

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

A Regular Meeting was held by the Board of Trustees on Tuesday, November 17, 2015 at 7:49 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Twelve (12).

**PRESENTATION** – 2014-2015 Village Audit

**Justin Wood, Nugent & Haessler:** I would like to begin by thanking Fran and Raf and Susan and Lori Mastroddi and Shelley Foxman and everybody for being so helpful and providing us with the information, and getting everything back to us in a timely manner so we can issue the audit. I want to start towards the back, on page 55.

Page 55 represents the results of the general fund budget ended May 31, 2015, with an adjusted budget of \$14,044,155. The revenues came in at almost \$500,000 more than the adjusted budget amount, highlighting state and federal aid came in more, at \$148,000. Fines and forfeitures through the justice court came in at about \$100,000 more. On the expenditure side, the budget came in under by around \$100,000, highlighted by the \$59,000 under in public safety; \$33,000 under in culture and recreation. The departmental income in the revenue also up, about \$162,000. I believe this is directly related to the Rec Department and the growing Rec Department. It has been an excellent revenue stream. I will have everybody flip the page to the pool fund, which had an excellent year. It came in over budget in revenues and slightly under budget in expenditures and other uses. Then on page 57, we have the library fund, which did come in over budget in revenues and other sources, primarily due to an increase in the operating transfer from the general fund, but did come in over budget in the expenditure portion. So something to watch in the future

**Trustee Armacost:** What was the reason?

**Mr. Wood:** It was regular home and community services. So the expenses to operate the library, and the operating transfers out on this schedule is the debt service money that flows through to the debt service fund to pay that debt, that came in under budget, and the employee benefits is slightly over, but really just the operating. I do not know if they maybe made emergency repairs, emergency equipment purchases.

**Trustee Armacost:** Do you know, Fran, what the reason was?

**Village Manager Frobel:** Part of it is the expanded hours, I think, of the. Additional employees working additional hours.

**Mr. Wood:** Page 21 is the profit and loss, revenue and expenditures portion of the fund financial statements. I wanted to do a fund-by-fund breakdown of how things went. General fund had a gain of almost \$500,000, primarily due to those revenues coming in over and the expenditures coming in under. This ended the Village at \$500,000 to the good for the year. Capital projects fund, due to long-term financing, brought a fund balance deficit of \$3.5 million to a fund balance of \$281,000. That is directly related to the refunding and the long-term financing of the BANs the Village had. On page 60 you will see the column to the right that says "bond anticipation notes outstanding May 31, 2015." We currently have no bond anticipation notes outstanding. All the debt has now been converted to long-term debt. In past years, I believe last year, the balance was \$3.5 million. So right there is the change in your fund balance from a deficit to the fund balance. All that short-term borrowing is now gone, it has all been processed into long-term borrowing. Those debt payments are planned out over the next 20 to 30 years.

**Trustee Armacost:** Can you tell us what rate we are paying on the long-term debt?

**Mr. Wood:** It is two percent, which is an excellent rate for long-term.

**Trustee Armacost:** Yes, that is great. And over how many years is it?

**Mr. Wood:** An 11-year and a 10-year.

**Trustee Armacost:** So that is fantastic, we have locked it in, well done.

**Village Manager Frobel:** We did a good job. That was where we refinanced the non-callable. It was a very complicated issuance, but as Justin pointed out, the savings was real.

**Mr. Wood:** On to the pool fund, which had an absolutely excellent year. When I started here the pool fund was in a deficit. Management of the Village has brought the pool fund out of a deficit and into a fund balance of \$232,000, with a gain this year of \$97,000, which is excellent, and that fund balance can start maybe being thought of putting aside for some pool repairs in the future.

The library fund did have an increase for the year of \$27,000, again directly related to the transfer from the general fund. Luckily the general fund was having a good year and did not feel the impact of that additional transfer. But we still do have a remaining deficit in the

library of a small amount of about \$4,000. We had some payments out of the special purpose fund. There is no real regularity to that fund. It depends on what is happening that year. This year, it went down \$67,000, leaving us with an \$800,000 fund balance in there, mostly made up of River Street parking, Draper.

Then the debt service fund, which increased only by the amount of the interest it collected during the year; the \$567,000. Other than that, you had the refunding down in the other financing sources below. You have the refunding information flow through there. Then the operating transfer in from the other funds to pay the debt, that goes out into debt service, which is dollar for dollar.

**Mayor Swiderski:** Just step me through that again.

**Mr. Wood:** The other funds transfer in the money to the debt service, and then the debt service pays the principal and interest payments. So it is essentially a dollar-for-dollar swap.

**Trustee Armacost:** That money, in effect as we have discussed in the past, is like an extra reserve fund. In various years we have used that money to pay off debt and the amount has gone down. It has accrued to almost \$200,000 now. I think of that as part of the reserve fund, and I know you do not.

**Mr. Wood:** Technically not, but yes I understand your thinking on it because it is there.

**Trustee Armacost:** It is an additional form of cash that is available, theoretically, since we are paying debt every year.

**Mr. Wood:** Absolutely. And that can only help your situation with the debt you have now.

**Trustee Armacost:** So we could choose to bring that down, if we want, which would free up an additional \$200,000, or almost \$200,000.

**Mr. Wood:** I would advise, if you did do it, not do it all at once, because to make up that budget shortfall, let us say, the following year would be tough. But if you were to knock it down by \$40,000 or \$50,000 a year over the next four or five years, that may be a good plan. Or the general fund is performing well and you have that sitting in the background. That is an excellent thing.

**Trustee Armacost:** Exactly. So we are well over the 10 percent.

**Mr. Wood:** Not including the debt service amount we are at 10.56.

**Trustee Armacost:** I thought we were at ...

**Mr. Wood:** Oh, I am sorry. Let us just hold that thought. We will go to statement three on page 19, which is the governmental fund financial statement. This is the balance sheet portion of the governmental fund financial statement. If you look at the bottom fund balance section, we have assigned and unassigned general fund fund balances. The assigned is reserved for encumbrances. That is not included in the 10 percent calculation, so the \$1.472 million is what is included. Just before the meeting I reread the policy with Fran to see if the policy said whether it was current year or the following year. A lot of times it says the following year. The policy was not specific on which year. It just said for governmental expenditures. So it is 10.56 of the current year general fund expenditures. It is possible it is slightly under 10 percent, based on just the nature of that. The budget most likely increased, but it is right in that range where we want to be.

**Trustee Armacost:** Can you remind us of which specific things the assigned fund balance is for. It is obviously not free, it has been incumbent in a sense.

**Mr. Wood:** Specifically purposed for purchase orders that were filed prior to the end of the year that have not become expenses yet, but the purchase orders were sent out for services.

**Trustee Armacost:** So it is just general expenses.

**Mr. Wood:** Yes, absolutely. Nothing specific sticks out on that list.

On page 17 is the government-wide financials. The fund financial statements that I discussed before was on the modified accrual basis of accounting for governments, which is the 60-day rule, meaning that the only items that go on the fund financial statements are either receivable or payable within 60 days. This includes other long-term assets and liabilities such as the capital assets you will see in the asset section for \$20 million. It also includes the Village debt, the bonds payable down below, that you will see for \$800,000 and \$10 million. GASB 45 requires us to also post the other post-retirement benefits payable, at almost \$7 million. But still, this liability usually results in the negative net position. As you can see, the Village is still in a positive net position of \$5 million, which is excellent. The bond rating companies, Fran, will like that one, I think.

The statement on page 18 gives an overall revenues and expenditures for the government-wide activities. This takes into account the change in the post-employment benefits, the change in fixed assets, the change in the bonds payable, leaving the Village, overall, a

change in net position of a negative \$650,000 for the year. Of that \$650,000, the other post-employment benefits makes up \$1.4 million of that. So if it was not for that one liability increase the Village would have a positive change in that position of about \$800,000. Still in excellent shape there, at \$5.5 million.

That concludes my presentation of the financial statements. I do want to discuss some of the items in the management letter unless anybody has any questions.

**Mayor Swiderski:** Yes. The last page I am just now processing, page 18. If you could walk us through that again, I am looking at it and I do not know what I am looking at.

**Mr. Wood:** Page 18 is the statement of activities, which is the government-wide version of the income statement: revenues and expenditures of the whole government lot. This includes changes in long-term liabilities and changes in long-term assets. I might have a better chance of explaining this to you looking at page 22. The first column of numbers is total government funds. That is all of your fund financials combined. Then the second one is long-term revenues and expenditures. Included in that column, down in the expenditure portion, is all these smaller amounts, like the \$3,000 and \$13,000. That is the increase in your compensated asset liability. So your compensated asset liability is a long-term liability for what would we do to all of our employees today if they all retired based on their sick and vacation time. That is a long-term liability that we book. Then the change in that long-term liability from last year to this year is essentially this year's expense. The \$1.4 million in employee benefits line, that represents the increase in the other post-employment benefits that I spoke about before, which is again a long-term liability. So this is reflecting the change in that long-term liability. The negative \$29,300, which is directly related to the refunding, is the change in the accrued interest from prior year to this year; again, another long-term liability. But because of the refunding the accrued interest at the end of the year y went down based on there being a lower rate at the same principal.

The next column, the capital-related items, is completely made up of the change in your fixed assets. Your fixed assets went up down by \$965, based on depreciation expense being more than the amount that was purchased for fixed assets during the year. The following column, long-term debt transactions, represents the amount of principal paid during the year. So for full accrual, government-wide, the principal amount on the loan would not be considered an expense. We back that off of the expense. The \$50,000 y represents the amount of the premium from the refunding so we also back that off. The reclassifications column is the statement of activities not reported employee benefits or capital outlay. Those things are redistributed to the other areas. For employee benefits the amount is based on a percentage of payroll. You will see most of your payroll is in public safety so public safety takes on a big chunk of that employee benefits amount.

**Trustee Armacost:** What would be helpful, is back on page 18 it looks like a large amount, negative \$650,000. If you can explain one more time why we are in great shape, when we have a negative \$600,000, that would be helpful to people.

**Mr. Wood:** Because there were not a lot of fixed asset purchases during the year your depreciation expense, meaning the expense of all prior year fixed assets that are now depreciating, was \$900,000 more than the amount of fixed assets that were purchased during the year. So that is part of that. Then the increase in the other post-employment benefits, the increase in that liability gets booked as an expense. We saw that as \$1.4 million. That is going to be a big chunk, or more than a big chunk, of that deficit. That sends it into a deficit. Then other things like the increase in compensated absence liabilities is also part of that number. There was a decrease in the accrued interest so that is not helping towards that. That is what makes that negative bump. That is offset by the bond principal payments. That would be the one big offsetting item because the bond principal payments are recorded as an expense in the fund financial statements but not recorded as an expense in the government-wide financial statements. They just knock the bond payable down.

**Trustee Armacost:** So bottom line, your translation of your very articulate way of framing it is that because we paid off the short-term bonds we ended up in this position at the end of the day because we paid them down.

**Mr. Wood:** That is a factor. I would not say it is the main contributing factor. I would, for lack of a better word, "blame" the other post-employment benefits, and that is going up by at least that \$1.4 million for the next, I think, 23 years of the amortization period. So it is unavoidable.

**Village Manager Frobel:** And, Justin, will that number get worse now that we need to recognize post-retirement benefits in pension payments?

**Mr. Wood:** Yes.

**Village Manager Frobel:** There is another change coming in our reporting requirements.

**Mr. Wood:** Where this OPEB that I just described as GASB 45, we have GASB 68 that will be taking effect next year, which will be an additional liability based on the New York State employee retirement system, which will be a big liability. It will probably not bring that position down a little bit. So they are phasing in all these new long-term liabilities. I am hoping that is the last one.

If there are no more questions, we will move on to the management letter. It is basic, nothing too crazy. Everybody is doing an excellent job. This was Lori's third audit, Shelley's second, so they know more of what to expect from us. Raf, as well, they had everything ready when we came in: here it is, this is what you asked for.

