

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 12, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, July 12, 2005 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 Attorney Brian Murphy, and Acting Village Manager/Village Clerk Susan Maggiotto.

CITIZENS: Five (5).

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of June 14, 2005 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 following Warrants were approved:

Multi-Fund No. 07-2005-06	\$103,922.67
Multi-Fund No. 09-2005-06	\$353,982.88
Multi-Fund No. 10-2005-06	\$ 56,677.97
Multi-Fund No. 11-2005-06	\$ 87,718.66
Multi-Fund No. 12-2005-06	\$ 1,800.00
Multi-Fund No. 13-2005-06	\$ 84,655.16

ANNOUNCEMENTS

Mayor Kinnally: I would like to announce the appointment of a senior outreach worker, Jenny Murphy, of 174 High Street. She started yesterday, July 11. Welcome. Jenny is here this evening. I am happy to have you, and we look forward to your continuing with the Village.

We also have an announcement of two appointments: Parks and Recreation Commission, Joanne Baecher DiSalvo, and Board of Ethics, Judge Joseph DiSalvo.

PRESENTATION - Deer Tick Report

Dr. Jacques Padawer, Conservation Commission: I am here representing both the Hastings Conservation Commission and the Greenburgh deer committee. I want to start by

congratulating you, Mr. Kinnally, and the rest of this Board and some members of previous Boards for having started the ball rolling on this situation. You were the spark because you appointed the Hastings Conservation Commission to have a local deer committee, and Mr. Feiner quickly realized the value of this and expanded it to become the Greenburgh deer committee. It is through our efforts that I am talking tonight about some developments that the committee has been responsible for which are of great import to the Village as a whole.

This has to do with a company called the New York Tick Control Company. They do assessments of the risks of Lyme disease in the general population. They agreed to do a pilot study in Hastings. The other villages either did not want to or did not hear about it, but it was open to all. They tested several areas, specifically the area around the elementary school, the path that goes down to the tennis courts and parking lot, the tennis court area, and the pool. They scanned a certain area of each of the areas with a one-yard square cloth that is like fur. By rubbing them against the top of the soil, the ticks attach themselves to it on the assumption that this may be their meal ticket. After two minutes they pick up this cloth, turn it upside down, and collect the ticks into tubes which they take to the lab for analysis.

How do they do this analysis? They take a tick, they open it up, they pull out its guts which is where the Lyme bacteria resides, spread them on a microscope slide, and then they stain it with a very highly sensitive and specific antibody to which a fluorescent tag has been attached. They look at this with a blue light, which causes the fluorescence to shine, and look for the typical spirulae that are responsible for the spirochetes that are responsible for Lyme Disease.

What are the results? They found that at Hillside Park, three runs, six minutes' worth, collected something like 24 ticks. All of these were nymphs. The tick goes through three phases when it comes out of the egg: larva, nymph, and adult. The nymph is the main culprit for carrying Lyme disease. Lyme disease requires three factors: first the bacterium; then a reservoir, which is a small mammal, mostly around here the whitefooted mouse but also chipmunks, voles and shrews; and the third leg of this saga is that something has to carry the germs from the reservoir to the host which we are interested in, which happens to be humans. There is one vector that carries this germ to humans, and that is the deer tick.

Within six minutes they found 24 ticks at the edge of the Hillside playground. Of those ticks, between 24 and 32%, I forget the exact figures, happen to be positive for the Lyme disease bacteria. That is an extremely high percentage. And it is no fluke because the same thing was true near the swimming pool and the tennis courts. So this area of Westchester is a very dangerous place in terms of Lyme disease.

The deer committee had sent a questionnaire to the Town of Greenburgh. It was voluntary; we only got responses from people who wanted to respond, but it is something, it is a trend. Of 556 responses, something like 40% said that somebody in their family had been bitten by a tick. And of those, something like 25% said that they had been diagnosed with Lyme disease. So we are not dealing with an esoteric situation where a few people catch Lyme disease. We are dealing with real public health problems which, unfortunately, the county public health department does not want to touch with a 10-foot pole. There are certain risks as far as they are concerned. Politically, there are people who object to doing something about the deer, and that is something that is going to have to be resolved by the deer committee.

The deer will be involved because they are obligatory hosts of the adult tick. That is where they multiply. Why? Because ticks do not jump, they do not fly, they cannot go very far, even though they have eight legs. The deer, as they browse through the grass, collect from 500 to 1,000 ticks on their heads. The ticks are next to each other, and mating is no problem. Each female lays 3,000 eggs. You do the math. It is 500 ticks, 250 are female; at 3,000 each, that is 75,000 eggs. Luckily, not all will survive.

