ramps up to in on each side would be 3½ foot. So it would be 14 feet wide in total, and that would allow people to walk across the top of it. I was thinking should we do that, or have a speed hump on both sides coming toward it. The problem with doing that is that you are getting in the way of driveways. This seems to be far enough from driveways. It has to be pulled away from the curbs to allow for water to flow. We have to figure out that little detail. There is no curb there, but how it intersects with the path when it comes down. These are some pictures. This is a speed table three inches high, flat-topped. It reduces speeds to 20 to 25 miles per hour. I would guess that people are coming down Villard usually around 35 to 40 miles per hour. I think Randy's point about removing the cars is a really good idea.

Trustee Apel: Go back to the picture with the women. Where you see that yellow stripe, then you are going to have to have no-parking on both sides. That is probably true.

Mayor Swiderski: That may require a law.

Village Manager Frobel: I am going to ask the Chief what the current motor vehicle law is relative to parking to crosswalks.

Trustee Walker: There are different versions of it: the yellow striped, the big white arrows. I got it priced. It is \$7,209. It is a very sturdy version. I could probably find a cheaper, less sturdy version.

Mayor Swiderski: This is permanent.

Trustee Walker: This could almost be permanent. But you can remove it and put it somewhere else, or we can build it up. The fellow I spoke to does not like them out of asphalt. He thinks they are better this way, because there are more visible. When they are asphalt, painted, the painting wears away and you do not see it as easily. Most of them I have seen are asphalt. A little more research is in order. But this particular version is \$7,200. That is with delivery and everything.

Trustee Lemons: That is a lot but it is a substantial thing you are putting there.

Mayor Swiderski: And it is a benefit that is immediate and real.

Trustee Walker: Yes, and you have to bolt it in. DPW would have to do that.

Trustee Lemons: It has got to be bolted in and it has got to be material that holds up well because that is a lot of wear.

Trustee Armacost: How does it deal with snowplows?

Trustee Walker: That is one of my concerns about rubber versus asphalt. With asphalt you can more easily go over it. These have an edge. I talked to the guy about it. He said they are used a lot in New York State. In fact, the company we would be purchasing these from is located in New York, but this one is made in Canada. So these are meant for northern climates, but you do have to watch what you are doing.

Trustee Armacost: It depends on the snowplow, though. I do not think it is necessarily a climate thing.

Trustee Walker: Some people have said we do not use these kinds of speed humps in northern climates. That is not true, they do. But plowing them, you have to be careful. If you just ram right into it you are going to be destroying it all the time.

Trustee Lemons: Montreal is full of these things on their streets.

Trustee Armacost: I lived there for years, and definitely it is all over Canada.

Trustee Walker: So these are made in Canada. James Street is interesting, and I have done a little research on how many and where and so on and talked to the fellow today. It is about a third of a mile long. At first, I read that they should be about 300 feet apart. But the fellow I spoke to today from the company said 400 feet is fine, but you could get away with probably four in this location. They would be 7 feet by 21 feet by 3 inches high. This is just a sample one.

Mayor Swiderski: So these are not tables. These are more humps.

Trustee Armacost: Why would we need so many on James?

Trustee Walker: I found lots of research on this. One of the books I was reading said that if you want to reduce the speed down to 10 to 20 miles per hour, which I think is what we are looking for here, you need to have them about 300 feet apart. But the guy I spoke to today said you could probably do them 400 feet apart and still get the 10 to 20 miles per hour speeds. I asked him to price four. The total for four would be \$8,628. This is what they would look like, or they can have the white arrows on them.

Trustee Apel: Are they also bolted in?

Trustee Walker: Bolted, yes. And they are made out of pieces and put together. If there is a concern with emergency vehicles, they have this to break it up so the emergency vehicle can go right down the middle and does not have to slow down.

Trustee Apel: I think the problem with that is not with the Fire Department. If people see the ruts in the middle they are going to go down the middle. It is a narrow road, they are just going to go down the middle.

Village Attorney Whitehead: Not emergency vehicles, everybody is going to use it.

