

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**FEBRUARY 17, 2015**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 17, 2015 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobela, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

**CITIZENS:** Eight (8).

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of February 3, 2015 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 56-2014-15	\$244,756.12
Multi-Fund No. 58-2014-15	\$ 15,887.59
Multi-Fund No. 59-2014-15	\$ 3,122.62

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** These TVs or monitors should not be there. They are blocking off one of my best persons in this community, Mayor Chemka. Can you not put that someplace else or move the portraits?

We have not heard anything about BP since September 2, 2014. That is 167 days. I requested Mr. Quinlan maybe give us a report. Did they leave the country, go back to England? Did they lose their jobs? We have a \$350 million project down there and we have not heard anything at all. But boy, we will hear about the commercial district. We will hear about it several times in a meeting for maybe 15, 20 minutes.

We talked in June 2014 about veterans; a little relief on their taxes. When will that come up again? These guys are dying, the Second World War ones. Now it is the Korean veterans that are about a thousand a day. You should look into it. The time and effort you spend on

the commercial district, you do nothing for the veterans. Unless you were a veteran you do not know what they put up with. You should put it back on the agenda to give them something back. Otherwise some of them may have to move out of the Village. You could pay for it by the Ginsburg property. You are going to get a lot of building permits and fees. You can get it from the Broadway multi-million dollar mansion. The taxes on that would pay for it. Your rainy day fund that Trustee Armacost has been helping build up for a long time, you could take some money from that. So there is no reason you cannot do it. The school board did it. I do not see why the Village Board cannot do it.

**Tim Downey, 520 Farragut Parkway:** First is the upcoming election. What I wanted was for the candidates on both sides to think in terms of a more whole manner and not in this tribal type fashion that comes up with Democrats and Republicans where we get ingrained in this identify of this party versus really looking at what their goals are for the community. We see it too often in politics and I hope it does not arise in here. I was very pleased to see the blue signs that started going up that have no mention of Democrat. They just say a few brief words: the elections and the candidates' names. But certainly let us keep the tone of the conversation. We saw how contentious it became with the school issues, and I do not want to see that kind of dialogue arise again.

In the last week's *Enterprise* Trustee Jennings wrote a piece saying Village government needs leaders with relentless patience on the Board. I have a concern with that type of thinking. I have words that are a little different for trustees coming on the Board. That would be "pertinacious persistence"; somebody who understands that there needs to be an urgency in the task, understanding, of course, this is also a volunteer project and it is not a full-time job and there is a time limit to what people can do. When I hear "patience," I think of a synonym like "complacency." Are we sitting back too much and attending versus having a task at hand that we want to accomplish. A DPW vehicle recently that was replaced, you can see through the floor. Patience may not be the ingredient that we need as our main characteristic of our future Trustees. Patience is good, but there needs to be a sense of urgency. You have seen me up here pounding away at the DPW issues because that is what I know. Trustee Jennings brought up about attending the Bedford summit. Yet the last meeting when I spoke here, I did not hear any response to my bringing up the great wealth of information that was up there. Last Friday, recycle day, driving through the Village it was a windy day. There are the blue bins out there with the plastics flying across the street again. This cannot go on. We cannot have the kind of patience and the spending of money we are spending on a new truck potentially, and still have blue stuff blowing across. I am leaving you some information on the people I heard in Bedford. It would be worth it to find the money to bring one of these consultants here. The equipment, the casters, the trucks. I would like to see that conversation brought here before we spend the money on an obsolete type of truck design instead of moving forward and setting ourselves up with forward

thinking so we are more efficient, we are not having litter blowing about and, possibly retooling our manpower so we can address other major concerns in the Village.

**Patrick Randolph Bell:** Somebody asked me to bring up opening up parking on North Broadway across from Temple Beth Shalom. They are allowed to park there when they have services. He was asking y if you could extend parking throughout the week. It is a one-lane road there, there is room to park.

The village has changed the introduction to the Board of Trustees meetings online. You now have a *Magnum PI* theme song playing over a series of the photographs of the Mayor and the Trustees. I do not believe the Village has a proper license for this. I think we have an ASCAP license, according to the people who have worked in the Recreation Department. I do not believe that license covers something called the synch license. To get that, you have to go directly to Universal Music and Universal Pictures. When I spoke to them today they were very interested to check it out. I sent for the link to see is this covered. They are going to look into it so you might get a take-down notice, a letter from them, saying you are not supposed to be doing this. You can get a license through them to use that song. If you do have this other license, you should be using it more. If you are paying to use all these different songs through ASCAP, use them. Maybe Ms. Whitehead could look into that before we get some kind of suit or damages like they are asking for.

Some people are talking about moving the Farmers' Market to where the flea market is. Maybe you could look into it. Do we own that parking lot in front of the train station?

**Village Manager Frobel:** Yes.

**Mr. Bell:** So it could be a possibility maybe.

Last week you had a resolution concerning the appointment of election officials. From what I understand and from what I could look up, the appointment of election officials is reserved for the Board of Elections and not for the Village Board. Paying compensation is your responsibility. But I do not believe that the appointment is. So that seems not a proper resolution. Does that nullify the second half of that resolution if this happens to be the case? Maybe Ms. Whitehead could also look into that.

I heard that the Village did not approve filming of *The Leftovers: Season Two* here. Is that true?

**Village Clerk Maggiotto:** No. They chose to film elsewhere.

**Mr. Bell:** Was it anything to do with us, or was this due to them?

**Village Clerk Maggiotto:** No.

**Mr. Bell:** My friend was a writer on that show and I loved it. And the Village loved it, too. It was a great way for kids who are hoping to get into that industry to see it before their own eyes. Maybe next year we could try to bring them back.

The garbage bin behind Amjo's has been coming up. Maybe you could ask them to get another garbage bin. In the summer it overflows, and I live right down the street and I am picking up trash from there. Just from around Amjo's people throw it out their windows. Maybe we could try to do litter enforcement around that area.

I have been speaking to Ms. Walker and the Village Board about the male or female impersonator clause. A month ago you guys said you might try to bring that up and you would help me steward it through the Board. I would like to see that done, possibly put on the next meeting's agenda before the election, in the horrible case that Ms. Walker is not there after the next election. For First Amendment rights, for equal rights for the lesbian-bisexual-transgender-and queer communities, the LGBTQ community, I think it would be a great thing to do, especially as you are all Democrats. That is right up your alley and something that would make some people very proud of your action.

**Mayor Swiderski:** Your time is up.

**Mr. Bell:** Real quick the deer liability. Did you ever figure that out? Changing the letter to say the Village takes on all responsibility of injuries in case something goes wrong in your front yard? I have been asking you that for a few months now.

### **12:15 APPROVAL OF INTERMUNICIPAL AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM**

**Village Manager Frobel:** Looking to continue our relationship with Westchester County Department of Community Mental Health, we have relied on them to provide employee assistance plans for a number of years. We believe it is very economical and something that is well received by our employees and has been used on occasion. We are looking to renew it for five years. The cost is frozen for the five years at the \$45 we are paying today.

**Trustee Armacost:** Can you explain the kinds of situations in which it is used?

**Village Manager Frobel:** It is a program that we offer to our employees and their families if they are facing any stressors in their lives. As an employer it is important to us that we have a healthy workforce. If the employee has certain distractions in his personal life, be it substance abuse or domestic problems or anything that may come into the workplace that inhibits ability to function efficiently, it is our best interest to offer an opportunity for him to turn to. It has been used in the past by our employees. The price very reasonable and very efficient for us to offer to our people.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the intermunicipal agreement with Westchester County for participation in the Employee Assistance Program for the period January 1, 2015 to December 31, 2019 with a fee of \$45.00 per employee per year.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

**13:15 SCHEDULE PUBLIC HEARING - PROPOSED 2015-16 VILLAGE BUDGET**

**Village Manager Frobel:** I will be giving it to you no later than March 13. We will have a series of work sessions leading up to adoption, by state law, no later than April 30. In keeping with past practice and sequencing t, we are looking to hold that meeting on April 14. u have a meeting on April 7 and 21 so we thought we would hold this on a special night in between those two meeting nights. But I also would ask the Board to check your calendars and get back to me as late as our next meeting so we can set aside some evenings for our work sessions that you are going to want to hold throughout April.