There is a way to do something about it right now. This company has something called a Max-4 system as a means of controlling the ticks. It consists of a little box with a hole, bait on the inside, and a wick that contains something that kills ticks. Small rodents go into it, rub against that wick, and it kills all the ticks on them. So that is a way of eliminating ticks without doing anything bad. If you want to do something for next year you have to do something now. The tick does not go by our calendar, it goes by its own life cycle calendar which, around this part of the country, is two years. So if we killed the nymphs now we will do something about the adult and the next generation next year. This would have to be done by August 1, possibly by August 8 at the latest, in order to catch them at the peak of their life cycle to be effective. The cost is \$4,400 for Hillside, and next year it will have to be done twice. For the tennis courts, \$1,710, which is going to be done once now but twice next year.

Mayor Kinnally: The \$4,400 is for Hillside School. We would not be part of that.

Dr. Padawer: I do not know exactly where the boundary would be. But you are right: the school has a responsibility of alerting the school superintendent. They will be looking at that when he comes back the 18th of the month.

Trustee Holdstein: The \$4,400 is for what you have described as the three, or just the first one?

Dr. Padawer: Each cycle. It would be one this year. It is too late for two.

Trustee Holdstein: So you are looking at \$12,000 when you are done with three cycles. The numbers you are giving are just the one time. Each time you do it, that number repeats.

Dr. Padawer: Each time you do it, it will be that amount. Those boxes are secured on the ground in a very strong way. I was concerned that kids could pick them up, could get into trouble, so I inquired. They are riveted, practically, into the ground. They are put so they are not conspicuous, in back of a log or in back of a rock.. There is no way that a kid could put his hand in it or get in contact with the wick or anything of the sort. The federal government mandates that the boxes have to be destroyed at the end of three months or so. They cannot be reloaded and reinstalled.

Mayor Kinnally: The boxes contain lures?

Dr. Padawer: It contains oatmeal or something like that, which these animals go for. There is a wick. So when the animal squeezes into the box it gets rubbed, whether it likes it or not, with this sticky side.

Mayor Kinnally: So this would cover the Hillside area.

Dr. Padawer: The Hillside area, the school part, is the \$4,400. They found ticks at the entrance of the pool. That would be \$1,710.

Trustee Holdstein: While it is not ours, but the \$4,400, how many boxes in a place like Hillside Woods?

Trustee Apel: It is 148.

Mayor Kinnally: We have 57. This, unfortunately, will only cover that one small area, though.

Dr. Padawer: Correct. You cannot control the whole thing. All of Hillside Park is involved, but this is one place where the kids play a lot, where they go a lot, and where I think the school has a responsibility.

Mayor Kinnally: That is for the school to decide. We have the report from Tick Control. We have the underlying data, the location of the boxes, and the quotations. Are there any questions?

Trustee Jennings: I am curious about the tickicide used. What is the reason that it cannot be delivered in another fashion, such as spraying?

Dr. Padawer: It will kill more than just ticks. You do not want to get rid of ants and bees and whatever else is part of the environment. In addition, you do not want to come into contact with it. By confining the tickicide within the box, which is not accessible to the kids, we are protecting them while at the same time going after the ticks. Do we get all of the ticks all the time? No. But I hope we can make a major dent in their cycle, at least locally. Mice have a very short territory. They go about 30 yards back and forth. If you have a chipmunk in your yard, you are used to seeing it coming back and forth from one place to the next day after day. The territory is fixed. If you can grab them within these territories you have already done something fine.

Trustee Swiderski: Setting aside the fact that my mother, my daughter, and my dog have all had Lyme disease, I am certainly sympathetic to this issue. And I, two out of the three last weeks, have peeled deer ticks off myself. So I am one of your statistics. I support this idea, and suggest that in the following year we do a test run by somebody other than this company to verify how effective this process was. I would deal with this as an experiment.

Dr. Padawer: If we can find somebody to do that, this would be our wish. We have mounted this effort now on a very short time period. I can vouch for the technique that they use. I have used it in my own laboratory. I know it is very dependable. The monoclonal antibody system is one that is used for many things and in many clinical tests. The only possibility is that they do not do it enough. They counted 25 ticks in each location. And with 30% of 25 tickets, statistically speaking, you have a pretty good idea that it is fairly common. I must emphasize this would have to be done by August 1 or not much later in order to have an effect next year.

Trustee Holdstein: This is something that would have to be done constantly or you are back to the same problem. Am I right?

Dr. Padawer: No. Because, it is the sort of thing that feeds on itself. If you have mice that are not infected because you have killed the ticks then they cannot transmit it to the next thing that comes and feeds on it. And I hope that the deer committee will find a way to manage the deer herds so there will be fewer deer and therefore fewer ticks.

Trustee Holdstein: But this just in and of itself would reduce it and not require us to be doing this for the next 50 years every year.

Dr. Padawer: I would hope not. Depends what happens with the tick population.

Trustee Holdstein: How do the nymphs go from the mice to the deer?

Dr. Padawer: They drop off when they have had a good meal. They sit there digesting it for several weeks or a couple of months. Then they go to the tip of a blade of grass, and as the deer comes and browses they attach to the deer's head and find a home there.