Trustee Walker: You might have to have a Hummer to fit into those. I would prefer to go with these. The Mayor and I were talking about it being important to do some before and after evaluations, testing. In the case of Villard there was some concern by a neighbor on Croton that there would be a lot of cut-throughs. We wondered if we should do some counts before on Croton and on Villard Avenue and then counts after to make sure we are not diverting a lot of traffic onto Croton. The other thing is to test the speeds. We found a counter that invented by one of my former interns who is now selling it. They are really cool little do it yourself traffic counters. He has gone into business making them. We may need to borrow a speed gun from the Town of Greenburgh or something to do it. This may be something that our working group can do.

Trustee Lemons: So we need this before and after. Guy Slyker and Jill Boyd both sent us e-mails this week about that. There is a system, and there is no doubt that if you disturb one part of the system other parts will be affected. My expectation is that this is our beginning point and things will happen. If you start getting a spilling like that, then we need bumps on Croton too.

Trustee Armacost: Or to shut Croton off, which is what some people want.

Trustee Lemons: That is another possibility.

Trustee Walker: You notice how James is used as a shortcut to the Saw Mill Parkway so people do not have to go all the way up to Olinda and back down again. It is so much shorter and that is why there is so much traffic on it during peak times. And everybody is in a hurry. It would be interesting to see the before and after volumes.

Village Manager Frobel: We have a lot of data, as you know, from James Street. And the police have already started to collect data on speeding on James Street.

Mayor Swiderski: And the counterintuitive data, at least some of it, has indicated the speeding is not as great as the perception on James Street. However, the volume of cars is real. Even real cars and real volumes at 30 or 35 miles per hour can add up. Chop it down to 15 or 20 and it will be more palatable. Also, there is nowhere else for people to walk.

Trustee Walker: This is the perfect example of a shared street. We do not have room for sidewalks, pedestrians are walking right down the middle. You really need to slow the traffic down to 15.

Mayor Swiderski: A 35 mile per hour car feels awfully fast when it is right by you.

Trustee Apel: Also, it is wider at one end than the other. The perception is that when you start at the smaller end by High Street, and you go down it gets wider. If you come in the other way, and it is wide, you should know by now it is going to get narrower.

Trustee Armacost: But there are also a lot of parked cars, which makes it very tricky. People would have to slow down and defer to one another.

Trustee Walker: When I measured it on Google Earth it is remarkably narrow. It is only 21 feet wide, and then you put a parked car in there which is six or seven feet. You only have 14 feet left, and you have cars trying to pass each other.

Trustee Armacost: My experience on that road is not so much of people speeding, and obviously I do not live there, there is a lot of volume of traffic, and that people are having to weave in and out of each other. It is more that kind of a problem than a speeding problem. But I am sure if you move on the street you experience the speeding problem.

Mayor Swiderski: Anything that slows that down is going to benefit it.

Trustee Walker: It slows it down, and then maybe people will find another route. The other thing people have said to me is that their cars are damaged frequently because of this narrowness. They have lost a lot of rearview mirrors off the sides of their cars, cats have been killed.

Trustee Apel: Well, we can try this.

Mayor Swiderski: We need to connect the data, clearly, and there is another thing we have not spoken about and cannot avoid talking about. I think the consensus on James Street is please. But bumps do not come cost-free in terms of the sound.

Trustee Walker: Yes, these are not bumps, they are humps. Because they are rubber it dampens the sound.

Trustee Armacost: Have we worked out whose house they are going to be outside of?

Mayor Swiderski: Well, there you go.

Village Attorney Whitehead: I can tell you that the rubber ones, if they are not bolted down tightly, make more noise.

Trustee Walker: That is a good point. One thing we have discussed is doing some time lapse photographing, getting some of these neighbors who are so concerned to do some of that so we can see where the more serious problems are. We can design the locations around where the problems are if it is possible to see it.

Mayor Swiderski: I would caution against analysis paralysis. We need to collect exactly what we need to know and not one iota more. The reason none of this ever gets done is we talk ourselves to death trying to figure it out.

Trustee Walker: That is a good point. They said putting them mid-block is a good idea. I do not know, this is a very short block, whether we want one there or not. But put it right in

the middle between those two streets, maybe here, and then we just need to find two locations on this stretch.

Mayor Swiderski: And there are guidelines on spacing distance.

Village Attorney Whitehead: Driveways.