I will direct everybody's attention to page two of the management letter at the bottom where it starts with "other comments." The first comment was recommend the use of a capital reserve in the general fund to avoid long-term financing for future capital projects. You have discussed this already, I believe. In previous years also. The amount that has been the debt service, like Nicola said before, is essentially a capital reserve. If you would like to you can establish a capital reserve and move that into the capital reserve. Why I think this is important is because you can avoid financing further. You are already in great shape with your long-term debt and all the financing so if you start establishing a capital reserve which, like we said, was right at the 10 percent this year, if we find out next year the Village has another good year and they are at 12 percent maybe they can take that two percent and put it into a capital reserve. Hopefully that continues over the next four or five years and you can keep putting into it so when something big comes up the capital reserve is sitting there and we do not have to turn to short-term financing or long-term financing. Not that financing right now, especially with interest rates as low as they are, is the worst plan of action. But when you can avoid it, why not?

**Village Manager Frobel:** The Board did that. They followed your advice last year. They have established the capital reserve fund.

**Mr. Wood:** So it is established and it is just a matter of funding it.

**Village Manager Frobel:** We wanted to wait until after your audit to decide how much to take from the unallocated reserve into the capital.

**Mr. Wood:** Excellent. And that, of course, is a management decision.

Number two, during our review of the library fund we found that the budget was overspent for the year ended May 31, 2015. We recommend that the Village take action, through budget increases or interfund transfers, to prevent the fund budgets from being overspent during the year. Again, this is difficult to know in March that the library has overspent the budget. It is hard to get out in front of it and increase the library budget before it is overspent, assuming it is not going to be overspent? But if something comes up during the year where they needed a new furnace, and you know the library is going to overspend the budget, then it is appropriate for the Board to take action then and increase the transfer that comes from the general fund and increase their expenditure budget to give them more leeway

as far as coming in under budget. Number three is also related to the library fund. Ended the year with a deficit fund balance. We recommend the town establish and maintain a plan to manage this and prevent future operating deficits. That is self-explanatory, and we have discussed it already tonight.

**Trustee Armacost:** That is a very minor critique.

**Mr. Wood:** Yes, absolutely. I thank you all for your time and I hope you all have a wonderful holiday season. Thank you very much.

**Trustee Armacost:** Fran and Raf and team, congratulations on where we are. This is where we wanted to be for some time.

**Village Manager Frobels:** There are a lot of people to thank.

**Mayor Swiderski:** We reached our target number finally.

**Village Manager Frobels:** We have. The tax cap for communities adopting budgets on March 1 is 0.45. I think ours will probably go up so we are not going to have any latitude in increasing taxes whatsoever, under the law. That fund balance is going to become increasingly important as we go forward. But you have accomplished what you set out to do a number of years ago.

**Trustee Walker:** They are making it tougher for us.

**Mayor Swiderski:** Yes, they are. The tax cap is set based on inflation, right? It is two percent or inflation, whichever is lower. It is not quite so clean. There is some minor math around the edges, but it is basically that.

### **APPROVAL OF MINUTES**

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting of Nov. 3, 2017 were approved as presented.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 35-2015-16 \$ 15,863.01

Multi-Fund No. 37-2015-16 \$101,809.39

Multi-Fund No. 38-2015-16 \$116,062.44

### **APPOINTMENT**

**Mayor Swiderski:** We have an appointment to the Tree Board. Lee Waczek is filling a term that expires in 2016. We could not welcome a more qualified person to that position.

### **PUBLIC COMMENTS**

**Andy Ettinger, 10 Maple Avenue:** . I thought on the agenda tonight, as per what you said at the last meeting, were the sidewalks, back road Hillside Avenue.

**Village Manager Frobel:** We are not ready. Your parents were here earlier. I spoke to them.

**Mr. Ettinger:** Right. Is that a fait accompli that you are just waiting to rubber stamp? Are you going to make it more wide open to people so they can weigh in on this? Because you are already talking to the contractors about it. You are talking about cutting down trees.

**Village Manager Frobel:** Oh, no.

**Mr. Ettinger:** That is not what you said last week or two weeks ago.

**Village Manager Frobel:** Cutting down trees? No, there has been no mention of that.

**Mr. Ettinger:** You said you spoke to a contractor and the plan for the sidewalk that goes down Hillside Avenue involves cutting down trees.

**Village Manager Frobel:** Oh, yes. That may be, you are right. We are hoping to avoid that, but it is a possibility.

**Mr. Ettinger:** So you did say that, great. In light of all the infrastructure problems in this town, why is that your first big splash? Is that a solution in search of a problem? Is there a safety issue there? Has there been one incident? I know in the 50-odd years I have been in and around, and my family has been there, nothing happened. Nobody was ever scared to walk up that street.

**Mayor Swiderski:** We have heard a lot of people who are scared to walk up that street because it puts people out on the street.

**Mr. Ettinger:** Why do you not just eliminate parking on the side of the street? That would solve your whole problem.

**Village Manager Frobel:** That is one option that is being considered.

**Mr. Ettinger:** You just solved that with Flower Avenue, right?

**Mayor Swiderski:** Right.

**Mr. Ettinger:** How many more trees are you going to cut down? Look what happened to Reynolds. Now you want to cut more trees down to make a sidewalk that is not necessary. Why do you not just paint a yellow line close to the street?

**Village Manager Frobel:** We are working on a host of options.

**Mr. Ettinger:** Do you know when that is going to be on the agenda?

**Village Manager Frobel:** I do not.

**Mr. Ettinger:** I am not in the flow of information with the Village so much. How do I know? Do I have to haunt the meetings?

**Village Manager Frobel:** No, we post the agenda. It would be on the agenda, a discussion on sidewalks. I would look more to the first of the year for us to have a work session on that.

**John Gonder, 153 James Street:** Maybe a year ago A&P was taking us to court in regard to plastic bags. I am not sure if they also went to Styrofoam.

**Mayor Swiderski:** They were not one of the names on the suit.

**Mr. Gonder:** Well, what happened to the case? I did not see anything ever in the papers. They are bankrupt now, they sold many pieces of their property. Is it by default we win the case? Is there any information?

**Village Attorney Whitehead:** There has been no decision issued by the court yet.

**Mr. Gonder:** Deer. Two years ago we had a meeting in the Community Center, people signed up for different things and it never worked out. I think people signed up for tracking the deer when they were shot. Shooters, and then the following year we did not have

shooters, did not have trackers. It was a wildlife management firm that did everything. Now, we will be in the third year. Is it the same thing as last year? What happens when they are through within five years? Are we then going to pick this up and train people?

**Mayor Swiderski:** If it is successful, that is the idea.

**Mr. Gonder:** BP: I do not hear anything about BP, but oil is down around \$41 and some change. They have to spend \$350 million down there to clean up? They are supposed to give you a million dollars to help that building so it does not fall down, to protect it? No PCBs are being removed until they get the big tractors and backhoes in there. BP is losing a lot of chemical plants, they are laying off for the third time. Do we think they are going to do this cleanup when they are supposed to or are they delaying? We do not hear anything about permits for Building 52 to tear it down. We got to watch them. We do not get any reports from the Board.

Parking and Christmas: Trustee Armacost asked a question, because you gave them seven extra days last year, about what their sales were because of the extra parking. I never saw anything, but at the last meeting I left early so maybe you had something.

In the Supreme Court there was a rule on birth control mandates. Lawyers of the Little Sisters of the Poor argued that the government has put them in an impossible choice of either violating the law or violating the faith upon which their lives and ministry are based. It said the nuns believe that the opt-out method offered as a solution would then make them morally complicit in a grave sin. That is what you people put me in a few weeks ago when I have to opt out to get out of the contract with electric and gas. That is unfortunate. Again, I say that is a communist type of thing or socialism. It is not the American way. I have to opt out because I am loyal to a company that hired me during the first oil embargo, let me put my kids through college, three of them and two at the same time. They put me through medical expenses I had. And I have to opt out from operating with them.

**Doug Sondheim, 14 Riverpointe Road:** We have brought some letters for the Board. We have recently been approached, and Mayor Swiderski and the Board may know, by Artis Senior Living, an assisted living home facility. They have an option to purchase Riverview Manor and are currently putting together a pending proposal, which they have shared with us and that they intend to share with you. I do not believe you have that in your possession yet. We wanted to get out in front of this, because after two meetings with Artis we are in strong opposition to this proposal. I am here representing the Riverpointe Road condo association. The members of the board could not be here and they have asked me to come on behalf of all 15 unit owners. I am here to share our strong opposition to this. We realize that for this proposal to move forward when you do see it, which we would assume is in the coming

weeks or months, they are going to be requesting a zoning change in order to get your approval. We have listened to their proposal; we have been unimpressed on many levels.

To give you a few of the contours of their proposal and why we are so strongly against it, they are proposing for the back side of the Riverview Caterers which is right now a wooded area and a parking lot, to blast away 50 percent of that rock wall up to about 15 feet from the Old Croton Aqueduct. Fifty percent of the land they would use to build a 72-bed commercial facility, institutional facility, would have to be blasted away within feet of the Old Croton Aqueduct. I do not surmise that this board and, Mr. Mayor, you would approve this. We are expecting you would not approve this. However, we want to get out in front of it, and share with you that we are in very strong opposition to it.

An institution that is cooking over 300 meals a day right in our backyard, right in Hastings' backyard; essentially a residential tract of land that would be turned into what is probably pretty close to northern industrial Yonkers, right at our front door, inside our front door. If you look at the spirit of the law, the cluster zoning laws you are trying to put into effect makes the spirit of those are in direct contrast to what the spirit of this property would be, which is opposite of the bucolic hamlet. The first thing you see when you come in the south side of Hastings on Warburton is a very large, 72-bed assisted living facility. There are a variety of reasons, and probably one of the most important for this community is that section of the Aqueduct. I have walked miles in both directions. It is one of the most beautiful vistas overlooking the Hudson River that you can find anywhere. It is the definition of a bucolic, beautiful place that Hastings represents.

I believe all of you believe this, too. We are not here because we think there have been any thoughts that this would approved in any way, but we want to make sure that you understand we are in strong opposition. If it comes to a vote on your side, and you are passing it on to the Planning Board, we strenuously hope you reject out of hand any proposal that would come from Artis, that you would cut that before it goes down what would be a very long process that we are prepared to very strongly oppose.

**Jim Metzger, 427 Warburton Avenue:** I wanted to start off with some good news. In the Village tonight I am here, but there are two other places I would like to be. There is a talk being given at one of the galleries downtown by a former undersecretary of state on the role of art in diplomacy, which sounded fascinating for the minute and a half I was able to be there. It is extraordinary that we have people living in the Village that can bring this level of depth about world matters into our community. The room was filled. Just up the street in the Community Center there is a talk about the state of the downtown and how we might improve it. If anybody is out there listening and saying, hey, people are not doing anything in this village, get out of your house, go downtown. Take advantage of what's going on.

That being said, I got a flier the other day from Con Ed. It is time to trim the trees again. Some of you on the Board were here the last time they came through, and we held their feet to the fire and did our due diligence. Our Village Manager was overseeing this project incredibly well. If there were issues that came up there was a group of volunteers in the Village that were able to come out and oversee what was going on to make sure trees were being trimmed properly and not being cut down in a wholesale fashion. If we think Con Ed learned their lesson from that, all you need to do is look at what happened in Irvington about a year and a half ago, where they were wholesale decimating trees on the road and it was too late to stop it. I want to make sure we are on top of that issue.

In terms of proposing sidewalks for the Village, the issue that came up when sidewalks were being proposed on Farlane about six or seven years ago, let us make sure we have a means to maintain them. When you have a sidewalk and it snows, especially the kind of snow we had last year, it is very difficult to allocate manpower, especially in a stretch where nobody is living and we have to rely on the Village to clear their streets. We are not able to clear the streets we have now. We have issues on Warburton Avenue. I want to make sure that if we propose sidewalks we have a plan in place to maintain those sidewalks.

