

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 2, 2004

A Regular Meeting was held by the Board of Trustees on Tuesday, March 2, 2004 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Eighteen (18).

Mayor Kinnally: Our first order of business this evening is the presentation of the proposed 2004-2005 budget. But before we get into that, a number of people are here this evening because of the proposed turnaround at the pool. In light of our discovery dealing with the 1971 Local Law addressing improvements to Hillside Park, we are not going to consider the turnaround this evening; we have referred the matter to the Village Attorney and environmental counsel to seek their advice as to what, if anything, can be done. The Board still recognizes that there is a safety concern that has to be addressed, but the improvement is not going to be done at the present time in connection with the construction at the pool.

PRESENTATION - Proposed 2004 - 2005 Budget

Village Manager Hess: In the proposed 2004-2005 Village budget the recommended operating budget of all funds is \$10,952,126, which is an increase of less than 1% in the entire budget. The general fund, at \$9,979,926, is only up seven-tenths of one percent. Library fund, at \$660,000, is up 3.59%. Pool fund, at \$286,300, is up 4.07%. The Draper Fund, at \$26,000, is the same as the current fiscal year.

Our total taxable value has decreased \$200,000 since last year, and over \$2,000,000 since 1999. In terms of major revenue changes in the proposed budget, sales tax is an anticipated increase of \$65,000 from the current year based on the increase of about 0.5%, which took effect yesterday. Mortgage tax receipts, expecting an additional \$40,000 in the coming year. We will have surplus available for reappropriation this year of \$350,000. County funding for the Invest in Kids program will cease at the end of this year, so we will lose \$16,600. Funds available from the debt service fund from last year's budget are not available for this year, so we lose that revenue of \$576,000.

General government support services are up \$86,259. Municipal Building is in need of repairs to the exterior of the building, which will be in the area of \$35,000. Technology department will increase \$19,000 for software upgrades. Our recommendation is to hire part-

time technology assistants in that department. Liability insurance has decreased \$38,000 from the current budget, and will decrease over \$100,000 from our last policy. Bob Schnibbe, our insurance agent, worked very hard to get us a new policy with St. Paul, and this is resulting in over \$100,000 in savings. Our contingency fund, at \$225,000, is only 2.25% of the general fund budget. Public safety increased \$101,181. The increase includes negotiated settlements with the PBA, purchase of two new police vehicles, replacement defibrillator for our police vehicles, and maintenance of our hook and ladder building. We are going to replace the floor in the main garage of the building. Every few years we are spending \$5 or \$6 thousand on retiling this floor. But the weight of the ladder truck is so much that it keeps ripping out the tiles, so we are going to totally replace the floor with new concrete. Public Works increased \$114,080. Again, negotiated settlements with the Teamsters Union. Recycling costs: because of our closure of the quarry landfill where we recycled certain types of brush, leaves, etc., that cost is up \$30,900 to take it the other locations. We will be replacing two of the garage doors on the Public Works garage, a total of \$8,000. Tree removal and lawn maintenance contracts have increased, up about \$23,000 in the coming year. Community services are up \$37,900. Celebrations: that budget of \$20,000 covers the downtown partnership, the Memorial Day parade, Christmas or holiday decorations in the downtown, and holiday events.

Parks & Recreation has decreased \$6,375. Our day camp, because we no longer need buses to transport children from various locations to the pool, will save us \$14,000 in the coming year. Athletic equipment: we are fully stocked on all our youth athletic equipment, so that will save us \$5,000 in the coming budget. We are reinstating the sports camp that we could not have last year because of the work being done at the schools for an additional \$15,000.

Employee benefits are up \$165,000. The major question mark is retirement costs. There has still been no action in the last two years in Albany to try to control these expected increases. I cannot consider any potential cut at this time, but possibly during the budget review sessions something will happen in Albany which will have a positive effect on our budget. Inter-fund transfers are down \$398,201.

Capital fund for street resurfacing: the major decrease there was the funds that were available from the debt service fund, which was transferred to the general fund last year. Debt service down \$27,466 in the coming year. Our bond refinancing in 2003 is resulting in an overall savings in interest payouts of \$75,000 a year. Currently, our debt service only amounts to 6.39% of the operating budget in the general fund.

New initiatives: the winters over the past several years have wreaked havoc on our streets. I am recommending a \$2,000,000 street resurfacing bond which would be a \$200,000 a year

annual commitment over ten years to entirely redo our street system. I am also recommending a \$1,000,000 sidewalk and curb bond, which would provide \$100,000 annually to improve our sidewalks and curbs with new construction to enhance pedestrian safety. Areas talked about have been Broadway and a sidewalk adjacent to the pool road, but there are numbers of sidewalks all over the Village that are Village-owned and even privately-owned that need work.

I am recommending a full-time Village planner. We have had a part-time planning consultant since the late 1990s. We are at the point in terms of the redevelopment of the waterfront, the LWRP, and a number of other initiatives we feel that a full-time staff position is required. Up until the mid-90s we had two youth advocates. We had two full-time MSW's. We have an increasing school population, and the case load the director carries in terms of counseling is tremendous. I am recommending that we hire a second full-time youth advocate to assist the director with counseling of students, program administration, and program development. I have provided funding for part-time personnel in central communications to develop software programs and assist with the development of our GIS system.

Taking an overall ten-year look at the budget, you can see since 2001 how the budget has increased. Most of the funding increase is the result of the New York State retirement system. At one point prior to 9/11/01 the retirement system costs in the Village were in the neighborhood of \$15-20 thousand. Right now they are well over \$300,000. Until the state legislature takes some kind of action to either smooth the costs or do something with the costs we are going to be facing, these high costs will continue for several more years. I pointed out public safety represents 26.5% of our budget. Next highest expenditure is employee benefits, 19.4%; a vast majority of that is made up of the retirement system. Public Works make up 17.1% of the budget: highway maintenance, recycling, sanitation. General government makes up 14.6% of the budget. Interfund transfers, 7.1%: funding that goes to the library, or capital fund. Debt service 6.4%. Parks & Recreation 5.4%. Community services, which represents the Youth Advocate program, Planning Department, Zoning, historian represents 3.4% of the budget.

