

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 5, 2016

A Regular Meeting was held by the Board of Trustees on Tuesday, January 5, 2016 at 7:34 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Seventeen (17).

APPROVAL OF MINUTES

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

APPROVAL OF WARRANTS

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

Multi-Fund No. 46-2015-16	\$ 66,133.24
Multi-Fund No. 47-2015-16	\$113,713.86

BOARD DISCUSSION AND COMMENTS

1. Public Input on Requesting of Donation of Land from Town of Greenburgh to Annex to Uniontown Park

Mayor Swiderski: I am going to use my discretion, out of sympathy for those who are here on the donation of land from the Town of Greenburgh discussion, to move this item up next on the agenda. We are looking for further comments. We have received at least 20 e-mails today in support of the donation of land. Armed with the likely support of the community for this idea, the next logical step is for the Village Manager, the Director of Parks and Recreation Kendra Garrison, who is in charge of Uniontown Park, and whatever interested members of the public from that community would like to accompany them, to do a walk of the potential paths that could lead from Marianna Drive up to Uniontown Park. While we have been focused on one that passes through Greenburgh, there are others. The right step here, assuming there is support to ask for that piece of land from Greenburgh, is having that in our back pocket, now, to walk and see what makes the most sense: is that the way to do it,

or is it a path that cuts through this sloped bowl of land that is part of Uniontown Park and connects to the Uniontown playground, the facility. See if there is a better, or the best, way to create a path here, the objective being, ultimately, the safest and best alternative for children to get to that destination. Then the next meeting we will have a discussion around what is the best way to do this to achieve this result, and if it is decided, indeed, to ask Greenburgh to do so.

Requesting the Greenburgh parcel has one complication that using our own land does not, that is, easements that Greenburgh would prefer to see nailed down out of the owners of 21 Marianna Drive. While we are willing to pursue that, if, indeed, an equally favorable-to-the-children path is found that goes through the dell and does not involve that easement or as large an easement, we will take that. But in terms of priority, the first one is the safety of the children and the best path for the children. Then if it is either way equal, taking into account that easement, the concerns of neighbors, including those on Oxford and what makes sense.

Dave Skolnik, 47 Hillside Avenue: A clarification because I am not sure where the dell is in relation to the path that goes to Uniontown.

Mayor Swiderski: This discussion sucks without a map. It is adjacent to the Greenburgh parcel and the slope of land that goes down all the way to Farragut. That is all Uniontown Park territory so it will be a slope down, and then up to the playground/ball field area.

Mr. Skolnik: My question, though, is whichever way it is done do they end up exiting at Rose Street at Uniontown playground?

Mayor Swiderski: Sure.

Mr. Skolnik: My concern would be that I assume they are then going over to Green Street, not continuing down High Street, the reason being that we have already determined that High Street is equally dangerous as anything else to be walking on with no clearance for sidewalks. That is why I raised the question last time. If you are doing something that would channel more kids to that intersection, to crossing High Street, you also need to consider how you would manage that intersection so there continues to be safety.

Patrick Randolph Bell: I totally support and second what Mr. Skolnik said about crossing High Street. Let us try to figure it out and make it safer for everybody. You have a great idea to find the best path. We should totally try to get this land. It is not very often that a village can add land, or a town, anybody. We get to change our Wikipedia page. I am in full support of it. That way, it makes it easier, the way you were describing it.

Toby Linder, 13 Marianna Drive: I just want to say, of course, definitely.

Jason Poure, 19 Marianna Drive: My property abuts the back property and I am totally in support. I have a little clip from my kids. I did not ask them what easements were, I did not ask them about the city council or the town council. I just asked them what they thought about the path. If I can get it to play.

Children recorded on tape: "Hi, my name is I am 12 years old, and I want the path because it is an easier way to walk to school and it is safer. And if I am running late for a game it is easier to walk without going the whole way around to town."

"Hi, my name is and I live on 19 Marianna Drive and I would like the path because it is easier to get to school and also it is easier to get to the pool. And my baby-sitter can come to our house when she wants."

"Hi, my name is and I live on 19 Marianna Drive. I want the path because it is easier to get to my friend's house."

Mr. Poure: Our baby-sitter changes her hair randomly so she might look like a teenager who is up to no good. But she does travel through that path, she gets straight A's and she is a great kid.

Heather Rodgers, 135 Nepera Place: I fully support creating a safe way for our kids to get to school. I live on Farragut and there is no sidewalk there and I do not think there is opportunity to create an easier way for kids to go up and down that street. If we have an opportunity to do this I cannot see why anybody would object to that.

Maria Silver, Heath Place: I am here because I support all ways we can get children in the habit of walking.

Mayor Swiderski: Anyone else? Then that is the public input on requesting the donation. I do not know if there is much of a Board discussion here. I think the sentiment is in favor of the next step, which is to identify the best path.

Trustee Armacost: We have a slightly personal interest in this in our family because my son baby-sits for a child and uses that path. It is fantastic that kids are able to walk through that on an easy basis. Either of these options that are before the Board are fantastic.

PUBLIC COMMENTS

John Gonder, 153 James Street: Happy New Year to the Board. I hope this year you use wisdom. You are all very well educated and very smart people, but sometimes I do not think you use wisdom. For one thing, you loaded on a tax for hotels. I was glad to see our governor vetoed it. A couple of you said, maybe some day we will have a hotel in Hastings. I hope that day never comes. I know maybe in the 1890s or so there was a hotel and boarding houses, but I do not think we want anything like Dobbs Ferry.

Speaking of Dobbs Ferry, we better worry about parking because of what is happening in Dobbs Ferry and in Hastings, on Saw Mill River Road. Those apartments are starting to develop, and the ones in Dobbs Ferry are developing. Where are some of those people going to go for parking? It is a lot easier to go down Saw Mill River Road or Saw Mill River Parkway to Hastings and get on a train if many of them may work in the city. So we are going to have to worry about parking in the next year or two.

I hope we have no homeless people in Hastings. I do not think so, but I hope we do not. I understand the governor put in an action to take care of the homeless in this cold weather.

Sidewalks. I hope you spend the money that was put aside for roadways and use it this year for sidewalks because we have not had a sidewalk since maybe five, six, seven years ago. Washington Avenue was the last one, and there are places all over this village that need it.

The last thing, which is very important, the veterans discount on taxes. I think this is the year you are going to bring it up because of a assessments the town is making. The school board put it through without any problem. Seven women, just bang-boom, passed it very easily. For you, it seems to be a thing. I do not think any of you have been in the service but I am sure you know of people that were in service and gave up many years, whether they were in combat zones or just other places all around the world. I hope you consider it and take some action. When I see the money and the time you spend for the merchants and do not even consider the veterans. The veterans spent years maybe out in godforsaken places, some in combat zones, some wounded, some hurt. I hope you put it on your agenda.

Mr. Skolnik: Is there an update with regard to the traffic light at Washington and Broadway? I communicated with the Village last week when I noticed the light was wrapped, seeming ready to go. I understand there was some communication, at least from us to the state. But for Village's response to me, there was no response from the state. I am wondering if there has been any proactive attempt to engage them, since this was an item that was brought up a while back. It received a lot of favorable comment as to how it affected that intersection. I would urge that you pursue it, even if the state is doing what the state

does. It is frustrating to think something that has been of benefit would simply be pulled for whatever apparent reason. I am hoping you will follow up on that.

Second, in general the glare from these LEDs continues around town. It continues, to me, to be atrocious. There are some that are fine, there are others that are absolutely awful. I feel it is not only my responsibility but my right to bring these strongly to your attention, not just the one in front of my house. In a prior meeting the Village Manager had responded to a comment from Patrick with regard to complaints about specific lights. There was supposed to have been an inspection around that time that was postponed because of the weather. I have heard nothing about that. I gave you a little bit of a vacation. I did not consider to bombard you with letters. But the light I had complained about specifically has had nothing done and I have had no communication from either the Village Manager or the contractor or the installer. I am not going away, and in the absence of any response from the Manager or from the contractor you are the people responsible. I will, sorry to say, keep pestering you until you do what you should do.

Mayor Swiderski: I will ask the Village Manager during his report to describe his conversation and experience with the contractor at that time.

Mr. Bell: Happy New Year. I am going to try to be a kinder, gentler Patrick Randolph Bell this year if I can. That is my resolution, at least toward the Board. We had a Festivus celebration where Jerry Stiller and his daughter Amy showed up. It turned out great. Like 50 people came, and I just want to say thank you to everybody who came. We even had Channel 12 news thing. I want to say thank you to everybody who was involved with that.

As far as what Mr. Skolnik was saying, I never heard back either. I did notice what Mr. Frobels was saying. A lot of these lights, our poles are just crooked. They are old. Even though that might be on there perfectly, the pole leans a little to the left or a little to the right. So depending on what side you are driving on you will get more glare on that side. Sometimes they lean a little forward or a little back and that affects the way this light is shining. Where Broadway splits going south it is so tilted it looks like it is going to collapse. Back where all those trees fell down right in the middle, that is also going to collapse again. Maybe we have to have somebody check these poles around the Village and see if we can shore them up and try to get them straight. That might even make some of these light complaints go away.