I am very happy about the proposed zoning resolution for cluster zoning. In answer to Mr. Gonder, it does not prevent somebody from buying a piece of property, putting up a \$3.5 million home. I would like to see some more of that. It is a great way to keep residents down and keep taxes up. That being said, we have more work to do. The waterfront, we do not know what is happening with BP, as Mr. Gonder said. It is going on three years now that they are doing the engineering study. We were told we needed to have something for them two years ago. We need an update from BP. What have they been spending their time on? The south end of the waterfront is probably close to cleaned up. We know something is going to be happening. It is time to figure out what we want to do with zoning down there. I suggest we get a committee together pronto.

**Dave Skolnik, 47 Hillside Avenue:** I was thinking I was going to take a few seconds of just silence. In the context of the meeting like this it would be a little presumptuous and pretentious for me to do that from the point of view of this position. Nevertheless, I need you to understand that I would rather not have had to be up there this evening in view of what has happened recently in Paris. As much as what I have to tell you, and what I want to hear from you, is intensely felt, it is nevertheless within the context of what has taken place.

As per my communication recently with regard to cc'ing my e-mails to the Board on the issue of whether the Board is permitted to respond and receive cc's this is, in fact, the only venue that I can address the entire Board on a matter and where I could legitimately get

response from the Board, according to the current interpretation of open meeting laws by the Mayor and by counsel. I have here nine documents, e-mails, that represent communication I sent to the Board over the last two weeks. The first assumption is that you all received them. My second assumption is that you read them. If I did not think you read them, that would be a pretty abysmal state of affairs. So I have that much faith that you read the things that are sent to you. However, I got absolutely no response within this last period from anyone, save the Mayor. That response consisted of four words, which was "I have received your e-mail." You have to understand, when the public hears me speak about this it is obviously entirely obscure because they have no idea what I am talking about. But I have to choose to be addressing you, and I have to assume that you know what I am talking about with regard to my specific complaints, over the last two weeks about the LED light, specifically in front of my house. So this is not general, this is very specific. The fact is, like the person that stood here last meeting that complained about not getting a response and elicited an apology from Trustee Armacost, in that regard I have gotten nothing. The last few days the interaction that has taken place, including between myself and the Mayor, was infuriating and totally unfair.

Over the last two weeks I begged you people for a response multiple times. I said I would rather not stand up here and have to do this, please show me some indication that you have some sense of what is being presented to you. Nobody, nobody. In the last 40 seconds of my time I would like to give someone a chance to either tell me why I am absolutely out of my mind on this or why it is that you have chosen to deal with me in this way. It cannot continue, something has to change. I relinquish the rest of my time to some member of the Board, if you would choose to respond. Otherwise, we are at it again.

**Mayor Swiderski:** I will choose to respond out of respect to the process. You asked a couple of questions of the contractor, and you received responses from the contractor you did not like through Fran, and you asked those questions to the Board and the Board has no opinion on the ...

**Mr. Skolnik:** I cc'd the Board.

**Mayor Swiderski:** But the Board has no opinion on the technical questions you asked. We leave it to the contractor and Fran to respond to that, and I do not know if a further response is coming or not. But I cannot weigh in on the technical issues you are raising. I acknowledge receipt of the e-mail, but I have no opinion.

**Mr. Skolnik:** With respect, Mayor, the one time that I can address all the members of the Board, instead of getting the response from you every time I write to the Board, even now you are choosing to take that position. And you are again completely distorting the whole nature of that communication. I was not expecting technical responses from the Board. I

was expecting some sense of responsibility to make sure the proper authority was responding to me, whether that is the Village Manager or the contractor that you invited here last meeting to spew the same nonsense they did a few months ago. Even now, your response to me here is completely out of line and inadequate. I would hope that between you and the rest of the Board you consider the amount of time it takes me to try to fashion a civil communication with you and what it is I am asking for. For you to tell me you do not know why I am not hearing from the contractor, not about general but about my light, it was never about my dealing with the contractor. It was the Village. You have a website. I am supposed to write to the website? So who is taking responsibility? Your response so far is lacking and I am hoping you can do better.

**Patrick Randolph Bell:** As to France, Mr. Skolnik was saying as I was walking in here that is a horrible situation. As I was walking in here, a citizen and a local business owner asked me why is the flag not at half mast. I know it is nothing to do with you. The president ordered it at half mast. Also, it is not lit up again at night. I know the light goes out, but you walk in and out every day. You are supposed to light the flag at night.

**Village Manager Frobel:** I did notice. I will make a note of that.

**Mr. Bell:** Good job, Trustee Apel, for putting this on. I think it was a new addition of asking about the bridge and the fence, everything that is going on over there with the wall and the parapet. Thank you very much for pushing this. If you were going to run again I would vote for you. I also sent an LED letter this week. I would like to see when my response comes back. My LED light in front of my neighbor's house which shines on my windows, also too bright. I want to see how long it takes.

**Village Manager Frobel:** I went out there Sunday evening and I was out there last night again because, I was not certain I had the right location. I have you living at ...

**Mr. Bell:** Yes, you have me where I am living. You do not have to put it on the record. It is my neighbor's house, which shines on my house.

**Village Manager Frobel:** Well, the point I was going to make was, I have photographs. The light on the street, which is about 40 feet away from your home, does not shine on your front lawn at all.

**Mr. Bell:** It is 10 feet from my property line.

**Village Manager Frobel:** The light from the front of your home is probably 40 feet.

**Mr. Bell:** Sir, it is my house. I know what I am talking about. I am telling you, we have a side of the house where the bedrooms are and it shines right in the windows.

**Village Manager Frobel:** I have photographs I took and I can show them to you.

**Mr. Bell:** And I will show the difference between the old light, too, if you want. Which was more expansive, but it was not so white. I cannot even see when the cab pulls up.

**Village Manager Frobel:** What I was trying to explain was, I have photographs showing the front of the home. It is dark because there is no street light in front of the house. There is a light in front of the neighbor's, at 67, but there is nothing at 69 Prince Street. The front of the home is dark, and the light is about 45 feet from the front of the home. It does not shine onto the front yard at all, and it is rather directional onto the surface.

**Mr. Bell:** You are going to send me an e-mail back?

**Village Manager Frobel:** I would be happy to. But I just took the photographs last evening so I wanted to make certain I had the right address.

**Mr. Bell:** Yes, you do. Let us talk more about it. Thanks again for putting my address in the record, which I have also – by the way, has there ever been an amendment of the minutes in which your guy who transcribes has been putting my address on the record, which I have requested not to. I never say it ever since that meeting. He keeps putting it on there. Your guy taking your minutes is making stuff up.

**Village Clerk Maggiotto:** It is not in the minutes, Patrick.

**Mr. Bell:** Have you fixed them?

**Village Clerk Maggiotto:** Yes.

**Mr. Bell:** The crosswalks I talked to Mr. Frobel about on Main Street, I hope they will be done. You said last week, but I saw some hash mark things so I am sure they will get fixed soon.

Important stuff. I would like the Board to do an official ethics investigation on this one. Get the Ethics Board, make sure you got the right number of people on it. Arthur Riolo is on the Affordable Housing Committee and also is the seller and the buyer of a property. His company is selling that property, he is also buying it. Ms. Walker, last week when you were discussing the Farmers' Market, recused herself from the vote. In the past, she has recused

herself from all discussions of the Farmers' Market. She is very good, when you were deciding what to do. Mr. Riolo spent an hour the other night selling his house, but he was on both sides of the equation. You can get a written release for that if you are a real estate broker, but you cannot when you are working for the government based on the state ethics law and our local village law. He is now asking the Affordable Housing Committee to pick up the carrying costs on this house for the next six or seven months until the next time they have an ability to get this grant they were looking for. I want an official investigation. I can show Ms. Whitehead the different parts of the code for the Village Code and the state code so she can look at it and does not have to do the work. But please look into it.

**Village Attorney Whitehead:** For the record, it is not his house. He is the listing broker.

**Mr. Bell:** Yes, but he is still taking five percent to his company, which he is then going to give back to charity I think I might be the Affordable Housing Committee itself or the other 501(c)(3). But still, that is goodwill he is getting from this; it should not be done. I spoke to someone else on the board who said we should keep him on the board. I fully agree. This man would be a great negotiator on further projects. He knows more about this than almost anybody in the Village. I totally agree with the person I spoke to. But on this particular project I think he should back out.

Give me like another 30 seconds and I will be done. I went to the CC meeting again. At the last meeting, to quote from the Mayor on October 20 about the Conservation Commission, the Mayor says, "The meeting behaves like a committee abiding by the open meetings law and will continue to do so, as it always has." First of all, it has not always and we all know that. At the last meeting, while I was taping this meeting of the Affordable Housing Committee, I was also running a camera over there. I had both meetings being taped at once so I can give them to the Village to let people see what goes on in this village.

**Trustee Armacost:** Were you inside the meeting of the Affordable Housing Committee?

**Mr. Bell:** No, I left my camera there in a public building in a public room in the most public place in the world.

**Trustee Armacost:** But you were inside the meeting or you were outside the meeting?

**Mr. Bell:** No. I had my camera there, and I was over here in this meeting at the time. So we are in a public building at a public body. It is no different than the press leaving their camera to go to the bathroom. What I am saying is a member of the board turned off my camera and stopped my First Amendment right to broadcast this to the Village and to the world.

**Trustee Armacost:** But where were you?

**Mr. Bell:** I was in the judge's chambers at the Affordable Housing Committee.

**Trustee Armacost:** In the meeting with the Affordable Housing Committee?

**Mr. Bell:** Yes. I also had my iPad running in the conference room broadcasting on my Bambuser channel, [hastingsopenmeetingbambuser.com/channel/hastingsopenmeeting](http://hastingsopenmeetingbambuser.com/channel/hastingsopenmeeting), where I have been doing all these meetings so the whole Village can see them, which I post on 10706 to watch the meeting app. So I am in there, dropped my camera off, started it going, went back over here because this was the 69 Ravensdale meeting which was important, which I was surprised nobody even bothered to mention it at the 69 Ravensdale Saturday morning meeting with 50 people there. They said come to the Thursday Planning Board meeting. They did not say on Monday we are going to have an hour and a half long conversation on the property. Nobody mentioned it. That offended me. Maybe you did not look at the calendar like I did not. But the Affordable Housing Committee knew.

**Mayor Swiderski:** You are at the border of the 30 seconds about a minute ago.

**Mr. Bell:** My problem is this. They turned off my camera at this open meeting. I would like you to once again, as I have requested before, please give them training, all these boards, even if it is just the committee leader or the board leader, on what the open meetings laws are. A lot of times in a lawsuit, when you sue on these article 78 proceedings on these kind of things, one of the things the courts will order is open meeting law or FOIA law training. If you cannot provide it I am sure the state will provide it for you. Please fix this. And I would like to see the minutes for these meetings.

**Mayor Swiderski:** I do have a question for you. I heard the story a little differently. I heard that you were discovered outside the Affordable Housing Committee taping it surreptitiously.

**Mr. Bell:** Oh, hell yes. Yes, sir. Sorry to say "hell." But yes, I sat out there so I could listen to Mr. Riolo tell all these things for an hour and a half when he should not have even been in the discussion.

**Mayor Swiderski:** So you were sitting outside the meeting after claiming you were inside the meeting. But, in fact, you were outside the meeting taping it surreptitiously.

**Mr. Bell:** Oh, no, not when this happened. No, you are getting this confused. I was standing out here, 20 minutes out there. Then when I went in to the meeting ...

**Mayor Swiderski:** So you were outside the meeting.

**Mr. Bell:** Twenty minutes after that I went back in there and found out my camera was turned off.

**Mayor Swiderski:** You were outside the meeting.

**Mr. Bell:** Yes, 15 minutes or so, 20 minutes, 25.

**Mayor Swiderski:** Taping surreptitiously.

**Mr. Bell:** Of course. I said the Mayor does not like when I do this. When I walked in Sue Smith goes what are you doing?