In terms of our revenues, property taxes make up the largest percentage of our revenue base, 70.3%. Miscellaneous 8.2%. Intergovernmental revenue 2.3%. Utility taxes 1.2%. State aid only makes up 4.4%. Recreation Department fees bring in 1.5%. Sales tax, with that increase, brings us up to 8.3% of the budget. Appropriated surplus only represents 3.5% of the proposed budget.

Current assessments, at \$43,071,584, is about \$2,000,000 less than what we had in 1999. Property taxes, which remained fairly steady over the years in terms of minor increases, took

a large jump last year, again, due to the results of 9/11. If you compare the consumer price index, and put that next to the tax rate increases over the year, you will see that it has been fairly consistent with the CPI except in '03-'04, where we had the largest jump.

Mayor Kinnally: Neil, I thank you and your staff for putting it together. March 9, 23, 30, April 6, 13, 20, 27 will be the budget review sessions. April 13 is the formal public hearing mandated by law for the proposed budget. The adoption of the budget and the setting of the tax rate by the Board of Trustees will be either April 20 or 27. The budget review sessions give the Board an opportunity to question some of the items, to suggest additions and/or subtractions, and to monitor what is happening in other areas. It is a proposed budget. It is not set in stone. The budget review process is a real one, to afford everybody the opportunity to see what goes into it and to have some input.

Trustee Holdstein: In the Invest in Kids program where we are losing \$16,000, is there any talk at the county level of trying to reinstitute that?

Village Manager Hess: They have been phasing this funding down for the last four years. They have indicated that funds will not be available.

Trustee Holdstein: On the Municipal Building repairs, I thought some of this would have been covered either by insurance and/or by the contractor when we did the renovations.

Village Manager Hess: No, this is exterior work that needs to be done. The renovations were completely interior.

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of February 17, 2004 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of February 17, 2004 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 51-2003-04 \$180,372.63
Multi-Fund No. 52-2003-04 \$ 44,758.01

17:04 LOCAL LAW NO. 2 OF 2004 – PROFESSIONAL FEES LAW

Village Manager Hess: In the past, if a SEQRA review is not necessary, in other words if the Planning Board issues a negative declaration on a project such as 45 Main Street, where they requested a traffic study, which is really part of a SEQRA but it was not required since they neg dec'd or made it a conditional neg dec, this law will allow them to tell a potential developer that he must provide certain studies, reimburse the Village for certain professional fees if it is outside the SEQRA requirements. Under SEQRA, that is covered by the state law on exactly how much they have to pay to the Village, in terms of an escrow, to have studies done. If it is outside of SEQRA, this law will give the Planning Board that flexibility to require payment for consultants.

Mayor Kinnally: This was the subject of a public hearing two weeks ago; it gives us what the Village needs in processing a number of the applications that come before us.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 2 of 2004 amending the Code of the Village of Hastings-on-Hudson by adding Chapter 223 Professional Fees as follows:

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HASTINGS-ON-HUDSON as follows:

§ 223-1. Reference of applications to professionals; charges.

The Board of Trustees, the Planning Board, or the Zoning Board of Appeals, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental, or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law. Charges made by such professional consultants shall be in accord with charges usually made for such services in the metropolitan New York area, or pursuant to an existing contractual

agreement between the village and the consultant. The charges for such professional services shall be paid by the applicant as provided below. Such professional fees shall be in addition to any other fees required by any other section of the Village Code or any other Village regulation.

§ 224-2. Payment of fees; escrow account.

- A. At the time of submission or any application, or during the review process, the reviewing Board may require the establishment of an escrow account, from which withdrawals shall be made to reimburse the Village for the costs of professional review services. The applicant shall then deposit with the Village Treasurer such amount as the Village Manager deems appropriate on the basis of his or her evaluation of the nature and complexity of the application.
- B. The sum deposited shall be held by the Treasurer in a separate account for the benefit of the applicant and will be disbursed by the Treasurer for payment of professional fees in accordance with the usual requirements of the Village for the payment of bills.
- C. The Board of Trustees, Planning Board, or Zoning Board of Appeals shall not consider, or consider further, any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.
- D. When the balance in such escrow account is reduced to one-third of its initial amount, the applicant shall deposit additional funds to bring the balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing Board may suspend its review of the application.
- E. A building permit or certificate of occupancy shall not be issued unless all professional review fees required by this chapter have been reimbursed to the Village.
- F. After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

§ 223-3. Effective date; applicability.

This chapter shall become effective upon filing with the Secretary of State. This chapter shall be applicable to applications pending at the time it becomes effective, unless the reviewing Board shall determine that its application would be impracticable or unjust in the particular circumstances. Where this chapter shall be applicable to a pending application, it shall require an applicant to pay for fees only for services rendered after it shall have become effective.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

18:04 CHANGE OF MEETING DATE

Mayor Kinnally: This is to change the organizational meeting from April 6 to a date to be determined because of Passover.

[Board Discussion]

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

RESOLVED: that the Mayor and Board of Trustees change the date of the Organizational Meeting from April 6 to April 13, 2004.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Village Manager Hess: Lothrop Associates will be here on March 16 to present some preliminary designs on the new Community Center.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I spoke with Mark Chertok, environmental counsel, and he is hoping that we will hear from the state by the end of March on the PRAP, both OU-1 and OU-2. I have also asked Mark to check with the people at ARCO to reinstitute the negotiations that we were proceeding with, and that we have to do within a year, on the additional open space that the Village is going to get under the consent decree and the settlement agreement.

2. Farmers' Market

Sue Smith, 26 Lefurgy Avenue: I have given you the results of the survey that we did called a rapid market assessment. Boards were set up in the middle of the market and they could put a colored dot on the appropriate answer. It tells the story in a nutshell of what is going on at the market. It was a great market year once again. It just gets better and better. It seems to have really established itself as a community tradition and something that a lot of people look forward to.

It is very interesting to see that there are a lot of people that come from out of town. The time surveyed was pretty representative of a busy time. There were 153 Hastings people; 21 people from Yonkers; 42 from Dobbs Ferry; and 34 from other places: the Bronx, Irvington, Ardsley, and some even from Brooklyn. So there are a lot of people coming from other communities. That has been a goal of ours, and it will be a goal for this year's advertising also. Those people, hopefully, will come and enjoy downtown Hastings.