Trustee Jennings: In terms of choosing where we should begin this process, it makes sense to think of the Hillside School area and the pool area. But I do not know the usage of our different parks and how these areas compare to how many children use Reynolds Field, Zinsser Park, and some other places around.

Dr. Padawer: I am sure that if you tested these other parks you would find the same sort of data. The question is the bottom line. It costs money, and when it comes to money I do not want to have anything to do with it except pay my taxes. You people are the ones who decide how much you want to pay and for how many places and how far your responsibility goes. This is a political issue, not a biological one, and I am only concerned as a biologist.

Trustee Jennings: Is this system available for purchase by private individuals in their own yards?

Dr. Padawer: Yes. It costs approximately, for a 1/4-acre lot, about four or five hundred dollars a year.

Trustee Jennings: That is information that we should make available to people in the Village, both so that they would have the choice to do it or not to do it, but also the way this system works, the more private yards have this treatment in around the Village the better and more effective our public control measures are going to be, and vice versa.

Trustee Holdstein: If we spend the \$1,700 and do it on the Village properties that have been identified, and the school board chooses not to do the \$4,400 investment on Hillside, is the positive effect of our investment going to be felt? I guess the answer goes back to your concept that they do not wander very far so that we would, if it succeeds, reduce the tick population as people approach the tennis courts or approach the pool. So you have done some good there, and it does not mean that the good efforts there would be wasted if the neighboring property does not use it. Is that correct?

Dr. Padawer: That is correct. If you work in an environment where a lot of people have tuberculosis you have a better chance to catch it than if you are in an environment where only one individual does. Same thing here. The more ticks that carry the germ, the more risk you have.

Trustee Apel: If we do our area, the deer do not know that they are not supposed to walk over there. But we have to start someplace..

Mayor Kinnally: It is a start. Are you making a similar presentation to the school board?

Dr. Padawer: I am willing to. I left word with the superintendent. Dr. Russell was present when they did the testing at the Hillside School. He watched it, he got the results, and he was very impressed. He himself has had Lyme disease. Lyme disease is not as mild as some people think. It takes more than a shot of antibiotics to cure you. If they catch it right away that might do it, but if it delays by a few weeks you may have a problem for your lifetime. Serious brain damage, among other things.

Mayor Kinnally: I thank you and the committee for doing what you have been doing in prodding the Town of Greenburgh. It is nice to be in the forefront of something, although it is difficult to deal with something like this. What is the pleasure of the Board here? Is it your consensus that we authorize the expenditure for this year and see what happens?

Trustee Apel: I definitely think so.

Trustee Holdstein: I think as an experiment at least it opens up our eyes, if it works, to being able to spread from the municipality as well as encouraging residential.

Mayor Kinnally: I will take that as a yes? Okay.

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

WHEREAS, the Board of Trustees of the Village of Hastings-on-Hudson has received and considered the report of the New York Tick Control, LLC entitled "Lyme Disease, Risk Assessment, Hastings Elementary School grounds and Hillside Park, the report on June 28th, 2005, and

WHEREAS, the report's results have determined a significant risk of human contact with ticks due to both the pressure of tick habitat and high human contact, and

WHEREAS, the report has identified Hillside Park as at a high-risk level for human contact with Lyme disease-carrying ticks, and

WHEREAS, New York Tick Control, LLC has proposed the use of a tick management system for Hillside Park at an annual cost of approximately \$1,700 for a one-time application in August, 2005, and

WHEREAS, the Board had advised that such an application of the tick management system must be made prior to August 8, 2005 to maximize tick control in the Hillside Park, and

WHEREAS, the Board is aware of the significant health threat posed to the public by Lyme disease, now therefore be it

RESOLVED: that the Acting Village Manager be authorized to enter into a contract with New York Tick Control, LLC for application of a tick management system for Hillside Park at a cost of \$1,700 as set forth in the proposal, to be paid from the general fund.

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	

67:05 CONSTRUCTION EASEMENT AGREEMENT

Acting Village Manager Maggiotto: There were some questions at our last meeting because the drawing indicated that the easement would be also at the rear of the property. There was cross-hatching on both the adjacent easterly side of the 45 Main Street property as well as in the back. But as you see from your memo from Marianne, who reviewed it with Urban Green, there is no problem. It was a mistake by the architect who had shaded in the wrong area. The easement is, as we had thought, only along the eastern edge of the property. It has been reviewed by the Building Inspector, by the ambulance department and nobody has any problem with it, and we recommend approval.

Mayor Kinnally: The easement is on the eastern edge of their property and the western edge of our property. Any questions or comments from the Board?

Trustee Holdstein: I have a very stern comment. I am 110% opposed to giving Anderson and his company one iota of any easement until there is a complete resolution to the issues of

linkage between this site and the Division Street site. The fact is that we are in a holding pattern on both. The fact is that if Division Street does not happen, this site will then demand three affordable housing units. But in the Planning Board's deliberations for this site, in addition to working an arrangement to have more affordable housing units in the Division Street site, there were other considerations given to the 45 Main Street site that I do not believe the Planning Board would do if we were strictly talking about this site and three units. I do not think we give this developer anything until we have a complete resolution about the linkage of these two sites. I am not happy, as I expressed at the last meeting, on this issue of the discrepancy that has been corrected.