Trustee Armacost: You are going to have to be away from fire hydrants. There are things that are going to restrict it.

Mayor Swiderski: The committee can sort that out, in part.

Trustee Armacost: We have a mixed group with all of these things. We have received people who are in favor and people who are against. If it is going to be placed outside someone's house can the person say I do not want it outside my house?

Village Attorney Whitehead: They can say it, but it is ultimately going to be your decision. They are making a recommendation.

Trustee Apel: We are doing this as an experiment, we are saying it is not permanent, and we are going to put it in for six months and see how it goes. Then after that, we can work on it then. But you cannot just, out of hand, say do not stick it here.

Trustee Armacost: There are people who complain about the speeding, but they do not want the solution to be right outside their house. We can have people volunteer to have it outside their house, which is another way to go.

Trustee Walker: We have to. We could put fliers in everybody's mailbox on James Street and invite them to a meeting where we are talking about the proposal. We must, and Villard, as well. And lots of e-mails, letters from the Mayor. Because this is affecting more than just certain people. This is affecting the entire neighborhood so they need to be able to weigh in.

Trustee Armacost: We received a petition from those people.

Mayor Swiderski: But your point is well taken: do not put the bump in front of my house.

Trustee Lemons: Or maybe you want it at the lowest point of traffic.

Mayor Swiderski: Because you hit these bumps at speed, and even on rubber you are going to hear it. The chassis is banging on itself.

Trustee Apel: You have to have signs at the beginning of the speed bumps.

Village Manager Frobelt: A lot of signage. I have been collecting a series of village policies. I have Rye' policy. I figured this is what will evolve after we begin to figure out the experiment as to whether or not it works. I

Village Attorney Whitehead: They do a lot of traffic calming in recent years. They had a safe streets grant.

Trustee Walker: I am using the ITE's manual on speed humps and speed tables, as well.

Trustee Armacost: Meg, the other street where people have asked for speed humps or bumps or tables is South Clinton for the people who cut through there.

Village Manager Frobelt: In the manual on uniform traffic control devices, do they recognize speed humps or bumps? You just mentioned a document you were going to get.

Trustee Walker: The ITE, the International Transportation Engineering whatever, Association, has a manual, but I do not know it is the same one.

Village Manager Frobelt: This manual is viewed as the Bible .It still does not recommend these be placed on public ways. I did not know if you had heard that.

Trustee Walker: Are you sure? I cannot believe that.

Village Manager Frobelt: That is why I do not know if you had an update.

Trustee Walker: They revised it. I will find out. We have that and I will check it out.

Mayor Swiderski: You mean somehow they seem to be everywhere but here. And they work. They certainly give anyone pause to consider.

Trustee Walker: The next step is get our committee together. I will gather more research, but it would be great to get this committee and look at the data that Fran has collected. We will get a plan to collect information before.

Village Manager Frobelt: Yes, see if we need more. I know we do not have the same amount of data on Villard.

Mayor Swiderski: The traffic count is more important than the speed count, to some degree, because we are looking a calming at a pedestrian walkway that is almost independent of the speeding. You have 30 miles per hour, we still want the 15 at that point.

2. Farragut Parkway Safety – Restriping to Single Lane

Mayor Swiderski: This has come to us repeatedly and, more recently, efforts by Mary Jane Shimsky. The specific proposals are restriping the parkway from the Saw Mill to Farragut Avenue, which is just short of Amjo's. Then further down Farragut, explicitly striping it to one lane until Hillside, at which point you diverge to two lanes because of the stop light. You do not want a single lane at the stop light. You would have a revolution because that would back up all the way to the school. So you need two lanes there, but prior to that is a single lane all the way to the highway essentially. That is the proposal.

Trustee Lemons: Are there any real downsides to this?

Mayor Swiderski: Right there at the intersection you need two lanes.

Trustee Walker: Two lanes going on to the Saw Mill Parkway.

Trustee Apel: The only time it becomes a problem is when you get to High Street and somebody wants to make a turn and you have to go straight. You could narrow the street, but then you would have a problem there.

Trustee Walker: At a certain point, several hundred feet back from this intersection, we are either striping the outer lanes or the inner lanes. Or we are restriping the whole thing, but I always thought our median should be continued down. One way of doing this would be to stripe a median, the way we just have a median striped on Broadway. You could put a left turn lane in that for High Street.