We wanted to see how many people just go to the market, and how many shop in Hastings when they are here. We found out that 198 people do the market and do something else in Hastings at the same time. We could work more on getting people to park in the free lots as opposed to on the street. But it is interesting that a lot of people walk, and there were a couple of people who came by bus. So we can work more on that, getting people to use the free lot. We also tried to get some input about how we could improve the market because we are always looking for what people want. People said they want more variety and they want more kids' activities. They like that we have music.

We have loyal vendors who love Hastings and Hastings people. They not only do well selling; I think they really appreciate the give-and-take with an enthusiastic clientele, and

they have been very steady. We have had some from the beginning—we are in our seventh season—and just about all of them are coming back. We have filled up the lot, so we do not have room for many more vendors. Our point is to try to have a range of products, have some competition within the market itself. We feel that is healthy and that attracts people. Each year we have got more variety than we had the year before, and people have been happy with that. So I would like to request your permission to use the parking lot once again from the opening day, June 5, until just before Thanksgiving.

Mayor Kinnally: Thank you very much. It is as much a social event on Saturday mornings as it is a business venue and it really is wonderful. People know that there is quality, and they enjoy coming. One of the fears when we started this was that it would take business away from the local merchants. I think just the opposite is happening. People are staying here, and stopping at the Center Restaurant, going to the organic foods place, going to the hardware store, the liquor and wine stores, and shopping Hastings, which is good. It is a plus for everyone.

Ms. Smith: We beat every market anywhere around because it is such a gorgeous spot. It is not as visible, that is always something we try to overcome with our advertising, but there is no place like it for having that spectacular view and the sense of safety where there is not any traffic, where kids can come and go. It is a beautiful setting, and enhances the social aspect.

Trustee Holdstein: I am amazed we are entering our seventh year. Like so many projects in the Village, in the first year there was a lot of concern about the location, parking and so forth. I, in five years, have not heard one negative comment or one problem. The other big issue that came up initially whether it was going to detract from downtown businesses. So the response about shopping elsewhere in the Village is fabulous. How many more vendors can you fit?

Ms. Smith: We have about filled it up. A lot of things people mentioned were already available, and I was a little concerned that people did not understand that they could get duck at the market, for instance. Part of it is vendors having out all the range of goods that they have. Often they do not have a sign that they have eggs, for example, but they do. They need to present themselves more completely. At this point we have pretty much covered the kinds of things that are out there. One thing that has happened is some of the really small ones were alternating weeks. This year the cheese people may be there every other week, and the preserve person, hopefully, will be back. So we are trying to get a little more variety that way.

Village Manager Hess: If you can e-mail the survey to me, we can put it up on our Website.

3. Pool Turnaround

Mayor Kinnally: The Board, in light of the Local Law from 1971, is not going to consider doing anything in connection with the turnaround this evening. We have referred this matter to counsel, both the Village Attorney and our environmental counsel, and we will get guidance from them in our continued deliberations of what needs to be done. This hiatus is not to be construed as a backing away from our concerns over the safety issues at the pool and our hope to improve the circulation of vehicles and pedestrian traffic there. Neil has indicated in his budget presentation that we are looking at construction of some sidewalks on the west side of the road from Valley and from Hillside into the pool. We will look at that from both the cost feasibility and an engineering standpoint. But if anybody has any new comments on it, we would be happy to entertain them this evening.

Gary Delaverson, 90 Hillside: After review of counsel, in the event that the Board would determine to go forward, say with a proposed local law, would that be the first opportunity for the public to hear about it? Or would there be another discussion with an opportunity for public participation before that?

Mayor Kinnally: When there is a proposed Local Law, we vote on setting a public hearing. Usually there is discussion in connection with that, and then there is the public hearing. So there will be many opportunities to have input on this.

Mr. Delaverson: In the event that there were a determination to go forward, would the proposed local law only deal with the issue of the turnaround?

Mayor Kinnally: It depends on what counsel says. It may be that we will want to take a look at the wording of the local law, not necessarily directed just to the turnaround, but dealing with general park maintenance of Hillside Park. But whatever we are contemplating, this community will know about it.

Mr. Delaverson: And you contemplate a fairly broad discussion of that. Maybe through the Village e-mail thing that you send out? That kind of notice?

Mayor Kinnally: Our discussion is here at the Board.

Village Manager Hess: Notice of public hearing is published in the paper. We also send it out to the e-mail list.

Mayor Kinnally: E-mail is wonderful, and it gets a good public participation in things. But it cannot be a substitution for how the Board of Trustees conducts business. The Board must conduct its business in public, in open meetings. We, among ourselves, have had some discussion on this. If the Board is going to react as a board to anything in the e-mail, I think it is a violation of the public meetings law.

Mr. Delaverson: You are misunderstanding the import of the question I was asking.

Village Manager Hess: He was asking about notice.

Mayor Kinnally: There will be notice, but reaction will be here at the Board meetings.

Mr. Delaverson: I could not agree more.

Eva Klein, 123 Farragut Avenue: I am an architect. I live and work in Hastings, and I have lived here for eight years. I have used the pool for the eight years, so I come before you as an experienced pool user. I would like to present you with an idea for your consideration. You have spent months, practically years, putting the whole package together. So a lot of thinking has been done, yet at the last minute here we are with the issue of a turnaround. So something was not quite resolved to where it would go smoothly, right?

Mayor Kinnally: This is Hastings.

Ms. Klein: I would like to point out that there is an idea which could probably be considered. The turnaround deals with the fact that this is the point where everybody wants to go because that is where the entrance is. The entrance and the parking lot are remote. I dreaded the trip with the small children and the stuff from the grass by the pool, through the locker rooms, all the way around, up the hill, into the parking lot. And you do that twice if you get to your car back and forth.

This is a corridor where all the cars and all the people travel. This is a bottleneck. The idea is that the turnaround will ease the bottleneck. But if you build it, they will come. People will line up at the turnaround and people coming out of the parking lot will have nowhere to go. My concern is that the turnaround becomes a knot.