**Mayor Swiderski:** Does everybody have their calendars with them today, or are we not prepared to do that?

**Trustee Armacost:** Not quite.

**Mayor Swiderski:** OK, then let us share and try to nail that down.

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, April 14, 2015 at 7:00 p.m. or shortly thereafter to consider the proposed 2015–2016 Village Budget.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

### **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** We received some very good news last week. Board members will recall that when we were working on a funding scenario for an emergency power generator at our Community Center we wrote letters to agencies and elected officials to determine if any grant money were available. We found out last week that Assemblyman Abinanti was successful in getting a grant towards that cost, for which we are very appreciative. When I contacted his office indicating that we had already proceeded, I was assured it was not too late. Because we had not paid all our invoicing for that work we can be eligible for that small grant. So a big thank you to Mr. Abinanti.

**Trustee Armacost:** How much will we get?

**Village Manager Frobel:** It is a grant for \$4,000. We had our original authorization for the generator. And then because those prices came in so favorably I recommended we extend that emergency power generator to our hook and ladder building. We paid that out of our operating budget. This grant reduces the dependence directly on our taxpayer, on our operating budget, by \$4,000. So very well received.

**Mayor Swiderski:** Fran, there were a couple of items in your report I would like to raise. First was the prep work being done by a citizens committee for the playground. I did get an independent e-mail from the person running that group, as well, that said the same things you said. That it is a very successful group, around a dozen parents; some had been there all their

whole lives, others are brand-new. Different opinions and perspectives on what the playground should serve as. They have come up with some designs and are excited by it. We did set a budget for \$125,000. It looks like they are looking to raise additional funding beyond the \$125,000 to fulfill their more ambitious agenda. There are some questions that have fallen to our attorney on how that sort of fund-raising may be funneled into the Village. But that is an exciting prospect.

**Village Manager Frobel:** Very much so. They are doing a wonderful job. I did not know they were looking to go beyond the \$125,000. I thought that was coming off that price. But either way, I have also asked Kendra Garrison to consider the Uniontown playground and how that can fit into this equation, as well. If some of the equipment at Reynolds is still serviceable and offers some attractiveness to a smaller footprint maybe that can be relocated if it is industry-safe, et cetera. Also at Uniontown we are concerned about the problem we had last summer with bees burrowing the sand. So we have got to make some changes up there, at a minimum, so we do not go through another summer of having a playground that is not user-friendly. I spoke to the chairman of the group today. He is anxious about getting direction as to how to structure this fund-raising effort, and they are very excited about moving forward in that regard. So all positives.

**Village Attorney Whitehead:** Fran, you and I have spoken about it. But if he wants to give me a call I am happy to talk to him directly about that.

**Village Manager Frobel:** They understand that they are not going to go through the 501c(3) and get a non-profit status. But they just want to make sure. I went over with him the mechanism that I envisioned, where donations could come to the Village, we would set it up as an account in what is called our "betterment account," and hold it in reserve for this single purpose.

**Trustee Armacost:** But is the reason why they are requesting it not that they want to give people a tax credit or a deduction?

**Village Manager Frobel:** I guess that would be the best scenario. But I do not think time will allow them to go through that exercise.

**Village Attorney Whitehead:** I do not think they were necessarily looking to set up a 501c(3). They were asking can we do it without that, with big donations. The main thing from the Village's point of view is that the Village cannot fundraise. If people want to make donations the Village can take it and put it into an earmarked account.

**Mayor Swiderski:** But if the donation comes in to the Village, is that tax deductible?

**Village Attorney Whitehead:** I am not going to give tax advice. They would have to speak to their own accountant.

**Trustee Armacost:** So let us get proper counsel on this. Let us say it is not, which is my belief, that it is not. One of the things that may be worth considering is whether there is another entity that is poised to be able to receive that funding to be able to give people tax deductions. That is a huge incentive in terms of generating income. The person who is the chairperson will be very savvy about that if we are able to give him some assurances that there is another vehicle. We have a number of not-for-profits that operate in the Village that would be able to do a flow-through, which is a perfectly legal way to operate.

**Village Attorney Whitehead:** Fran, from what I have heard, what you and I have discussed and the e-mails I have seen, that was not a major piece of it. I understand that you would think that people would be concerned about that, but I did not get the impression that was a major piece of it.

**Village Manager Frobel:** I did not get that impression.

**Village Attorney Whitehead:** The only thing we are concerned about, if funds come in that are earmarked we want to make sure they are not earmarked for a very specific plan or specific piece of equipment unless you have approved that plan or that piece of equipment. They can be more generally to a playground fund, at least until you have approved the plan.

**Trustee Walker:** In terms of fund-raising, there are a lot of communities and non-profit groups that raise money for community projects that use kickstarter-like crowd sourcing sites. And there are a number that are designed more for community projects like this.

**Village Attorney Whitehead:** But the Village itself cannot fundraise.

**Trustee Armacost:** Meg, those are quite expensive. The cut that Indiegogo and Kickstarter take, if you do not have another option you do not have another option. What we need to understand more is what their goals and constraints are. If the tax deduction issue is a concern, then we should know it because there are other not-for-profits that could do a flow-through.

**Trustee Walker:** Right. That is commonly done if they would be the sponsor. And then the committee could raise the money. It would not be the Village raising the money, it would be a citizens group raising the money. Maybe Indiegogo is expensive, but there are a number of ways to do this. And we could do it ourselves, we do not have to use something

outside. They could do it. Take the “we” out of it. They could do it. This was a big surprise. I did not know they were working on this. It is great, and they have a really creative committee. But a couple of thoughts. Could we not open this up and make a wider community effort out of it in terms of gathering information from the community? It is not that hard to do and it would make people feel like they have a sense of ownership and participation in this project, which is going to affect everybody in the Village.

It has the potential for being more than just a playground. There are other uses like picnics and parties, and there are a number of things that go on there besides just play. There are amenities that could be replaced or improved because it is not just for kids. Kids are accompanied by parents and older kids. We need to think more broadly about who else is going to be there and what are their amenities: comfortable seating, shade. I am suggesting slightly broader participation and perspective on it as a park. You do not necessarily need to just ask folks what do you want to see in a playground. You would say what kinds of things would you like to do in this space. I think we would get some creative answers. It is not necessarily expensive. It is a way to design it so you have a flexible space that can be used for a lot of different purposes.

**Trustee Jennings:** Could you clarify the relationship between the Village and the school district in this regard? I was under the impression that we had agreed to undertake the financial support for new playground equipment on Reynolds Field as a part of their reconfiguration of the entire property. But Trustee Walker’s comments suggest to me that the board may want to have an important role insofar as we broaden this what they consider to be the present use. Let us think about making sure we do not set up a Village-based planning citizen engagement effort which will then run afoul of the property control that is in the hands of the school board.

**Village Manager Frobel:** I do not think there is any change in the footprint. What you see there today is the boundary they have to work within. When there was an earlier scenario, there was thought of relocating that and changing it. But now that they have moved back to their original plan of the layout of the track and field so we are still working within the same boundaries.

**Trustee Jennings:** It was not so much the footprint that I was thinking of as the social usage. Perhaps I read too much into what Trustee Walker was just saying. But I am remembering many years ago when some people felt this was a community facility for community use and the school board at that time made it perfectly clear that that is not how they viewed it. This is ancient history but nevertheless let us make sure we keep our ducks lined up properly as we go along.

**Village Manager Frobel:** Let me touch base and make certain that they have been in

contact with them. I thought, Meg, in answer to your concern, that there was an outreach. I get the impression from Kendra that there was an effort.