Good for the Gateway cluster overlay district. The contract for engineering of the Warburton Bridge, good to go. In your last mayor's letter you mentioned we are going to have the fence up by the end of the month. Before we say that, let us wait to see what the contractor says. Is it safe or not, it is good to go or not. If we have this fence sitting somewhere in mothballs

we can wait a little longer. If worse comes to worst, use it for the new dog park. We will have the most beautiful dog park fence ever. We do not need a chain link for that when we have that gorgeous thing if worse comes to worst and we cannot even put it up on the bridge. We can still use it. I do not know how the bond works, if it is too late, but it is an idea.

Westchester County snow removal, I totally agree with that. One of my favorite things in there is the discrimination clause in number 10. It is what I asked for last year in a different contract and covers everything: race, color, creed, religion, gender, age, ethnicity, disability, sex, citizen status, national origin, marital status, sexual orientation, familiar status, genetic predisposition or carrier status. Everything I asked for in a different contract last year we now have. That applies to hiring anybody, I guess, who works for the DPW because they are all involved in making sure that contract works. It also might apply to the police department because they are also making sure that in case of certain snow removal areas sometimes there is a police officer blocking off a road. We can try to follow the lead of Westchester and include that in our own contracts in the future.

Thank you so much, I appreciate it. I look forward to coming up here and speaking to you for the next year. Use your best wisdom and your knowledge. You are all super-bright and intelligent, and when I talk to each one of you individually, great people, really nice to hang out with and talk to. I wish you the best of luck this year.

**1:16 NEGATIVE DECLARATION – ADOPTION OF LOCAL LAW NO. 1 of 2016
AMENDING CHAPTER 295 ZONING OF THE CODE OF THE VILLAGE OF
HASTINGS-ON-HUDSON TO ADD PROVISIONS FOR A NEW GATEWAY
CLUSTER OVERLAY DISTRICT**

Village Attorney Whitehead: Any time you adopt an amendment to your zoning code you are required to conduct a review under the state Environmental Quality Review Act. We had previously provided an Environmental Assessment Form, an EAF, with several parts built in and a summary explanation of the proposed law. What you are required to do before you can take action on the law is determine whether that proposed law could potentially have a significant adverse environmental impact. If you were to find it could have a potential significant adverse environmental impact, you would have to make a "positive declaration" and do an Environmental Impact Statement. In this case, based on the information that has been provided and contained in the EAF, we are proposing you adopt what is called the "negative declaration," where you determine the proposed law or the action, as it is defined, will not have a potential significant adverse environmental impact. That is what this resolution does. I think this board's intent with this law was to be more protective of the environment.

Trustee Lemons: The form, under (e)(1), land use, has checked off adjoining zonings. One of them is commercial, and I could not figure out what is the commercial zoning that applies.

Village Attorney Whitehead: When we did the EAF it was for the initial version of the law, which included properties on 9-A.

Trustee Lemons: It asks if there any facilities serving children or elderly people with disabilities within 1,500 feet of the project site. Perhaps that should have been checked yes.

Village Attorney Whitehead: You do not have to fill in a lot of it. There is no project site because it is a zoning amendment. You do not have to fill in that entire section because that would be project-specific.

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

WHEREAS, a Short Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson dated Nov. 1, 2015, a copy of which is attached hereto, has been filed with the Board of Trustees in connection with the adoption of Proposed Local Law No. 7 of 2015 amending Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson to add provisions for a new Gateway Cluster Overlay District; and

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

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

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

**2:16 ADOPTION OF LOCAL LAW NO. 1 of 2016 AMENDING CHAPTER 295
ZONING OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO
ADD PROVISIONS FOR A NEW GATEWAY CLUSTER OVERLAY DISTRICT**

Mayor Swiderski: This goes on for a number of pages. It seeks to force mandatory clustering with a setback from property lines and a density determination with the intention of keeping our gateway great. By that we mean that the perception is when you enter this village you are coming through a greenspace that feels like a barrier to the city to the south and the highway to the east. I am going to ask for any Village or Board discussion. I am going to start with Trustee Apel, since she was the impetus for pushing this forward.

Village Attorney Whitehead: You held a public hearing on this local law in November. You also referred it to Westchester County, to the Planning Board and the Zoning Board. You got a response from the county which you had before the public hearing supporting it. The Zoning Board had no comment. And you have a memo you received from the Planning Board. They were supportive, but had a couple of suggestions that do not necessarily have to be made now. They could be made as subsequent changes.

Trustee Apel: I am delighted. I was concerned that we were not protected, as a village, against unforeseen development. After touring the area and discussing with fellow Board members and the Village, we have come to a wonderful new local law which will be very protective. We do not know what is coming down the pike, we do not know what other changes are going to come, but at least we know what we want in those areas. Also, it is in fairness to anyone who wants to develop any of the properties. They know now this is exactly what we want. Hopefully, they will keep that in mind. A developer always wants to push your buttons and make changes, but we were/are pretty definitive here what it is we are looking for. I am very grateful and I think this is good for us. It took a good number of years. We thought about it years ago and I am glad we are going to do it tonight.

Trustee Walker: Thank you, Marge, for making this a priority, and thank you, Linda, for your crafting of this. I am in total agreement with it, but I wanted to bring up a couple of things the Planning Board mentioned not that we necessarily have to apply then right now. One was enlarging it, expanding it to other properties. I think that is something we could think about in the future, giving it more consideration. I would not want to stop the process for that. Also they wanted to require the applicant submit a natural resources survey as part of the site plan submittal for the district. That could include coastal and freshwater wetlands, flood plains, stream corridors, steep slopes, rock outcroppings and so on: an environmental review of the site. This is a really good idea, and wondered if this is something the Planning Board could require.

Village Attorney Whitehead: They could make it part of their submission requirements. We had this discussion at the Planning Board meeting that a lot of that information can be required under SEQRA. The Planning Board, if they are the lead agency, has all the SEQRA impacts, environmental impacts, of the project and are going to need a lot of that information. It is pretty standard to require it, and they could incorporate it into their submission requirements in order for them to review a plan and the environmental impacts, and really in connection with the cluster, because they are supposed to be clustering to preserve environmentally sensitive areas, they need to know where and what those are.

Trustee Lemons: So despite that discussion, they still included that in the memo. What is the reason?

Village Attorney Whitehead: The general consensus was that we want this information. If this is a way to make it clear to people that this is the information we want, maybe we should look at putting it into the law. One thing we talked about also is that they may want that for all subdivision and site plan applications that are on sites that are not already fully developed. It may go beyond just the cluster, but some of that information is particularly valuable to them in looking at the cluster. We can continue the discussion with them.

Mayor Swiderski: The Green Building Code, I thought, required an assessment of this sort. Is it not for this?

Village Attorney Whitehead: But that would not come until the building permit. This would come earlier.

Trustee Walker: And that might not trigger site plan review. That just may trigger Building Inspector review.

Village Attorney Whitehead: Again, these are things they can also put into their submission requirements.

Trustee Lemons: Is there a reason not to include other than not just bulking up the law?

Village Attorney Whitehead: No, and this was expressed by the chairman in the memo. They were supportive of your going ahead with the law because they understand that if we make changes to it you have to start over again, do a new public hearing and re-notice it and such. They were supportive of your moving forward tonight, but then considering some of these things as further amendments.

Trustee Armacost: I would like to support everything that everyone has said before, special thanks to the original Comprehensive Plan group and the Comprehensive Plan Implementation Committee that highlighted this as a priority. It was not one of the first things we ended up initiating after we received the Comprehensive Plan, but it is very important for the future of the Village. So many thanks to all those people who had been involved in using their brilliant minds to bring all the ideas forward. It is a really important addition, plus it was fun driving around with you in your car checking out all the districts.

Village Attorney Whitehead: I did have to explain because the Planning Board wanted to know how you settled on those buffer numbers. I explained to them how you all went out.

Mayor Swiderski: Speaking of the buffer study, that was a component delivered gratis by a graduate student who put in a lot of work on a document that was an underpinning for this.

Trustee Lemons: That was an extremely helpful document.

Village Attorney Whitehead: It was useful to this board in determining what to set up.

Trustee Armacost: And also thanks to the other boards and commissions that made comments on this. The Planning Board, obviously, but also the Conservation Commission and others were quite important on this.

Trustee Walker: Did any of the property owners respond in any way?

Village Attorney Whitehead: No. I know Andrus was aware and watching it early on in the process. They felt that as long as it did not impact their current operations they were not overly concerned with it.

Trustee Walker: And nothing from Graham.

Village Attorney Whitehead: They were notified. At the direction of this board, we provided notice to them prior to the public hearing.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 1 of 2016 amending Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson, Westchester County, New York, to add provisions for a new Gateway Cluster Overlay District.

