

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 4, 2016

A Regular Meeting was held by the Board of Trustees on Tuesday, October 4, 2016 at 7:32 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Nicola Armacost, Trustee Walter Stugis, Village Manager Francis A. Frobels, Village Attorney Linda Whitehead, and Deputy Village Clerk Linda Loeb

ABSENT: Trustee Meg Walker, Trustee Daniel Lemons

CITIZENS: Twenty-three (23).

Mayor Swiderski: Other than marrying people, I have very few powers of authority here other than being able to change the agenda on a moment's notice. I am going to shift things around since everybody but the two of you are here for another item on the agenda. I want to move that up so they can all go home and be with their families.

55:16 IMPROVEMENTS TO INTERSECTION OF 9A AND RAVENSDALE/JACKSON AVENUES

Mayor Swiderski: We are going to bring up to the top of the agenda a resolution regarding improvements to the intersection of 9-A and Ravensdale Road/Jackson Avenue. This came before the Board out of the Transportation Working Group, an entity set up by the Board to look at various issues within the Village, prioritize them, and queue them up for action. At the last meeting, this was raised. We tabled it for a meeting so we would have a chance for the public to provide input. We did not have substantive input, so it is now on the agenda as a resolution. We jumped into this without having a public comment period. I think there is support on the Board. If you would like to comment, I am going to open up the public comment period. Is there anyone who wants to voice their opinions on this resolution?

Jim Collin, Donald Drive: I live on Donald Drive, just on the other side of 9-A, Saw Mill River Road. I felt obligated to come here today because I am the father of a child that was hit by a car on Ravensdale Road three years ago. Fortunately, he was not seriously injured, but it was on the bridge and I needed to come out in favor of this resolution.

Sal Deleo: Sometimes kids are going to have to walk home, and I wanted to be safe and I do not want to be scared to walk home.

Joaquin Tapper: I would like to have the crosswalk because I want to walk with my friends and I cannot reach them because it is too unsafe. I need to be dropped off at their house, and

that can be challenging because we might get to school later and it takes a bit longer. I would like to walk to school because it is fun and I want to be with my friends.

Catherine Gellis, 29 Donald Drive: As you can see, there are quite a few kids and these are just a handful of them that live in that area. After fourth grade, there is no busing either. In Hastings, we have Walk to School Day and some say they cannot because it is just not safe for them. So anything you can do would be greatly appreciated.

Victoria: I feel like this is a great idea because that area that you are choosing is very unsafe for middle schoolers that are trying to walk there. But they cannot because of the cars, so I feel like it is a great idea.

Elisa Zazzera, Pinecrest Drive: Just curious to know if there is coordination with the Complete Streets campaign or if there is anything that needs to be worked with this and that.

Mayor Swiderski: The resolution acknowledges a complete streets policy, but there is no formal campaign, per se. However, we are hoping that between the fact that we have such a formal policy, and that there is a clear need at least we will be heard. Whether that will affect change is a separate issue, but at least we will be heard.

Trustee Armacost: Andy Ratzkin, who has been a huge proponent of the Complete Streets program and is a member of the Conservation Commission, is also a member of the Transportation Working Group, which is the group that put forward this resolution. If anyone is going to make sure that liaison happens it is going to be Andy, under the auspices of both working groups of the Village.

Mr. Tapper, 78 Donald Drive: Looking at the new construction on 9-A going through Ardsley, there are three buildings that are almost completed. So the traffic is going to increase significantly, and I was wondering if there is anything that can be said to the New York State authorities because the increased traffic will increase the risk for the kids over there. I hope we do not have to have another serious case for the authorities to react.

Mayor Swiderski: I hope so, too. Those are 55 units. There are another 220 across Lawrence Street in Dobbs Ferry that are also coming online and will certainly impact that intersection as well.

Trustee Armacost: To support your point, I asked for recognition of that set of units to be put into this resolution so they are mentioned in the resolution, which also enforces as we talk about it at a later date.

Nigel Harding: As a parent to two very small kids I am very concerned about that intersection. I invite anyone on the Board to come there at 3 o'clock in the afternoon and just witness how crazy these people drive. It is very concerning to me.