**Trustee Walker:** But we did not hear about it.

**Mayor Swiderski:** That is how the group was originally set up.

**Trustee Walker:** But in terms of asking people what they would like to see or do in this park, that is what I mean.

**Village Manager Frobel:** I see. More of a survey.

**Mayor Swiderski:** Or have a public session now that they have some thoughts. We need to solicit more.

**Trustee Walker:** Just some more ideas. What they have come up with is fabulous. But folks would like to have some input into it, including children. It could be a fun event, where they solicit ideas from the public.

**Trustee Apel:** What Meg is saying is important. I have taken my grandchildren to some parks and they look gorgeous, but then the adult has to sit on this little rim at the end. They have to squat and they cannot get down. Or they cannot see the children and they are supposed to be supervising the kids. If nobody asks us what we want and nobody asks the children what they want, then how is anybody going to know? Finding out that information would be very helpful. Is that property ours or the school's?

**Village Manager Frobel:** The school's.

**Trustee Apel:** So it belongs to the school, but we fund this stuff. So that is where this can come into a problem. Just clarifying that.

**Mayor Swiderski:** And I will not quail from controversial ideas you raise, which, given the time constraints here, may not be doable within the next nine months. But you raise, or I should say re-raise, the idea I remember from former Chief Bloomer at least five years ago which as to shut Chauncey Lane as an entrance off of Five Corners and essentially convert that dogleg before it turns up into park.

**Village Manager Frobel:** I think it would be a great time to begin to plan for that. It would give you more greenspace, you could link into the Aqueduct. You would have to have access to the home at the end there, but we could work that out easily enough. It would be a

great opportunity to have more land to work with, if you were going to look at your playground, to have more than just play apparatus with more space for adults to enjoy as well. The basketball court is in close proximity to the road right now. There is not much of a buffer. It would be a great opportunity to design something like that.

**Trustee Walker:** It is a really interesting idea. Chief Bloomer brought it up, I remember.

**Mayor Swiderski:** Right. So in the interest of taking a step, does that originate in the Safety Council, or can we tackle that here?

**Village Manager Frobel:** We could start with the Safety Council. We could make a recommendation to them, although they would not really have the expertise.

**Mayor Swiderski:** Right. So we can decide the facts of this as a board. We do not need another board's input here directly. We can begin to talk about it.

**Village Manager Frobel:** I would think so. Perhaps the Planning Board, Meg?

**Trustee Walker:** We do have a new Transportation Committee. They could also look at it. And the Planning Board could certainly look at it. But another way to approach it is to do an experiment where you close it down. You talk about it, you announce it, and you close it down temporarily and see how it all functions. Understanding that it is going to become a dead end for the people who live there, but they might prefer that as long as they can turn around and get in and out.

**Trustee Armacost:** Tied in with this would be a discussion about what is called "scary street" by the children. I do not know what its official name is.

**Village Manager Frobel:** Fairlane.

**Trustee Walker:** Or Far Lane. Nobody knows.

**Trustee Armacost:** But the shutting down of that street makes it difficult, I think, for some people. So if we are planning to put in what I call pavements and what I think you call sidewalks along the edge there, that may take away the necessity to shut down those streets. Having all of these discussions at the same time might make them more palatable for the people who live there.

**Mayor Swiderski:** Or not.

**Village Manager Frobel:** But that is our plan to have sidewalks along that street because

the school project will bring it along Chauncey and leave it there. We will pick it up. As I noted in my comments, I am working with an engineer for those three locations we have talked about for sidewalks. I will have that presentation very soon.

**Mayor Swiderski:** Those three are?

**Village Manager Frobel:** Along Hillside and Broadway.

**Trustee Armacost:** And the scary street.

**Village Manager Frobel:** And Fairlane, yes.

**Trustee Walker:** Broadway from Main all the way to Washington, or just a piece of it? You are talking about that west side of Broadway.

**Village Manager Frobel:** Right, the west side from Washington to the Aqueduct. There is a section where there is no sidewalk and there is a part that is in very poor condition. We have a price for all of that.

**Trustee Walker:** Really? And that has to be done with the state's involvement.

**Village Manager Frobel:** In the report we will indicate there will be a big part that the state will play in terms of what amenities they may require you to make beyond the sidewalk. So that would be part of the need for further study. It could be more street lights.

**Trustee Walker:** We met with them a few years ago about that sidewalk and they wanted proof that people walked along there. We were going to go out and do some videotaping or filming because they did not believe that kids were using it. That is a well-used non-sidewalk. It will be interesting to bring it back up with them again.

**Trustee Armacost:** And also to ask them to chip in.

**Trustee Walker:** Yes. They do have some pools of money for things like this on state highways, for sidewalks and pedestrian improvements on state roads.

**Village Manager Frobel:** I am working with a grant writer to explore grant possibilities for sidewalk construction, realizing the cost is an important part of this overall scheme.

**Mayor Swiderski:** While we are dealing with items in your report, you raise the Hastings-

on-Hudson/Dobbs Ferry DPW feasibility study. This is something we have wanted to release for awhile now. The Dobbs Ferry Board of Trustees met last Tuesday. Originally we were talking about the end of February, and now they are talking about middle to later March.

**Village Manager Frobel:** They are. In fact, we were looking for a January release. That was our goal. Then we were letting it slip because Dobbs still was not ready as early as February. Now the administrator reported to me last week that Dobbs took it up at their meeting last week, as you noted, and they are hoping sometime in mid-March perhaps.

**Trustee Walker:** So you are saying Dobbs is not ready in terms of holding a meeting?

**Village Manager Frobel:** Just holding that public meeting. They are not prepared yet.

**Trustee Walker:** It is not that they are rewriting the report.

**Village Manager Frobel:** No, it is at a point now where the public meeting could be held.

**Trustee Armacost:** Is the goal to hold one public meeting?

**Mayor Swiderski:** It is to be a joint meeting.

**Trustee Armacost:** So the reports will be released at the same time on respective websites.

**Mayor Swiderski:** Yes, right. And maybe we can explore with them whether at least that can occur a little earlier. I do not see why not.

**Trustee Armacost:** People need to read it.

**Mayor Swiderski:** Right. It would be fair to talk and to raise that with them. This has gone on for awhile now.

## **BOARD DISCUSSION AND COMMENTS**

### **1. 400 Warburton Avenue – Stairs and Recreation Fee**

**Village Attorney Whitehead:** As was requested when this was discussed last month, the property owners submitted plans and an estimate. There were a couple of issues we were discussing. One was the recreation fee that would be due of \$37,500, and whether the cost of building the stair was going to be a tradeoff with the recreation fee or how the Board wanted

to approach that. There is also a timing issue. My understanding is that they hope to get their COs in the near future, so this issue has to be resolved before they can get their COs. They have provided an estimate for the construction costs that came out to \$37,379. Your Deputy Building Inspector reviewed the plans and was fine with them. He sent it out and got two more bids. One came in at \$29,750 and the other at \$28,500. So they would not use up the entire recreation fee. This board needs to decide do you want to collect the whole recreation fee, do you want to collect a portion of it and have them construct the steps, how do you want to handle this? That is where we left off. I looked back at the minutes from when this board had discussed this previously, and the discussion was the same at that time. It was left unresolved. And there was also a question about the owner at that time saying I would rather just dedicate the land and you can build it. You agreed that was not the preferable way for the Village to go. You would rather have the developer build it.

**Trustee Armacost:** It was not quite the same situation because we did not have any quotes. I think it is a little bit unfair to us to say that, from that point of view.

**Mayor Swiderski:** But the core question is, is the staircase an obligation or is it a negotiation where they construct it and we offset all or part of the cost with the recreation fee. So the question is, is it an obligation of the Planning Board. If we say we want our \$36,000 in cold cash, thank you very much, do they have the ability to say fine, then we are not going to build the staircase?

**Village Attorney Whitehead:** As I explained in my initial memo on this, the Planning Board's final approval resolution was sort of vague. The Planning Board wanted this and were looking to require it, but the way they said it was that they included a condition that the developer reach an agreement with the Board of Trustees regarding the provision of the access.