Trustee Lemons: You have to do that, otherwise that will become a danger point.

Trustee Walker: The other thing is enforcement. Everybody thinks they are still on the parkway and they go 45, 50 miles an hour.

Trustee Armacost: If you just park a police officer there, and a lot of tickets get given out, that will slow things down pretty quickly.

Trustee Lemons: Having a designated left turn on High would help. When I come off of there I am in that left lane. Nobody uses a signal light around here, it just does exist. Are

they going to suddenly make a left turn? But if there a turnout you do not have to worry about that.

Trustee Apel: Could we change the name of the road to Farragut Lane? People think it is a parkway. It is a mindset. Why can we not just change the name?

Trustee Armacost: Well, it is more than a lane.

Trustee Walker: Farragut Drive.

Mayor Swiderski: Speedway.

Trustee Walker: But the median does not start until all the way up here and that is quite a ways where it is four lanes.

Trustee Apel: You have been there awhile, you realize that you have to be careful there.

Trustee Walker: I think this is a terrific idea. I think it is in our Comp Plan

Trustee Apel: So just narrow it down, but I like the idea of a median.

Trustee Walker: So it is a stripe thing initially and then maybe some day it becomes a beautifully-planted median. Are we allowed to do this? Is it not our road, right?

Village Manager Frobel: No, you will need their approval.

Mr. Skolnik: When is the public comment? I do not mean this time because you obviously have other things to do. I do not understand the context of any public input into this.

Mayor Swiderski: We do need public input on this. We need a public hearing.

Trustee Walker: And there would be a lot of discussion about it, David. There will be a lot of opportunities to weigh in.

Trustee Armacost: Can we summarize what the decision is on this?

Mayor Swiderski: That the Board endorses the idea of moving to three lanes with a center median lane, with a left turn onto High and a single lane extending all the way to Hillside. Single lane down Farragut Avenue, the pull-in to Farragut Avenue to Hillside, so people in front of the school can start acting like there are two lanes there.

Trustee Walker: Yes, we do not want people doubling up at those crosswalks in front of the school. That is so dangerous.

Mayor Swiderski: Right. It happens all the time. So we are moving to a single lane the full length of the avenue to Hillside, and from that point on it is two lanes.

Trustee Walker: We will study how long you make these turn lanes and so on, but the idea is just to have two lanes for the most part.

Village Manager Frobel: What is that action? Is it a letter to the New York DOT and Westchester County DOT that we are interested in this?

Trustee Armacost: No, I thought we were going to have public comment first.

Village Manager Frobel: I did not know if you wanted them to be notified that we are considering this.

Trustee Walker: Somebody needs to do a drawing of it so people can visualize it. I do not know who is going to do that. Not me. Maybe we can talk to the DOT. Maybe they can do something like this for us. They are supposed to be giving us technical assistance.

Village Manager Frobel: They will and they have. I did not know if you wanted me to at least let them know that this is being considered.

Trustee Walker: Yes, and maybe they can draw it for us.

Village Manager Frobel: I can make a phone call to tell this is under consideration.

Trustee Walker: Although they probably will say hire your own engineer.

Village Manager Frobel: Some technical help in terms of demonstrating with drawings. They take maps, and they did this when we went through it on Broadway.

3. Proposed Local Law E of 2015 – Cluster Overlay District

Village Attorney Whitehead: Did everybody do their homework?

Trustee Apel: Yes, we did. We drove all over town.

Village Attorney Whitehead: There were a couple of open items, then I had said if anybody had any other comments to let me know. The main thing was the buffer, both from the road and around the perimeter of a future cluster subdivision. What I had thrown in here, just for discussion, was 100 feet along the road frontage and less such as 50 feet from adjacent properties.

Trustee Armacost: Was it not 200 feet on the other side of Broadway?

Village Attorney Whitehead: What I had put in was just 100.

Trustee Walker: This is what we have to discuss.

Village Attorney Whitehead: And you were all going to look at this and visualize.

Trustee Lemons: The study had 150.

Village Attorney Whitehead: Right, but the study was for information and for you guys to be able to compare what things are.