But we are now in a real quagmire with this guy. We had a commitment on two sites, there are issues with the banking, there are issues with the financing. I think we put our foot down and say no easement, no nothing, until you get back to us that both these sites are being developed as planned with the units of affordable housing on Division.

Acting Village Manager Maggiotto: The easement only comes into play if he begins construction at 45 Main. Otherwise, the easement does not mean anything to him. You can take it off the agenda and not vote on it, but I do not think it is sending the message that you want to send.

Trustee Holdstein: I respectfully disagree. I understand that it only comes into play when he begins construction. The message I am sending is we are not going to do any more for you, Mr. Anderson, until these projects are in line the way he has presented them all the way through. Right now I feel as though the deals that were made and arranged, and they were good deals, good for the Village and good for him, are now beginning to crumble. I think we should stop, until he gets issues with this linkage, issues with his financing, in line. My reason for wanting to stop this now is to say, You have to get your ducks in line.

Acting Village Manager Maggiotto: I got an update today from James Huang from Urban Green. You are right about the linkage. The linkage of the two projects, 45 Main and 422 Warburton, caused the bank that is financing 45 Main to have cold feet about it, because they did not want to be in a position that a project they are not in control of might derail their investment at 45 Main. So Urban Green went to the last Planning Board meeting in June with a proposal. The Planning Board was not happy with the proposal, so they are going back next week to the Planning Board with a new proposal. There are two aspects of it. One is that if 422 does not happen, then we get three affordable in 45 Main. I understand your point that it is not what we wanted.

Trustee Holdstein: There were a lot of concessions made to that site, over and above that.

Acting Village Manager Maggiotto: Then there is another proposal that has to do with putting money into escrow. If the Planning Board chooses one of those options and all goes well, then they can close on their financing and they will begin 45 Main by September.

I asked James what is happening on 422. He said that the big stumbling block was the PILOT. Now that the School Board passed the PILOT, they are going to the Housing Financing Authority. They need three approvals from them, and this would be the second one. The third one is their final loan approval that will come in September because the HFA is responsible for 50% of the financing.

Trustee Holdstein: That is a lot of open-ended stuff.

Mayor Kinnally: This is a problem of Anderson's making and only Anderson has the keys to unlock this problem. Whether or not 45 or 422 go forward, it is not something that we have control over. I am confident that the Planning Board is going to insist that the Village get what it bargained for. Eric is going to watch this tape. The message is sent. It does not matter to me if this easement goes forward. It is a moot point if the project does not go forward. We can wait until the next meeting to decide it because he is not going to have his authorizations until then. If you want to put it over, fine. But I want to caution the Board that ultimately the green light on this project is not the Village Board's, it is the Planning Board's.

Trustee Holdstein: I understand that, and that is why I am concerned that the Planning Board, in the whole process, did other things for 45. My only point is, this easement we can do in August, we can do in September.

Mayor Kinnally: I know, but we have to be careful. I do not want to put undue pressure on the Planning Board. They are the ones who will have the proposal before them and have to work their way through it.

Trustee Holdstein: Was there something that I said that qualifies as undue pressure?

Mayor Kinnally: I do not know. I am just making an observation.

Trustee Apel: I think instead of looking at it as pressure we could look at it as being supportive of the Planning Board in dealing with them, and that we are supporting them in their negotiations by not doing this until they are ready.

Trustee Swiderski: We have been very supportive of Eric in both 422 Warburton and 45 Main Street and we are at a point where we are running out of patience. I agree with Mike. It is incumbent upon Mr. Anderson to address these issues, fix the financing, and come back

to us when he is ready with fully-formed proposals in hand. A wait is appropriate. I am disappointed and I believe and trust that the Planning Board will live up to its obligations and force Mr. Anderson to live up to his. The Planning Board has been great and I think they will do right by us.

On MOTION of Trustee Swiderski, SECONDED by Trustee Holdstein with a voice vote of all in favor, Resolution 67:05 Construction Easement Agreement was removed from the agenda.

71:05 SCHEDULE PUBLIC HEARING - SALE OF VILLAGE OWNED PROPERTY

Acting Village Manager Maggiotto: This request came three years ago from Kathy Ryan, who lives at 83 Cochrane, to buy a piece of property adjacent to her house. It went to the Planning Board. The Planning Board said that it had no municipal use. It is a piece of the old trail system, and the question came up, could the trail be relocated so we could have a continuous trail? The answer to that came back negative, but we will go over all these things in the public hearing. Brian prepared a memo for us on the sale of Village owned property.

Village Attorney Murphy: The Village has the right to sell it at auction. The Village Assessor should look at the property and set an upset price based upon his estimation of the value of the property. The Board has a right to sell it either outright after the fair market value has been determined, or sell it at auction, either open or sealed bid.