**Trustee Armacost:** Have we had a chance to talk to the owner about these other two bids, and whether either one of these other bids is acceptable or whether the bid that has been received is non-negotiable and is the only bid?

**Village Attorney Whitehead:** I just received them from Buddy today. Do you know if he has passed them on?

**Donato Settanni, 400 Warburton Avenue:** I have not seen the other two bids. If the other bids were by legitimate contractors, which I assume they were, and they were cheaper and they think they could get the work done, then that would be a conversation I would be willing to have. I am not looking to spend my money or your money in a higher bid.

**Trustee Armacost:** If everyone is amenable and one of the lower bids seems that it is from a reputable company and is covering all the things that need to be covered, then we need to take a lower bid.

**Village Attorney Whitehead:** It is not a municipal project. You are not putting it out to municipal bid. This is more looking at this like you have \$37,500, are you going to give him a credit against the \$37,500 recreation fee if he builds the stair.

**Trustee Armacost:** If there is a \$37,000 recreation fee and it can be done for \$29,000, and there is \$8,000 that can be used for other things that benefit the Village some way or other that relate to recreation, that seems to be the sensible way to go. And it is in principle with our procurement policy even if it is not a situation in which we have to use our policy.

**Village Attorney Whitehead:** Right. You would be saying the full recreation fee due on this project would be \$37,500. Instead of taking the full \$37,500 you were going to require him to build the stairway pursuant to the plans and specs that Christina Griffin prepared and which were used to obtain these other estimates. That you would expect him to build the stairway per those plans and specs and make a payment of the reduced amount; whether it is \$8,000 or \$9,000. You are basing the decision you are making on these other estimates.

**Mayor Swiderski:** Right.

**Trustee Armacost:** And the principle would be that rather than have the remainder go to a contractor I would rather have the remainder go to the Village for another Village program. That seems more appropriate.

**Village Attorney Whitehead:** It would go in the recreation fee account.

**Mayor Swiderski:** There is one other possibility, which is it turns out they are far more comfortable with the more expensive contractor. They pay that full amount and still rebate another \$7,000.

**Village Attorney Whitehead:** And that would be up to them. That is why I am saying you are going to do this as that.

**Mayor Swiderski:** We are saying a credit of \$30,000, or \$29,000, whatever.

**Village Attorney Whitehead:** You are saying build the stair and pay us X amount. Then it is up to them how build the stair and what they pay.

**Mayor Swiderski:** That seems like a fair approach.

**Trustee Walker:** I am comfortable with this approach. The amount that goes into the stair, and I think we can do this, subtracted from the recreation fee can be used as a match against the grant we received for completion of the Quarry Trail.

**Village Manager Frobel:** That is our hope. And the difference would help offset the out of pocket expenses for that trail.

**Village Attorney Whitehead:** For the quarry? Certainly it would go into your recreation fee account.

**Trustee Walker:** It could be used for the Quarry Trail, the full \$37,000.

**Mayor Swiderski:** It sounds like the Board is comfortable with that idea. What do we need to do to memorialize it? Is that a resolution, or is it a legal document drawn up?

**Village Attorney Whitehead:** There are going to be a couple of things. You can set the recreation fee by resolution, which would require him to build the stair pursuant to the plans and specifications provided by Christina Griffin and pay a recreation fee in the amount of whatever that difference is that you agree on. There are going to be some easements and agreements with respect to the access. A portion of the stairway is on Village property so it could be a temporary construction easement to allow him or his contractors to build that on Village property. They will have to provide insurance. And there will have to be an easement over their property to allow the public to use it. We can do it at your next meeting.

**Mr. Settanni:** That would work great. I am worried about being able to obtain my CO in about a month, say.

**Mayor Swiderski:** Could the legal documents be exchanged prior to the meeting so they are finalized when they get to us?

**Village Attorney Whitehead:** Do you have an attorney? Will you want to review the easement?

**Mr. Settanni:** Yes, I just give that information to him.

**Mayor Swiderski:** Is the Board comfortable with that?

**Trustee Apel:** Yes, very much.

**Trustee Walker:** Yes.

**Mayor Swiderski:** The final issue that Trustee Apel raised was around responsibility and stuff removal. Where was that left?

**Village Attorney Whitehead:** That was still an open issue. I do not know how you handle the other places where you have stairs that are within easements. It could be treated like a sidewalk, which would make the property owner responsible.

**Village Manager Frobel:** True. It is a seasonal trail. Once it is snowed in it is not like you are accessing it.

**Mayor Swiderski:** Right, the trail itself is not cleared.

**Village Attorney Whitehead:** The trail it is connecting to is not cleared in the winter by the Village.

**Village Manager Frobel:** I thought the bigger issue was the ADA.

**Village Attorney Whitehead:** I have done some research and I am comfortable on the accessibility issue. There are a couple of things that side towards it not having to be accessible. One is, it does not connect to either an accessible trailhead or an accessible trail. The other is, it is not a way of getting to somewhere where there is a program that you have to be able to make sure people can get to it. Due to the terrain it is just not possible. So I did do some research on that, and there are exemptions for various things. Your Quarry Trail is not accessible.

**Mayor Swiderski:** The first two are a logical elimination.

**Village Manager Frobel:** Then let us treat the stairs as a sidewalk with the ownership.

**Village Attorney Whitehead:** Then you have to determine are you going to make them do snow removal on it, or are you willing to have it closed off during the winter season.

**Trustee Armacost:** If it is not being used in the winter season it should just be closed off. That is quite a burden to put on them.

**Mayor Swiderski:** I do not think it is reasonable to clean a stair down to an ice slush.

**Village Attorney Whitehead:** You are good with that, right?

**Mr. Settanni:** Since I am eventually selling these units I am not going to be the one responsible for it. So I am agreeing for future people. My fear would be if they clear the stair and then at the landing of the stair where it is no longer our property they trip and fall and blame it on the stair being wet.

**Village Attorney Whitehead:** I think what we are going to do is, in the easement agreement we are going to provide that it can be closed off. It is a condominium, so the condominium can gate it or close it off somehow in the winter months when there is snow or ice..

**Mayor Swiderski:** The real more likely scenario for cleaning is leaves or trash.

**Village Attorney Whitehead:** They are going to be doing leaf removal on the property anyway, and things like that, so they can maintain this as part of that.

**Trustee Walker:** There is a precedent for this when Riverpointe Landing was built. They put the stair in to provide access to the Aqueduct.

**Village Attorney Whitehead:** And they maintain it.

**Mayor Swiderski:** Is it attached to the deed on the property? How does that work?

**Village Attorney Whitehead:** We will have an easement and maintenance agreement here.

**Mayor Swiderski:** Good. I think you got what you came looking for, which is an understanding of the Board. That is an exciting development, because it makes that trail especially useful.

## **2. Large Tracts - Next Steps**

**Trustee Apel:** I wanted to start this discussion by giving some background from the Comprehensive Plan.

The following objectives have been set for the remaining large tracts in Hastings-on-Hudson. I am going to read them in the order in which they presented them.

1. Protect and enhance gateways into the Village and the downtown.
2. Protect and enhance the environmental quality of the Village through preservation of environmentally sensitive areas.
3. Preserve and improve the quality of existing parkland.

4. Diversify the tax base.
5. Provide residents and the development community with transparent, simplified procedures for project review and approval. Provide community members with adequate information on prospective development and enhance opportunities for public participation in the decision-making process.
6. Preserve community character by protecting existing open space in public institutions.

Some of these things have been happening already. We have a committee that is looking at procedures and zoning. We had some open space that has been protected in the past so we have looked at that. Nothing is complete, but some of these things have started. We started to look at the gateways into the Village and the downtown. We had a report on that. We have not done anything with it, but we have started on that. What is happening next, which is part of the discussion, is what do we do to move the rest of the large tracts, what are we doing next. Are there laws on our books regarding the zoning that is there, but has not been placed on properties, they are just floating out there, that we need to discuss. Discussing diversifying the tax base is important. I believe we had a cluster housing law but it has not been zoned on anything. What I would like to see happen, and the Board may want to discuss this, is that while that is cluster housing I would like it expanded. If we are talking about diversifying the tax base, are there r things other than residential that should be on these properties. It does not mean they cannot be clustered, too. There is probably a way of doing it. WE need to think long term. In the past, we might have said, well, these things are zoned already for one acre houses or something like that.