Trustee Apel: Meg and I drove around, and after much soul-searching and to protect what I think we need to protect as our interests as the Village, I think the buffer should be 150 all the way around, even to your neighbor. We realize there may be some instances where this may not be perfect, but you are not allowed to spot zone. If at any one point any one of the developers comes to us, and they want to ask for a variance we will look at it then. But if we start off small and we say 50, they are going to want 25. And if we say 100 they are going to go 75. So I think we t go at 150 all the way around and move on because we need to drop this down. Then if and when a developer comes to us, they are going to sell the property and they come with a proposal and want to ask for a variance, that would be fine at that point.

Village Attorney Whitehead: They have to go to the Zoning Board. I will give you my professional opinion on that. You do not like to write zoning that you anticipate variances having to be applied for. My concern about 150 all the way around is that on the smaller parcels or the more irregularly-shaped parcels it is going to really restrict development.

Trustee Walker: We were looking at the things we would like to preserve. Marge and I were looking at, particularly, the Andrus Children's Home and its pastoral meadow. If you were to build within 100 feet of Broadway at that point you lose that meadow feel. So we were taking the worst case scenario. We were using the places where we wanted the most preservation as our guideline rather than the least.

The other place we thought it would be good to have 150 feet was on New Broadway, the steep hill going up to Andrus Retirement Home. That seems like a needed buffer there to protect that woods. What we are doing is f protecting scenic landscapes.

Village Attorney Whitehead: That is along the road frontage. And Andrus Children's Home has two road frontages.

Trustee Walker: Then there is a Tompkins Avenue frontage.

Village Attorney Whitehead: So if we did 150 along the road frontage that would apply on both of those sides. My concern was more the 150 around the entire perimeter than along the roads.

Trustee Walker: That is another question, and we were debating between properties. I do not think I feel as strongly about the 150 there, but we were looking at visibility and 150 seemed like a good distance where you would not see the development from the adjacent property.

Trustee Lemons: If you go to 150 like Andrus, which is a spindle-shaped property, the 150 that is drawn in on that study, that comes up very close to the building on the west side. If you go 150 feet from the other side you are also almost touching the building from that side. It would leave almost nothing open on that whole property.

Trustee Apel: But we are left in a quandary. We cannot spot zone; we cannot say on this property we are going to do this and we want to do that. We are doing all the large properties over four acres. Because we are caught in that quandary we have to zone for the biggest, not the smallest, property.

Village Attorney Whitehead: The Planning Board would also have some discretion; if they thought there was something important to be preserved they could require more.

Trustee Walker: Can we put in some language, then, that is about the environmentally sensitive areas and scenic landscape that we would like to preserve, including meadows and woodlands that enhance the character of this gateway? Then, obviously, wetlands and rock outcropping. But put that in there, at their discretion.

Village Attorney Whitehead: We talk about the natural and scenic qualities of open space lands.

Trustee Walker: Maybe be specific about this gateway.

Trustee Armacost: When we went on our trip, we estimated using the map, and we went inside Andrus and looked at what we thought the results would be inside Andrus. I felt I would like to keep the 150 in order to preserve because so many of the trees are in that zone. One has to assume the worst case scenario, which is people build to the edge of the trees of where they are allowed to go. If you pull it back more, to 100 or 75, you cut out a lot of big, beautiful trees that are preserving the beauty of that space. So for me, there is plenty of land that is buildable in the islet that is kind of left on either side.

Trustee Walker: So it is the pink line you are talking about, the 150 line. You see the arrow and that is the pink one.

Trustee Armacost: There is a building on the side that would be within that. If that was used for assisted living, for example, I think it would be grandfathered in.

Mayor Swiderski: Well, it is something subdivided so it is not an issue. What about the MITA Congregation property, 150 all the way around that feels like ...

Trustee Apel: We drove around the church. It was very hard to tell because we were estimating the road in the front of the building. But we cannot make the numbers in the zone just for the church.

Mayor Swiderski: I agree. I am just concerned that if we set it at 150 that church's land will be essentially zero and we may face a challenge.

Trustee Armacost: Not really. It is actually very big.

Trustee Lemons: They have a lot behind.