What I am proposing is a shortcut from the pool to the parking lot: a gate to the pool through the corner of the parking lot. Suddenly the people and the cars are separated. The cars go one way, the pedestrians go the other way. The safety now is better.

I would create an area in the corner of the parking lot that would meet the fence of the pool, and I would place a gazebo there. In the gazebo there would be a guard that would bring a laptop, and they could admit people. From there, there would be a ramp because there is a little bit of a slope, where people could comfortably walk down a ramp. It would be a good idea if it were handicapped-accessible not only because of the law, but also it is comfortable and people can stroll. That whole chaos goes away, and traffic can continue to flow. It would be so much more pleasant than passing through the locker rooms; not everybody uses them, but you have to go through to get into the pool. So I see that as a plus, also. It is an idea which could be accomplished at a similar cost to the cost of building a turnaround.

I am also adding an idea of making a T-shaped turnaround at the corner of the tennis courts where a school bus or a truck can back up and go in and out at the edge of the parking lot without going through the entire parking lot. I do not think that the bus has difficulty making it up that hill. It is just a question of making that U-turn, and you just need an extra 20 feet.

Trustee Apel: One of the designs that came before the Parks and Rec was a back entrance at one point. There was a consideration of cost; I do not know if the additional cost was extensive sidewalk and ramps that would come down the side of the pool. That was probably when the concept of the larger parking lot was there. But it is something we should look at. I know there are already some designs that can be looked at.

Village Manager Hess: Yes, it had to do with the expense of meeting ADA, ramping, the requirement to have two entrances to the pool. And two entrances would mean double staff, double computers.

Ms. Klein: There are usually several people on staff. A lot of them are in there just as safety guards. I have a feeling that that could be worked out. It is also a question of a perception and an enjoyment of using the pool. Right now, when you are done you have to hit the asphalt and climb the hill. If you could just meander out on the grass area you would have a much more pleasant experience of being at the pool.

Michele Hertz, 62 Euclid Avenue: Are you considering changing the law?

Mayor Kinnally: We are not considering anything yet. We have not had an opportunity to speak with counsel.

Ms. Hertz: But you have discussed this with counsel. Do some of you still want to build the turnaround?

Mayor Kinnally: The sense of the Board, I believe, is that the safety issues still have to be addressed and we have not come up with any alternative. In my discussion with counsel we did not address the turnaround. We addressed the local law and the process. But as far as amending the law, that was not part of my conversation. But it is certainly part of what we may consider.

Trustee Apel: Did you say that the turnaround will not be dealt with in this renovation? And therefore, it is not going to happen this summer, if it was going to happen at all?

Mayor Kinnally: It is not being considered now. I do not know what the timing may be.

Village Manager Hess: The Board, as a group, has not had a chance to discuss this with counsel. The Mayor has talked to counsel. I talked to counsel on the environmental side of it, but that was it.

Ms. Hertz: The issue of safety is on all of our minds, and none of us would want to compromise on safety. I have been in that parking lot taking pictures and studying the issues of safety for about four years. When we met there last week with the engineer and with Neil, the engineer told me that he did not know that Hillside School was up the hill. So this gentleman made these designs with the turnaround only thinking of the pool. He never considered that there was a school, and that the school used that parking lot and road most of the time of the year. I do want safety to be considered completely, and not without consideration of the school there, too. And it was not.

Mary Jane Shimsky, 35 Ashley Road: There has been a sense that people have reduced this to a trees versus safety issue. From most of the people I have spoken to, nothing could be further from the truth. There is some concern for preserving Hillside Woods, but there is also a lot of concern that this turnaround in this location may cause more safety problems than it solves. If we take a little time deliberating about it, and have all of our best minds working on it, we can come up with a solution which can best balance the interests of Hillside Woods and improve, to the extent possible in a limited space and a limited budget, the safety considerations with the parking lot and that street.

Teresa Snider-Stein, 125 Overlook Road: I had one comment about the expense of a back door. Since we all have those cards to get in, perhaps there is a way to make it magnetically able to open. There are problems, possibly, with that, but it would be a way to save the bodies because I know you are worried about the salaries.

Carolyn Summers, 63 Ferndale Drive: You may be considering a local law that pertains to the environment. There is language in there that can, and should, be interpreted by someone who understands the environment. The term natural vegetation is a term that environmentalists understand, and lawyers understand less well. It is good that you are consulting with attorneys, but I think you should also consult with the Conservation Commission, the Tree Board, and with other local citizens, like myself, who are interested and expert in this area. I would like to know what your process is for that type of consultation.

Mayor Kinnally: We fully intend to submit whatever we consider here to the appropriate boards and commissions. Parks and Rec was part of this process. The Tree Board had a representative, and the Conservation Commission. It is not as if the previous plan was not vetted by these other boards and commissions.

Ms. Summers: It is, in fact, not true because Jacques Padawer has been on vacation since this new design came up.

Mayor Kinnally: The issue of the turnaround has been on the table in this Board since 2002, and at Parks and Rec as long as they have been considering the issue of the pool. It is not something that came up recently.

Ms. Summers: My understanding is that this latest design was presented in January.

Mayor Kinnally: No, that is not true. We have been talking about a turnaround...

Ms. Summers: Not a generic turnaround, but this specific turnaround that goes 60 feet into the woods.

Mayor Kinnally: The issue of an encroachment into the woods has been on the board for a long time. I do not believe we ever saw a design with the turnaround in the middle of the road. The issue of the design of the turnaround into the woods was posted up at the pool last summer. You have my word that whatever is going to be done here will be submitted to Parks and Rec, Conservation, the Tree Board...

Ms. Summers: Interested members of the public?

Mayor Kinnally: ...Safety Council. Everything we do in this community is open to public comment and public scrutiny. Nobody has been foreclosed from any of the meetings where this has been considered. Of course the public will have an opportunity for comment. We

have never said no to the public commenting on any of these designs. But a lot of the discussion went on without public participation. And we had a hearing on this. We talked about this in July, 2003, November, 2003, January 13, 2004, January 20, 2004. We passed this on February 3, 2004. We considered it again on February 17, 2004. Here it is March 2, and we have it yet again in front of us. It may have been that it passed by the public, but we always welcome public participation in this process. After we passed it on the 3rd, a number of people asked us to reconsider it. That is why we brought it back on on the 17th, and we had about 12 or 15 people here and spent about an hour on it.