**Mayor Swiderski:** Half an acre.

**Trustee Apel:** Now we want to cluster them in the middle, but why is it just housing, why is it residential, are there some other things that we would prefer to have that is more commercial in those areas. Of course, the waterfront. One of the things that is brought up in the large tract section is the development of form-based codes. We are waiting for the final report from the Waterfront Committee, which we would love to see soon. What we need to do, and we had discussed this before, is to charge the Planning Board with taking the initial steps on this. I open that tonight to start talking about some of these things.

**Trustee Walker:** The waterfront is another effort. If we look at the large tracts that are left, then they cluster into different parts of the Village and might need kind of different approaches. I am wondering if we can approach this first, before we start talking about clustering housing or preserving environmental features which is another way of preserving open space there, by having a public engagement process where we talk about use at these

sites. Then we can get into the environmental, then we could get into potentially under-uses there, which it is commercial uses or office uses, besides residential. Then we can also talk about the character of these sites and the gateways. There is a way of bundling especially the south end. In that case, we are talking about not only, but particularly, the two Andrus sites and the Graham Windham site. Then there are some others along Broadway, as well, starting with a broad brush and having some public conversations about what can happen in these areas before we jump into discussing cluster zoning.

**Trustee Apel:** This has been floating out there for years. I am concerned that we are not protecting ourselves. These larger areas that are basically not-for-profit organizations that may be under other auspices. As long as they own the property they can do what they want with it. But the minute they sell off any piece of it we have got to have a law in place because then they will say we took away their rights. To protect ourselves, and tell me if I am wrong, I want the Planning Board, or we should move forward, to drop that zone as an overlay zone immediately to protect ourselves while we are going through these processes. We can change it later, but at least protect ourselves.

**Mayor Swiderski:** You are talking about cluster overlay?

**Village Attorney Whitehead:** It does not necessarily have to be an overlay. There are things you can put into the code that would encourage clustering if someone was going to do residential. Most of those, especially the ones at the south end on Broadway, are currently zoned R-20, which permit the existing institutional uses as special permit uses and have different minimum lot sizes for those uses and some things like that. You can put provisions in for clustering that encourage the protection of the environmentally constrained areas, talk about the environmental constraints. There are things like that.

One of the suggestions was doing of a scenic overlay along the roadway. That allows you to push any development on the properties back from the road and require landscape buffers. That preserves your gateway because that is your view as you come in. You could do that, and then almost permit different types of commercial development, require a certain lot size. Right now, the lot sizes that are required for the different institutional uses are greater than what is required for the single-family residential.. So you preserve the large parcels and then you control it through FAR and coverage, just how much can be built on it. You protect your gateway view by requiring bigger setbacks in the buffers along the road. That is why I think you have to approach the different areas very differently because that one is an important gateway and has a visual feel to it right now that you want to maintain.

**Trustee Armacost:** This feels like a déjà vu conversation to me. We discussed all of these

things, and part of the reason why we did not move forward is because we came up against a set of challenges with each of the suggestions. If we could set a meeting and have a memo perhaps from you, Linda, on the different possible options and the pros and cons of each option. Maybe we can dredge up the minutes from those previous meetings.

**Village Attorney Whitehead:** That would be helpful.

**Trustee Armacost:** We did thrash through a number of those issues. It looked relatively simple and then apparently it was not.

**Village Attorney Whitehead:** These are things we have worked on in other communities. Finding the minutes would be great; it is not *déjà vu* for me because I was not there.

**Trustee Walker:** One of the things we kept running into, particularly when we started looking at the gateways, was that there are property owners who have opinions about what we should do with their properties. We would run into the same thing once we start to think about changing the zoning or even doing an overlay. I am not against doing any of those things, but it should be preceded by a meeting where we air all these things publicly so there is participation in this process. Then it is not just us saying we are going to have this zoning and that cluster and this gateway, and we are going to have public hearings. We need more community input into this.

**Trustee Armacost:** That is a great idea, but we need a logical framework in which people can be giving their opinions. I have heard a whole bunch of views, all of which disagree with one another. So it would be useful to have the possible options and pros and cons, and invite people to bring other opinions and ideas.

**Trustee Walker:** But the broader question is the character of this area, and what we want to preserve and what we love about it and why we want to do this. Then you can get into the specifics of how.

**Village Attorney Whitehead:** But a lot of that is already in your Comprehensive Plan which went through a public process and talks about things like the scenic overlay and diversity in the tax base. It talks about these kinds of things, about preservation of the environmental pieces.

**Trustee Walker:** What is missing is that I do not think there was broad community participation in the idea of the scenic overlay and the idea of the environmental preservation of those particular areas. There was one other thing you mentioned, the idea of something besides residential uses there. I have heard from a lot of people in that neighborhood who

said we never talked about commercial uses in this neighborhood. And this was already five years ago, as well. So it is important that we have the community weigh in.

**Trustee Armacost:** I think we involve the community a lot and it is great. We need to articulate a process so it does not get pushed back again and again. That is the problem.

**Trustee Walker:** But this would be the opening of that process. There is definitely a framework and different zoning and land use tools we can use. There is a whole range of things we can use. But we have to begin the process with community input.

**Trustee Apel:** I hear what you both are saying, and I am a goal-oriented, time management person. Anybody else sitting out in the audience or are watching this, this has been going on for years and when are we going to get on with it. If we are going to have this community input, if we want to do it fine. April we have community input, but we have to have the laws in by a certain time and we have to be very specific and set a schedule and move it because we are not moving this along. There are people that like to gather lots of information, but never want to conclude, and there are those of us that want to conclude already and move on. We are at the point, after having the Comprehensive Plan, that we want to move along..

The problem is that, yes, it is five years and you get new people moving in then you start all over again. At what point are you moving this along? I am tasked with moving you guys along and moving this on. So I do not care if we have one meeting. I think it is wonderful. We are moving along with this. We are not waiting any longer. The large tracts, I am very concerned, and I will say this again, that I want to protect the Village. We have things that are out there, we need to put them in place. If we have a different variation of it Linda needs to bring them to us and we need to put them in. We had the discussion, what about this area, that area. Let us do it already. Let us move on. Let us find the one area, we will do this, we are going to present that. Whether we have the Planning Board do it or we come up with a law or whatever it is let us move on with something so we feel that we have accomplished something. Letting it sit out there and sitting in a book I think is irresponsible by our board. We know that there are tools out there, we know we have to do this, and I feel strongly that now is the time to do it.

**Trustee Walker:** I agree and I agree with Niki, too. We have the framework, we'll set up all the possible options discussing the uses that could go there and the gateway ideas that we have already created. So we present that.

**Village Attorney Whitehead:** And you have to have a framework.

**Trustee Walker:** No doubt you have to have a framework, but you present that in the

beginning and then you get community input. Then you proceed. That is all I'm saying. I am saying we are not going to do cluster zoning and then have a public hearing, and then talk about changing the land uses and then have a public hearing. We have to do this as a package, a planning process.

**Trustee Apel:** Also we have to prioritize. If protecting us is dealing with the larger overlay areas, then we have to do that first. If the second thing is then going on to the gateway, and I know they overlap, we will go on to that next. But I am serious about protecting ourselves. We have waited long enough, and let us not get ourselves into trouble. We do not know what the future is going to bring so we just move it forward.