Trustee Armacost: The land in front was not very buildable that was in the 150.

Trustee Walker: Maybe it means we need to think about the adjacency.

Trustee Lemons: It is kind of steep going down there. That side there is not that buildable.

Trustee Walker: But what did you think about the 150?

Mayor Swiderski: I am outnumbered. There is four to one.

Trustee Walker: But I am curious what you thought about adjacent properties. Not from the road, but adjacent.

Trustee Apel: One-hundred fifty feet is not very much.

Trustee Armacost: We did not really spend that much time. It seemed like 150 were these here you are talking about. That is what it means by adjacent property? We could not see any plots of land that were big enough, really.

Mayor Swiderski: If you do 150 on all sides of the church you will have nothing left.

Trustee Armacost: But it is only from the road, it is not on the back of the church.

Village Attorney Whitehead: But we were also talking about around the entire perimeter of doing some number. Marge had said 150 all the way around.

Trustee Lemons: Yes, that would gobble up everything. I think that is pretty severe.

Trustee Walker: I am willing to revisit that. That would gobble up the church, yes.

Trustee Apel: We are sitting in this room here. How far did we say this is?

Trustee Lemons: I think it is about 50 feet.

Trustee Apel: So how close, if you are in a building? You want it to be twice the size of this, three times the size? Three times the size would be how close you are willing to be.

Trustee Armacost: I am not clear why we are looking at the back of the church. The point is to preserve the entranceway and that is behind the church. It is not an entranceway.

Trustee Lemons: Adjacent properties.

Village Attorney Whitehead: If you are doing a cluster, your actual developed area might appear to be at a greater density because you are allowing them closer together or whatever than on adjacent properties. You do not have to do it, but sometimes you want to say, and I forget what your side yard setback is in that zone or your rear yard, a 50-foot or a 65-foot perimeter buffer just to protect the neighboring properties from development.

Trustee Armacost: I think 150 is way too much.

Trustee Lemons: Yes, 150 is a lot.

Trustee Apel: OK. So what is reasonable, 100?

Trustee Armacost: We did not address this question, the two of us in the car.

Trustee Apel: We do not want to take the property. But that is the only teeny property.

Village Attorney Whitehead: The Andrus property is broken up.

Trustee Walker: A couple of different parcels. So they could subdivide.

Trustee Apel: Every one of them could subdivide. Let us presume everybody wants to subdivide and they want to make their properties tinier. Do not forget, the law is only going to apply to properties over four acres. They could decide we do not want to be bothered with all this, we are just going to sell them off in little portions of under four acres. The question is how close, if they were over the four acres, do you want these buildings. If you say to them, and I do not know what the law is, if you go further out the buildings are lower, but if we shove you in, we will let you go higher.

Village Attorney Whitehead: No, they are not allowing this. If you have attached.

Mayor Swiderski: A cluster.

Trustee Armacost: We need to look at the specific areas that are in question here. In the case of the church it goes to a cliff. We were below the church and we were looking up, and you cannot build. There is a point at which you cannot go any further anyway.

Trustee Apel: You want to build, they will figure out a way to do it.

Trustee Armacost: How is the perimeter an issue then? You are not blocking anyone's view, you are above people.

Trustee Apel: I do not know what is on the other side of that. If you are looking down and coming up, what is on the other side of that?

Trustee Armacost: It is a cliff.

Trustee Apel: Are there homes down there?

Mayor Swiderski: No, it is quite steep.

Trustee Walker: But there are houses below that.

Village Attorney Whitehead: Next to Graham there are residences on the other side.

Trustee Apel: There is the Graham School, we know that. But we are concerned about the front and the sides. So if you have them clustered in the middle how close do you want them to these other properties? That is what we are saying. We are saying for the front we only want 150 feet, and on either side do we want 100 feet?

Mayor Swiderski: Remember, whatever house is built on the other property has to be 30 feet away. So on our side, 100.

Trustee Apel: If I was another developer I might say I am going to rip down all those other houses. I am going to buy up all those other houses now and build there.

Mayor Swiderski: The zoning allows for 30 feet setback from the property line, so whoever is on the other property is 30 feet away.

Trustee Apel: Yes, but I might decide to buy up four or five acres worth of property.