**Mayor Swiderski:** And that is just a riot. It is funny, ha-ha. And it is just terrific that you feel it is OK to sit outside a meeting not informing them you are present and tape it surreptitiously. Then to carry on ...

**Mr. Bell:** I am doing nothing else that any other government agent, if I ever became a government agent, would ever do for a meeting to find out what is going on in there. If I would have walked in that room, they all would have zipped it real quick. I would not have got the information I would have gotten out of that. So I stood outside. I wanted to listen, and let them talk without me interrupting or disrupting a meeting.

**Mayor Swiderski:** I am so impressed with your ...

**Mr. Bell:** You do not have to be impressed, sir. I know it is facetious the way you are saying it. But what I am saying is, I sat out there and watched Mr. Riolo, who said he has had no ethical violations, then violate himself with our ethics law even more. Instead of telling me no ...

**Mayor Swiderski:** You were outside yet again, surreptitiously taping people yet again. Not your first time, I may add.

**Mr. Bell:** I will also say that someone else called me out right there in front of the meeting when I started.

**Mayor Swiderski:** You were caught.

**Mr. Bell:** Which is a member of the CC, as she was asking for the key. She was like, "What are you doing out here taping?" I'm like, "I'm out here taping." "Move it along."

**Mayor Swiderski:** Let us stop this. I will simply say your idea of a civil society and my idea of a civil society, and most people's idea of a civil society, is radically different.

**Mr. Bell:** So the fact that I found some law violations going on in there you do not care. You would rather say, Patrick, what you did was rude. You are the only people who could actually – this contract is automatically void by the Village ethics code. You are the ones who are going to have to overrule it. I am trying to help you out here.

**Mayor Swiderski:** I am sure you are, it is just terrific. Let us move on. Any other public comments?

## **BOARD DISCUSSION AND COMMENTS**

### **1. Warburton Bridge – Consideration of Hiring an Engineer to Check Construction and Change Orders \*(item added by Trustee Apel)**

**Mayor Swiderski:** We are going to put things out of order and call an item that involves a comment by Mary Jane up front. You have a couple of issues you want to raise.

**Mary Jane Shimsky, Westchester County Legislator:** I understand there has been some discussion about potentially hiring an engineer to take a look at the Warburton Avenue Bridge. We have had issues, questions raised, with regard to the quality of the pour of the concrete on to first parapet over by the Cropsey Foundation. It was about a week ago we had the incident of that Monday where the poured concrete fell all over the roadway and there was a pour that was unsuccessful, although when I got the text in the middle of the Board of Legislators meeting I was unable to call up photographs. I had no idea what was involved and was very worried. As incidents go, this is a not a major one but it is certainly a great cause for concern if this is happening on the contractor's watch.

The next day, we had the Public Works commissioner into the Infrastructure Committee. His understanding of what happened was that the contractor failed to properly secure the electrical junction box in the area and, apparently, when the concrete hit the junction box it caused the problem which resulted in the spill of the concrete. If I were you and I had some money put aside, which due to your great financial stewardship it sounds as if you are in far better shape than we are, it might be worth having someone take a look at the parapet that had been poured earlier, see what their opinion is of likely problems with it down the road, and get some advice on what you might be able to do as a village to be an effective witness

to what is going on during the construction process. When I say this, I am certainly not speaking for the Department of Public Works or the county executive's office, but I can certainly understand the cause for concern. Given the inconvenience this project has caused, we want to make sure this bridge lasts for a good long time, which means we want to make sure the work is proceeding properly. I am supportive of your desire to have someone take a look to make sure that is happening.

**Trustee Armacost:** So you are speaking to us as a resident of Hastings?

**Ms. Shimsky:** As a resident of Hastings and as your county legislator and as chair of the Infrastructure Committee, which does oversight of the administration and the Department of Public Works on these matters. I am completely sympathetic and I do not want to have to deal with another bond for this any sooner than we have to. So having someone take a look at this when we may be in a better position to fix something or be proactive about getting certain things from the contractor is probably a very good idea.

**Trustee Armacost:** So in your role as chair of that committee, if, hypothetically speaking, a report came to you that indicated there were concerns, is there anything you can do?

**Ms. Shimsky:** Part of the problem with being a legislator as opposed to an executive is, at the end of the day if the executive says I do not care I cannot sign a contract, I cannot sign a check, I cannot order certain actions to take place. He is the one who is in charge of the Department of Public Works. But the one thing I can do is demand public explanations for it and, if need be, work to help secure whatever bully pulpit we need to get appropriate actions and oversight taken.

**Trustee Apel:** Did you have a chance to talk to anybody regarding the letter that was sent to Mr. Astorino on September 21 regarding our concerns?

**Ms. Shimsky:** We did have a discussion about those concerns at a prior Infrastructure Committee meeting. When it came to the parapet that had been poured, where some cracking which might possibly be out of the ordinary occurred, what the commissioner told us at that meeting was that it will be easier to tell whether there is a problem or not when we see how the bridge fares over the winter. At that point, we can either make the decision to get some sealant poured on in the spring or if there is further corrective action that needs to be taken. Then that can be done in addition. Did you get a response from Chief of Staff George Oros? The interesting thing is, he said most of the same thing but it was not completely consistent with what Mr. Pisco told us at the committee hearing. At such point, if you would like to come in, it is now budget season and that is going to be rather difficult to do anything that is not in the budget or maybe a couple last-minute emergency items, at this

point. But, if after the first of the year you would like to come in to a Board of Legislators meeting, or if you would prefer to handle it in an off-line meeting with members of the administration and the Public Works department hopefully I will be able to set something up.

**Trustee Armacost:** What were the inconsistencies between the two positions?

**Ms. Shimsky:** I am trying to remember what Mr. Oros said. I did not have a chance to go back and see the letter today. I think he was talking about applying the sealant earlier than Mr. Pisco was, if I remember correctly.

**Village Manager Frobel:** Right, and the several cracks appear.

**Ms. Shimsky:** Right. You never quite know who is speaking to whom because there are so many different channels. This is an administration where there is highly centralized command and control. The commissioners, I get the impression sometimes, do not always know what it is the administration knows. If you want to get a clear answer on that we could do it in writing. Or if you want to try to have a live meeting we could try doing it either as part of a public committee meeting, or we could try to get a meeting with the administration, the Department of Public Works off-line. We do have options to get clear answers to any questions you have.

**Mayor Swiderski:** But it is budget season. Given that there seems to be a number of potential issues here, is it not reasonable to ask the county to pay for the engineering look to verify if there are problems? Why should we be funding the check on a county bridge?

**Ms. Shimsky:** I think you should write to the administration and say that. I would certainly act as your advocate for that. You are right, where there are concerns and we need somebody to take a second look; we should be doing that. Now, of course, they had their own in-house personnel look at it and they had a certain point of view. But there is certainly a potential value to having a completely new set of eyes look at the situation, too.

**Trustee Armacost:** I think it is quite important to have a new set of unaligned or unattached eyes that are completely independent.

**Mayor Swiderski:** It galls me to pay for something that is double-checking their work, but if we must we must.

**Ms. Shimsky:** But if you want to say to the county you should be doing this at your own expense, let us see where we can go with it.

**Mayor Swiderski:** You sound skeptical.

**Ms. Shimsky:** I am skeptical of a lot these days. It is budget season.

**Trustee Armacost:** The optimal scenario is that there is recognition that it is the responsibility of the county and that that is paid. But assuming that does not happen, we need to set a date by which we then take other action ourselves. Otherwise it will drag on.

**Mayor Swiderski:** I will be pretty certain that we will not get a positive response.

**Mayor Swiderski:** It just galls me. I wanted to say it for the record, but it galls me that we are paying out of Village monies for it.

**Trustee Armacost:** So why do we not decide that you are not going to be paid, and make a request but set a date internally for ourselves at which point we will ...

**Mayor Swiderski:** Hire internally.

**Trustee Armacost:** Yes. Hire an engineer, yes.

**Trustee Apel:** I do like to keep postponing this. They want to open up this bridge, and they are going to have more cars going over that bridge soon. There are already problems, and we are already on notice there are problems with this bridge. I do not want to wait. We should hire somebody, we should put the county on notice that we will send them the bill, and that we cannot wait. In clear conscience, we cannot take responsibility if anything happens to anybody. We should hire someone as soon as possible. Let us just do it now. When I am looking over this list of problems with the concrete on the parapet, and then the parapet falls down, and if there are cracks where there should not be cracks, and they are going to wait until the spring to see what happens with the cracks, we all know you cannot put a skim coat on anything: it is all going to crack anyway, the water is going to go through, there will be problems eventually. You can be sure that the county has not put a slush fund together to help repair these things as they go on. They are going to wait until things fall down.

**Rep. Shimsky:** I can guarantee that it is budget season.

**Trustee Apel:** Right. We are going to be left with things happening, things falling down and, over the long term, we are going to end up with a bridge that is going to look terrible and may be a danger to anybody that is going near there. I suggest we task Fran with getting a structural engineer as soon as possible, somebody that is objective, somebody that is known for structural engineering and working with bridges, and that he and send out whatever RFP

you have to do to get somebody as quickly as possible, and that we get somebody in here before the end of this year because we want someone who is going to be able to not only look at it, a structural engineer does x-rays on this bridge there are going to see the things I do not know if the county did in the past and they are going to check to see where all those cracks are and where all the stresses are in that bridge.

In turn, we will put the county on notice that if we find out they are responsible for this that they are responsible for all the repairs, the corrections and the improvements. Also, I want this structural engineer to look at all the change orders that were made under I do not know whose supervision, nobody was checking anything, and to see if those change orders were appropriate, made with the correct materials, and are going to last. If you tell me that anyone sticks a lamp in something and sticks four little pieces and screws in, that those lamps are not going to fall over I do not know what. But prove to me that those are sound, that all those changes were appropriate and are going to last in the long term, and that we are not subjecting anybody of being in danger by anything that has happened on that bridge. I feel very strongly about this.

**Mayor Swiderski:** I like your idea of submitting the bill at the end.

**Trustee Armacost:** I think that is a great way of handling it.

**Trustee Walker:** I think that is the thing to do. I completely agree with Marge and I do not think we should put it off. I think we should do it right away.

**Mayor Swiderski:** Yes, I like that idea very much.

**Trustee Walker:** I think we should do it before winter sets in and, certainly, before they open the bridge.

**Village Manager Frobel:** Part of my report tonight was going to be on the bridge, but now we are here. The bridge is going to be open next week to traffic both ways, Tomorrow they are going to remove the concrete barricades and do the final coat of the asphalt on the left side of the bridge. It will be open to traffic as early as next week.

**Trustee Apel:** We do not know what stresses having double the amount of traffic is going to bring to this bridge that we are not sure is safe. It sounds great that you want to open it both ways. But until we have somebody take a look at this bridge to see what is happening, I do not think we should do that.

**Village Manager Frobel:** We are not the ones to tell them not to open the bridge. Is that what you are suggesting?

**Trustee Apel:** I think so. You are going to have buses going back and forth at double the stress level. If you know stress, it is vibration on that bridge. We do not know what it is doing. They do not know. They were going to wait until the spring and then come back and tell us. We do not want to wait. It sounds lovely to do it, but I do not think we should put ourselves in jeopardy or in danger, or put the Village or the county, for that matter, into something happening and being sued. We are concerned and we want to protect everybody now. I do not think we should be in that position to open anything. I am sorry if that is going to cause a problem in terms of traffic, but I want to be safe.

**Mayor Swiderski:** Marge, in the description you have there, and I have got to be cautious here, has there been anything about the roadway itself? Not the parapet and the issues around that, but the structural integrity of the road itself?