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

Section 1: Section 295-6 of the Zoning Code of the Village of Hastings-on-Hudson is hereby amended to the enumeration of Districts the following:

Section 2: Gateway Cluster Overlay GCO
Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson is hereby amended to add new Section 295-85.1 Gateway Cluster Overlay District as follows:

§295-85.1 Gateway Cluster Overlay District

A. Purpose. The Comprehensive Plan of the Village of Hastings-on-Hudson adopted in 2011 identified large tracts located within the Village's Gateways as representing important viewsheds along major roadways, and also indicated that these parcels contain important natural resources which should be protected and preserved. The use of clustering for future development of these parcels will help to preserve the natural and scenic qualities of these parcels and preserve the character of the Gateways to the Village.

B. Authorization. In connection with any application for subdivision of a property within the Gateway Cluster Overlay District, the Planning Board of the Village of Hastings-on-Hudson is hereby authorized, pursuant to New York State Village Law §7-738 to modify applicable provisions of this Chapter to enable and encourage flexibility of design and development of land in such manner as to preserve the natural and scenic qualities of open space lands, including open meadows, woodlands, scenic views and wetlands. Any subdivision designed under this article shall indicate on the final plat that it is a cluster subdivision.

C. Mandatory Clustering. The Planning Board shall require an applicant to submit a cluster plan utilizing the provisions of this section and §7-738 for the development of parcels four acres or greater in size located within the Gateway Cluster Overlay District. The Planning Board, at its discretion, may mandate cluster development of a parcel of four acres or less in size in order to preserve the natural and scenic qualities of open lands.

D. Density Determination. A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Zoning Code applicable in the underlying zoning district. The applicant shall submit a conventional subdivision layout to determine the maximum density for the cluster subdivision. The conventional layout must consider environmental constraints on development as well as roads, utilities and other attributes which would impact the density of a conventional subdivision.

E. Development Standards and Controls.

(1) In connection with approval of a subdivision plat pursuant to this section and §7-738, the Planning Board is hereby authorized to modify the minimum lot size and width, required yards and lot coverage, however, the maximum building height shall not be modified. The Planning Board shall also have the authority to modify requirements for widths of roads, provided that adequate provision is made for fire and emergency access.

(2) In applying the provisions hereof, the Planning Board shall have the authority to permit detached, semi-attached and attached housing units.

(3) A 150 foot buffer shall be provided along the lot frontage on all streets and a 50 foot buffer shall be provided around the perimeter of any cluster subdivision from all other property lines. No structures except for entrance roads or driveways shall be permitted within such buffer. At the discretion of the Planning Board, the buffer can be maintained in its natural state or landscaped pursuant to an approved landscape plan.

(4) *Permitted uses shall include all uses permitted in the underlying zoning district and as permitted therein.*

(5) The cluster subdivision shall result in restricted open spaces as determined by the Planning Board. All open space, recreation or common areas shall be restricted, managed and

maintained in accordance with a form of legal ownership and restrictions to be approved by the Planning Board and the Village Attorney.

(6) The procedure to be followed for approval of a cluster subdivision shall be the same as for approval of a conventional subdivision pursuant to Article XIII of this Chapter and all provisions thereof not modified by this section shall apply.

(7) The Planning Board shall ensure that clustering hereunder preserves the natural and scenic qualities of open space lands, including open meadows, woodlands, scenic views and wetlands.

Section 3: The Zoning Map of the Village of Hastings-on-Hudson, as referred to in Section 295-7 of the Code, is hereby amended to indicate the following properties as within the Gateway Cluster Overlay District:

- Section 4.110, Block 105, Lots 1, 2, and 3
- Section 4.130, Block 139, Lots 1.1, 2 and 3 and 4
- Section 4.140, Block 142, Lots 1 and 2
- Section 4.140, Block 150, Lot 2

Section 4: If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5: This local law shall take effect immediately upon filing with the Secretary of State.

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

Mayor Swiderski: Again, Marge, you have only a few months left with us and this is an important bit of work. It leaves us defended in ways we will come to appreciate one day.

3:16 APPROVAL OF CONTRACT FOR ENGINEERING REVIEW OF WARBURTON AVENUE BRIDGE

Village Manager Frobel: We are recommending the contract for engineering review of the Warburton Bridge be awarded to the gentleman you interviewed at your last meeting. He has a good command of what is expected of him. He has taken the time to watch all your Board of Trustees meetings as they relate to this topic. He comes with a very good recommendation. I like his approach to the project. He knows how he needs to start it in phases. If any one of the action items triggers additional work he will be keeping me closely informed, which is why we have a not-to-exceed number at this initial phase. We will be coming back to you if it should exceed that amount. He will begin his office work reviewing the documents we have requested from Westchester County. He will be looking at inspection reports leading to a field inspection, and then some final recommendations. This is a very practical approach well thought out, and will put you in good standing to determine whether or not you think there are some deficiencies related to the rehabilitation of the bridge which require the attention of the county. I look forward to working with this gentleman as you move forward on this project.

Mayor Swiderski: How soon can he start?

Village Manager Frobel: He can start tomorrow morning. However, despite our efforts we have not yet received any of the documentation we have requested from Westchester County; not the specifications, not the project manual, not the inspection reports, not anything. After writing to them I did ask Representative Mary Jane Shinsky to intervene. She did, and I got a telephone call that the documents would be forthcoming. That was almost three weeks ago. I wrote again to Westchester County indicating that we have not received them, can we expect them, and have not received any of it yet. That is key to this. The Village Attorney and I discussed the process. Even in my correspondence to the county I indicated do we need to formalize it or can you react to my request for the documents. We were assured by the elected official that it would be forthcoming. But in answer to your question, he could start tomorrow but does not have the documents to begin his work.

Trustee Apel: Is he authorized to go there himself and get them?

Mayor Swiderski: I do not think that would be fruitful, but he can certainly try.

Village Manager Frobel: What is somewhat frustrating is that we do not even get a response. I have asked him am I writing to the right people, are you in a position to ensure we can get these documents? We are just asking for a response from these officials to let us know, yes, you can get them or no you cannot, you need to go a different route.

Trustee Apel: Would it be counterproductive to FOIA them?

Mayor Swiderski: I would rather have Mary Jane try something.

Village Manager Frobel: We had asked for this back in November. This is not new.

Village Attorney Whitehead: Unfortunate that the county is very understaffed, and therefore slow.

Mayor Swiderski: I am going to take that as a gracious excuse.

Village Attorney Whitehead: It is not an excuse, but an explanation, if you will.

Mayor Swiderski: You did reach out to Mary Jane.

Village Manager Frobel: Yes, and her office is the one that assured me that in contacting the appropriate staff members she was assured we could expect to receive these documents.

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

RESOLVED: that the Mayor and Board of Trustees approve the contract as attached with John S. Deerkoski, P.E., and Associates to provide an engineering review of the Warburton Avenue Bridge for an amount not to exceed \$10,000.00 for the initial phase, with any further expenditures to be authorized by the Board of Trustees.

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	

**4:16 APPROVAL OF AGREEMENT WITH WESTCHESTER COUNTY FOR
REMOVAL OF SNOW AND ICE FROM COUNTY ROADS**

Village Manager Frobel: This is the intermunicipal agreement between us and Westchester County for snow and ice removal chiefly on Warburton Avenue and Farragut Parkway in a five –year arrangement. Our reimbursement is based on a flat per-mile basis plus a factor for inflation. This is a relationship that goes back a number of years. The amount reimbursed is tied to the amount and frequency of storms. This can range anywhere from \$8,500 to \$12,000, depending on the winter.

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

RESOLVED: that the Mayor and Board of Trustees approve the agreement as attached with Westchester County for removal of snow and ice from county roads for the five (5) year term October 1, 2015 through September 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	

**5:16 APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH
SUSTAINABLE WESTCHESTER AND FORM OF ELECTRIC SERVICE
AGREEMENT**

Village Manager Frobel: You entered into this Community Choice Aggregate Energy program agreement in October, after your public hearing and passage of the public law. We knew there would be some follow-up resolutions to continue this process. This is the memorandum of understanding the Village would enter into with the group. Is that correct, Linda?

Village Attorney Whitehead: With Sustainable Westchester. I will give you the update of the last several weeks. Following up on the local law and the resolution you preliminarily adopted, this is the next step. Sustainable Westchester is now getting ready to go out to bid

on your behalf. They are ready for the electricity portion of this by the end of this month, probably by the 20th. As the next step they need the municipalities to execute this memorandum of understanding, which gives some background, repeats of the things that were in your local law. We have been working with Sustainable Westchester on the drafting so the definitions would match what were in the local law, some other things like that. Primarily what it says is that Sustainable Westchester, on your behalf, is going to handle the RFP process, review the bids, retaining an independent professional to review both the bids and the creditworthiness of the company. You have to agree that you will sign the electric service agreement provided there is a compliant bid, compliant bid defined exactly as it was in the resolution you adopted, which is that it has to have a default price that is guaranteed to be consistently less than the distribution utility price for the same period, or has to be fixed at a level that is less than the average current price over the proceeding 12-month period, or has to be, first, at a level that is less than the average utility period for the proceeding 12 months and floats upward by less than 25 percent of the price increases implemented by the utilities. That is the same language that was in the resolution you adopted. What it is saying is that if they provide a creditworthy provider with a compliant bid you agree you will sign the electric service agreement. They need this because there is a very quick turnaround time from when the bid is accepted to when the electric service agreement has to be signed. It is not going to come back to you once they get the bids; as long as it is compliant Fran is authorized to sign the electric service agreement.