Pete Gellis, 29 Donald Drive: It is a great community, a great town. Love seeing all the kids walking to school, and we want to have that same opportunity for our daughter to be able to walk to school. That is what I grew up with and I loved it. We need to make it safe for our children to be able to do that, so anything we can do is much appreciated.

Mayor Swiderski: Thank you. Any other public comment? All right, do we have a motion?

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

WHEREAS, on Oct. 21, 2014, the Hastings-on-Hudson Board of Trustees established a Complete Streets Policy with the purpose and intent to “enhance the safety, access, convenience and comfort of all users of all ages and abilities, including pedestrians (including people requiring mobility aids), bicyclists, transit users, motorists and freight drivers;” and,

WHEREAS, the intersection of 9A and Ravensdale/Jackson (the "Intersection") was recently modified (the "Modification") as a mitigation for the Ridge Hill development; and

WHEREAS, the Modification included turning lanes, improved traffic signal, reconstruction of the intersection and a ADA ramp (the "Ramp") on the SE corner of the Intersection; and

WHEREAS, the Ramp was provided to comply with ADA requirements, but the Ramp is functionally useless because the Modifications failed to provide identified crosswalks, pedestrian push-to-walk buttons or signalized pedestrian crossing time to stop traffic in order to provide safe pedestrian passage; and

WHEREAS, there is significant residential population east of the Intersection, including school age children who walk to the Middle and High Schools; and

WHEREAS, Yeshiva Mesivta Menachem has acquired and occupied 49 Jackson Avenue, and the students, faculty and visitors walk to the Village of Hastings and other River Towns crossing the Intersection; and

WHEREAS, there are bus stops on the SE and NW corners of the Intersection; and

WHEREAS, the South County Trailway is effectively unavailable to residents because of difficulty of access; and

WHEREAS, in 2017 Saw Mill Lofts on Route 9A, along with a Village-owned park complex, will be completed and should be accessible by walking or biking; and

WHEREAS, the sidewalk on the north side of Ravensdale Bridge is undersized and very narrow; and

WHEREAS, it has been reported that vehicles exceed the speed limit on Ravensdale Bridge and Ravensdale Road, west of the Bridge, to Farragut Avenue; now therefore be it

RESOLVED: that the Hastings-on-Hudson Board of Trustees calls on the New York State Department of Transportation to implement the following recommendations:

1. Install pedestrian crosswalks and signage for pedestrian passage at a minimum from the SE to SW corner and SW to NW corner of the Intersection;
2. Install pedestrian push-to-walk buttons at a minimum on the SE, SW and NW corners of the Intersection;
3. Reprogram the pedestrian walk time period to be automatic one (1) hour before and one (1) hour after all major Jewish Holidays and Shabbat (Friday sundown to Saturday sundown), or provide for automatic sensors as may be appropriate.

4. Install Jersey barriers or another form of barrier on the north side of Ravensdale Bridge to increase pedestrian safe passage and reduce the width of the westbound travel lane (when Bridge is reconstructed, sidewalk width and travel lane width should address safe pedestrian traffic and vehicular traffic calming); and be it further

RESOLVED: that copies of this formal request be sent to all elected officials who represent the area surrounding the Intersection, Governor Cuomo, Westchester County Executive Astorino, and Greenburgh Town Supervisor Paul Feiner.

ROLL CALL VOTE	AYE	NAY
Trustee Meg Walker	Absent	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	Absent	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

PRESENTATION – Town Assessor re Village Adoption of Town Assessment Roll

Mayor Swiderski: The Town of Greenburgh, as everybody with a heartbeat knows, went through a reassessment process that affected the town roll. The Town assessment roll affects the school taxes you pay, the county taxes you pay, and the Town taxes your pay. It does not affect the Village taxes you pay, which are around 18%.

The Village, for historical reasons that no one has adequately explained to me, maintains its own assessment roll, which means that every building in the Village has two assessments: one maintained by the Town and one maintained by the Village. At one time those may have been the same. Over the years they have diverged and, as a result, the effective rate of a given piece of property differs depending upon which tax you are paying.