**Trustee Apel:** We do not know about the structural integrity. But remember, it is not an isolated thing. You have a road which is attached to all those other things and it is going to vibrate. When you are going across the road it is going to vibrate all those other structures into cracks and everything else. Again, as much as you might want to say we are going to open it and this is going to be great I am questioning, until we have a structural engineer look at it, is this the safe thing to do. We do not even know if it is safe with the one road that is open. Far be it from me, but you do not want to have, sometime in the future, near future, something happen and everybody turns and says you knew, you had a suspicion, you were concerned and you did not do anything or you let people go on that bridge or whatever. I would rather be safe than sorry. I do not want anyone to get hurt, and we do not want to be sued. We are on notice now. We see the objections, we are bringing it up, our county legislator is here. She can bring those concerns to the county. Come back and say you are wrong, it is structured, it is wonderful, it is going to last a thousand years. Then we will all know we are on the same page and we will feel better about it. But until such time, I do not want to put anybody in jeopardy, I do not want anybody to be hurt, I want to feel we are doing the right thing and that we are confident. I want the public to feel safe when they are going on or near that bridge. We have a duty to the public and we have a duty to ourselves, we have a duty to the Village. That is what we are here for. I am sorry if this is not what people want to hear if they want the bridge open the whole way, but that is how I feel.

**Ms. Shimsky:** The nature of the problems we have been hearing so far would tend to compromise the long-term durability of the bridge, but I have not heard any concerns that there is something inherently problematic with the design or some such that would make it fall down immediately or close to immediately. We are on notice about a different kind of

issue and I think it is very good that the Village is going to pursue this. I will certainly be supportive of that.

**Trustee Lemons:** I agree with Marge. We need to get this engineering study done right away. But I think you are right. That is my hunch but, of course, I am not an engineer. My sense of what I have heard about the bridge, and my concern, is that the problems are going to be long past the time that any of us are sitting up here, but they are going to be real. They are going to land in somebody's lap, and that is more what I am concerned about. I am not worried about it falling down right now, but when I see the construction I do not have confidence.

**Ms. Shimsky:** That it is going to be a 50-year repair?

**Trustee Lemons:** Yes, and we do not want that. Why should we visit that on future generations.

**Ms. Shimsky:** Right. And as a guardian of the county taxpayers, of which we are all part, I do not like the idea of doing a 50-year repair that turns out to only last half that long.

**Mayor Swiderski:** So there is unanimous consent on the Board to seek an engineer to do a proper evaluation. Does that evaluation require permission from the county?

**Village Manager Frobel:** That was a question I had of you. You understand the county will have to release the data they have: their inspection reports, et cetera. We will need to know if they will cooperate in this audit of the work.

**Ms. Shimsky:** What I would recommend at this point is that the Village get in touch with them right away, once you talk to an engineer and see exactly what the engineer wants in terms of access, what kinds of documents and what kind of physical access to the bridge. I will be happy to act as your advocate.

**Village Attorney Whitehead:** The biggest thing with that is there are going to be things that somebody going out there today is not going to be able to see. That is why access to the inspection reports are so important.

**Ms. Shimsky:** Absolutely. At the end of the day, if it comes down to that, they are certainly FOIA'able. Hopefully it will not come to that, but that is one thing you always have in your pocket: if they do not turn it over you have ways of getting it.

**Village Attorney Whitehead:** Which will just take longer.

**Village Manager Frobel:** We can move fairly quickly. State law allows us the flexibility to negotiate with a professional firm for this kind of a service. I do not have to go through a formal RFP, although I want to prepare one because I need something to measure the various proposals from them. It will take a little time to prepare since I do not know exactly the content of an RFP to get an intelligent price from firm.

**Village Attorney Whitehead:** I can help you with that. We have done it on two other bridges where we have been in litigation.

**Trustee Walker:** Are we limiting the scope of work for the engineer just to the parapets? Do we want him to look at the sidewalks? Is there concern about the structural integrity of the bridge itself?

**Village Attorney Whitehead:** That is why they review the inspection reports. They are not going to be able to see the structure.

**Trustee Walker:** Right. We are only talking about what we can see. There is certainly a lot we cannot see, which does make you wonder.

**Trustee Apel:** The scrutiny has to be for everything.

**Trustee Lemons:** It is very important just in terms of the concrete, the materials.

**Village Manager Frobel:** I would also suggest that the county look to get an extended warranty and an extended bond. Was that discussed at your committee? Did they show any enthusiasm for that?

**Ms. Shimsky:** That has not been discussed at the meeting. But as I said, given the events here it definitely warrants a full-blown discussion after the first of the year.

**Mayor Swiderski:** I am asking if Jim, who is active on this issue, may have something to add.

**Mr. Metzger:** I have expressed concern about the bridge, I have written letters. I have written a letter to our county legislator. I want to thank her for coming here this evening. We need to find an expert in this, I am not an expert in structural engineering. But as an architect, I have observed a lot of deficiencies in the bridge. The charge to the engineer should be to review the change orders; how do they affect the bridge. It is not just a matter of looking at what is existing, it is looking at the design before the bridge was built. Was the

design adequate? To Trustee Apel's concern, the parapets are not merely to keep someone from falling off the edge of the bridge. They are designed to prevent a truck, and we have a huge amount of truck traffic on Warburton these days with construction that is going on on Warburton, a semi tractor trailer from losing control on an icy road, hitting that parapet, and not going over the edge. The parapet is not just a handrail.

Structurally, I thought originally all we had were shrinkage cracks, which are not that uncommon. But we do not; we have through-and-through cracks. The cracks run from the top of the parapet down to the sidewalk, all the way through from one fact to the other. In some cases, they are spreading onto the sidewalk. We also have issues with the curb. We were told by the county the concrete is better because it will not allow water to penetrate into the road surface. They took out the granite. It turns out the concrete curbs were already cracking, as I had reported to this board, and what they should have done was put steel caps on those concrete curbs. They went for the cheapest possible way to do this. I do not believe that is standard engineering practice, especially in a situation like this. The engineer needs to look at what is right, not what has been proposed, and compare those two things; how would we do this typically.

There is no drainage in the center of the bridge, which means as we get freeze-thaw cycles we do not have an ability for the water to run off the middle of the bridge; we now have the entire bridge with the potential for freezing up. That could create additional issues. The engineer needs to look at h. They need to look if the drainage was studied and whether having no drains in the center of that bridge is appropriate.

The last thing is the anchorage for the fences. In the original details that were done for this bridge there was supposed to be a metal plate embedded in the concrete with four studded bolts coming through the concrete. Those bolts are what the fence typically would bolt to. So the fence is attached to the bridge with a compression fitting, which is how concrete is very strong. When you do an expansion bolt in the top surface of this parapet, what you are doing is driving a wedge into the concrete and allowing to act in the weakest possible way on the concrete. Despite the fact that we have a fence that is as transparent visually and physically as we could propose, that is going to start to act like a sail when the wind blows. You have seen all sorts of fences start to blow. You start to get a rhythmic action. It is the same thing as if you took a spike, put it in a hole in the concrete, and starting working that spike back and forth. That is going to crack. That is going to be a real issue. If we allow them to put the fence on the bridge at this point it is a huge mistake.

Our Building Inspector, who I believe is recovering from knee surgery, said he would be happy to take a look at the bridge and put something together. Whether the Board deems that appropriate or not, I believe having an expert engineer is probably the better way to go

because we do want a disinterested, third party who is an expert in these matters. We need to make sure, again, we are looking at things not just visible, but things that should have been planned for originally and may not have been planned for in the change orders that occurred.

We keep talking about the cost of all of this. In my experience as an architect for 40 years, when there is a problem with materials delivered or materials installed it is the contractor's cost to come back and fix it. It should not cost the county a nickel, it should not cost the taxpayers a nickel. But what needs to be determined is where the fault lies. There could have been a problem with the concrete mix, there could have been a problem with the pour. There are tests that are done called a "slump test"; there is a seven-day test, there is a 28-day test. All these things should be a matter of public record, whether the county wants to give them up or not. I do not care and you should not care either. This is all public record. It is all the records that go into the Building Department, they are on sets of drawings. All these things should be available. If we are getting a problem from the county I would suggest that they may be trying to hide something.

s, I know I am getting into some legal areas here. Let us make sure we get all the information to Village Manager Frobel. A warranty is not going to help us if the people are not going to come back and fix it. We know from previous experience, they spent years delaying fixing the sidewalks on that bridge. They were a tripping hazard, we kept complaining. Lights went out, we kept complaining. "We will get to it." Seven years later they rebuilt the bridge and we are having problems with it before it is officially open. This is unacceptable, we should not stand for this.

**Village Manager Frobel:** I was just trying to anticipate a concern about getting the release of the data. I was not saying we cannot be privy to it, I was just suggesting we would want to know in advance.

**Mr. Metzger:** Yes, and I appreciate that. With the warranty, there should be a warranty with this anyway. But not to fix deficiencies in the construction.

**Village Manager Frobel:** I was looking for an extension to that in case, in 10 or 15 years even despite our findings, there were faults in it and we would cash that in.

**Trustee Armacost:** It is very prudent, Fran, to get that.

**Village Manager Frobel:** Let me do that. The other thing is, we are looking to go all the way back to the design to see if there were flaws in that. That is different than going out there physically, looking at what is in place. But now we are going to test as to whether the original assumptions were accurate. Is that part of this charge, as well?

**Trustee Apel:** Oh, yes.

**Trustee Armacost:** So what is the estimate on the cost?

**Village Manager Frobel:** I wrote down "how about a not-to-exceed number." I got to hope that I can negotiate something. I do not know.

**Mayor Swiderski:** Do you want to guess?

**Village Manager Frobel:** No, I do not because I could be off.

**Ms. Shimsky:** I would suspect that if an engineer started looking at the change orders, looking at the execution, at that point he or she would be able to determine whether or not it would be appropriate to dig further.

**Trustee Armacost:** So a preliminary report, then more detail.

**Village Attorney Whitehead:** If the Board is asking you to start with looking at the original plans, Fran needs to know that.

**Mayor Swiderski:** The original plans as much as the change orders, as well, to those plans, right? There were change orders made.

**Trustee Apel:** Once you start looking you wind up looking at everything.

**Trustee Lemons:** The other thing that is a priority is the slump testing, the documentation of the materials, because that is all we are observing. We are observing the failure of materials, which looks to me like a problem in the quality of the concrete that was used. It could also be the way the pour was done. They sprayed it and it was hot when they did that first pour, and I do not think they sprayed it and kept it wet which they should have done for at least a week.

**Trustee Walker:** And they decided to do it as a continuous pour. They followed a different procedure than they originally thought they would. So there is another factor involved. And they poured the curb along with the sidewalk at the same time.

**Trustee Lemons:** But they all appear to be ways you cut corners on your construction cost. The fact that we are seeing the consequences already is really not a good sign.

**Ms. Shimsky:** It does not bode well.

**Village Manager Frobel:** I was there a number of times during the work, obviously. The rebar in that parapet wall is probably two inches apart, pure steel. A truck, I am convinced, could not crash through it. But let someone look at it.

**Trustee Lemons:** Although I had experience with a 13-story building that was done with pour-grade concrete and rebar that was too close to the surface. Rebar explodes. It will blow up to three times its size if it gets wet, and it started blowing apart the concrete itself. It exploded the concrete. That can happen. So it is true the rebar will give it a lot of strength and maybe if all the concrete is gone it will still be there, but it will be very compromised and certainly would not look great. Chips fall off, it is dangerous below.

**Trustee Walker:** It rusts and corrodes.

**Ms. Shimsky:** And as the water works it corrodes. Then, of course, as the water seeps in further you end up with cracking and spalling of the concrete and it ends up falling off the sides. That is pretty much what happened with the Ashford Avenue Bridge when the pieces fell on the throughway in 2012.

**Trustee Armacost:** It is a tremendous waste of money.

**Village Manager Frobel:** Should I put the county on notice that we do not want to bridge opened to two-way traffic next week? Was that part of this discussion?

**Trustee Lemons:** I do not feel that concerned about it. If anything the traffic is going to bring to light the vibrations and so on.