The memorandum of understanding is already in final form as of yesterday afternoon. The electric service agreement is still having some tweaks, but will be in final form within the next week. That is why we put in the provision for Village Attorney review and approval. Happy to answer any questions. I have been involved with helping the Sustainable people fix the drafting in the last couple of years.

Trustee Lemons: So substantively, there has been no change from when we reviewed it and passed the law.

Village Attorney Whitehead: Correct. This is just the next steps and is consistent with what you agreed to.

Trustee Armacost: And very transparent, it is very clear what is happening.

Village Attorney Whitehead: Well, it was not. They started with an operation and maintenance agreement that went way further and we brought them back to this memorandum of understanding.

Village Manager Frobel: We are still looking to March?

Village Attorney Whitehead: They are looking for March, and that is why this got to be a bit of a rush. There was a large group of municipal attorneys involved, of which three of us were working over the holidays. Our firm represents four municipalities that are part of this. You will be the first ones, by the way, to approve this, just the way the meeting dates fell.

Mayor Swiderski: So we were the last, and now the first.

Village Attorney Whitehead: You were one of the last. You ended up not being the last. The Village of Mamaroneck was later.

Trustee Lemons: And the RFP went out today?

Village Attorney Whitehead: The RFP will go out on the 19th or 20th. They needed to have a certain number of these committed before they could put it out so the providers would know there was a certain number of households committed or potentially committed. That is all moving forward. The March date, especially with the rise in interest rates and concerns about increases in energy costs, they want to get a rate locked in before things start really going up. That is why they were pushing to still get this done for a March start.

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

RESOLVED: that the Mayor and Board of Trustees approve and authorize the Village Manager to execute the Memorandum of Understanding with Sustainable Westchester and the form of the Electric Service Agreement, both in connection with the Community Choice Aggregation Program, and be it further

RESOLVED: that the finalization of said agreement is subject to approval as to form and substance by the Village Attorney.

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

Mayor Swiderski: We do all sorts of things up here that affect people's day-to-day life in the Village, and this is going to have an impact on the wallet in a real way. .

VILLAGE MANAGER'S REPORT

Village Manager Frobel: As promised we did work last evening visiting a number of sites relative to the LED installation and homeowner concerns. We installed a number of shields which we hope will alleviate some of the concerns the homeowners expressed. Some of them, we feel quite frankly, the light should be a little bit brighter. These are largely in intersections where at least two streets intersect. Also, we have noted a couple of spots where we think our own crews need to adjust the arm of the pole and the lamp. We made some very good progress last night. I am hoping the homeowners will notice a difference, and we are ready to continue in that process.

Mayor Swiderski: So this is not done yet.

Village Manager Frobel: No. we are going to go back. I have got a meeting this week with the contractor. There were a number of locations where they had not converted the lights to the LED yet, largely in some parking lots and some side streets. They have a little more work to do. I will get a better accounting this week. We are looking to acquire a number of these shields ourselves so our own people can install them on a case-by-case basis.

Mayor Swiderski: And what about the adjustment of the arms? That is something we do.

Village Manager Frobel: We do, as well. Sugrue, our lighting guy, will go up there and make those adjustments on a case-by-case basis.

Trustee Walker: So you were just looking at the lights that had been brought to your attention by homeowners?

Village Manager Frobel: Yes.

Trustee Walker: When you mentioned that intersections perhaps were not bright enough, were those ones that had been brought up by homeowners, or that you had just observed?

Village Manager Frobel: A couple of them, but some that we had observed, as well, that, , the 35-watt may not be bright enough. But for the time being, we would leave it be.

Trustee Walker: Because it does not have the same spill as the older lights it not covering the entire intersection?

Village Manager Frobelt: Right, and the sidewalks appeared to be a little uneven. But we are not prepared to go there yet. We are going to take care of the complaints, the observations; adjust those, and then proceed. This will be an ongoing process. We knew it would take some time.

Trustee Walker: Sometimes I wonder if it is brighter light or an additional light. Because sometimes you cannot necessarily get the coverage with one light.

Village Manager Frobelt: True.

Trustee Lemons: IF you look at the defined dispersion of those lights it is way better than the previous lights. It is amazing how it can spread out a very long distance from that one light and not go very much beyond the roadway. But I noticed that, too. And maybe I am more aware of it now because I can see the light definition better, but you do see those spots.

Trustee Walker: Yes, where it is missing.

Village Manager Frobelt: And we did note that on a couple of occasions where the house is very close to the street and to the pole the shield made a big difference. It was a legitimate concern the homeowner expressed, and we were glad we took care of those. Again, we will be continuing to take care of them.

Mayor Swiderski: So the shielding work from this point forward will be work we do, or are they still on the book for some more?

Village Manager Frobelt: They would do more. They are very willing to work with us. But we want a sense for how many more we need to do. Yesterday I think we went to about 25 different sites.

Mayor Swiderski: But you did not install 25 shields. So how many shields were installed at those 25 sites?

Village Manager Frobelt: About 10, maybe 12.

Trustee Walker: So if homeowners have issues they could still bring them up?

Village Manager Frobelt: Yes, that will be ongoing.

Trustee Lemons: How many of them do you think are also part of this issue of the orientation of the pole and the mounting of the rod for the light?

Village Manager Frobel: Several.

Trustee Lemons: I would not be surprised. I have seen it all over.

Village Manager Frobel: And some poles are so high, the lamp is so much higher than others, it is very uneven. It shows how the Village evolved, like when a pole is taken down from an accident that the new pole is at the proper height. You can see how it is going to take time to level it all off.

BOARD DISCUSSION AND COMMENTS (Continued)

2. Hillside Avenue Sidewalk – Review of Site Plan Drawing

Mayor Swiderski: You have distributed an engineering sketch for the proposed sidewalk. If you could describe them for the silent majority out there.

Village Manager Frobel: At our last meeting we spent quite a bit of time talking about sidewalks at two locations, but the directive at that meeting was to focus on the Hillside Avenue section. I met with the landscape architect who was hired by the school to work on their project, and he has given his time to us to help us address this. We also had the architect go back and look at the section of Hillside with a sensitivity to preserving the large trees. There was concern by the Board to do everything we could to preserve them. The idea is to place the sidewalk in what is now the roadway. We think the road is wide enough that we can place a 4-foot concrete sidewalk with the curb along the hillside, approximately a 400-foot length, with minimum disruption in the existing roadway. There will still be plenty of pavement, from 24 to 28 feet still, it is a wide section there, to allow us to place the sidewalk on the street side of the trees and not bother the trees at all. We think we can accomplish that and link up the two sidewalk lengths from the existing hillside up to Farlane.

Trustee Armacost: Will there be any effect on parking?

Village Manager Frobel: Yes. It would be our recommendation to eliminate that on-street parking along the Hillside Avenue portion.

Mayor Swiderski: For all of it, or from where this comes into the street at around the 30-foot mark or whatever that is there?

Village Manager Frobel: We would err on the side of caution. We were looking at eliminating all of it.

Trustee Armacost: All of it on both sides?

Village Manager Frobel: Well, no. Certainly on the north side of the street.

Trustee Armacost: So the side that was closest to Reynolds Field.

Village Manager Frobel: Yes.

Trustee Walker: Is there still parking on the south side? I do not remember ever seeing parking there.

Village Manager Frobel: I do not think there is.

Trustee Lemons: One of the good things about doing that in addition to just leaving enough space is that safety and visibility is much better if you do not have cars parked there.

Village Manager Frobel: We agree, and that was the architect engineer's thought, as well. Keep that road open. We are trying to enhance pedestrian safety, why compromise it with cars parked there.

Trustee Walker: I would like to bring up a different point of view. This roadway, 28 feet is more than sufficient for parked cars on one side. You can get away with two 9-foot travel lanes and 7 feet of parking lane and still have room left. Let us say two 10-foot travel lanes and an 8-foot parking lane, you have enough room. Many urban designers feel that having cars protects pedestrians on sidewalks and creates a buffer and also helps to slow traffic. When you have this wide a roadway, 28 feet is two 14-foot lanes; that tends to encourage speeding. That is my contrarian's point of view, but also a professional point of view.

Village Manager Frobel: That was not a decision we needed to make now anyway.

Trustee Walker: No, but I wanted to point out that I do not know that we necessarily need to give it up. If there is a reason, because of the curve in the road or visibility, then that is something else.