**Trustee Walker:** Do we want to have a planning consultant help us on this who could package it all together?

**Village Attorney Whitehead:** It would move a lot faster.

**Trustee Armacost:** We have had quite a few consultants on this. I have seen reports from a bunch of different consultants. I think what we need, and maybe this is unfair to ask Linda, is for you to frame it simply. I do not think it is a very complex thing, what are the options. I heard you say this is being done in other places. If there are ideas that have come up since the time this was written or things that from your experience elsewhere seem to be pertinent to Hastings, those would be useful things to bring forward.

**Village Attorney Whitehead:** I am happy to give you the benefit of my experience in the planning field, 25 years of experience doing land use. I am going to use this, which was worked on both with your committee and your planners, as the framework. These are the things that your Comprehensive Plan says you want to accomplish, here are some ways they can be accomplished, breaking it down into the different areas because they are very different and some things have happened with some of these parcels since the time this was done, in particular on North Broadway. So I can give you that framework. There may come a point where I say I am not a planner. I may come close, but I can certainly give you that starting framework and ideas from other municipalities.

**Mayor Swiderski:** There are two or three issues here. What is the scope? Are we focused on the southern gateway, or are we all over the Village? The more tightly defined scope, the more likely we will get something done. So scope, and the next one is objective. Is the objective of this process short-term protection so that if Congregation Mita goes under and we are faced with a housing proposal there we are properly protected, or is it the larger questions that Meg raises, a discussion that talks about alternative uses for the site. If we do not nail those things there is no way we can set a framework for a public discussion because

if we do not scope an objective we do not go anywhere.

**Trustee Walker:** It might be easier to do it in a place-by-place as opposed to trying to tackle all the large tracts.

**Mayor Swiderski:** I am inclined to agree.

**Trustee Walker:** So focus on the south end.

**Trustee Armacost:** Yes.

**Village Attorney Whitehead:** Yes. What I have heard from the Board, and even from reading this and what the discussion was on each of the different areas, it would seem that the one that is most important is the southern gateway along Broadway there. It has got the most development potential.

**Mayor Swiderski:** Right, it is the largest tracts. Former Mayor Kinnally, in part, is here because of these issues and has asked to speak for two minutes.

**Wm. Lee Kinnally, former Mayor:** Thank you, Mayor. Marge, I think you said in the report from the Waterfront Infrastructure Committee there would be some discussion of form-based zoning.

**Trustee Apel:** It is in the Comprehensive Plan.

**Mr. Kinnally:** Right, but it is not something we are tasked with. And, in fact, we went out of our way in saying we are not doing zoning. We are pushing that off simply because we were not asked to do it and it was not to be a zoning document. We are addressing siting rather than zoning. And infrastructure. In our last meeting at the Community Center Doug Alligood addressed the issue. So it will not be part of the much-anticipated and soon to come written report.

**Trustee Walker:** When?

**Mr. Kinnally:** Well, soon. I think the open space issue will be resolved after ours, let us put it that way, after we give you this. It is a backhanded way of saying it takes time.

**Vanessa Merton, 11 Pinecrest Drive:** I am very happy the Board is having this conversation tonight. I am also very concerned. I think, Peter, you hit the nail so on the head when you said unless we narrow the focus nothing is going to happen very quickly.

Definitely it is the southern land tracts. We know exactly what they are, and they are not very different. There are three of them, they are very similar. The cluster zone that exists already was tried on Hastings Landing, it was already tried out on Riverpointe. And the crucial point, Meg, that I hope you will respond to is that it is wonderful to have long-term discussions about different uses which will bring out many people to take for long periods of time over many meetings, and to discuss other issues about the gateway and scenic overlays. Meanwhile, tomorrow those properties can be sold and developed with hundreds of houses. It just seems nuts not to protect our community with zoning that we have. We have a perfectly good code. I asked Professor John Nolon, one of the leading land use professors and experts in this part of the country to take a look at it. He says it is fine. The one other quibble, but it is more than a quibble, is that the issue is not to encourage cluster zoning. Under the Village law 7-738 of the Village Law of the State of New York we can require cluster zoning, and there is no reason for us not to do so in this case. Then we can change it. We can change it as many times as we want. We can have hearings, we can have meetings. I do not think we are going to get any very novel input from the owners of the property. I think I could probably write out for you right now what the owners of the property are going to have to say about what they would like to see, but in the end that is not the major consideration. That is not what the purpose of zoning and planning are for a community like this.

I want to implore you to listen to Marge's counsel. There is no reason you cannot drop that zoning next month. You do not even have to refer it to the Planning Board. You can, but you do not have to. And then you can change it, remap it, rezone it, change it, rewrite the whole thing, throw it all out as much as you want. Knock yourselves out. But at least you have some basic protection in the short term. And that will create the space and the time for the community to be thoughtful about long-term planning in that area.

**Trustee Walker:** We did discuss this, and there were caveats. There were reasons why we could not do that. We have discussed it with our former attorney and it was not this easy.

**Ms. Merton:** I never heard those. I asked for those reasons. I asked for and requested a statement.

**Mayor Swiderski:** I remember. It landed up being something that had to be custom designed for every parcel, but let us review that.

**Village Attorney Whitehead:** I am happy to take a look at it. It would be very helpful.

**Trustee Armacost:** The benefit that we have is that we have some new blood.

**Mayor Swiderski:** And her name is Linda.

**Trustee Armacost:** We can look again at the minutes and see whether we agree with ourselves.

**Trustee Walker:** I do not have a problem doing that. But in order to address the other things that are raised in the Comp Plan we do need to have these discussions. I would be happy to push up the use discussion. We do not have to have that one initially.

**Mayor Swiderski:** I think that would be the one that would drill this down.

**Village Attorney Whitehead:** It was the one issue that is in the use discussion, and that is whether you expand the uses to allow any commercial use. The one place where your code is a little outdated is on some of the senior uses. Something like an assisted living is technically a commercial use, but it may fit into what is currently permitted by special permit in that area. And that may be something that would be great. Most of those are not for-profit and they pay taxes. That may be a great kind of use that might work on one of these sites.

**Trustee Armacost:** There are other groups in the community that are very interested in that idea of graceful aging and living in place, and there are a whole set of initiatives that people are well-versed with where they would support it.

**Village Attorney Whitehead:** We represent a number of them, so we know the different types of things. But I did look at the code a little today to see what was permitted in the R-20 today by special permit with these institutional and senior uses. We can probably do some refinement to that language that might encourage these other types of uses that are not the high-use commercial uses, high-traffic. There might be some specific types of commercial uses that you think work well and are compatible with the neighborhood.

**Trustee Armacost:** I would like to come back to the point Peter made, which is scope and objective. I think we are agreeing in terms of scope, that we would like it to be narrower and we would like to focus on the southern sections. In terms of objectives, what I am hearing is let us address the short-term objective of preemption and protection versus some of the other things which can come up at a later meeting. Is that a fair assessment of where we stand?

**Mayor Swiderski:** The concern is preservation of a green entry into the Village from the south.

**Trustee Walker:** And because of the way it is zoned right now, R-20, it would be a subdivision that would blanket those properties with houses. None of us want to see that.

**Village Attorney Whitehead:** But you can very easily, and it is done in a lot of

municipalities around Westchester where they have a row that has that scenic feel, where they create an additional setback.

**Trustee Walker:** Irvington did it.

**Village Attorney Whitehead:** It is done in the Town of Harrison along Purchase Street and some of the other roads in Purchase. All they did was require an additional setback, 100 feet from Purchase Street. Rye Brook did a scenic overlay along Lincoln Avenue. So that is a very common thing, and you have the planning basis for it. That is what is important when you look at these property owners. You want to make sure you have the planning basis for what you are doing. What we want to do is take what is in the Comprehensive Plan, take the existing zoning, and come up with amendments that can be made to that code to carry out what is recommended in the Comprehensive Plan for these parcels.

**Trustee Walker:** You are saying instead of doing the cluster overlay, or that is one option.

**Village Attorney Whitehead:** That is one of the things you can put in there.

**Trustee Armacost:** Why do we not decide right now what we are going to do.

**Mayor Swiderski:** Right.

**Trustee Armacost:** I think we have agreed on scope. Have we agreed on objectives? Does someone else want to frame the objectives differently? And then let us agree on procedural next steps, which involve memos by Linda and public meetings and other things.