The Town's reassessment process has, in theory, brought the Town assessment roll closer in line with reality. The Village's assessment roll remains an artifact of at least 60 years, and the accumulated changes and differences that have landed up there, that make it different from the Town assessment roll of three years ago and the Town assessment roll of today. The Village has the option of adopting the Town assessment roll as its own, but remaining a separate assessment entity. What that means is that we use the numbers calculated by the Town from a certain date forward, and can modify those values from that point forward on

our own, but we are own assessment unit, which means we can arbitrate on the assessments that challenge the assessments that come out of the citizenry and resolve those disputes ourselves.

Alternately, we can give up our assessment roll and hand it to the Town. Their assessment roll, at that point, becomes the roll for everything. That means they arbitrate those disputes and handle all updates to the roll. What we want to understand is what the implications of those decisions as well as the timing considerations in those decisions, should we choose to move now versus next year. We have asked the Town Assessor to join us tonight to speak to that and help us understand these issues and provide us some guidance.

Edye McCarthy, Greenburgh Assessor: My job is not a job, it is an adventure. I am also the Village of Hastings-on-Hudson assessor currently.

Mayor, if you do not mind I want to digress for a moment. The Town of Greenburgh also had adopted the phase-in exemption after the reassessment, which you are all aware of. One of the criteria was anybody who had applied needed a certificate of occupancy or a predated letter or what have you. Of the 3,700 people who were eligible in the Town entire, there were 1,200 people that applied. There were 206 that had applied in the Village of Hastings-on-Hudson. I do not know how many were eligible because we are still working on that now, but the reason I wanted to bring this up is because your Building Department was amazing and I wanted to publicly say thank you. You did a really nice job. And I know hard they worked because I got those repercussions.

We wanted to talk tonight, and along my side is John Wolham. He is southern regional state representative of the Office of Real Property Tax Services from the Department of Taxation and Finance, or ORPTS. I wanted to bring you up to speed as to where we are. If the Village does adopt the Town assessment roll after the reassessment as it stands today, and that is before any budget changes or anything, with the inventory collection throughout the reassessment for the Village of Hastings-on-Hudson we collected an additional \$137 million worth of new inventory just within the Village. What that means in English to our finance people is that if everything else remains constant the Village would collect, or reallocate because they would not get any more money, \$1 million.

Mayor Swiderski: A million or \$139?

Ms. McCarthy: That is \$137 million in value; green tax dollars it means \$1 million. So some people would pay less in Village taxes, some people would pay more. But it would be a reallocation of approximately a million dollars.

Mayor Swiderski: I want to fully understand that. You said \$137 million. What is that an increase on, what base?

Ms. McCarthy: That would mean that your property was valued yesterday at \$500,000, and now today after we went out and recollected the inventory after 60 years, your property is now worth \$700,000. There is the extra \$200,000 on just your property. So throughout the Village, the residential and commercial lands here we collected an extra \$137 million worth of value.

Mayor Swiderski: And do you know what the base amount was that is in addition to?

Ms. McCarthy: I do not have an exact number, but almost \$2 billion.

Mayor Swiderski: Well, that is useful. So six percent, seven percent more.

Ms. McCarthy: Yes, it is a lot. There are six villages within the Town of Greenburgh. The Village of Ardsley and the Village of Irvington have relinquished their assessment status and have since adopted the Town's assessment roll for the levy of their taxes.

Village Attorney Whitehead: They both did it awhile ago. They did not actually adopt the Town's roll; they ceased being an assessor.

Ms. McCarthy: They ceased being an assessing unit, which meant they adopted the Town's assessment roll for the levy of their village taxes. They did that, I believe, three years ago. The Village of Dobbs Ferry had introduced the law to cease being an assessing unit last week. The final meeting on their law is the 18th, I believe. Elmsford and Tarrytown are in the preliminary stages of discussion.

Mayor Swiderski: Are they considering it as well?

Ms. McCarthy: Everybody is considering it, yes. I brought with me the Town Board resolution and the local law for the Village of Irvington. I am waiting for the Village of Dobbs Ferry, as well, to see how they processed it and the timing. But if there are no more questions for the assessor, I would like to introduce John Wolham from ORPTS and he will discuss the timing, the processes, and the next steps.