Trustee Lemons: I feel like the priority should be safety. There are other criteria, but that would be the leading criteria. Evaluate and decide which feels safer.

Mayor Swiderski: In the city, and this is buttressing Meg's point, where they have dedicated bike lanes they encourage parking on the other side of the bike lane as a buffer to the roadway. So I get that point. I know how that may not seem to make sense at first, but that is what they are doing in the city and it is working.

Trustee Armacost: We need to think about where those cars are going to go. There are always unintended consequences. Where will they go, how will the Village accommodate that shift. A lot of the parking there is students. We have some people who are residents who can speak to this point.

Male Voice: Actually one family, right? And you want to eliminate the parking.

Trustee Apel: The Transportation Committee should be talking with the school about school parking and where the students are, maybe encouraging students to drive to school with other students.

Mayor Swiderski: You have not had teenagers for awhile, have you?

Trustee Apel: No, and they did not have cars either. But my kids walked. Maybe there is some sort of education, and maybe if some students were on the Transportation Committee, then they might be able to come up with some ideas.

Trustee Walker: That is a good idea.

Village Manager Frobel: The other thought was something you will note in the diagram. We were looking to make some minor improvements around that traffic circle there.

Mayor Swiderski: Properly edge it out?

Village Manager Frobel: Yes.

Trustee Armacost: No, it is a roundabout. It does not have an edge.

Village Attorney Whitehead: It used to be a triangle and you did not have to go around it.

Mayor Swiderski: In edging it out we are losing a little space on the north. Will it shrink a little on the roundabout so the width remains the same?

Village Manager Frobel: I did not think there was any change in the footprint, but I can double-check with the architect.

Mayor Swiderski: It might make sense to shrink it a few inches.

Trustee Apel: The roundabout could be made smaller. When you go around it is a little awkward sometimes because it was not a roundabout originally.

Trustee Armacost: I drive past there fairly frequently because I live on the other side. It is one of the throughways for people, which is part of the problem. I spoke to Chief Bloomer about this, and part of the challenge is that there are a lot of buses that come down there that cannot go around the roundabout. So it cannot be a roundabout in the traditional sense. The ideal scenario would be to get rid of it and make it a T-junction. The problem is there is a utility pole in the middle so there is a Con Edison issue. I would remove the pole, but that has to be negotiated with Con Edison.

Trustee Walker: I am wondering, and maybe the Ettinger family can speak to this, I remember questioning the police about 15 years ago about it, wondering whether or not we should put signs up. They said if it is not broken why try to fix it. This, and I am only stating what they said, has never been a problem and there has never been an accident there. People manage to negotiate their way around it, whichever way they go. There is not so much traffic that it creates a dangerous situation. That was what they told me. I am curious if there have been problems. I always thought when there was a flowering tree in the circle, which has since died unfortunately, it was very beautiful and one of those fun, quirky things I would not want to change about Hastings.

Trustee Lemons: Maybe it also slows traffic.

Trustee Walker: It does, and if it were not there and you just had a T-intersection you would probably have people whipping through it.

Trustee Apel: If I understand now, again, from this diagram originally we thought the sidewalk is going to come out into the street?

Village Manager Frobel: Yes.

Mayor Swiderski: And we are still saying that.

Trustee Apel: We are still saying that, but there is still enough width.

Village Manager Frobel: Yes.

Trustee Walker: It is pretty wide.

Trustee Apel: The other thing was, and we brought it up at the previous meeting, that there might be some sort of railing?

Village Manager Frobel: I had two other points to add. I wanted to talk about the little island, but also the thought is perhaps a fence from some portion where it meets Farlane. Maybe 100 feet or so, downhill side, where it drops off somewhat we thought some sort of fence would be a good idea, some kind of a guide rail.

Andy Ettinger, 10 Maple Avenue: Why do you not just have every child have a bodyguard. You got money, you got a surplus.

Mayor Swiderski: There will be a chance for public comments, but we go to the microphone.

Trustee Apel: I had thought more of a Western kind of fence.

Village Manager Frobel: Like a split rail type fence?

Trustee Apel: Just a rail thing. I went to college many years ago, in the olden days, I went to Syracuse. In order to go up those hills they had a rail because in the winter it was icy. We could grab on to it when had to walk up those. It was a functional railing. They had metal railings, but we could make it look attractive here if that is going to be helpful. I do not know if we need protection, but it does go up a little hill.

Village Manager Frobel: It was a part of the original design. But perhaps once it is installed we could look at that and evaluate it.

Trustee Apel: I agree.

Trustee Lemons: I think it always looks better without anything interrupting it visually. I would definitely prefer it without a railing. You have got a nice woods there and a vista, and unless it is a big safety issue I would not go for that.

Trustee Apel: I mean just to grab onto, but if you do not need it you do not need it.

Trustee Walker: If we do not have one on Washington Avenue...I do not think it is necessary. We could install the sidewalk and see.

Trustee Apel: Was he also going to check the little bridge? That was also in the minutes of the last meeting.

Village Manager Frobel: We did not see how that bridge is impacted by the sidewalk.

Trustee Apel: It is not impacted by it, but would a student then use the bridge and is the bridge OK? Is it, by being there, going to make it more attractive to walk over that? And then is the bridge OK?

Village Manager Frobel: When I was out in the field with them we did not focus on that. I will have to get him to look at that again.

Trustee Apel: Is the bridge private property?

Village Manager Frobel: I really do not know.

Ms. Ettinger: I do not know what property you are talking about.

Trustee Apel: There is a little bridge that was brought up at the last meeting.

Ms. Ettinger: That property is an easement. I guess it belongs to the Village for anybody who wants to walk on it. But the property next to it, on the other side from our house, we heard recently the people who owned it stopped paying their taxes. They owned that little piece of property between my house and the next one on Hillside. Then you asked about the bridge going over. I suggested that under any circumstances it should be repaired because dozens of children use that every day, 12 months a year or at least when the weather is good.

Mayor Swiderski: Let us take a look at it.

Village Attorney Whitehead: It is a shortcut from Farlane, from the dirt road.

Mayor Swiderski: I have another question for the Ettingers. Your input on parking on the road. How do you feel about it?

Ms. Ettinger: Somebody called us yesterday, I think you did, Mr. Frobel saying there would be no parking in front of our house. It would be a sidewalk in the road. That is why we are here tonight. I hate to keep saying how old I am, but I am 81 and my husband is 83. I am almost 82, and those are not ages that you want to start telling somebody you cannot park in front of their house anymore, you have to park wherever.

Every high school kid who can get his father's car is coming to lunch at the high school every day. We have to treasure our space in front. Lately it seems that fewer cars have come. We used to have to put garbage cans out if I went shopping, I wanted to get the space when I came back. Some big truck or some kid would be parked there. Are you still planning to put a sidewalk in front of our house?

Mayor Swiderski: Yes, but the decision on parking has been put off.

Ms. Ettinger: There are alternatives. You do not have to go into the road. You can put a sidewalk where it is. Up past our driveway there is room. It would have to be narrow as it went around our tree. It is a little bit, and it bumps out this way. You cannot knock out the roots from the bottom on either side because the tree would die. The last time they did that part of the sidewalk we had a man in Hastings, he made the sidewalk go up. It just rolls up, that is all. And it protects the tree, the most beautiful tree we have.

Trustee Walker: So there is an existing sidewalk. Are you proposing to reuse that one?

Village Manager Frobel: No.

Trustee Apel: It was mentioned before that we can do the sidewalk and leave the parking. There will be enough space.

Trustee Walker: It seems to me there is enough space.

Ms. Ettinger: Yes, there is.

Male Voice: How big is the sidewalk?

Trustee Apel: It is very tiny on this map.

Ms. Ettinger: My husband and I measured it all the way down Hillside and all the way up to where our property ends and he has numbers.

Kevin Ettinger, 81 Hillside Avenue: I want to thank Mr. Frobel for alerting us to this meeting, and the next meeting which will still perhaps consider some of this. This is the first time we have seen this. I hope it is just a proposal rather than, maybe misquoting Mr. Frobel, pretty definite, some of these considerations. We had not thought about the flat part from the bottom of the hill to the intersection with Rosedale, which is a tricky intersection. There is an existing sidewalk in front of our house from the driveway to the easement section, before the Utchel's house. It is a perfectly respectable sidewalk that has been used, although now, the

few people who use it are the Hillside kids, the little kids. Everybody else uses the road, that is what they feel comfortable with. There are not a lot of little kids, admittedly. We believe our sidewalk is a perfectly good sidewalk. It may need some improvements, sure, and it may need to be continued past the post box and the fire hydrant to the corner with the little island. But to then put in another sidewalk out into Hillside, it just does not seem to make any sense to us. The sidewalk that exists, sure, it probably could be improved a little, is functional in our judgment. So I hope this is just a proposal. We had not even thought about the flat part leading up to the Rosedale intersection. If the sidewalk was used that exists I am not sure we would have to cancel the parking. That would be the next thing to consider.