**Trustee Walker:** One objective is to preserve the open space character.

**Village Attorney Whitehead:** The objectives are in the Comprehensive Plan.

**Trustee Walker:** They are in there. And the other is to look at how we can make them perhaps produce more.

**Trustee Armacost:** Peter had two objectives. He talked about a short-term objective and a long-term objective. What I am hearing is we are agreeing at least temporarily to the short-term objective and we will tackle the longer-term objective at a later point. Is that agreed?

**Trustee Jennings:** What Peter, Marge, and, Vanessa referred to is to protect ourselves against what would be permitted under the existing zone. Objectives in the Comprehensive Plan, that is a different sense of the word objective. If we want to have the protectionist

objective of making sure that certain things do not happen if that property is sold tomorrow, then we have to modify the zone. We are all in agreement about that. The question is what is the best way to modify that zone.

**Village Attorney Whitehead:** Which does tie back to the Comprehensive Plan because you are protecting against all the things that were listed in the Comp Plan. It is preservation of the environmentally constrained areas, preservation of the gateway, the visual.

**Trustee Jennings:** Right. But we are trying to narrow this down into something that can be done legislatively, fairly quickly and straightforwardly.

**Trustee Walker:** We may find, though, that we are still going to come around to needing to look at this. There are a lot of different tools that we can use. What Linda said is that we can do clustering, we can do the scenic this and that, and the preservation of environmental areas all achieving the same goal. But each one of those is going to come back to we need to have a public discussion about it.

**Village Attorney Whitehead:** You are going to have public hearings as part of the process.

**Trustee Walker:** You cannot jump in. I would rather start with a public discussion.

**Trustee Apel:** We have already had public sessions, we have already had a Comprehensive Plan.

**Mayor Swiderski:** No, we have not had a meeting on this. That meeting will be structured by the scope we are talking about here. We are not having a public meeting about the whole Village. We are having one about the southern end. We are having that meeting with an interest to preserve and protect what we feel are valuable scenic green entryway things. But if you open this scope up to use, then we do not have a short public process.

**Trustee Walker:** If we do not open it up to use, let us say that we might open it up to one use, which is this senior idea. We might have a discussion about that. But I think what we are going to find is that we are going to keep coming back to the various uses and it is not as clear-cut and simple as preservation and protection, We can put use aside, but then come back to it later. I do not have a problem with that.

**Trustee Armacost:** Why do we not let our able attorney see what she can do and we will see y if there is a way to be able to achieve the short-term goal of preventing inappropriate building that we do not feel is in the character of the Village. .

**Village Attorney Whitehead:** And not consistent with your Comprehensive Plan.

**Trustee Armacost:** Let us also talk about a plan. Having a public meeting about this topic is wise for many reasons, knowing the constituency in the Village. Maybe what happens is that Linda presents her memo during that context. But let us not have it be so far away that we have lost ground.

**Trustee Walker:** We should start immediately.

**Mr. Gonder:** Several years ago Meg had someone come up on the greenways with maps and photographs, 200 feet back. Why do you not start at that point? I think I brought it up, why are you not moving on it. That was a great idea and I thought it was very good. I think she was from Bulgaria or someplace. She is getting old, that woman.

**Trustee Walker:** What we ran into, though, was that we needed to have a public meeting and we needed to engage the property owners.

**Mayor Swiderski:** But we have a series of steps here. The property owners are going to be very involved.

**Trustee Walker:** But property owners are only one. We have the Village residents, the constituents as well. But what I am saying is that we did not air that in public.

**Mayor Swiderski:** No, we did not.

**Trustee Walker:** That was the next step, and we did not get to that next step. It can be all pulled into this effort. But I have no problem if there is some way we can expedite this that is not going to require a lot of planning and discussion.

**Village Attorney Whitehead:** There is a process. You are going to have to do a SEQRA process and hold a public hearing.

**Mayor Swiderski:** So the explicit next step is a memo about the planning tools, the zoning tools, available to us, different approaches other communities have taken, whether it is setback or cluster overlay, that we could use to help aim this out to the Village, protect the green entryways with a sense of space, sense of natural border there via those mechanisms. And with that, we will take the next step which is how to frame the discussion for the public.

**Ms. Merton:** I keep hearing a conflation of the scenic, visual preservation and the green

open space preservation. They are not the same thing and one is not a substitute for the other. Those of us who live in the area cherish the fact that there are these beautiful large properties. The idea of cluster zoning is that it gives the owners of the property the same financial return. They get to build just as many units, they get to make them detached in some ways. It is probably a more efficient and cost-effective approach development which otherwise they would not be permitted to do with the current zoning. The idea is not to take away resources from the property owners, but through a commission of incentive and requirement allow these large properties to be preserved not just along the roadway but going into the interior of the space. You could define that goal very simply. You could have one hearing, you can have a SEQRA process, and you can overlay the cluster zone that we have; a well-developed, well-written, non-problematic in the two areas it has been utilized to date. Then you can go to town on uses, community involvement, greenways, you know whatever you want. The owners of these properties are under severe financial exigency, as is every not-for-profit that I know of. There is nothing that could stop them from selling large chunks tomorrow, and then we would have the ticky-tacky that you were describing. What would we say about our Board if that were to happen?

**Mayor Swiderski:** All right, we have got a next step.

**Trustee Apel:** Right, makes sense.

**Trustee Walker:** When are we going to see this memo?

**Village Attorney Whitehead:** I will try for by the second meeting in March.

### **3. Update on Deer**

**Mayor Swiderski:** The team has been here since March 4. Five deer were hit with darts, four of them tagged. We, once again, have weather issues. The weather is too cold, 15 and below it will kill the deer if the deer is immobilized; the drug suppress the system. But the feeding stations are having the desired effect of drawing the deer to most locations. They are putting up at least one new one, or shifting one, to Ferndale. It is largely run by the darting teams this time around. We do not have volunteers with them. You have seen the cars around town with the roof ornament that indicates the HoH deer team. They are staying at a house on Broadway and they are here until the end of March. They continue to shift and look. They have got cameras on most of the locations where their feeding stations are so they are getting feedback when the deer are being drawn and modifying their strategy. What we have done is collect permissions and tagged some, though not all, of the properties with the lime green flags. The kids, in some cases, have gone door to door around the feeding stations. Snow has not been our friend with the flags. They have been buried, they fall over.

But we are relying on the kids to replant them and keep expanding the footprint of permission. I withhold judgment until the middle of March, when we will have a good idea of how it is going. Right now we are in the middle of it.

**Trustee Apel:** Will we find that the deer are heartier because we are feeding them?

**Mayor Swiderski:** We are not feeding them a lot. They have begun to put out apples, as well, which the deer are more familiar with. Corn is not a native food. They are drawn to it because protein is protein, but they start to use apples and the deer are all over the apples. We have plenty of apple trees in town and the deer know what an apple is.

**Mr. Downey:** Can I backtrack to the park issue for a moment? The Village is going to go up to \$125,000 contribution. People would like to do some fund-raising. Was that \$125,000 plus the fund-raising to expand?

**Mayor Swiderski:** That was my understanding.

**Mr. Downey:** It also became a little fuzzy talking about looking for tax rebates.

**Mayor Swiderski:** The rebate they were talking about is the standard tax deduction on your federal form for charitable donation.

**Mr. Downey:** I do not know if they want to get involved in this, but the other day driving down Villard I saw them sunbathing on a slope there. If they were struggling at the stations but they had other eyeballs out there would they have a willingness to take calls to respond?

**Mayor Swiderski:** They do, but with a very tightly constrained list. Otherwise, it is a whack-a-mole with texts coming in and they may not be in a position to respond at that point. People become frustrated that they are not getting a response because deer do move on after a few minutes. So if they are going to do that, and we talked about this at length, it would be with a tightly constrained list of people doing that with the understanding that they may not be able to act on every sighting provided. They do not want to be fielding calls from lots of people and raising expectations that they can respond to those calls.