Village Attorney Whitehead: We have those forms, as well. We did this for the Village of Mamaroneck a few years ago. The Village of Mamaroneck ceased being an assessing unit so we did all the documentation. I had forwarded this publication to the Board last week, to the extent they have read it.

Mayor Swiderski: Clearly I had, since I was speaking from my reading of that document.

Mr. Wolham, ORPTS: Edye asked me to come this evening to talk about village assessing unit options. Mr. Mayor, you summarized it very nicely. Essentially, any village has three options. One is to be an assessing unit and accept and discharge all the responsibilities of the assessment function, which is what you have been doing for a fair number of years. At the other end of the spectrum there is the option you are discussing, which is to give up assessing unit status, which is done by passing a local law which is subject to permissive referendum. I obviously defer the Village Attorney for the timing requirements of that.

Right now, your taxable status date is January 1. If hypothetically a local law to give up assessing unit status were passed and filed with the Department of State prior to your upcoming taxable date, it would have to be filed no later than December 31 of this year. That would mean the Village would cease to be an assessing unit. In terms of practicalities, you would no longer have an assessor, you would no longer issue a tentative or final roll, you would have no Board of Assessment Review, you would have no responsibility for defending assessment. You would still have a tax roll. You are a standard calendar village so you issue bills around June 1. You would still be responsible for the collection of village tax and the enforcement of any delinquent payments.

Relative to assessment policy, all that work would be done by the Town. The sole area where the Village would still have a say, or some authority, would be in the determination of which local property tax exemptions you wish to offer to Village taxpayers in Hastings-on-Hudson. Typically, and there is no obligation to do this, when a village gives up its assessing unit status there is usually some interaction between that village and the Town, because from a public relations point of view it is helpful to property owners if the exemptions offered by both the Town and the Village are as similar as possible, both in terms of the actual exemption and the dollar amount or the level of benefit. There is no obligation to do that again. The Village could choose to offer different exemptions or differing levels of benefit than the Town. But it makes the administration a little easier for people to understand.

One of the other advantages to property owners would be that they no longer have to consider the implied value of the Village's assessment versus the Town's assessment and potentially decide whether they need to file separate grievances. Any assessment challenge would be done at the Town level, and the result would be used for all taxing purposes: town, county, school and village. Now village residents are in the position of having to apply for exemptions to both the Town and the Village assessor, so they have to do that twice. In the scenario in which the village is no longer an assessing unit they only have to do that once. It would be to the Town. And, of course, the exemptions that are in the Town's roll would

apply to the village. There would be some additional housekeeping on the Town's roll for those instances where the village offers different exemptions or different levels of benefit than the Town but, again, that is something that can be dealt with relatively easily.

Mayor Swiderski: Could you back it up three sentences? You said if the Town is the assessing authority, whatever exemptions they have on their books apply to us.

Mr. Wolham: Let me qualify. Whatever exemptions appear on the Town's roll will apply to the Village roll so long as they are exemptions the Village has adopted. Again, the Village maintains its independent authority over what property tax exemptions it offers for Village tax purposes. In most cases, there is a considerable overlap. Most taxing jurisdictions offer veterans exemption, a senior citizens exemption, volunteer firefighters, things of that nature. So one of the things that certainly I would recommend, and we are happy to assist with this however we can, would be a comparison of what exemptions and level of benefits the Village offers presently and how that compares to the Town. There may be some differences. Depending on whether the Village chooses to pursue this, there may be instances where you want to enact something to either change or update or modify exemptions that you presently offer. But that, typically, is not a very difficult thing to do.

Village Attorney Whitehead: Part of that is looking at the values in your exemptions. because the values of your exemptions are based on your current exemptions that are only a percentage of full value. So your assessments are \$6,000-\$7,000, whereas now it is going to be \$600,000. Sometimes the value of the exemptions has to be adjusted.

Trustee Armacost: I was going to ask Edye if you have, at your fingertips, what some of the similarities or differences might be.