**Mayor Swiderski:** We have had an indication already. I am not inclined myself to call the traffic stop. There are three opinions up here. I would like to hear from Meg.

**Trustee Walker:** I do not think it is necessary to stop the traffic. I understand Marge's concern. I do understand your concern in that there is additional vibration that could put a stress on the walls. But I do not think it is that type of structural problem that would appear immediately under that kind of stress. But I am not a structural engineer. I do not know, weighing the disadvantage I feel like we continue to put the merchants and the entire Village under stress, as well, by not having the bridge open. So I am weighing those two things.

**Village Manager Frobel:** Because our intent is to allow on-bridge parking once two-way traffic has been restored.

**Trustee Apel:** And if something falls down, and because of all this somebody gets hurt, who is going to take responsibility for that?

**Village Manager Frobel:** Then maybe that should be our discussion, too. Would you like us not to allow parking on the bridge until this report is completed, even though there is two-way traffic?

**Trustee Apel:** I think we need a report. We know what we have already. If we add any more stress to the bridge or anything and something happens, we will have allowed it. I will not vote to open the bridge, to let any parking, to have anything else happen until we get a structural engineer to check the work. It is more prudent to be concerned about the safety of the people than to open it with the thought that it is going to make everybody happy. I do not want to be sitting here if something happens to somebody.

**Trustee Armacost:** I want to support Marge. Not because I know the bridge has a problem, but because it sends a strong message to the county legislature that we are concerned. None of us are engineers, none of us know one way or another, and the issues that are being criticized are not related to the roadway. But it sends a strong message. As Meg said, it does create a burden on the people who are around the bridge if the bridge is not open. But the fact that knowing it creates a burden, and we should put this in our letter, we are still concerned enough and are willing to do something in which there is a large group of people who have been asking for that bridge and it has taken too much time, it shows we are concerned if we move in that direction. That would be the reason I would agree with Marge. Of course, that could also be ineffective at the end of the day. But I think it is worth trying.

**Mayor Swiderski:** But what sort of leverage this is giving us? It is not sending a meaningful signal because we do not need to send a signal. We are hiring a firm. That is a signal enough. I suspect we are about to pay a chunk of change and that is an indication that we are backing our grave doubts.

**Trustee Armacost:** To me, it is inconsistent to say we have grave doubts but we are going to let people drive on the bridge anyway.

**Mayor Swiderski:** But we are letting them drive now.

**Trustee Armacost:** We are having articulated lorries drive on the bridge. I have already voted for it to be open. But there is potentially a tactical reason to support the point that Marge was making, and I could be wrong about that. Irrespective of that, I do not think we know yet whether there is a structural issue to the roadway, as everyone has said. So it is

really up to the three of you. You have already decided one way, and I do not know if you feel like you are firm with those decisions.

**Mayor Swiderski:** I came from a 7 o'clock meeting that was being held for the merchants. This was the only thing that came up with the three of them at that meeting. I am very conscious of that; they are really impacted. The bridge has been in use in both directions. I believe there is reason for long-term concern here, and long-term concern can be as soon as five years or next year.

**Trustee Walker:** Or through the winter.

**Mayor Swiderski:** Right. It may be apparent next winter. If we have the opportunity to ease traffic congestion downtown, right when, again, it is heading into a holiday season, on a roadway that has been proven in both directions, nobody has questioned that. They have questioned the stability of the parapets, not an immediate collapse, but a cracking over time that is problematic. I cannot justify changing my position.

**Trustee Walker:** I have heard from a number of the merchants that they are looking forward to having the bridge open and it is going to make a difference in the holiday season and access to the downtown in being able to make deliveries, in parking on the bridge. All these things have affected especially the merchants nearby the bridge. It is a tough one, but I do think I want to weigh in on the side of improving the traffic in the downtown.

**Trustee Apel:** I am really upset. I understand the merchants and their concerns, but they should be concerned about the safety of the people that are going to be coming to them. If something happens to them because they put pressure, or you think they need to have it, I would feel remiss. It would be on their heads, then, if something happened to somebody and it would be awful. We do not know what the bridge is like when both lanes are open at the same time. We only know one lane. We do not know what the problem is with this bridge. Do I think the bridge is going to fall down? No. Do I think there are some problems with the bridge? Yes. Do I think somebody should come in and give an all-clear signal? Yes. Do I trust the county to do it? No. That is why we are hiring somebody from the outside, somebody that would be objective. Let them come and say it is OK to open that bridge while we are playing around with all these other things; yes it is OK to let people park there, no it is not. But I, in clear conscience, as much as I respect the people in the downtown, they know me, I am a big advocate, I am always pressuring for them to get what they need. when it comes to looking at the entire Village, all the people concerned, I am concerned about the safety of everybody in the Village. We should be prudent, take our time, get somebody in here and do it correctly, which is a lot different than what the county did in terms of coming in and doing whatever they did, without supervision, and putting through whatever they did.

I am saddened because we count on the county to do things correctly and this was, I will not even say what I was going to say. It is not nice. You know clearly how I feel. I think we should just leave it as it is and get the job done, and find out from somebody what this bridge is all about and what we can expect. Because, again, if we let it happen, we open the bridge, we let the county open the bridge, something happens or there is a problem, we knew and we let it happen and we opened it up.

**Mayor Swiderski:** Is the examination of the inspection a report something that can be done in very short order?

**Village Manager Frobel:** No.

**Mayor Swiderski:** Can we get somebody in to look at them?

**Village Attorney Whitehead:** We do not know. Fran has got to reach out and there are only so many structural engineers, experts in bridges, in this area. We do not know if they have the time to do this immediately. I do not think Fran can sit here tonight and tell you.

**Trustee Lemons:** This is one of those tough calls. If we want to crank the dial over to 100 percent sure nothing happens, we do not open the bridge. We have certain consequences to making a decision like that. I do not think we are looking at an imminent structural failure on that bridge. I could be wrong, but I think the odds of that are, quite low. When I look at that, in the face of certainty of what happens immediately in just consequences for the downtown, I have a concern. But I do not see cranking that dial over to 100. It is tempting to do it because then we can all completely rest assured and can go to sleep tonight with zero chance anything can happen. But I do not think we can make a decision like that. I think we have to say, it is over there, it is 0.999999. I think engineers say six 9's, right? In terms of catastrophic failure we are probably pretty far over. But in terms of long-term failure, no, we are not.

**Mayor Swiderski:** Let us break it down into two pieces to be concrete, no pun intended. One is opening of the bridge and the second is parking on the bridge. It still sounds like there is an inclination to open the bridge.

**Village Clerk Maggiotto:** About the parking, from my conversation with Suzette Lopane, they do not intend to put parking on the bridge immediately.

**Village Manager Frobel:** Yes, they do. We talked to the contractor today, and he can do his remaining work with cars parked there. Our concern was open the bridge, allow parking, and then have to close the bridge to parking again in a couple of weeks. The thought was no,

we can allow parking on the bridge while they are doing the final installation. They said that cars would not inhibit their work; they do not need to have cars removed to install the fence. That was as of today. You heard something different today?

**Village Clerk Maggiotto:** No, I heard it last week.

**Village Manager Frobel:** It is their call. They may tell us no, we have looked at it again, Fran, and we want parking closed on this section while we are working here. But as of today they were comfortable in saying you can bring your parking back on the bridge. They understand the disruption of the downtown and the pressure we have been under to find spots for parking during this 18-month period.

**Trustee Apel:** So there will be no fencing while this is all going on.

**Village Manager Frobel:** Right.

**Trustee Apel:** They were very concerned that we put fencing up because people are going to jump off that bridge, and this is holiday season now when they get very depressed.

**Trustee Armacost:** Marge, I think we should not take that path.

**Trustee Apel:** Well, I will not take the path but I am being facetious here.

**Mr. Metzger:** There is still scaffolding on the outside of the bridge. That would be a huge benefit for anybody who is inspecting the bridge if that scaffolding could be left in place until the inspection is done. If we could request that the county ask the contractor to leave that until this work is done, that would be great.

**Mayor Swiderski:** That is a good idea. Let us hear it on the parking.

**Trustee Walker:** If we are opening it up to traffic we could open it up to parking.

**Mayor Swiderski:** Marge?

**Trustee Apel:** You know how I feel.

**Trustee Armacost:** I still feel the same way I felt before.

**Trustee Lemons:** I would say open it.

**Mayor Swiderski:** All right, open it to parking.

**Village Manager Frobel:** And it is OK for two-way traffic, although I do not know if we could stop the two-way traffic flow anyway. We could request it. But it will be open two ways and there will be parking on the bridge, when allowed. I will send a letter to the county executive tomorrow putting him on notice that we are proceeding with this hiring of an engineering firm and putting him on notice that we fully intend to invoice the county for the cost of that study, and to keep any of the materials on-site that would facilitate this kind of study, that meaning the scaffolding.

**Mayor Swiderski:** I would prefer that it be that we are moving ahead with engineering and that we want access to the documents. Part of me says we go in fighting about the invoice up front, and we are setting the wrong tone for the letter where we are asking for an investigation. But I am micromanaging this process.

**Trustee Walker:** If we want them to assist us with this inspection and leave the scaffolding up and provide materials maybe we have to go in with goodwill.

**Trustee Armacost:** And then give them the bill.

**Mayor Swiderski:** We are going to get a no anyway on this stuff.

**Village Manager Frobel:** You are saying do not have in the letter notice that we intend...

**Mayor Swiderski:** I would not suggest this letter include that.

**Trustee Apel:** When we send them the bill, you could say sorry we omitted to tell you. And they are not going to pay it.

**Village Attorney Whitehead:** They are not going to pay.

**Trustee Walker:** But we do need their help here.

**Mayor Swiderski:** But we need their help. We need documentation.

**Trustee Walker:** And the contractor's help, and it may cost to leave the scaffolding up.

**Village Manager Frobel:** I am sure it will. He has probably got it committed to the next job.

**Trustee Walker:** Right, so that could be an issue. I think it is important.

**Mayor Swiderski:** The punchline here is that the sooner the engineer can get in there, the absolute soonest.

**Trustee Walker:** Do you have to issue an RFP and receive a number of bids?

**Village Manager Frobel:** I mentioned state law allowing us a certain flexibility with professional services.

**Village Attorney Whitehead:** It does not have to be put out to bid.

**Village Manager Frobel:** As Ms. Whitehead indicated, it depends on the market. I do not know how busy these firms might be. We may pay a premium to have an expedited study.

**Trustee Walker:** We have some structural engineers in town.

**Trustee Armacost:** But we need to be objective both inside and outside.

**Mr. Skolnik:** May I ask a related question briefly?

**Mayor Swiderski:** If it is related to this issue.

**Mr. Skolnik:** I am wondering if we can make a request with regard to the traffic light on Washington and Broadway that was temporary. Can we request it to be permanent as it has made a big difference in that intersection.

**Mayor Swiderski:** Yes, I totally agree.

**Village Manager Frobel:** Yes, we can ask. I can tell you it does not qualify under the traffic warrants. You need a certain amount of traffic coming and going through the area to qualify. You cannot just put up a traffic light because you want to slow the traffic down.

**Mayor Swiderski:** It is not even slowing it. It makes a difficult intersection manageable.

**Village Manager Frobel:** We have told the county from the beginning that we like it. With that we were working with New York DOT because it is on Broadway. So we are working with engineers from the state agency, and they understand the traffic concern. But we will make the argument.

**Village Attorney Whitehead:** They are pretty strict, and if it does not meet the warrants they will not have a light there.

## **2. Restriping Farragut**

**Ms. Shimsky:** The second issue is Farragut Parkway. The state DOT has indicated they would consider a re-striping, but only if the Village Board passes a resolution in favor of that. We have gotten some information from the Village Manager's office. We also have accident statistics. My office will take a first shot at it and deliver it to the Village, and you can take it from there.