Ms. Summers: You made it clear that you would consult with attorneys, and I am trying to clarify that there will be environmental consulting as well.

Mayor Kinnally: One of the attorneys we talked to was environmental counsel, Mark Chertok.

Ms. Summers: That is fine. But environmental counsel does not have the same expertise that someone who works in landscaping would have even. It is important to recognize that natural vegetation means something. It may not quite mean the same thing to a lawyer as it would mean to someone who works with natural vegetation.

Mayor Kinnally: The point is well-taken. We will have this submitted to all of the appropriate boards and commissions.

Robin Stern, 86 Hillside: Where did the idea for a turnaround come from in the first place?

Mayor Kinnally: The genesis of this project came out of Parks and Recreation.

Trustee Holdstein: I was the liaison to the Parks and Recreation Commission. It started probably four or five years ago, when there was a movement in the community about making a year-round pool. There was a tremendous amount of involvement by a core group of people who really wanted to see the pool become a year-round facility. The net/net of that was it was just too cost prohibitive for a small community. From those discussions evolved a conversation of improving the pool and the funding, because the pool is self-funding. All the meetings were public noticed. Jacques was at all of those meetings. As to the evolution to the improvements, the turnaround was suggested then. We have been through several things with Ward and their estimates.

Ms. Stern: But by whom?

Trustee Holdstein: By the Parks and Rec, which is a group of community people who serve at public meetings. I ran into a friend yesterday who was one of the early stakeholders of this idea of trying to make the pool year-round, and he said he remembered three years ago discussing the turnaround as a part of the process as it evolved from a year-round pool to just improvements at the pool. It has been part of the public discourse for close to five years.

Ms. Stern: I am not arguing with that. But what makes this a good idea? Who says this is good for safety? I feel this will make things worse. That is my concern.

Mayor Kinnally: We had public participation in this whole thing. We had a pool committee, we had Parks and Recreation. Ultimately, the issue has to come before the Board of Trustees. I probably have no more wisdom than you do on this issue. But it is a judgment call. It is our collective decision that this was the way to solve the problem. We decided it based upon experience there and upon input that we had from Neil; the police department was part of it, Ray Gomes, the Safety Council. We try to utilize whatever resources we have.

Ms. Stern: Do all of you use the pool?

Trustee Swiderski: Heavily.

Ms. Stern: How many of you have actually used the pool. Only one, probably.

Mayor Kinnally: But what does that have to do with anything? I do not use the pool, but I go up there and I have seen it.

Ms. Stern: We are trying to fix the traffic flow, come up with something that works. That is all I am saying.

Mayor Kinnally: I agree. Use this time to try to come up with something better.

Trustee Holdstein: We have an obligation to respect that you do not feel it is right and we have opened it up to re-look at it, but respect the fact that there were a lot of volunteers, your fellow Hastings citizens, who served on the Pool Committee and the Parks and Recreation Commission, who felt opposite you. So somewhere we have got to come to a compromise that we hope will make everybody happy. But when you say you don't think it was right, and who did it, well, there are other people in the community who spent a lot of Monday nights working on this that felt it was. Just respect that they felt differently than you.

Mayor Kinnally: It is not an issue of coming to a compromise. It is coming to a decision that serves what we want to accomplish, and that is to ensure a better traffic flow. Ultimately, it may mean going into the vegetated area. I understand people have concerns about the school, but we are trying to solve the traffic problems associated with the pool.

Ms. Stern: But just because I did not go to every one of those meetings does not mean that I do not know what I am talking about or that I am disrespecting the people who did.

Mayor Kinnally: I understand that. There may not be a right or wrong answer to this. But ultimately we have to try to solve the problems. Many times we make decisions up here that maybe we could have done a better job. I do not know. But we are the ones who have to make them.

John Klein, 115 Hillside: I am at the yellow house nearest the pool. The plan we were originally given shows a turnaround in the middle of the road, and this was the plan that we were told was going to move forward. Obviously, as the turnaround changed, it was thought about after the fact because money had to be appropriated after the fact.

Mayor Kinnally: Is that the one with the turnaround in the middle of road?

Mr. Klein: Yes, it is. This is what we were given by the Village Manager way back when.

Village Manager Hess: You were not given that by the Village Manager.

Mr. Klein: My wife might be.

Village Manager Hess: Your wife was not given that.

Mr. Klein: Or Ray Gomes then.

Mayor Kinnally: But suffice it to say that is an early generation of whatever is being done.

Mr. Klein: But what has been done now was just voted on in January, and money was appropriated now. It was not part of the pool plan.

Mayor Kinnally: That was an earlier concept that was rejected by the Parks and Recreation Commission and it did not come before the Board of Trustees.

Mr. Klein: But the newest turnaround was conceived later, like last year, and money was appropriated just in January without public comment.

Mayor Kinnally: No, that is not true. Neil had told us we could deal with the turnaround in a number of ways. He said we may be able to use Village forces to do this rather than engaging the contractor, so we could save some money. So we knew that the turnaround was there. My understanding is that the proposal we passed on in February was posted at the pool this past year. What we considered in the end of 2003 and the beginning of 2004 was whether or not we were going to have some change orders to what the contractor was doing. There were additions and deductions. One of the additions was that the contractor would do the turnaround. That is why the money was appropriated on February 3. But it was after discussions. I cannot tell you exactly what turnaround we were discussing, but my understanding was that the turnaround that was on the table and under consideration was what was posted at the pool last summer.