Ms. McCarthy: The similarities

Trustee Armacost: Meaning the exemptions which are common to the jurisdiction.

Ms. McCarthy: Another exemption that John did not mention was the clergy exemption. That level, in the Village, is the same level as it is in the Town. The veterans exemption is not the same between the Village and the Town. The Town's is higher. The senior citizen works off a sliding scale; the Town is at the maximum, the Village is not. And the volunteer firemen's exemption you still have and it is a little odd in the Village, the Town is at the maximum with that, as well.

Mr. Woollam: In terms of effect, let me talk about the third option, which I did not mention. Obviously, if the Village chooses to continue as an assessing unit you continue

doing what you are doing. I took a look at the equalization rate history for the Village. New York State started equalization rates back in 1954 and there has been a little bouncing around. But the Village's has just essentially dropped. Not always smoothly, but it has dropped over the years. So what this suggests, I do not know if the Village ever did a formal reassessment, but it suggests that the Village's assessments reflect values that are very, very old, and they probably have little relationship to current market value.

If, hypothetically, the Village continues as an assessing unit for some period of time, one of the circumstances you are likely to see is Village property owners will be able to readily compare their new value at 100 percent of the Town's roll to the value implied by the Village's historical assessment. Now, of course, if the Village's assessment reflects a value that is higher than the Town's, well, they probably are not going to say anything. But where they can observe a Town value that is lower than the Village's, that typically results in an increase in the number of challenges because they have a documented basis of saying the Village's assessment is reflecting an incorrect value. Again, if it is higher chances are they are not going to say anything. But, by the same token, if it is higher the Village cannot do anything about that short of a reassessment. Any municipality that is an assessing unit can only make changes for new construction and demolition unless they do a municipal-wide reassessment.

Adopting the Village's roll would be like a Village-wide reassessment because that is what the Town just did. The other option, the middle ground, ill, I will mention briefly and some of the logistical issues with it. There is an option that says a village can adopt a town's roll and the term, so far as practicable. In other words, the Village would remain an assessing unit. The Village could say we are adopting the Town's new values but, because you are an assessing unit, you then would still have an assessor, you would have the entire assessing process, and you would make whatever changes your assessor deems appropriate.

Part of the logistical issue there is that the Town and the Village have different taxable status states and different valuation dates. The valuation date for your forthcoming roll, which, would be January 1, 2017. If you were to adopt the Town's role you would be adopting the values from the final roll, which officially is published September 15. This year, that schedule is a little different because of the exemption that Edye mentioned earlier. But again, the roll would still be finalized prior to your valuation date of January 11, 2017 so you would be adopting values from the Town's 2016 final roll. That roll has a valuation date of July 1, 2015. So technically, there would be a need for your assessments to account for that year-and-a-half difference in valuation date.

The Town's 2016 taxable status date for that roll was May 1, 2016. Your taxable status date is January 1. So there is an eight-month difference there. Technically, if you remain an

assessing unit you could have eight months of additional new construction and demolition. Again, what that is going to produce for the Village I could not quantify. But it does mean a lot of extra work.

Ms. McCarthy: On the note that John's talking about as far as the valuation, I know that it has been a problem here trying to get you information. The Village finalizes their roll April 1. The Village needs numbers in order to prepare for budgets and budget processing and approvals prior to April 1. It is impossible to be able to do that so they are working off tentative numbers. If the Village had adopted the Town's assessment roll, and it would be the prior year's values, you could start your budgeting process in October. So there is no scurry to get around.

Mayor Swiderski: Say that one more time?

Ms. McCarthy: The Village finalizes their assessment roll, our assessment roll, April 1. When is your budgeting due?

Village Manager Frobel: I present it to the Board in early March.

Ms. McCarthy: That is preliminary numbers, and they are always going to be changing because the Board of Assessment Review is still in deliberative session because of the grievances they were hearing back in February. So it is a very tight time frame. I do not know if you have had that problem, but I know the other villages have in the Town of Greenburgh. It is really tight. If you were to adopt the Town roll you are adopting the previous year back in September, for example now. And you would be adopting the September 2016 roll, which is right now. You can start your budget process going forward for 2017.