Mayor Swiderski: Is there an issue regarding the width of the existing sidewalk that precludes its use?

Village Manager Frobel: Yes, it is too narrow. And any improvement, their thought was, would damage the trees or require the trees to be removed. That is why we were looking, I thought based on the last meeting conversation, to put it to the south of that into the roadway.

Mayor Swiderski: Right, so the trees are less at risk.

Village Manager Frobel: Exactly. That was the goal.

Ms. Ettinger: I do not want to embarrass my husband and I do not want to embarrass me. The sidewalk has never been built. When we went there, there is a part of it right to the right when your back is against the house, past the tree. There is a whole place that has no sidewalk and the sidewalk just disappears. One of our grandchildren that we raised, Eddie, had a digging spot out there. His whole viewpoint on life at that time was I gotta dig. We ended up with this hole. It keeps filling up with water and, unfortunately, we have never gotten around the fixing it. So if nothing happens here we probably should extend the sidewalk down to the end of our bushes. That is all.

Mr. K. Ettinger: I am not sure what the width of a sidewalk is, officially. I went up and down Hillside all the way to Farragut. The sidewalks vary from 20 inches to 36 inches to 48 inches. I am not sure what the official sidewalk is supposed to be. But the sidewalk I am talking about right in front of our house is perfectly big enough for a stroller or a carriage. I do not think it needs to be much wider, and I am not sure why it is looked upon as not acceptable. It depends whose eyes are looking it, perhaps. Yes, a sidewalk could be added over the easement territory and right up to the corner, which would be tricky for anybody coming up Hillside with a carriage. Now they are forced out into the street. They cannot get around the corner. I know you are pretty well resolved about the hill, but I hope this section of Hillside can bear a little more examination and discussion.

Ms. Ettinger: If you put the sidewalk in the road, then you have less road. Then you are going to have real problems with trucks and buses and cars going every which way. I know closing the back road is always an issue for me. It has come up now with this. When you have the back road open, every car that goes past us and goes left is added to the cars coming up Hillside Avenue, the people who want to get out of Hastings by going through the back road and not going out to Main Street to Broadway.

Mr. A Ettinger: The last time I was here I specifically looked at you and said I hope you are not going to be using that same contractor who did Reynolds. You said we will not.

Mayor Swiderski: I never said anything ...

Mr. A Ettinger: You looked at me and said no, we will not. You want to go over the tape? I watched it a couple of times.

Mayor Swiderski: Go for the tape.

Mr. A Ettinger: It is there, trust me. So why are you going ahead and using the guy?

Village Attorney Whitehead: This is just a design engineer. This is not the contractor.

Mayor Swiderski: But I did not say that.

Mr. A Ettinger: You did.

Village Attorney Whitehead: We do not know who the contractor is going to be.

Mr. A Ettinger: Look over the tape. You did. Anyway, it is absurd to be thinking about eliminating parking spaces for all the folks. It is almost like an insult.

Village Manager Frobel: I think you heard it from the Board.

Mr. A Ettinger: Exactly, you are right. So you have not decided yet.

Trustee Apel: I would like to make a suggestion. We could ask everyone to move their cars for a day, we could chalk the area off where the sidewalk would be, and then people would have a visual. I think that would be very helpful. Why do we not chalk the area?

Mayor Swiderski: Do that.

Trustee Walker: Show where the 4-foot sidewalk would be. You could even put the cones there and the cars could park outside of it and we can see how it goes.

Tim Downey, 520 Farragut Parkway: I would like to bring across some thoughts I had as I visited the site today. When I make these points I am thinking from the construction perspective, and I do not mean any offense towards anyone.

There is an absence of detail in the drawings that have some shortcomings to this discussion. We discussed already the street parking, resident parking only perhaps and all else no, possibly, if that could be figured out for consideration to the people like the Ettingers and the Langionis, who are not here this evening.

There are five trees that are represented with circles. The lowest one, let us call that number one, the highest one number five. Tree number one is in a compromised condition right now, with a great deal of decay about midway up through it. That tree should be considered for a safe removal based upon its current condition. It has a great deal of cavitation on top of it. Tree number five on the upper top sits right atop the creek wall, which at its size now is only going to grow larger. In the event that topples over storm winds or just through its own mass, that will then comprise the creek wall and then you would be into rebuilding the creek wall or it could come down in a storm, erode the road. That potential liability sitting there, it would be perhaps most thoughtful to go after it now versus allowing the problem to grow. Trees two, three and four, I have a great deal of consideration for those trees because of the aesthetic to the homes there, the shade. But I am also looking at this as a Tree Board member and someone who is in the industry looking at this from a safety perspective and long-term health of trees and how they fit into the space.

Water management. About 20 feet down tree number five there is a concrete slue that is partially covered with leaves that affords water racing down the hill to then discharge into the creek. If you put a concrete sidewalk up there you are creating a dam and not allowing that portion of discharge to then voluntarily go into the stream. You are going to load all that downhill onto that one lower storm drain. I wonder if there has been calculations on that, consideration as to the viability of the storm drain whether it can take that load. Anyone who has seen that roadway after a big rainstorm will see all the debris and washout that comes down in that flat portion as it settles out after the velocity of the water has slowed down. Who will maintain this pathway? When you make a sidewalk that is a hybrid like this, you have a portion of it that is Village streets or in front of Village easement lands but then also in front of a homeowner, who is responsible for the maintenance of it as far as the snow clearing, et cetera, and the liability consideration of it now that you are putting something new in there. Speaking of which, now that you bring this up, this whole idea of a walkway, I did not think the existing sidewalk, and only my perspective, not right or wrong, is a very

safe one for anyone trying to use a stroller, clearing it for snow in the future. Now that you are aware of this condition it gains a little momentum of its own, unfortunately, based upon the way things work these days with law.

Snow clearings. If this walk is to be designed and built, I want you to think of how you are going to maintain it, for example, in the snow. We have an excellent gentleman on the DPW who goes out in his little John Deere tractor and does a portion of the Ravensdale sidewalk, for example. He does a great job. That portion between Rosedale and Southgate is generally taken care of quite promptly. However, when you have portions that rely upon snow-throwers, with men behind the snow-thrower with shovels, such as over Ravensdale Bridge, they often do not get to see any help throughout the wintertime at all or other attention given to them. So the design has to be coordinated with how the DPW, if they are going to handle it, is going to address it. Or in conversation the school, will the school work with this because it is a children's route similar to Farragut Parkway in front of the Burke Estate.

Unfortunately, diagram two should have been done with a reference to the Ettinger home; it would have communicated the dynamic of the location better. Will there be a qualified person on-site to make a judgment call if too many of the tree roots are adversely impacted, thus leading to an on-the-fly call for the trees to be removed? We do not know how this will be affected once an excavator starts cutting away on roots, where you have to look at it and say we have diminished the stability of the tree, we are going to have to take it down. You want to be prepared for that if it arises.

Will we be using the new technologies, as suggested by a former Tree Board member, Bret Schneiderman, using structured soil so as to protect the trees and new sidewalk from future sidewalk upheaval? There is no detail to this important item, and the large trees are proximate to the sidewalk. Will we be using new standards of room allowances for tree growth, or continue to shoehorn in sidewalks and trees in proximity to one another? Should the trees in question be removed, is there money budgeted within the project so the tree replacement can be done within the same time period, or is this something that is now going to get shifted around and residents would be unhappy, will we get replanted, and there is that delay. That should be communicated. If we have to move, will we replace?

I would suggest the removal of all the trees and a new sidewalk put in place, the partial one removed because of the liability to it. New trees planted for the future. And the road not to be made more narrow on the bend, due to the dynamic geometry when autos are oncoming to one another. There is no mention of a simple line in the center of the road to help aim cars in the traffic. If one sits at the traffic light on Broadway when the cars coming down from Farragut come down towards you, I often see people cringe behind the windshield because cars will cheat over the center line, heading towards Dobbs Ferry trying to avoid that feel of

an oncoming car. When you narrow a road like this, there has to be thought given to how do things work in real life. There are engineering reports which will say 12 feet or whatever feet, but in real life that is not how things work. That is a rectangle in a linear fashion, this is a curb with poor sight lines. You have to think about how we are going to help direct the cars. On any given day you will see the way cars come through there and cut the apex. Making it more narrow is only going to make it more problematic.

Trustee Walker: About the storm drain, you were saying the water from the top of the hill, and I guess the storm drain is way down a the bottom, the water is coming from the road going directly into the creek?

Mr. Downey: The correct way to answer that would be on-site during a storm, and depending on the storm size. There is an appearance there now, which is partially covered by leaves. Now, you have to say, the leaves came down a month ago, there has been subsequent rains. Why has it not, if there has been a lot of water flow, rinsed that through. Maybe they are just sticking temporarily. I do not know, one would have to stand there and see the pitch and crown of the road to see if it is accepting water into the creek to relieve the flow down below, or would that be a partial design element. To say it is a handicapped sidewalk, we have a dip and, obviously, you would like to create an opening for the water to flow through so you are not loading all that water down below.