Village Manager Hess: Let me make one correction. What was posted up at the pool was a complete turnaround. It went west of the road, east of the road, and went around and there was another semicircle on the pool side. It was designed as part of the original bids. That one you are holding was never part of the design in the original bids. Those bids came in at approximately \$2,000,000 because of rock, retaining walls, etc. And that included that turnaround. We needed to get the cost down in the neighborhood of \$1.6 million. He came back with another design. The turnaround that Mr. Kadenhead has was the same, but the kiddie pool moved over to the west side. And we deducted the cost of the turnaround out of there. After the bids were accepted in July, 2003, the plan that Mr. Kadenhead has was the one that was put up on the board up at the pool. It showed the turnaround, although we deducted that out. When we started construction and we found we were going to have some change orders with deducts, I asked the engineer to look at the circle again but do it only as a semicircle so you could have buses, trucks, people turn around to drop off on the other side of the road. That is when I asked him to get a price from the contractor just to do the semicircle on the east side of the road, as opposed to both sides. That is the history.

Mr. Klein: I want to say on the record that I think open space is precious. We are very close to New York City, and having 100 acres of undisturbed woods is an asset that we should not take lightly. If you change laws, we risk that it would set a precedent for the future to do whatever you want in those woods and you would not keep it naturally intact.

Trustee Apel: One of the things that I am struck by is that the biggest problem we have is communication. The Board should be looking into one more way of communicating with the public. I think notification should be going out to the public. If the turnaround is changed

from the diagram that was shown to a new design, people in the immediate area should be sent postcards of notification. When they get the postcard they can opt to go on to the e-mail list so they can get further notification. For those who do not have e-mail, or are not going to use it, we would know that person needs a postcard. We have struggled with communication for years and it is very easy to say people can watch it on TV. People are not watching TV. People are inundated today, between voicemail and e-mail, and they block it out after awhile. I know from personal experience that when I get e-mails telling me about conferences and meetings, after awhile you are hitting delete and not paying attention. When you get a postcard, you stick that postcard on your desk. You are going to remember that is happening. I realize it may take time, but there are not that many projects in terms of areas. For the larger projects the local public would need notification. If somebody on the other part of town wants to be part of that postcard notification for that project, we will put them on the list and we will send them that postcard. Too many people have come out and said, I did not see this, or, I saw it and it is changed. It is just one more thing that we could do.

Beyond that, people in the community are going to have to take responsibility for reading their e-mail, or reading the postcard, and to watch us on TV if they so desire. I have been struggling with this. It is very frustrating for us up here because we think we are communicating. And it is frustrating for the public who feels that we are not communicating with them, even though we can give a list of all the things that we do. So this may be an opportunity to try one more thing. This is what I would like to recommend.

Mayor Kinnally: Your proposal is an interesting one. But there are problems with it. There is an assumption that the changes were made by a Board of Trustees. What happens if it is Parks and Rec? What happens if the changes are made in the Pool Committee? That is apparently what happened here. It would be hard for every board and commission to give prior notice to affected areas. And what are the affected areas? When we were considering lighting at the pool we had people come here from areas far removed from the pool because they said they were going to get the bounce from the lighting on the pool.

Notification is sent out now for ZBA, but the applicant sends out that notification. The Village does not do it. It is a laudable goal, but from a practical standpoint I do not know how you do it. How do you know that the change is going to affect these people or any people? I do not know how you define who is an affected area.

Trustee Apel: You have to start somewhere, so we could notify the variance area, and add whoever opts in. Then you see if it works.

Mayor Kinnally: But where does the notice go out from? Is it from Parks and Recreation, or is it the Village Board?

Trustee Apel: You are talking about a detail. We could have a work session to figure out the details for those particular things. But the concept of notification is what I am bringing up, and if it does not work, we do not do it. But we try.

Trustee Holdstein: I think Marge raises a fair point, and Peter on previous meetings has discussed this. We have to figure out if there are better ways beyond WHOH, e-mail, or newsletters to notify. But you are not going to get everybody in a mailing, and there is invariably going to be somebody that is passed by. The ZBA notification is 300 feet, and there are quite a few people in this room that would not get that notification. The challenge is how much broader and more effective we can be in this process. Perhaps we have to figure out if there is another way to do it.

Stuart Kadenhead, 5 Valley Place: Marge's suggestion is an excellent one, and the points that you have been raising demonstrate that. The people in the immediate area are the ones who are most concerned and affected by it. You are hearing from so many people from all over the Village because a small knot of people in the immediate area started talking about it two weeks ago. If it is an important issue, that is the best way to spread it around the Village.

I want to say what I think went wrong in this instance. The person who is closest to this turnaround is my neighbor, John Klein. My understanding, and please correct me if I am wrong, is that a representative from the Village showed him this drawing and said this is what is going to happen and the main goal is to slow down the flow of traffic. John Klein heard this, and being a good citizen he said, I am all for that. And put it in his back pocket, and did not think about it again.

Village Manager Hess: Ray Gomes gave it to Mrs. Klein back when you were moving into the neighborhood in 2001.

Mr. Klein: We did not move in till June, 2001. She received this probably the beginning of 2003.

Village Manager Hess: That does not make sense to me.

Mayor Kinnally: That is beside the point. Your point is a good one that we try to get some better information out to people and we will endeavor to do that. There is another side of the coin. If you are interested in the process, you have to stay with the process. Things evolve.

Mr. Kadenhead: But somebody came to their house and showed them this plan, and nobody ever came back and said it changed. That is why he did not make the effort that you are saying a citizen should make.

Mayor Kinnally: The point is well-taken.

Kathy Sullivan, 17 Wilson Place: I thank you for bringing up this issue of process because I attended the meeting two weeks ago. I went back home to the Website looking for information. I tried to find meeting minutes of the Village Trustees or of any of the boards to figure out what was going on when it came to the process of the pool. I would like us to look at how we can use the technology of the Website in a better way to get people like myself who cannot attend meetings on a regular basis but have an interest to find out what is being discussed. But you should not overlook the people that do not have access. And the newsletter that came out frequently from the Village was very informative. On the Website there is no indication of when the meetings are being held for the Rec Committee. I really had to dig through the Website to find that. There is no record of meeting minutes of the Pool Committee about the pool.

Trustee Swiderski: This is one of the suggestions I was going to make. I had a discussion with Raf regarding the fact that Raf has the full intention, and I am going to be happy to help fund it, of setting up a minute server. You can put in any string of words, and out will pop the relevant minutes for the Board of Trustees. It is clearly a worthwhile effort, and will be one of the things we can do. I hope we get to it this calendar year.