Trustee Holdstein: So we do not even have to go to auction. We could sell it to her.

Village Attorney Murphy: You could conceivably sell it directly, if you wished.

Mayor Kinnally: In the past we have had an upset price with an auction.

Village Attorney Murphy: I believe it was on sealed bid.

Trustee Apel: That particular date, because it was part of the trail, are people from the trailways committees and so forth going to be around to address this issue? We are picking a date in the middle of the summer.

Mayor Kinnally: We are going to be loaded in September, but what is your preference?

Trustee Apel: I think it should be done in September because the neighbors need to voice their opinion, too.

Acting Village Manager Maggiotto: We can change the date to September 27.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Sept. 27, 2005 at 8:00 p.m. to consider the advisability of selling Village-owned property adjacent to 83 Cochrane Avenue, Sheet 26, Block 0681, Lot 23A.

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	

72:05 BUDGET INCREASE FY 2004-05

Acting Village Manager Maggiotto: Our auditors were here four days last week. Every year at the end of the audit we have adjustments to our budget. This resolution and the next deal with this.

I would like to point out something about this number. It is not what we on the staff consider a true number, although the auditors consider it a true number. We went over our budget by a little over \$100,000. However, we incurred the obligation to pay that \$356,000 certiorari last year. Even though the stipulation from the court was that it was payable in June of this year, and our attorney clearly did that to assist us in our budget planning, according to the auditors, because it was dated December of last year, it had to be considered for bookkeeping purposes a liability for last year. In November, we are going to borrow the money to pay the certiorari. That money will go back into the general fund this year, so it will erase that.

We had overages in the budget of significant amounts in employee benefits, but they were offset by increased revenues. We also had substantial overages in revenues. We still ended up with a surplus, but we have to adjust the budget to reflect that we expended \$468,000 more than you approved in your budget resolution for last year.

Mayor Kinnally: Do we make an adjustment in the revenues?

Deputy Village Treasurer Zaratzian: The reason do not see it on the revenue side is because we made our revenues and more. When you over-receive money, it goes into the surplus. The budget has to be increased on the expenditure side because we went over what legally you said we could spend.

Trustee Jennings: You are saying that there is no limit to how much we could receive, only a limit to how much we could spend.

Jeff Bogart, 5 Jordan Road: Where does the increased revenue come from? Are the taxpayers paying more, for example?

Acting Village Manager Maggiotto: We did not overcollect taxes. We collected exactly what we said we were going to collect. Sales tax revenues were quite a bit higher; mortgage tax revenues were increased more than we anticipated.

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

RESOLVED: that the Mayor and Board of Trustees increase the FY 2004-05 General Fund budget by \$468,344.00 to be paid from General Fund surplus.

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	

73:05 BUDGET TRANSFERS FY 2004-05

Mayor Kinnally: This is an increase from debits of \$911,722 to credits of a similar amount, \$911,722. It includes taking funds from contingency, buildings, uncollectible taxes, employee tuition programs, police, fire, drug abuse prevention, street maintenance, playgrounds, celebrations, planning, emergency tenant protection, unemployment, and the appropriated fund balance to village justice, manager, clerk, law, unallocated insurance, municipal dues, judgments and claims, traffic control, safety inspection, central garage, snow removal, youth employment service, administration, culture and recreation, parks, after school program, day camp, athletic, zoning, sanitary sewers, storm sewers, refuse, street

cleaning, shade trees, employee retirement system, police and fireman's retirement, social security, workers' compensation, hospital and medical, transfer out to capital.

Acting Village Manager Maggiotto: Some are major overages, like the healthcare, but many are small ones. I want to thank especially Ellen and Raf, who spent a good part of last week dealing with the auditors. It is a full-time job, and their other full-time jobs go on, as well. The auditors were very pleased this year. They said it was a very good audit and went very smoothly, so they are to be commended.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Acting Village Treasurer to make the budget transfers for FY 2004-05 as attached.
[See attached transfer sheet]

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	

74:05 LEASE AGREEMENT - ST. MATTHEW'S LUTHERAN CHURCH

Acting Village Manager Maggiotto: The building next to St. Matthew's Lutheran Church is where the Parks and Rec department is going to relocate beginning in August. We were able to negotiate this lease with them to rent space. It has an ending date of August 15, 2006; we may or may not be out of there by then. It is probably going to be September or October of 2006, but the lease has a provision to extend it. In informal discussions with people from St. Matthew's we do not see any reason why we would not be able to extend it, although Mr. Murphy cautioned in his memo that we may have to negotiate a new lease. But I think we will be able to stay there for as long as we need to.

Trustee Holdstein: The monies to pay for this, will this come from the bond or from general funds?

Acting Village Manager Maggiotto: I believe it will come from the bonding.

Trustee Jennings: Does this include our use of their parking lot?