**Trustee Walker:** In terms of re-striping do we have to be specific about how we want it re-striped in this go-round?

**Village Manager Frobel:** What you did for Broadway. I already sent the letter to the state and the county, putting them on notice that you are inclined to consider the re-striping of Farragut Parkway. What will happen now is, they will have to do a design, they will do a plan like you had for Broadway where we had all the maps and overheads and put them about the community. They will show you the pattern, then you will have to approve that and then give the go-ahead.

**Trustee Walker:** Meaning the state. But maybe we should give them some direction beforehand in terms of what we would like, whether it is a three-lane or a striped median down the middle.

**Village Manager Frobel:** That is what they will want to hear. That is what we gave them when Broadway was redone. So we will start that. We will tell them we would like them to come up with some schematics as to how they can do it.

**Mayor Swiderski:** But the schematics are driven by a request from the Village.

**Village Manager Frobel:** Right.

**Mayor Swiderski:** So we have got to sort that out before we can get them going.

**Trustee Walker:** I do not know if they would do this, but they could show us a couple of options.

**Village Manager Frobel:** Yes, that is what they did last time.

**Trustee Walker:** They showed options before? OK, so they can show us options and then we can choose.

**Ms. Shimsky:** My opening gambit was going to be take that four-lane, turn it into a two-lane with enough of a turning lane for stacking down at the bottom.

**Mayor Swiderski:** End at High.

**Trustee Walker:** Potentially at High, maybe not.

**Mayor Swiderski:** A center median.

**Trustee Walker:** Depends on the amount of traffic there.

**Ms. Shimsky:** Although at High Street we have different issues because there is a bus stop on one side and I have heard concerns from pedestrians in the neighborhood that they find it difficult. Some of them are seniors and they find it difficult to get across so we may want to do something different at the intersection of High Street. But past there, I think the two-lane and then the stacking lanes closer to the light is probably what we want. I can put something in as a placeholder for the intersection with High Street and the Board can have further discussions on it and decide what they feel comfortable with going in, as an opening suggestion to the DOT.

**Trustee Apel:** Sounds good.

**Ms. Shimsky:** Now that the leaves are down, there is more visibility in that area than there is in the spring and summer. At this point, you can see what a difference it makes and how there is so much that is hidden. Several mornings ago I was turning down Farragut Parkway. There was a landscaper with a leaf blower who was in the extreme right-hand lane going downhill. I was in the next lane. There were cars in each of the two lanes coming up the hill. If someone had taken that curve fast they would not have had a place to go if they were caught unawares by the man with the leaf blower. There have been accidents there and there is certainly a potential for a serious one. It is good we are moving forward with this, and thank you to the Board for considering it.

**Trustee Walker:** Another thought is because the speed limit is 35 miles an hour, although people rarely drive that way.

**Ms. Shimsky:** If you stripe it like the Thruway people are going to drive it as if it is the Thruway. That is the problem that has been there since I moved there over 20 years ago.

### **3. Downtown Advocate Report on Holiday Activities**

**Mayor Swiderski:** We are going to shift things around again, in part because the resolution addresses issues that are also being raised in the other Board discussion item. I am going to ask that our Downtown Advocate provide her report prior to the resolution because I know there is a Village merchant ask on that. We want to hear it.

**Downtown Advocate Prisament:** I have tried to gather quantitative information per Trustee Armacost's request last year regarding the benefit to the merchants of holiday free parking because of the cost to the Village. The bottom line is that it has been hard to accurately ascertain that because there is no control situation to measure against a year when there free parking versus a year when there was not. There are myriad factors affecting businesses that change every year: the economy, the bridge work, et cetera. However, I did get compelling qualitative feedback as to the value that shopowners perceive via talking to their customers and observing their shopping patterns when they can linger and not run out to feed meters.

Michele, the owner of Visual Difference, commented she is certain that because of the three-hour free parking in Boulanger last year, which was an addition last year, many of her customers commented they were going to stay in town after their hair appointments to shop and dine. She wrote a letter of support, which I forwarded to you, as did Maud from Maud's Tavern and Fonda from Suburban renewal, all saying that was a plus. Given that we are in a situation where we might be able to afford it this year I want to say that it does seem to make a difference, in the merchants' opinion, and I would like you to consider that.

I put in a request to please consider December 4, which is the night we have the tree lighting and holiday celebration and Village Crawl as a way to kick off the free meters on a night when many people are coming downtown for these events, through December 31. By the way, Hanukkah starts on the 5<sup>th</sup>, which is a Sunday night.

**Mayor Swiderski:** What was it last year?

**Downtown Advocate Prisament:** I believe it was the same, from the Crawl through New Year's.

**Trustee Walker:** Was it not 21 days?

**Village Manager Frobel:** Yes, 21.

**Trustee Apel:** So \$900 a day we give up?

**Village Manager Frobel:** Yes. That is our maximum exposure, yes.

**Downtown Advocate Prisament:** You are leaving out Christmas, Sundays and New Year's. How many is it this year?

**Mayor Swiderski:** So if we went the full monty and did 15 days it would be 15 days times \$900, or around \$13,000 additional, above and beyond what Fran is recommending in lost income.

**Downtown Advocate Prisament:** Can we afford it?

**Trustee Armacost:** We made quite a lot of unintended extra income this year

**Mayor Swiderski:** We did.

**Trustee Armacost:** The merchants have been severely inconvenienced by the situation relating to the bridge. The scenario involving the Farmers' Market was unfortunate, and it was unfortunate that the merchants were not consulted prior to that time. They are a beleaguered group of people in the Village so this is one request where if we were under dire financial straits I would feel differently about it. But it is a way of recognizing them as an important part of the community at a time when it really matters to them.

**Mayor Swiderski:** So are you endorsing the Downtown Advocate's request or a subset?

**Trustee Armacost:** I am endorsing the request for the 4<sup>th</sup> to the 31<sup>st</sup>. It would be useful to have more data, more anecdotes, and if it is only going to be anecdotes I would like to have it from more than four shops. There needs to be some reciprocal effort on the part of the merchants to explain in some way to us the way which this is valuable. We need more people chipping in and explaining, giving us concrete examples from their own shops.

**Trustee Apel:** What are you talking about? Some sort of survey when people come into shops during this time? Something we could ask them?

**Trustee Armacost:** Something to show that they are documenting it, that it is not just a gut feeling.

**Mayor Swiderski:** It is hard to do. It is apples and oranges. What are you comparing?

**Trustee Armacost:** They can compare to the month before, the income from one month to the next. They do not have to tell us the amount of money, but they can say there was a 20

percent increase in sales or something like that. They can certainly say something about the anecdote from the people from the hairdresser's who shop more in the Village. Any anecdotes like that, but we need more than four merchants.

**Downtown Advocate Prisament:** I will request that.

**Trustee Lemons:** A survey, you could do that. I do not think there is going to be any quantification that is going to satisfy us, but you can ask people and you can get some reliable information from people about how this is impacting their behavior.

**Downtown Advocate Prisament:** We have talked about doing a Village survey possibly this winter. If we do that, we can include it there.

**Trustee Apel:** Maybe there could be some sort of survey where they put it in and are part of a raffle or something so people will answer. They will get a free something or other in a drawing.

**Downtown Advocate Prisament:** People do like prizes.

**Trustee Apel:** If they like prizes they will fill it out. Not too many questions.

**Mayor Swiderski:** That may be a good idea: low-tech and new.

**Trustee Lemons:** But get some information. So 21 days, by my count, is from the 4<sup>th</sup> through New Year's.

**Trustee Walker:** So 21 days is \$18,900 total, just to go on record what we are sacrificing. I am in favor of it, but I am also in favor of, as you have pointed out, getting more information about how it is benefiting the merchants and our shoppers and residents. So something like Marge suggested.

**Trustee Apel:** I am in favor, but with a quid pro quo that we want a little survey in everybody's little shop. And give out a prize out or something. We need to get information. If people want us to continue this every year, which we would like to do, we need feedback.

**Downtown Advocate Prisament:** I will see if any merchants are willing to get a little feedback.

**Trustee Lemons:** Keep it very simple so people will do it.

**Downtown Advocate Prisament:** I am not sure if asking them to do it during holiday shopping is actually the right time.

**Trustee Apel:** Two or three questions.

**Downtown Advocate Prisament:** I know, but we will see. We will get it somehow. But is it 21 days? I just want to clarify, and I apologize for not counting in advance.

**Mayor Swiderski:** It is 21 business days.

**Trustee Armacost:** Just to be clear, Barb, next year hopefully there will not be a bridge issue. Part of my reason for feeling this way this year is because I feel as if they have been very inconvenienced this year. But if we are not getting anything back, my inclination to repeat that number of days next year will wane. We need to see something on their side that there is a commitment to giving us some quantifying.

**Downtown Advocate Prisament:** I think there is a big difference between asking for quantitative feedback and qualitative feedback. I think we will be able to do that, and maybe we can even systematize it with the system, too.

**Mayor Swiderski:** You have your fifth vote out of me so we will change this to reflect that.

**Downtown Advocate Prisament:** I had one more issue to just raise, not to necessarily be decided tonight. We have talked about it a little: cleanliness of streets and the physical appearance. I want to publicly again commend Sakora and New China for changing the landscape behind their businesses and putting in the dumpsters. Also, many months ago the DPW added another run through that parking lot to pick up recycling on an extra day. Those things have made a big difference. And we put out the cigarette containers, two of which are still standing and one we are replacing and trying to figure out how to secure. So there have been some improvements along the way.

I have gotten a lot of feedback. I noticed myself that there has been a lot of litter in the gutters between street sweeping. I t wanted to raise the idea of checking to see if we are maximizing our contract. I assume that we are, but just to really look at how much we have contracted for and talk about if that is enough. Or if it is even possible on a surplus situation to look into buying a machine that could even just be for the downtown streets. I do not know a lot about those machines and which ones you have considered in the past that maybe go into the neighborhoods, or if there is a different version that could do a downtown more frequently, whether we should own that at this point, or whether we should just take another look at our contract. It is a general comment and request to think about it again.

**Trustee Armacost:** I met with a group of people who live along Warburton this weekend on a number of different issues. One was the issue of the cleanliness of the streets going in the other direction. There are a bunch of merchants now that have moved in to locations further along Warburton, so the commercial district is extending down toward Antoinette's and beyond. There is a real concern with cleanliness of the streets and removal of waste, and a number of issues related to that. I think there is a demand for that kind of a vehicle in other parts of the Village as well.

The other thing, while we are on the topic, that group put a lot of effort into cleaning up Riverview Park and you should go and have a look. It looks spectacular. It is a fantastic set of evidence of citizens' effort to reclaim something important to them in their neighborhood. The Fire Department happened to be doing its fundraiser and was able to wash off the tarmac. Thanks to the Fire Department for that help, and it looked quite lovely. I think this idea of a street sweeper would be quite useful down that end as well.

**Village Manager Frobel:** Since you met with them, and this is an aside, did taking the gate off help the situation there?

**Trustee Armacost:** It made a big difference. Now that park is being used by children who did not play there before: kids playing basketball, riding their bikes, people are going in there. That park has a spectacular view. As the leaves come down it is even more spectacular. There is a real potential to turn that park into something quite amazing. The group has created a friends of Riverview Park association. They have another association called WANA, which is Warburton Avenue Neighborhood Association.

**Downtown Advocate Prisament:** I was thinking of SOWA, South of Washington.

**Trustee Armacost:** They are very interested in improving that whole area. And certainly cleanliness of the streets is one of the issues on the agenda from that group of people and for others in other parts of the Village, as well.

**Downtown Advocate Prisament:** One of the business owners in that district reached out to me about meeting. We are planning to do that. It is extending the idea of the downtown in our heads to include about 13 or so businesses that are in that district now. I know it is not zoned necessarily for more commercial, but there are existing businesses and some grandfathered situations. Like this event that I am doing this Saturday, which I will talk about, is really just for Spring, Warburton and Main, but there may be other things we want to do. We are including them in some things like the gift guide, et cetera. But back to the street sweeper. Did you want to talk more about that, or onwards?