I agree with Marge. If 300 feet is good for the average person in this town as far as notification, it should be good enough for the Village. I would probably make it more simple than what Marge proposes. Place responsibility squarely in the lap of the Village Manager who, theoretically, should have his finger on the pulse of what different committees are doing. When a committee is proposing something that will induce material change in the town's infrastructure, at the start of that process do one mailing. Not every time the process changes, but the first point it begins send it out, and my conscience will feel a whole lot cleaner.

There was another issue here, which we are all ignoring but I will raise, that we missed this legal issue. I would like to suggest that we make a legal review part of our formal process, and maybe this would be saved for the meeting with counsel, so that we do not discover after the fact that something is illegal.

Trustee Jennings: I agree with those who have pointed out that we need better communication with the public. We should be striving for better communication so that those of you who are concerned about a particular facet of a planning procedure can become involved and have your voices heard early in that process rather than late. That leads to better public policy in general. With the electronic capabilities that the Village now has, we can utilize our electronics more effectively than we have. I do not think it is for want of the desire or the identification of these things that more of that has not happened already. It is simply a question of limited staff time and staff energy. We are working on it steadily, making improvements every year, trying to make it better over time. But it does not happen overnight. Putting the meeting minutes up is a very good idea. Making the Website more user-friendly in terms of identifying meetings is a very good idea.

I have a reservation about the analogy with zoning variances and notifications of neighbors for the purposes of our public policy. These are questions that affect all of us. I do not want to set up an information system that creates a first- and second-class citizen. Yes, word of mouth spreads things from the people who get it to the people who do not. Nonetheless, I am not comfortable with discrimination either on the basis of where you live or on the basis of pool membership or on the basis of any other classification. We have an attitude in the Village that if you live close to something or if you care intensely negatively about something you are more entitled to have an influence in the public policy decisions than others. I do not agree with that, as a matter of government and as a matter of equity. I do not like to reinforce that attitude. Whenever I see it pop up I like to speak out against it.

Jeff Bogart, 5 Jordan Road: I support what Marge said. There is a much broader issue about communication, and it relates to all of the issues that have been dealt with over the past five, 10, 15 years. WHOH is a great advance, but there is a lot more that can be done with the existing Website, with WHOH, with posting things in the Village as opposed to strictly down here. The issue has arisen recently about whether tenants get notification. If the Village does not want to bear the expense of doing that, there is a possibility that the landlords should be notifying tenants about certain issues. I wonder whether it would be feasible to, for example, have a law that when the landlord is notified he has to notify his tenants.

Some work sessions recently of the Planning Board have not been televised by WHOH, and it may have been because there is a limitation on how much we can call on existing staff to televise meetings. But if that is not the case, work sessions are as important as when there is a vote on something; it keeps the public informed. I hope that the Board does do more over the next couple of months, or during the year.

Ms. Shimsky: When you are dealing with complex projects and with notice systems which everybody tries to improve but are inherently imperfect, there are going to be times where things slip below the radar. As long as everybody is patient with each other on all sides we can deal with this together as a village and manage to get things done.

Mayor Kinnally: On the subject of minutes, if you go back to the minutes of when I first started and compare them with the minutes that we get now, they did not have any sense of discussion; they were like corporate minutes. Now you have colloquy. The extent of the Board of Trustees minutes does not match the minutes of some of the other boards and commissions, for good reason. We do not have stenographers at all of these meetings because we cannot afford it. And you are not going to have the people who are volunteers sitting there taking lengthy minutes about what was addressed, what was discussed, how it evolved. It is not the nature of how things happen.

Ms. Shimsky: That is the whole point. Regardless of how much closer we may approach perfection, the odds of our achieving it are not very good. So sometimes we just have to rely on patience and good will.

Village Manager Hess: The TV station is only a few years old. The e-mail list is only a few years old. I will put our Website up against any other municipality in Westchester. The Village calendar is clearly on the Website. You click on it. It tells you every board and commission meeting for the month: date, time, location. There is a DPW schedule that tells you the dates of your garbage pickups, recycling pickups, when there is a holiday, when there is bulk pickup, TV monitor pickups and computer monitor pickups. There is all sorts of information on our Website. So in defense of our technology department, I think they are doing a wonderful job. We work with nothing but volunteers. We have interns from the high school. We are always looking for more volunteers. Every board and commission is posted on our Website. There is a minute database on the Website.

Technology Director Zaratzian: Board of Trustees, Zoning, and Planning minutes. The first set goes back to 1995. The last update was June, 2003.

Trustee Swiderski: There were three things in the proposal today for the budget: the road repaving bond, which we desperately need; the curbs, which we desperately need; and the additional money for technology made me almost as happy as the other two. You are looking at one guy who is behind the camera, the microphone, the Website, the network. Hiring somebody to help him out is minimally what we should be doing in helping the community access information. It is great to see that in the budget and I am happy to pay for it. I forgot to mention he runs the telecommunications system. Recently, I ran my laptop in front of the

police station, where you can get free wireless access, and was delighted to find that we can do that in the municipal building and in the library. These little things keep popping up, and it is all due to Raf. Whatever criticism I have mentioned to Raf before, the problem is that he does his job so well that 90% of it is invisible. So it is the 10% we end up complaining about because we want him to do more because he has given us so much. I appreciate what you are doing, and I am glad to give you money for it.

Ms. Sullivan: The minutes are there. They are only updated through part of last year. The engine itself is outdated; 1997, I think, was the copyright. You just cannot search in an appropriate fashion.

Trustee Holdstein: In the different committees to which I was liaison, the best that I have seen was several years ago the Safety Council sporadically had minutes of their meetings, primarily when they were taking votes and making decisions to implement a stop sign or change something. But these other committees that we have made reference to, Parks and Rec, and Conservation, and so forth, they are all volunteers and there is occasionally, but very infrequently, somebody taking clear minutes. So as you look to source information, that part is going to be a little tough and it is all manpower. The reason the Zoning Board, Planning Board, and this board have minutes is because there is professional help here to do it. But these other committees, it is sketchy at best.