**Trustee Armacost:** I had a whole group that used to live on my property that are not there anymore. I do not know whether other people are seeing this also where suddenly they are not there. I do not think it is because people are wandering around in yellow vests. I do not know if there are any theories about this or where they have all disappeared to.

**Mayor Swiderski:** No, they are seeing deer. They do not think there is a deficit of deer in

town. But the concern is, and we went through this last year, people would call and they would get over there 10 minutes later. The deer had moved to the next property where there is not permission granted. It devolved into a very frustrating game of whack-a-mole that was not productive.

**Trustee Armacost:** There is a site with open source software used for election monitoring in post-conflict countries. If there is a problem, for example ballot boxes are being stuffed, you can text a number and it pops up on a map. That is a much better way of doing it because you are not calling anyone. What you are doing is giving a visual representation.

**Mayor Swiderski:** That would be more attractive.

**Trustee Armacost:** I happen to know the guys who developed that. So if it is useful, I think it takes a little bit of time to set up those sites, but certainly, for next year. I will give you the information. It is used in earthquakes, it has been adapted for a bunch of scenarios. It is a very quick way of mapping the location of things or events that you want to show on a screen in a control center.

#### **4. Update on the Downtown**

**Trustee Walker:** I told our Downtown Advocate she did not have to be here tonight, that I could review the update memo that she sent to us today. Barb Prisament has put together a promotional package that she is going to use to fund-raise for Friday Night Live. It is building on a package we did a few years ago, and she is going to take it around to both local businesses and other potential commercial sponsors on the area and ask for \$250, \$500, \$1,000-plus donations, sponsorships. They get certain kinds of banners and logo and things in return. We are working on a Friday Night Live on April 10 with Bruce. It is going to be a literary night, a night for authors and writers and poets. We are working out the program. She has a number of other ideas which I am not going to go into right now. In the promotional materials she sent there is a calendar, which you might enjoy looking at, with some interesting ideas for upcoming Friday Night Live events. She has been meeting with artists on ideas for murals, mosaics, different ways of incorporating art, whether it is blank walls, tree pits, looking at improvements to our public spaces to incorporate public art. We are going to have a Downtown Collaborative meeting tomorrow night with our volunteer pool. We are looking to expand it. We are going to talk about how we can create volunteer committees to take on some of the initiatives and be Barb's assistants on a lot of these projects. One of the ways is to recruit new businesses for some of the empty storefronts. There is an accepted offer for 555 Warburton, Hastings House, which is exciting because it has been sitting empty for a long time. And somebody is looking at the art supply store so we are hoping that goes forward, as well, that is art-related. I mention those because one of

the committees is to help recruit businesses for the empty storefronts. There are other volunteer committees we would like to create, as well.

## **5. Other**

**Trustee Armacost:** I have a question that goes back to the Reynolds Field issue. I did not hear clearly what the total new cost would be. All I heard was that there was \$125,000 which we had allocated. I am a bit confused about the money being raised. What is the total new budget, how much more money is being proposed? That data would be useful before we have a conversation with the school board. Also, from these pictures it is unclear what we are getting for what price.

**Village Manager Frobel:** The Board has not authorized any amount. The \$125,000 was the estimate we had presented to you back when the school was considering the reconstruction deal. That is where that number came from.

**Trustee Armacost:** Right, but I am unclear what the additional money is for.

**Village Attorney Whitehead:** They do not have their plan yet. That is not their plan.

**Village Manager Frobel:** They are nowhere near presenting a plan to you. That was just one preliminary sketch. I gave that to you as a representative sample, a flavor, for what they are considering, the kind of vision they have for that.

**Mayor Swiderski:** They are only a couple of meetings into the process.

**Village Manager Frobel:** Yes, they just started.

**Trustee Armacost:** It does not matter how many meetings they are in. I am unclear what the additional fund-raising is for and how much is included in that. Why do we think we need additional fund-raising is my question.

**Mayor Swiderski:** They think they need additional fund-raising because the budget constrains some of the ideas being thrown around in the committee. They are asking if they can go beyond the \$125,000 by raising additional money so they can entertain those ideas.

**Trustee Armacost:** So it is just speculative. It is asking if we can find extra money can we raise it because we have some ideas that might cost more. We are pretty far away from knowing how much more.

**Mayor Swiderski:** Right. Probably the next step before they go into expensive new ideas is to vet the general process with the public at large by asking for feedback.

**Trustee Armacost:** Perhaps before that having a chat with the school board.

**Mayor Swiderski:** Why do you think the school board is a factor here? They do not want input here.

**Trustee Armacost:** They own the land.

**Village Manager Frobel:** They have been very supportive from the beginning. We first approached them on this as an opportunity. They embraced it, they are fine with it. I can say that based on what I have heard in conversations with Kendra.

**Mayor Swiderski:** A footprint is a footprint, and we can build a magical fairyland as long as it is within that footprint, safe, and does not pose a health hazard. It has not been constrained by the school board. As a courtesy, we involve them at some point in the process. But they are not eager to micromanage this. I think they see it as our domain.

**Trustee Armacost:** I was not inviting them to micromanage it. I just think we should not assume unless we know for sure. That seems like an obvious course. I think it is to the point that Bruce was making earlier. It is a call, and the courtesy call should happen before people have moved too far down the path.

**Trustee Walker:** The committee is coming up with some ideas that are not conventional playground equipment, which I think is great, like a performance area, a built-in stage. It would be worthwhile to ask the school board if there could be unconventional play areas created here that could be used in a variety of ways. Perhaps it is more flexible, perhaps it engages kids and adults in different ways other than just standard play equipment. Maybe that is a simple call to make sure we can expand our vision here.

**Trustee Jennings:** I do not anticipate a problem now either. I cannot think of a good reason why there should be some problem. But it would be a good idea to keep the school board in the loop, whether they want to be in the loop or not, with this committee. It might be nice to have a liaison appointed so they were at the meetings of the committee. I also want to counsel against perceiving this as a Village Parks and Recreation planning effort, pure and simple, and assuming that this space was community space, because it is not. It could be that we anticipate utilization that the school board may or may not object to, but we need to anticipate that they are going to start asking questions about hours, about population, about structure. They are certainly going to be interested in expanding the footprint and closing the

street and turning that space into an expanded park. That may not be part of the thing now.

**Mayor Swiderski:** I do not think that will happen.

**Trustee Jennings:** That will raise some interesting questions when that does happen, if it does happen. So it was not a prediction of trouble, it was simply a counsel of precaution.

**Trustee Walker:** It is a good idea to include them in some way because they may have ideas for how they want to use that space. It is adjacent to the middle school and the high school across the street. It is used by students all the time, even during school days. Reaching out to as many different groups as possible is part of a good public space planning process.

**Village Manager Frobel:** I will speak with Kendra. I was trying to check my notes from my last meeting with her on the topic. I am almost certain the school board has been on the distribution. Let me check with her. I neglected to mention that there will be some filming in Hastings over the end of February and into early March. Susan, are you in a position to brief the Board?

**Village Clerk Maggiotto:** This is an HBO pilot show, as *The Leftovers* was, starring Sarah Jessica Parker, and the name of it is simply *Divorce*. She is going to be here in town. One of the scenes is going to be walking down towards the train station, and then they are going to film outside a house at the end of Riverview Place.

I want to take this opportunity to thank Chief Visalli and Lieutenant Dosin because they are an essential part of the success of these things and they do it so willingly and cooperatively and helpfully. They orchestrate the mechanics of it. The crews that come to town are very good, too, going out of their way as we request to talk to the neighbors and anticipate as many problems as possible. So minimum disruption and maybe maximum fun.

**Trustee Walker:** And revenues associated with it.

**Village Clerk Maggiotto:** Yes, we welcome the revenues. *The Leftovers* decided to film elsewhere, unfortunately. But they want to come back for one wrap-up day in late April.

## **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:35 p.m.