Mayor Swiderski: But Marge, it does not make any difference.

Trustee Armacost: You are still going to have it.

Trustee Apel: I think 30 feet is too close.

Village Attorney Whitehead: No, we are saying 30 feet is the existing setback.

Mayor Swiderski: The other house.

Trustee Walker: There are so few instances where this happens. We are spending more time than we need to on it.

Mayor Swiderski: But if you do 150 all the way around the MITA is gone, and we will be sued.

Trustee Walker: Yes, we understand. We were thinking about bigger properties than the church. But I agree. I think when you add the 50 and the 30 you get 80. That is probably enough.

Mayor Swiderski: That is enough.

Trustee Lemons: Yes, I think it is.

Trustee Apel: I will do 80 on either side.

Village Attorney Whitehead: It is 30 plus 50. So it would be a 50-foot perimeter: 150 along the road frontage and a 50-foot around the other.

Trustee Apel: If they subdivide some of these properties, like Andrus, if you were to build, between each one of those subdivided properties it would have to be 50 and 50?

Village Attorney Whitehead: No. You have a cluster subdivision. The 50 is around the perimeter of that cluster subdivision.

Mayor Swiderski: The whole cluster. The whole point of this is to sacrifice individual subdivisions and, instead, treat it as a whole unit and build a buffer around the whole unit. So you are gaining the right to build those units.

Trustee Apel: So you want to go down to 50, not 150?

Trustee Armacost: No, 150 is off the road. So your point does not apply to Andrus in the sense that it is surrounded by the road. It is an island.

Trustee Apel: But it is chopped this way.

Mayor Swiderski: They cannot chop it up. That is the whole point.

Village Attorney Whitehead: But there are existing separate lots.

Trustee Apel: They already subdivided it.

Village Attorney Whitehead: But only one of them is in a different name, the others could have merged. It only impacts one.

Trustee Apel: Are they considered a large land tract?

Village Attorney Whitehead: Yes. Part of it is 16 acres. They are big pieces. There are a couple of smaller ones, but because of the way they are set up they would probably have merged. The two biggest parcels are the Andrus School and Graham.

Trustee Apel: We are leaving the 150 around.

Trustee Walker: The pink line is our 150. Then, for example, here is the edge of the Graham property up against the church. It would be 50, which would be about a third of this. So it is about this, 50. See my arrow? Anyway, 50 plus 50, 100 in here. This is probably about 100 now from the property line.

Trustee Apel: So you are saying they could build closer?

Trustee Walker: If they were to tear down the church, for example, and build a cluster of housing here it could take up more of the property and it could go within this amount. That would be about 50 right there. It gives them a little more flexibility, though, with that property. I say 50.

Mayor Swiderski: What other questions did you have?

Village Attorney Whitehead: If there are attached units like townhouses or stacked flats, do you want to limit the number of units in any one building?

Trustee Walker: I was thinking about that, and it seems arbitrary for us to do it. I think we can leave that up to the Planning Board.

Village Attorney Whitehead: OK. And it depends if they are going stacked flats versus townhouse style.

Trustee Walker: And we are not limiting what they can do really.

Village Attorney Whitehead: So I think those were the only two open items I had in here.

Trustee Armacost: We wanted to make sure we did not forget about Reynolds Field.

Village Attorney Whitehead: Reynolds Field is not a gateway.

Trustee Lemons: No, it is not a gateway. It is a large tract.

Village Attorney Whitehead: But this was being done only for the gateway.

Trustee Walker: We did look in that buffer study at the Burke Estate.

Village Attorney Whitehead: Not a gateway.

Trustee Walker: But we never looked at Reynolds Field.

Mayor Swiderski: Reynolds Field needs to be rezoned at some point.

Village Manager Frobel: It is a park.

Trustee Armacost: It is zoned as a park. That is the thing we both felt strongly about.

Village Attorney Whitehead: Does your Comp Plan not talk about rezoning the existing parks? Some of them are zoned park, some are not.

Trustee Armacost: This one I think it is not zoned a park which is what concerned us.

Village Attorney Whitehead: Finishing up some implementation of the Comp Plan would be to look at those zoning amendments that were never done out of the Comp Plan.