Trustee Walker: Or creating a green infrastructure next to the sidewalk to accept the water.

Mr. Downey: The velocity of the water would be too great there.

Trustee Walker: Too great? But it is because there is no curb there?

Mr. Downey: Correct. There is no curbing so it just dumps right into creek. There is a slueway designed just for that purpose, and there is no mention of that.

Trustee Walker: And also, the Ettinger's driveway is not shown on this plan. The driveway would require a curbcut, and that should at least be shown.

Trustee Lemons: Is there a way to create a porous design to the site to the sidewalk, where you can get more water moving laterally?

Mr. Downey: None that I know of. There is, for a direct vertical fall, porous pavements. But that is not the same condition we are talking about.

Mr. A. Ettinger: What he is talking about does work. There is a cement dip and it is meant to channel water. Right now, it does have a lot of leaves and it has not rained that much. But it does work. A lot of water peels off into the stream.

Trustee Walker: Yes, and I wonder if it were not able to do that if it would start to jump the curb in front of your house. That is what I am concerned about, that it would not make it all the way down to the storm drain because it has to go around a curve.

Ms. Ettinger: The water comes down and goes down that thing we have put in, or somebody did, but the rocks come down. We always have this load of pebbles in front of our house, and that has never been fixed. It comes from up on Hillside where it goes up and turns right. Right at the end, it comes down there between two houses. The water and the rocks just pour there. "WG," I believe that is water and gas, where our water and our gas come in. But right in front of it, on the straight line here, a few years ago Con Edison dug a big hole and laid in all kinds of new pipes. I cannot imagine you putting a sidewalk over it.

Mayor Swiderski: We would have to check.

Mr. Downey: In constructing a new sidewalk, would the Village then during the course of construction remove the old existing one? That existing sidewalk ties in immediately with the front entrance of their house. There is no detail to what would happen. Would they be forced to hire a contractor, would the Village assist in that situation?

Village Manager Frobel: As I indicated in my narrative, the sketch is very rudimentary. I did not want the architect to come out here tonight. I wanted to hear your comments and bring them back to him until we finalized it. As far as the curb cut, we will have to determine where it is. We know it is not on the map because we are not sure whether they park the car on their property or it stays on the street. Those are some things we need to work out, but I did not want the added expense of having him here this evening. I will convey these observations, we will mark out the existing sidewalks, and we will proceed.

Trustee Apel: On Farragut, where the crossing guard is, somewhere around that area, they covered the median with an open cement grid and there is grass in it. You can walk on it, but it is also draining. I do not know if there is a different style of sidewalk which would allow for some water drainage.

Village Manager Frobel: I do not know. The thing with that is, it is difficult for someone in a wheelchair or pushing a stroller to get over it easily. Plus, you cannot park a car on it because it could damage it.

Trustee Apel: It is too soft? I thought it was meant for people ...

Village Manager Frobels: No, we have been told not to park our car on it anymore, we stay off it.

Trustee Lemons: It is also weedy.

Trustee Apel: That was the sales pitch originally for it, that people could have them in their driveways, but it is not working.

Village Manager Frobels: To that degree.

Trustee Armacost: Mr. Ettinger asked what is legally required as the width of a sidewalk. Do you have an answer to that, Fran? As you say, this is a sketch so it is unclear how wide the intentions are and how much this extends beyond the existing sidewalk. But it would be quite useful to have a sense of that.

Village Manager Frobels: I thought the plans discuss show it. It is a 4-foot sidewalk.

Trustee Armacost: Four foot, but is that a legal requirement or is that optional?

Village Manager Frobels: I believe it is the industry standard.

Mayor Swiderski: Design standard, not legal.

Mr. Downey: That situation in front of the school came as a recommendation from me to the Conservation Commission and the school to solve a problem of compaction and mud that the police vehicles always encountered when parking their vehicle there to help the school guard crossing. That design is meant to take car weight if installed correctly. That paving design system is meant to direct rainfall down.

This is an entirely different situation. Here you have a tremendous velocity and load of water coming from above. It will never work, it will just shear off. In a level situation or something that would have far less water load on it, that could be a consideration. But again, wheelchairs, strollers, maintenance and so forth it would be a nightmare. It would not work.

Trustee Apel: Would you not tilt the sidewalk, then, to a certain degree so the water would go into ...

Mr. Downey: What you are doing there is increasing that curb height, and you are only managing to shed the water that descends vertically down the walkway. You are kicking it out on the street side, then.

Trustee Walker: Fran, will you bring to the attention of the landscape architect the drainage issue we are concerned about, because there may be a solution.

Village Manager Frobel: There may be, yes, if he could capture the water. You are talking about the top of Farlane, where Farlane intersects up here?

Trustee Walker: There is already a sluice there that takes the water into the creek.

Trustee Armacost: The drawings say 4 foot, but the existing path, which we have heard is not a complete path all the way along but just the remnants of a path that existed at some time, is how wide? Is that 23 inches, or how wide is that path?

Village Manager Frobel: At best, the widest may be about ... it is very narrow. It is broken-up concrete, some stone perhaps.

Trustee Armacost: So it is proposing something double the width of the existing path.

Village Manager Frobel: Right.

Mr. A Ettinger: This project is way too big, just like everything else that is going on in this town. My father spoke about an existing sidewalk from the driveway of his house down to the edge of his property where the easement is. I do not think he said forcefully enough he is perfectly willing to improve it, make it a functional sidewalk. Then you would just have a small strip of land, the easement down towards the corner, which you could do a rudimentary asphalt path. There is no reason to throw all this money at this problem. If you want to build a sidewalk up north of the driveway, as I have said many times that is perfectly acceptable, and no parking right there. But you have a million other things that need attention in this town. This is an issue that could be solved without a big hit.

Have you seen the sidewalks right here at Maple Avenue, now with these cockamamie lights. You cannot see anything anymore, and the sidewalks are so dangerous that old people walk in the street, and have been for many years. Why do you not do that? Or as Mr. Gonder referenced, there are a lot of other sidewalk need in this town that encompass safety. You got a situation here where there already is a sidewalk. It needs improvement, and they are willing to make it a nice little sidewalk. You only have very little stretches of land beside that. I do not think you need to bring any more of these contractors into the neighborhood.

Mr. Skolnik: I hope in this year Mr. Mayor can be slightly more sensitive to the wording of some of your communications to the community. This has come up again, where in your message when you referenced this project it sounded like it was absolutely a done deal. I do not know you meant for it to come out that way.

Mayor Swiderski: I did.

Mr. Skolnik: Then that makes this whole process strange and totally unclear. This is a hearing.

Mayor Swiderski: It is not a hearing. It is a review of a design document.

Mr. Skolnik: But it is not a design document. I will go back to the meeting that Andy Ettinger referenced. My impression was the same as his with regard to the comment about using the same whether contractor or designer as the school. This is the same designer, and my problem with Eberlin & Eberlin with regard to the drawings that were done for Reynolds Field was the same. They were cartoons, they continue to be cartoons. Admittedly you do not want to invest a lot of money at the outset, but what I am seeing now and what I have seen before is that you go right from a concept drawing to by the time you have the guy do another drawing you have already invested and it feels like a done deal.

So that whole process I am still confused about. That going from the conversations a couple of weeks ago to where you are saying this is done, and yet we are still talking about enough variables, enough concerns, that, yes, it might be done. But I would not want to see this done and I do not think you would want to see this done as a rush, given how many issues Mr. Downey already did point out. So absolutely, you want to talk about putting cones, you want to talk about putting chalk marks. You need a drawing that is effective enough so the same thing I experienced and he experienced trying to figure this drawing out, when it says it is not to scale. It was also way too small. I had to work hard to get it to a size where I could read it.

You have got to be reaching out a little more at this end for the people that care about it. Here is the rest of it. The 28-foot wide, whether that is safe for two travel lanes and a parking lane, that was a question. The curb around the planted island. I do not think that it necessarily ought to be part of this issue of the sidewalk. It needs to be attended to, and there is a reason to have a clear flow of traffic around there, from what I have seen. That is not one of the areas where you want to express the uniqueness of the Village and have people working it out each time.

The property west of the Ettingers and who owns it, and who would be responsible for any maintenance of that sidewalk, is a significant issue if you are trying to create a clear pathway.

Again, parking should be in the drawing. The trees, the foliage, I am uneasy. I understand from the landscaper's point of view, I understand a certain reality about the trees. Trees grow, they are beautiful, and then you have to deal with them. But I would want to see it clearly. If something had to come out of there I would want to see part of the plan being able to replace it. It makes no sense to for the sake of the sidewalk to make it look suburban.

The bridge. You did mention about that bridge going across the stream. It expands the scope of this project somewhat. But if kids are coming across Farlane, and please let us just agree it is Farlane unless you want to have another proposal and call it Fairlane, why do we not get consistent in 2016 with what we call it. If kids are crossing there, if it would be effective for kids coming across Farlane to make that cross if they are going to the middle school instead of having to go all the way up to the top of the hill and then come down, it might be something, especially if the land is ours, available, that you would want to add as a feature. It might help the flow.