Ms. Klein: I have one excellent source of information: Mr. Bogart, sending out his *Hastings News*, going to the boards as a volunteer, sending out clear, concise summaries of what is happening. If I see something that am interested in, I try to pursue it. He has a database of e-mail addresses, and he sends out the basic facts, and it is an excellent source of information.

Ms. Hertz: I would ask that I be on the list to receive postcards in general. I do not use a computer often, and I could put my name on a list and I would have a postcard. That would be very helpful for me, and for other people in the community who do not use computers.

Ms. Summers: I want to thank Marge for bringing up that idea. The analogy to what a private developer has to do with any construction project is a good one. As a starting point you could go with that same distance and see how it works. The people who would be most affected by any construction project will be the people who are closest to it. It is human nature to care about what is going on in your backyard. Let the information move out from that source. It is worth a try.

Mayor Kinnally: Every contractor does not have to give notice when he is building.

Ms. Summers: I misspoke. When any resident is undertaking a construction project and is required to send out a notice...

Mayor Kinnally: No, that is not true. If I have a piece of property and I do not need a variance, and I get a building permit, I do not have to send notice out.

Ms. Summers: Well, I think there is probably a good precedent somewhere in the law for sending out notices. Maybe if we could look to that precedent and use that as a starting point.

Trustee Apel: I am glad that many people like my idea. I certainly do not want to have, as Bruce mentioned, a level of second-class citizens. I brought up that particular area because whenever we bring up an idea everyone says that is going to cost a lot of money. So you can narrow it down, but I would be happy to send everybody in the community a postcard, regardless of whether or not a developer or a resident has to, or does not have to, send it out. If we, the Village, are working on something we should send it out anyway, period.

Carrol Ettinger, 81 Hillside: I live right below the pool. I agree with you: I would like a postcard. I will look at a postcard rather than remember to go down and watch what is on TV or go up and see what is on the computer.

PUBLIC COMMENTS

James Condon, Donald Park: I want to know if you want to reconsider Local Law No. 8 of 1997, the tree preservation law?

Mayor Kinnally: Thanks you for your communication to us. I have forwarded it to Neil for his review. It will go to Parks and Rec and to Conservation and to the Tree Board.

Mr. Condon: It has been a long time. The person that violated the law skirted the permit fees, they skirted the neighbor notification law regarding tree removal. And you are mistaken because we pointed out that enforcement does not belong to the Tree Preservation Committee. Enforcement belongs with the building inspector. In the law there are very severe penalties for taking down a tree. The most severe aspect of the law is you have to replace with an equivalent, and that gets to be astronomical. It is not a very workable law. I sense that there's an unwillingness to enforce such a severe law. So maybe you want to reconsider it.

Mayor Kinnally: If we are going to consider repealing the law we would want to get input from those boards and commissions. But your point is well-taken. That is why I sent it off to Neil to get whatever input we can.

Mr. Condon: What about now? Apply it to people who have an acre or more of land, and they want to take a tree down, and where do you start? You are so backed up you have not decided what the standard fine would be if you violated the law.

Village Manager Hess: No, there is a fine in there.

Mr. Condon: The fine is insignificant when compared to the replacement.

Village Manager Hess: If you take down a tree that is worth \$75,000 you may be required to put trees up on public property around the Village as your punishment, so to speak, of an equivalent value.

Mr. Condon: I am talking about the violation that happened last year. There is probably no summons.

Village Manager Hess: That was reviewed by the Tree Board and they have made a recommendation on how that is supposed to be handled.

Mr. Condon: The building inspector, it just says, finds an equivalent replacement of the large tree. If it is a small tree, you can find a replacement for it. But when it is large, it is a staggering fine to have to replace that.

Village Manager Hess: I think you are misreading the law, Mr. Condon. The area in question, since we might as well get to it, was down on Broadway. Trees were cut illegally. They were issued summonses. The Tree Board has looked at it and made recommendations on how the property owner is going to have to address it.

Mr. Condon: That is the mistake. It does not belong with the Tree Preservation. It goes directly to the building inspector.

Village Manager Hess: The Tree Board is an advisory board to the building inspector, myself, and to the director of public works.

Mr. Condon: He does not need advice here. It is replacement with equivalent trees. It is spelled out. It is cut and dried.

Village Manager Hess: I am not sure it pays to debate, and I certainly would not recommend to the Board that they get rid of the tree preservation law. I see no reason to get rid of that law. It has worked in this Village. And it only covers properties of an acre or more, so it is not onerous on a majority of the residents in the Village.

Mr. Condon: There is definitely a lack of enforcement.

Village Manager Hess: I do not believe that at all. If you know of trees that have been cut down that are covered by the law, please let us know; we will have it enforced.

Mayor Kinnally: My understanding is that the inspector is doing his job and trying to come up with a just and equitable resolution so that the law is enforced.

Mr. Condon: But when can it be settled?

Mayor Kinnally: I do not know, but apparently the inspector is going to get the assistance of the Tree Board. He will come up with a decision.

Mr. Condon: What is your opinion of how the law has been carried out?

Village Manager Hess: Today an application was forwarded to me from a property owner who owns more than an acre who has requested to cut and trim certain trees; it has been referred to the Tree Board for their recommendation. They will go to the property, they will see if it is warranted, and they will make their recommendation. The building inspector will issue a decision from there. From what I can see, the law has worked. There are not that many properties of an acre or more that it is applicable to. It may turn out that whatever the Tree Commission decides may not be adopted by the inspector, which is the way it should be. It is advisory. But do not think he should do it in a vacuum. If there are people who have certain expertise, and who can lend that expertise to an employee of the Village who has the ultimate responsibility, why not go to that resource?

Mr. Condon: Okay, so can we follow up with this? Whatever fine comes down from the violation will be the standard?

Mayor Kinnally: I think every situation is unique and every application is looked at individually. We revisit these things from time to time. We get input from the people who are charged with dealing with this: Neil, or the Deputy Village Manager, or any of the department heads, the judge or the Village Attorney. They will come to us and say you may

want to revisit it and see if changes are warranted because is not working the way it should be working, or it can work better. We do that all the time.

EXECUTIVE SESSION

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel items.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:40 p.m.