Acting Village Manager Maggiotto: Yes, they have been very accommodating to us.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Acting Village Manager to sign a lease agreement with St. Matthew Lutheran Church for rental of 11-13 Farragut Avenue for a term of one year for a monthly rent of \$1000.00 plus \$400.00 for utilities.

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	

75:05 SNOW AND ICE AMENDMENT B 2004-05 SEASON

Acting Village Manager Maggiotto: Due to the severity of the winter and the high cost of fuel during 2004-2005, the state has adjusted the contract we have with them for snow and ice removal. We will receive an additional \$9,000.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Acting Village Manager to sign the Amendment to Change the Estimated Expenditure for Snow and Ice Agreement for 2004-05 Snow Season from \$6,368.00 to \$15,372.36.

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	

76:05 SCHEDULE SPECIAL MEETING BOARD OF TRUSTEES

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

RESOLVED: that the Mayor and Board of Trustees schedule a Special Meeting for Tuesday, Aug. 2, 2005 to award bids for asbestos removal in the James Harmon Community Center, for street resurfacing, and for approval of the contract with the new Village Manager.

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

Acting Village Manager Maggiotto: You may have noticed there is a little more sunlight on Main Street and Warburton. The trees have been trimmed. I think they did a fine job. I have not received any complaints except one.

Trustee Holdstein: What did that one say?

Acting Village Manager Maggiotto: That we had decimated the trees. But trees in the downtown are problematic. We cannot have them as full and beautiful as we would like them to be because they cause too many problems. We removed a tree in front of Dr. Kutz's bank building on Main and Whitman. From across the street I was struck by the beauty of this building, and then I realized that I was seeing it because the tree was gone. We had it taken down in consultation with Dr. Kutz because he wanted to replace the sidewalk that had been raised up because of the roots. They were absolutely delighted. They think that their building is really a showcase now.

Trustee Apel: Sometimes instead of having trees they have these large planters which do not get very big because of what you plant in them. When they take a tree down, could we put something else there?

Acting Village Manager Maggiotto: We could. We have not decided yet if we want to put in a smaller-scale tree.

Mayor Kinnally: Did they take that tree down in front of the renovated building across the street?

Acting Village Manager Maggiotto: The owners wanted to keep the tree. They supervised the trimming. They really liked the tree, they just did not like the effect that the tree was having on the sidewalk. But they thought that maybe with some judicious pruning we could see how it worked.

There is an addition to the Boulanger parking lot: a pay station at the entrance to the alley. We have it on a two-month trial, so I am sure that over the next two months we will hear lots of comments about how it is working. We are leaving the meters in place in the lot; we are just covering them. There will be signs on them directing people to go to the pay station. From the beginning when we talked about redesigning the parking lot we planned to take the meters out of the center aisle, so it should come as no great surprise that now we finally have taken the next step, which is putting the pay station in. We are leaving the meters in the handicapped spaces because we thought that would be appropriate.

You go to the pay station, you hit any key to start it. You put in your space number which Mike has painted at the ends of each space. Then you put in your coins for as much time as you want, and you get a little receipt that tells you in big bold numbers what time your meter expires. It will work to people's advantage because they will have the proof right in their hand of what time their meter expired. There will not be any disputes on tickets for fast meters because you will have proof of when your meter expires. You do not have to put the ticket back in the car. The parking enforcement officer will check the status by looking at the machine, and will be able to tell which spaces have time on them.

Trustee Apel: If you put it in for an hour and you want to go back for another 15 minutes, do you have to wait until the whole hour is up to put money in, because once you start putting money in again it zeroes out?

Acting Village Manager Maggiotto: Yes, it does. The way it is programmed, the only way to put more money in is to put your space in again. When you enter the space the time goes to zero.

Trustee Holdstein: Can the program be changed so that if you have got 16 minutes left and you go put in two more nickels you get 26 minutes instead of 16.

Acting Village Manager Maggiotto: It could be programmed.

Trustee Holdstein: In the winter, while we do an excellent job of clearing out, there are often times where you are parking in snow or ice covered spaces. What if the number is covered?

Acting Village Manager Maggiotto: Mike took care to paint the numbers as far out from the space as he could without being too far so you would not know which space it applied to. As soon as the lot is plowed and useable you will be able to see the number. Obviously, if you cannot see the number you are not going to get a ticket. I would expect that would only be a few days. And there were certainly many days that we did not ticket because people could not get to the meters because of snow banks.

Trustee Holdstein: If this thing stays, we will retain the meters at the handicapped spaces?

Acting Village Manager Maggiotto: I would say so. That seems reasonable.

One of the other issues is that these are mechanical meters and we are not able to get parts for them any longer. If we decide to keep this, we would like to use those meters for parts for the other mechanical meters that are on the street. It is also cost effective. If we were to replace all the meters with electronic meters the cost would be about twice as much as the pay station.