Curb structure, Farlane intersection. If you are actually moving kids up to the top of that intersection, then the question is where are they going. They are going to Hillside, and the assumption is that they are then crossing over and going up the side path near the pool. If that is the case, that closes off the idea of opening up Farlane to traffic during the school hours. And the turn. Whatever you construct with regard to that sidewalk there, because of the turn coming from Farlane to make the hard right going down Hillside Avenue, that area frequently gets overrun just to avoid the cars. I see a problem with a structure at that very point where the sidewalk would end, given the kind of turns that have to be done.

I appreciate the time. Since you were talking about all this water flow, all the water that does not go into that storm drain ends up in front of my house; not only all the water, but all the debris, all the stuff that ends up clogging it, because I am at the flat, and that is the next storm drain. I would want to make sure all the investigation and serious engineer looking would get done before a project like this would go forward.

Jeremiah Quinlan, 39 Hillside Avenue: Eileen and I are in favor of the sidewalk. We have lived there 36 years, numerous kids walk up and down there, it is a dangerous situation. Luckily, no one has been hurt yet. Fran and you will do a good job in designing it, especially with the comments we heard tonight. I do not think it is that complicated. We need sidewalks, we need walkability in the Village, and this is a crucial area for it right up to our schools, the pool, Hillside Avenue. Just walk up there. I have been up there a thousand times, probably, walking my kids to school. A sidewalk would make it a lot safer.

Mr. A Ettinger: I have seen Jerry Quinlan walk that street 5,000 times, and he did not look like he was worried. He was walking in the road. He does not walk on the sidewalk in front

of my parents' house. I do not know whose camp he is in and for what reason, but like I said you do not need an overkill project. Improve my parents' sidewalk, do something up to the top, and put a little modest path towards the corner. That is not a dangerous street. And there was an inflammatory thing said here by one of the neighbors claiming two kids that had been hit by cars. Now, that was down by Reynolds Field and on Mt. Hope. There has never been anything happen at that corner or in front of my parents' house, nothing. So I do not know why Jerry is calling it dangerous. It is ludicrous, it is not dangerous. Some people think it is dangerous, but nothing ever happened. And that is 50 years we are talking about.

Trustee Armacost: The question came up of who maintains this sidewalk? We have a very elderly couple living right here, and I do not think it is fair to ask them to maintain the sidewalk if the Village intends to build it there. I would like to have an understanding of what our plan is relating to that, or whether we have thought it through or whether we plan to think about it in the future.

Trustee Lemons: Niki, I take issue with the "very."

Trustee Armacost: We have a young and sprightly couple living on the corner.

Village Manager Frobel: Linda, our code requires a sidewalk in front of a homeowner.

Village Attorney Whitehead: To be maintained by the property owner.

Trustee Armacost: Irrespective?

Village Attorney Whitehead: Yes, and I do not think you can make a special circumstance. The bigger concern is, there seems to be a gap between the Ettinger's property and the Utchel's property, that we do not know who owns it.

Trustee Armacost: So no one is going to maintain it.

Village Manager Frobel: If it is Village then it would obviously be the Village.

Mr. A Ettinger: You also have a fire hydrant and a mail drop there, and it so much better to just make a makeshift thing people could push strollers on. Why are you getting contractors involved overly? It is ridiculous because the area does not lend itself to a big plan. It is going to alter everything.

Village Manager Frobel: Let me re-contact the landscape architect, talk about the drainage issue. I want to look at where the nearest catchbasin is and better understand that. We will

take a look at that bridge as to whose property it is on or if it is privately owned. And if you like, we will mark out the sidewalk width on the pavement and get a better sense visually as to what the impact would be on the roadway.

Trustee Walker: And one other thing. As Tim was mentioning, is there a potential that the trees' roots would be damaged in the installation of this sidewalk even if it is in the existing street just in the construction process? Are you cutting the roots?

Village Manager Frobelt: Just cutting the pavement and filling it with gravel, and then concrete on top.

Trustee Walker: I know, but I am wondering if there are roots underneath that would be damaged.

Village Manager Frobelt: Remember our original plan was the removal of some trees. Some of them are diseased and will probably die within a short period of time.

Trustee Apel: Then we will probably have to remove them anyway.

Village Manager Frobelt: The time would be during construction.

Ms. Ettinger: My husband mentioned that little strip. You can walk there, but it is very narrow. There is nothing impeding it except the curb, and the curb has a big chunk that is broken. It never gets fixed, it has been broken for years. That little piece is very narrow.

Trustee Lemons: If it is below the road surface the curb is 12 inches. So that has got to get cut that deep.

Village Manager Frobelt: But the pavement may be very thick there, too. Some of our roads have been overlaid so many times you would be surprised. But we will look into that.

Mayor Swiderski: Our next meeting? If we can, move us along?

Village Manager Frobelt: That is the goal, the next meeting, yes. By next meeting.

Trustee Lemons: I would like to add an announcement. January 10 at 3 p.m. in the Orr Room of the library there is a Solarize workshop. This one is important because at the end of January the NYSERDA funding through on-bill financing is going to change significantly. So contracts have to be signed by the end of January in order to be grandfathered in under the current terms, which are much more favorable to most residents. Not all, but most. So it is

important for Village residents who are still thinking about it. Between Dobbs and Hastings we have had close to 400 inquiries.

Mayor Swiderski: How many contracts are wending their way to signatures?

Trustee Lemons: There are 18, and a total of 30 probably in the next few weeks. Hopefully we will get those numbers up, but this is at a critical point. We put the workshop earlier than we had planned to because of this change that NYSERDA put in place. There is still time for people to come to the workshop, get the information they need, get their houses assessed and get to the point of discussion if it feasible to get a contractor. But it is important for anybody who has not yet had a chance.

Trustee Apel: I want to put in a plug. The public has nothing to lose. Call them up and have them come and assess your house, then you can make the decision. If you wait you lose. So make it a win-win situation and check it out.

Trustee Armacost: Marge was the very first contract so she is a walking testimonial.

Trustee Apel: And besides, you get very nice people to come and visit your house.

Mr. A Ettinger: As far as this project on Hillside, are you eventually going to vote on it? Does the Village Manager vote, or is it just the Trustees?

Mayor Swiderski: Trustees.

Mr. A Ettinger: So there will be a vote.

Mayor Swiderski: There will be a decision, yes. I do not know if it requires a formal vote. It probably will.

Mr. A Ettinger: Is there any way you could figure that out right now?

Mayor Swiderski: It is an expenditure, it is going to require community funds. There will be a vote.

Mr. A Ettinger: But he is not part of the vote?

Mayor Swiderski: No, he is not part of the Board. The Village Manager reports to the Board of Trustees, the Board of Trustees is the one who passes on decisions like that. It will not happen at the next meeting.

Trustee Walker: I am wondering if we need to set a public hearing for the consent decree.

Mayor Swiderski: No, there is no public hearing necessary for the consent decree. That is not a document that requires a public hearing. There may be other calls for that, but that is why we are going to have an executive session for advice of counsel to discuss that immediately following this meeting.

Trustee Apel: Oh, but people can come on January 7.

Trustee Walker: Right, except that is not giving them much time to review. They need to have a chance to at least come. All they can do, really, is ask questions that night. But to come another time and give us their comments, even if it is not a public hearing.

Mayor Swiderski: The document is not one that can be changed. We can certainly seek their questions, but it is not a document that we are seeking to change. It is a fully negotiated agreement ready to be signed. Again, there is different cause for public comment. We will have another session where people can ask questions as well as public comment where necessary.

Mr. Skolnik: There is a meeting that is taking place in Ardsley with regard to Greenburgh.

Mayor Swiderski: I think it is January 13.

Mr. Skolnik: What I am asking is whether you can pay attention to that, if there is any benefit to members of this community being aware of that and attending that since it undoubtedly would have significant impact on Hastings.

Village Attorney Whitehead: The Planning Board has prepared comments to be submitted to the town. The meeting is for scoping of the DEIS, and the Planning Board, because it was referred to the Village, has prepared comments they are submitting asking for certain things to be addressed. This is for the Jefferson proposal across the Saw Mill Parkway from Rivertowns Square. It is before the Town of Greenburgh, which is now starting their environmental review.

Mr. Skolnik: So just a general sense of awareness can sometimes be helpful. Because a lot of these things seem to just go by.

Mayor Swiderski: That is a good idea.

Village Attorney Whitehead: The best way, if people want more information, go on the Town of Greenburgh's website and it will have information on upcoming meetings and the process.

Trustee Armacost: At the next Board meeting can we make decisions about dates regarding the budget process?

Village Manager Frobel: Yes, we need to pick the work session nights.

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 litigation related to the Food Industry Alliance litigation, and advice of counsel.

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:40 p.m.