**Village Manager Frobel:** No, but the staff is working on that. I am aware of the need for a street sweeper. I have already met with our key personnel, and we are looking to see about the full-size which we recommended back in 2010 should be bought, or something less, something smaller. We probably need something that will address some of our neighborhood streets at least once a year, which had been our practice in the past.

**Downtown Advocate Prisament:** Right, and sometimes the one we contracted comes after the cars are moved.

**Village Manager Frobel:** I was going to say we are going to spec it out and recommend to the Trustees.

**Downtown Advocate Prisament:** I appreciate that. I have a short A&P update, and then some holiday activities.

The A&P is closing on November 24. Take a moment to wish all the employees that we have come to know well. I did ask the store manager Joe, and he is talking to the liquidation company to see if he can put them in contact with me so I can connect them to the Food Pantry. There is not much left in the store, but there is enough that it would be helpful to the Food Pantry. We did do an e-mail to the Village. There is an ongoing senior shuttle service that operates on Tuesdays and Wednesdays, many times to a supermarket. People can contact the Rec Department or the Senior Outreach person at the Rec Center, Anne Russak, and those trips can be arranged. You call the morning of and they come and pick you up. They also pick up aides as well, if you need it. There are some local shops, like Prime Meats and Food for Thought, Amjo's Delicatessen, Madaba Deli, some convenience shops. When you need essentials, there are places to go in town. And Prime Meats and Food for Thought have way more than essentials, and it is a nice time to discover them so we did send that out to the community.

Most people know the A&P lease was purchased by an organization called Shanghai Enterprises. Just to clarify a lot of the rumoring that is going on, this is an organization where the gentleman who bid on the lease, from Shanghai, typically does not run supermarkets himself. He was in a position where he was either going to sublease it or turn the property around and flip it, sell it. There is a 30-day clause where he can back out of the situation if he wants, for certain reasons. It remains to be seen how that finishes playing out. But our property is zoned for supermarket and offices. Anything else would have to be by special permission or a variance. So it is very likely that one way or another a supermarket will come in. There are interested supermarkets; however, it will take some time and when someone does come in, assuming it is a supermarket which is our hope and something we are

working towards, it will be a renovation. So we will be in this situation for a little while, but we are hopeful. Those are the facts. People who are rumoring about other kinds of businesses, it is just hearsay or people worrying. But there is nothing to substantiate that at this point. I did want to clarify that.

**Trustee Apel:** We have this plastic bag ruling, and A&P would take your plastic bags for recycling. What are we telling people to do with bags they used to take there?

**Village Manager Frobel:** What I have been suggesting when they write to me, I write back and tell them I assume the market you trade at today will take bags as well.

**Village Attorney Whitehead:** It is by state law supermarkets or anyplace that gives plastic bags has to provide for recycling of plastic bags.

**Trustee Apel:** I am getting plastic bags from the newspaper guy that delivers.

**Village Manager Frobel:** I would bring those to the same grocery store you are going to.

**Trustee Apel:** Well, does the Village take plastic bags?

**Trustee Walker:** No.

**Downtown Advocate Prisament:** Lastly, there are a handful of wonderful holiday events being planned in our downtown. The first is happening this Saturday. It is called Meet the Merchants. There are 31 or 32 businesses that this Saturday are putting out food and drink, a little nosh at each store. I have offered myself as a tour guide. I will be at the VFW Plaza at 11:45, gathering people until noon. I will be at the market all morning promoting it, along with the other events I am about to tell you about. We are going to start at the VFW and walk up towards Hastings Wine & Liquor, north on the east side of Warburton. Then we are going to come back down on the other side of the street, go down Spring, zip around to meet Maud at Maud's Tavern, come back up Spring and then head down south on the west side of Warburton, up Main, around, and back to the hardware store and the VFW.

Because of the great number of stores that have signed up we are going to pop in and meet the owner or the manager, get to look at the store, hear a little about the store, have a snack, and then move on. If people would like to linger, of course they can or they can walk their own route. During this two-hour period, the food and snacks will be out. We are really encouraging newcomers to come, but we are also encouraging old-timers because some of the old-timers do not know some of the new shopowners or might just want to go back out and reconnect. It is a very low-tech, low-cost event. Each merchant is only spending the

money on their snacks. I listed this with *The Enterprise* for the Hastings column and possibly the centerfold, and they picked it up as a story. So we will have a nice feature story in *The Enterprise* this Friday. We will be blasting it out, we have put it on social media. It gets to the heart of what we want to do, which is have people connecting with the shops and remembering all the things they can purchase here locally.

Along with that, we started a social media campaign. "We" is me and my awesome senior intern from the high school. It is called Do You Know? and it features photographs of a shop, and the owner when they are willing to be in the photograph, and a blurb about what is special about their business. We posted about Global Offerings inside Suburban Renewal. I will include services, markets, restaurants. We are just going to rotate them, have a couple a week and spread the word.

**Trustee Walker:** How are you driving people? That is the Facebook page?

**Downtown Advocate Prisament:** Putting it on Destination Hastings. I did put it in 10706. I am contemplating whether or not to put it in neighboring villages. I do not want them to see it as an imposition, but I like to know what is in the neighboring villages so I may do that at some point. And the merchants are putting it on their Facebook page. It got a nice response this weekend when we had the first one so, hopefully, people will embrace that.

**Trustee Walker:** Do you have a link on our Village website to Destination Hastings?

**Downtown Advocate Prisament:** That is a good question.

**Village Technology Director Zaratzian:** We do

**Downtown Advocate Prisament:** Thank you, Raf.

Secondly, we have the holiday Friday Night Live with the tree lighting and the Village Crawl on December 4. It is once again raising money for the Food Pantry. Last year we raised \$1,700. Over 220 passes were purchased, which means that at least 300 or 400 people came out that night in the rain. So rain or shine, I hope we get another great turnout. I will be at the Farmers' Market this Saturday and the next two markets selling Village Crawl passes. This week, starting on Saturday, they will also be available The Mill and Maud's and Penny Lick and Indigo and Suburban Renewal, the Municipal Building, the James Harmon Community Center and the River Roadhouse, and from me at the market.

On Dec. 12 the Rec Department is having their holiday celebration, with a snow date of the 19<sup>th</sup>, at 11 a.m. at the James Harmon Community Center, which will bring people

downtown. On Dec. 17 the Rec Department is also sponsoring a drop and shop movie night with *Elf*, where parents can drop their children off to see a movie, shop the downtown, show a receipt from any downtown business and get their \$5 back or not. But either way, they can do that. Dec. 19 is the holiday Farmers' Market from 9 to noon at the parking lot. Overlapping that, at 11:30 a.m. at the VFW Plaza, we will have a holiday sing-along, possibly with an entertainer. If not it will be prerecorded, but we are trying to get someone to do that, and hot chocolate, to bridge shopping from the market to the downtown.

Lastly, I am making a holiday gift guide. It will be on cardboard stock and two-sided if we can get everyone to fit. We have descriptions of all the stores and restaurants and for the next three markets we will be giving those out as well. That is everything. Thank you, Howie and Jennifer for putting it all together for us graphically.

**Mayor Swiderski:** Thank you. That is terrific.

**Trustee Armacost:** Is there going to be a point where you give us a summary of all the achievements this year and a chance to hear what you are plan is for the upcoming year?

**Downtown Advocate Prisament:** Yes. I am so in the throes of a lot of planning that I didn't want to do it now or at the next meeting before the Crawl, but I have asked if at your last meeting in December I could give an overview of the last quarter as tied into the whole prior year, and a look ahead. Would that be fine to do it then?

**Trustee Armacost:** Yes. For me, it is a little better if it is the first week of December, but that might be right in the most problematic time. But it does not matter. I might not be here for the second meeting in December.

**Downtown Advocate Prisament:** If everything is up and running I can pull it together for then. Does anyone else have a preference. I will aim for that, Niki.

**Trustee Armacost:** Either way it is fine. I can always look at the video afterwards or check in from some strange other planet.

**Downtown Advocate Prisament:** I am looking forward to that, to taking stock and peeking ahead. So we will do that. .

### **81:15 FREE HOLIDAY PARKING**

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

**RESOLVED:** that the Mayor and Board of Trustees approve free holiday parking from Friday, Dec. 4 through Thursday, Dec. 31, 2015 for three hours in the Boulanger Lot and for two hours at the following locations: Steinschneider Lot, Post Office Lot, Warburton Avenue (North Street to Bridge), Main Street, Whitman Street, Spring Street, Southside Avenue, and Maple Avenue (Spring Street to Municipal Building Driveway).

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

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

#### **1. Con Edison Gas Main Installations**

**Mayor Swiderski:** Now we can move on to your Village Manager's report. I think you covered the bridge.

**Village Manager Frobel:** I did. The only other thing I want to mention is that on Farragut Avenue Con Ed has been involved in a major installation, upwards of 12-inch, high-pressure gas main. This has been going in from Farragut Avenue, Farragut Parkway, under the Saw Mill River Parkway, ending up on 9-A. It is a major installation. They have encountered a number of difficulties. They have encountered a pocket of sand which caused some cave-ins to delay the project. They are now encountering some ledge. So it has been a real struggle. Then neighbors have been very much inconvenienced for the last two weeks, and I expect they will be further inconvenienced for the next two weeks. It is about a 2,000-foot installation so it is a major project.

**Trustee Apel:** I walk that street. There is a pile of asphalt on part, and then the closer you get to the parkway there is all this sand. Is this all for them?

**Village Manager Frobel:** Yes, that is all their materials. That is where they stockpile them, on Stanley.

**Trustee Apel:** I have been very pleased with the people that were there. They are very cordial. We walk by, and they are trying to get us to walk in the yard so we do not fall into the stuff. They have been very kind and very nice, and they have been working hard.

**Village Manager Frobel:** Once this major high-pressure line is installed, then the crews come back and replace the existing service line for the homes in that area. So this is only one phase of a multi-phase project. There will be further inconvenience once this is complete.

**Trustee Apel:** Is that something they do following it, or do they wait until spring?

**Village Manager Frobel:** I think they are going to try to do it, weather permitting, immediately. That is what we expected was going to happen, then we found out they were doing this high-pressure line.

**Trustee Walker:** While you are on Con Edison, when are they re-paving Villard Avenue after that gas line replacement?

**Village Manager Frobel:** They expect to do it the week after Thanksgiving.

**Mayor Swiderski:** So we prevailed?

**Village Manager Frobel:** No, for a variety of reasons. Part of it had to do with when the initial permit was pulled for the work. It was prior to the passage of your law.

**Trustee Apel:** There are cones all over the place. Are they doing things in other places?

**Village Manager Frobel:** I do not know until they take out a permit.

**Trustee Apel:** There has been one on Rosedale with this metal plate.

**Village Manager Frobel:** Rosedale near Merrill is our work. The DPW is working on it. Villard will be a nice job. It will be a nice patch in that lane that was disturbed up Darwin and two side streets. They will bring it up to the standard or better that the roadway was prior to the installation of the trench being opened. This will be the standard they offered to us when they did their portion of Main and Warburton and we typically see.

**Trustee Lemons:** It will be about half of the street.

**Village Manager Frobel:** Pretty much. They are pretty generous about how far they restore from the curb to when the final cut of the trench.

## **2. Other**

**Trustee Armacost:** The filming that happened this weekend: is that completed?

**Village Manager Frobel:** No, they will be back in January. They were going to be back in December, but we were able to convince them to hold off until after the holiday.

**Trustee Armacost:** And what is the name of that film again?

**Mayor Swiderski:** *Girl on the Train.*

**Village Manager Frobel:** As far as I know, there were no upsets over the weekend with their filming.

## **EXECUTIVE SESSION**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss contractual discussions with BP, a public safety issue, and litigation with Food Industry Alliance.

## **ADJOURNMENT**

**Mayor Swiderski:** A moment of silence for the fellow citizens in Paris and Beirut. It is a loss we all feel.

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:23 p.m.