Mayor Kinnally: This is a pilot program. We had started talking about this a few years ago. In fact, one of the reasons we are thinking of this, other than seeing it in other cities and in other countries, was that someone talked to me on Warburton Avenue about how some municipalities out west have done this in snow areas, too. His observation was it cut down drastically on the personnel time and the capital expenditure. It may work, it may not work. I was struck by the volume of some of the objections even before the unit went up. Is it going to be a change? Yes, but let us give it a shot.

Acting Village Manager Maggiotto: It is also hard to discuss something like this in the abstract. You have to experience it. I think the comments we get after the two months will be valid, and we will listen to them and assess them.

Trustee Jennings: It strikes me as a very good system. I am very glad that we are putting in a system where you do not have to take the ticket back to your car. I have used some of those types of systems in other places. It is rather inconvenient, but this is much better. Is there a clock in the unit? One might actually be off with one's watch. The ticket you get says time is up at 4:05. That is 4:05 on that clock, not on your watch.

Acting Village Manager Maggiotto: I am not sure. It might have both times on the ticket: the time of issue and then the time of expiration. I will check on that.

We are in putting the final touches on a study of recreation fees. The recommendation came from Marianne Stecich that we might look at assessing recreation fees for development in cases where they are not able to provide recreation facilities in the development. In many municipalities the developer is required to pay a per unit fee. The study that we put together indicates that \$8,000 per unit might be a fair price. The proviso to do this is in state law so you have the authority to impose it without a local law. What you need to do is have a resolution to set the amount of the fee.

Trustee Swiderski: The wall is up in Boulanger, but no fence yet. Any sense on when the fence will come in?

Acting Village Manager Maggiotto: The fence is being fabricated. However, we had an issue with the gate. The original gate was 10 feet wide. The landscape architect put a six foot wide gate in the drawings. By the time it came to our attention that we needed more than a six foot wide fence opening, because we use that opening for the vehicle that puts the lights in the trees and for emergency access, it had been partly fabricated that way. Christina has been working very hard on this problem. The fabricator was not happy and wanted to charge us a lot of money to make the change, so she found another fabricator who will take the two pieces already made and somehow put them together into a gate. It will cost an extra \$2,000 to do this. But she has suggested that this money be subtracted from what they had planned to spend on the landscaping because the landscaping amount had been pretty generous. The bottom line is that we will not be spending any more than we had anticipated. But it was unfortunate. It was just an error, but the rest of the fence should be ready very soon.

Trustee Holdstein: Was the error made by either Christina or the landscape architect?

Acting Village Manager Maggiotto: I do not know.

Trustee Holdstein: You know where I am going with this, but why would we pay for their mistake? If it is the landscape architect's mistake in the design, they should absorb the cost of \$2,000 to correct it. It just seems logical to me. If the mistake was fuzzier than that, I am open to discussion. But they made the mistake.

Acting Village Manager Maggiotto: All right, we will discuss it further. Because I do not know at what point...

Trustee Holdstein: That is what I am saying. If there are some other mitigating circumstances...

Acting Village Manager Maggiotto: I have not really talked to her. I just know the bottom line. As soon as we realized the error we knew we could not go forward with the six foot opening. That was just a given. That has held up the whole fence, but the fence will be up soon and the landscaping will be installed early in the fall.

Trustee Jennings: Can we call this VFW-gate?

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Fred Yaeger, ARCO liaison: We borrowed from the Trustees the phrase waterfront update and on our website home page, oneriverstreet.com, on the right-hand corner we put waterfront update to give people a weekly update on the activities of One River Street. We felt that would be a way for people to actually see what is going on on a weekly basis.

We put a barge out last week on the river. It is the Atlantic testing lab. We are doing some sediment testing for PCBs and metals in the water. We are going out about 50 to 500 feet all along One River Street and we are testing the sediment in that area.

We expect there will not be any Building 15 probably by the end of next week, and we will all be able to see a beautiful view.

We are running about three or four trucks on a daily basis removing the steel, and it goes for recycling. When Guski was in they were running around 17 to 18 trucks a day, so I just wanted to let people know that it is much less than what Guski was running. They go in through Dobbs on Route 9, then they make that little right turn on Warburton and make a right turn on North Street, then a left on Maple, then to the train station and go over the bridge. The return trip is that same.

Mayor Kinnally: North Street is not supposed to have through truck traffic on it, so have them come down Spring Street both in and out. Have you run into any unforeseen problems?

Mr. Yaeger: A little dust that came up in the beginning and Susan got a complaint, but I talked to the resident and everything seems to be settled. Everything else seems to be going very well.

2. Street Resurfacing

Acting Village Manager Maggiotto: I would like you to look at the second page on the street resurfacing. The first page were Mike's initial recommendations; the estimate that we got from one of the companies who does street re-paving is \$206,000 for those streets: Calumet, Pleasant, South Calumet, Chauncey, Valley Place, Hillside, Hopke, and Branford, all of which we had agreement on.