Trustee Armacost: And we also felt that that same 150 should continue along the side of the school down Tompkins.

Mayor Swiderski: It would.

Trustee Armacost: At the same length, or distance.

Village Attorney Whitehead: If you say 150 from the road frontage it would be any road. So it would be Broadway and Tompkins. Both road frontage sides there.

Mayor Swiderski: So now that you have your parameters, what is next?

Village Attorney Whitehead: If everybody could read through the law one more time and let me know if you had any other additional comments or questions, and then we can get ready to put it on for a public hearing. We will need an EAF.

Trustee Walker: My thought was about identifying more specifically the kinds of environmentally sensitive areas.

Village Attorney Whitehead: I will see if there are places we can stick that in. It is about giving the Planning Board direction. Meadows, woodlands, views.

Trustee Walker: Trees, rock outcroppings.

Trustee Armacost: Yes. One of the things that was not clear on this was, for example, if there was marshland or something around Andrus that needed something extra.

Village Attorney Whitehead: The Planning Board always has that. Clustering talks about environmentally sensitive lands in general, which includes things like wetlands. I will take another shot at redrafting it.

Mayor Swiderski: Is it not a neg dec?

Village Attorney Whitehead: You need an Environmental Assessment Form to make that determination. The way they have changed the form, now it has to have a narrative if it is a zoning amendment. We can point back to the Comp Plan and do some discussion like that.

Trustee Walker: And do we want to notify the property owners?

Village Attorney Whitehead: You can do that for the public hearing.

4. Other

Mayor Swiderski: Everybody knows about the A&P?

Trustee Walker: It was not sold.

Village Attorney Whitehead: It could have to do with the lease. A lot of the stores that offers are not being made on, they do not own that parcel. In a lot of cases they are not being bid on because of the lease terms, in which case they will just close, and then the landlords can deal with that. A&P does not own the property.

Mayor Swiderski: Another company in their name.

Village Attorney Whitehead: No, it is not a related entity. We have looked into this.

Trustee Lemons: They used to own it. I think they got rid of it.

Village Attorney Whitehead: No, for years it has been in this unrelated entity and we have spoken to somebody at the landlord because there was a tax issue that came up. The bankruptcy court will decide what happens in terms of the lease if it gets canceled, and then the landlord can rent the property to somebody else.

Trustee Armacost: Or sell it.

Village Attorney Whitehead: It is depending on what happens with the lease through the bankruptcy process. The landlord could then have the property free of the lease, depending on what happens in the bankruptcy. But lots of times when properties are not bid on it is because of the lease terms; the people just do not want to buy into that lease. Sometimes they will try to negotiate directly with the landlord, and if they can get a lease extension or a modification they will bid on it if they know they have that in place.

Trustee Armacost: So do you know that it was not bid on?

Mayor Swiderski: It was not bid on.

Trustee Armacost: So it is not that the bids that were provided were too low.

Mayor Swiderski: No, it was not bid on. But the interested party remains interested, so I do not know if this is now a private negotiation or what.

ANNOUNCEMENTS

Trustee Lemons: Could I add one? On October 18, 3 p.m. at the Harmon Center is the Solarize campaign launch.

Trustee Apel: I did call the company. They are very responsive. They want to know about your roof, how old the roof is, what is it made of, how many layers, so it is important to have that information for them.

Trustee Lemons: They had over 100 inquiries already, and they had already one contract. We met with them on Monday. They said we have already got one contract in the works and have not even launched out campaign yet.

Trustee Armacost: Your e-mail was incredibly effective. And you should be very proud because the Dobbs Ferry Trustees congratulated you on the quality of your e-mail. It was picked up by at least one other news outlet in its entirety.

Mayor Swiderski: I never know who is reading these things. I got one response by e-mail saying that they hate the aesthetics of solar cells and are hoping it is under ARB guidelines.

Trustee Armacost: The aesthetics have apparently improved. That is a topic of debate.

But beauty is in the eye of the beholder. The other thing the Dobbs Ferry team said was that at the Dobbs Fiesta they had more people interested in solar from Hastings.

EXECUTIVE SESSION

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 personnel appointments to boards and commissions and litigation involving waterfront negotiations on the consent decree.

ADJOURNMENT

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:50 p.m.