But we received a number of letters and e-mails from residents who pointed us to Circle, Ferndale, and the Chestnut area. I would like to thank Stephen and Elissa Geissbuhler from 60 Hollywood for taking the time to take these striking pictures of potholes, all in that area. Some of them are potholes that are going to be filled in this week and do not necessarily require re-paving. Mike looked at the area, and his recommendation was, if we wanted to address the streets in that area, to do the additional streets of Circle Drive, Ferndale, Ferndale Drive, the dead-end, and Chestnut, and not go up to Scenic and Hollywood. He thought that at this point they could be handled with some judicious patching.

Trustee Holdstein: Hollywood is the least of it. It is getting *to* Hollywood, coming up there around the corner and past Christina's house.

Acting Village Manager Maggiotto: This would probably be a good year to make this more major expenditure because we have the serial bond coming in November and we can borrow the money directly through the serial bond and pay it out over the course of a few years.

Mayor Kinnally: I would authorize these subject to one more look-see, but I think this is probably the time to do it. With gas prices and oil prices, this stuff is not going to go down. We cannot, on a number of these streets, go through another winter.

Trustee Jennings: Did Mike take a look at Cliff, Burnside, and Windsor?

Acting Village Manager Maggiotto: Yes, he did look at them because I had mentioned them after the last meeting. He did not include them. I know he has done some patching on Cliff, but he did not seem to think that it required paving this year.

Trustee Jennings: At the entrance to the Boulanger lot the curbing is torn up. That should be patched. It is just a silly little bump, but so many people go over it that it leaves a bad impression.

3. Local Law -Window Guards in Multi-Family Buildings

Mayor Kinnally: This suggestion came through an e-mail to require, at a tenant's request, the landlord to install window guards in multi-family dwellings. Marianne took a look at it, and she canvassed some other municipalities and came up with a proposed local law. I think it is something that warrants our attention. Susan, maybe you can give notification to the property owners who would be affected by this and give them a heads-up. We can tentatively put it on our schedule for the August 16 meeting as a discussion item.

4. Neil Hess Retirement

Mayor Kinnally: We had a retirement party on Sunday for Neil Hess who, as everyone knows, is retiring at the end of July. It was attended by about 180 people. Susan Maggiotto and Linda Knies did yeoman service in putting it together, and it was a very festive and celebratory afternoon, a little wistful at times. Neil was there, in great spirits. I think he had a very good time, I think his family had a great time, and it was a fitting tribute. A number of Neil's contemporaries from other municipalities were there and lauded him, presented him with various awards from the ICMA and the Municipal Administrators' Association. We had Bob McEvoy, who was the Village Manager here from 1971 to 1975, and Bill Williams who used to be in Dobbs Ferry, Rick Herbek from Croton, Al Gatta from Scarsdale, George Calvi from Ardsley.

It was a heartfelt outpouring of affection for Neil and everyone had a great time. This will be the last regular Board meeting in his tenure. I was trying to go back over the 22-plus years that I served with Neil. There is a two-year gap there. I would think probably over 750 public meetings that I had with Neil over that time and countless hours of telephone and nights on other things. There was a point where I thought we were picking out silverware patterns. But it is an amazing time when you go back, since 1981, and I am certainly going to miss him. He has been such a high-profile, high-visibility, high-impact person in this community for the last 24 years, it is going to be hard to envision life here, running the Village, without him.

He is continuing to get treatment for his cancer. He has just concluded 15 or 20 sessions of radiation therapy, and he will be having an MRI at the beginning of August. They will consider the next course of treatment, which might include chemotherapy. But his spirits were high. He looked pretty good. He has been beaten up a bit, there is no question about it. But he was certainly up to the task on Sunday, and I thought maybe I would not hear from him on Monday, but he called me, and he had reactions to the party. Neil is still in charge in more ways than one, but he is going to be missed here in the Village. I wish him nothing but the best in his retirement and his recovery, and expect that he will continue to be a vital force and voice here in the Village for years to come.

Trustee Swiderski: Privilege and honor to serve with him.

Trustee Jennings: Thank you.

Trustee Holdstein: Absolutely.

5. New Village Manager

Mayor Kinnally: That brings us to the announcement that we are appointing a new Village Manager. His name is Francis A. Frobel. He served as the Town Manager in Coventry for 19 years, and before that for eight years in Killingly, Connecticut. He will be starting on July 18. We are hoping to set something up which will afford the people in the community an opportunity to meet with him.

With that also comes heartfelt thanks from me and from the Board of Trustees to Susan Maggiotto, who has served us so well as Acting Village Manager, not only this time, but in Neil's prior illness. Susan, thank you for everything. Susan will continue. She will be a crucial component of the transition. I know that Fran called Susan today and they chatted. Starting at least on Monday, but maybe beforehand, there will be a lot of work to be done in transitioning and getting Fran up to speed. We will learn a lot about him, and he will learn a lot about us and I hope all to the positive. But Susan, thank you for everything.

EXECUTIVE SESSION

On MOTION of Trustee Apel, SECONDED by Trustee Jennings 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 Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:00 p.m.