Mayor Swiderski: More secure with the final number, because that is the final number.

Village Attorney Whitehead: You will have the final number earlier, however it is based on an earlier ...

Ms. McCarthy: That earlier that we are talking about now will only affect you for the first year that you adopt the roll. After that, it becomes more consistent.

Mr. Wolham: That is a very good point. Relative to differences or things like that, again, if hypothetically the Village were to pursue this if the local law is not filed with the Department of State prior, in this case, to December 31, so let us say it happens sometime in January, that would simply mean logistically you remain an assessing unit for another year. But it would

take effect for the following roll so it would take effect for your 2018 roll instead of your 2017.

The other point I would just mention in terms of logistics, some villages that have gone through this are concerned about assessment challenges. Because you would be giving up your assessing unit status you would have no direct responsibility in the cost of the defense of small claims assessment reviews or certioraris. Legally, there are provisions of the law, you do receive notification of those actions. There are some villages, and I know Linda you will remember this, that have said we would have an interest in possibly being part of that, or we may be able to contribute information that may aid in the defense. Those sorts of things are absolutely fine, there is nothing wrong with that. That would be something that would be arranged more informally between the Town and the Village. But at a minimum, certainly the Village would get formal notification of the filing of any of those actions.

Village Attorney Whitehead: I can expand on that if you want. If you are no longer handling the roll, and it is the Town and any certs or small claims are brought to the Town, the Town handles them, you are not formally a party to them anymore. You do get noticed so you know what has been filed. What we have been doing in some other municipalities, and we can probably work with Greenburgh very easily, is that you want a seat at the table for any negotiations. If they settle and they get a reduction, and there are refunds to be paid, because the Town tax portion of Village residents' tax bills is so small it is going to be much more of a burden on the Village. The Village is going to have a greater reduction and a greater refund. Of course the school district gets involved, too, and they care more because theirs is more. You do not have a formal seat at the table. But you can have an informal seat to be involved in those discussions because you will be greatly impacted.

Mayor Swiderski: More greatly than we are already?

Village Attorney Whitehead: No, you have your own attorney who handles those settlements. You are a party to those right now. You would no longer formally be a party.

Mayor Swiderski: No, but the outcome is the same.

Village Attorney Whitehead: What you would be looking for is to be formally in it, but you want to still stay involved because the Town has less at risk than the Village. Their interest is very different. You just want to maintain a seat at the table.

Ms. McCarthy: I do not know if I agree with that comment. In my defense ...

Trustee Armacost: If I can support what Linda is saying, I think what you are saying is there is no free lunch. If the money is taken away in one place it is going to come back in another place, and you want to have a way to be able to participate in that discussion. This is money that would be taken from you. Settling a cert proceeding means you are going to have a give a refund.

Trustee Armacost: And there is a difference between giving a refund where we have articulated the terms versus giving a refund where we have not articulated the terms.

Ms. McCarthy: Right. I am not sure if the Village is permitted to become a primary intervener.

Village Attorney Whitehead: No.

Ms. McCarthy: Are you sure? The school district is.

Village Attorney Whitehead: I guess school districts are. The law is different for villages, and on behalf of another village we represent we have submitted legislation to the state legislature to try to give villages the same right to intervene as the school districts have. I do not know, John, if you were aware of that. Legally they do not, today, have the right to intervene.

Ms. McCarthy: OK. As far as the school districts, there are 10 school districts in the Town of Greenburgh, all 10 of which the Town Council has committed, with regard to these certioraris, that they will not agree to a settlement unless the school district is at the table with us as well and agrees first through resolution. So that is the way it has worked.

Village Attorney Whitehead: And as an attorney who has represented property owners trying to settle proceedings with the Town, that is absolutely true.

Ms. McCarthy: I can attest to that.

Village Attorney Whitehead: But we would be looking for the same, and I am sure the Town would give us the same commitment.

Ms. McCarthy: I do not see that being a problem at all.

Mr. Wolham: In terms of my comments, there is not a lot more to say. Just some of the bigger picture context. State-wide, there are about 550-560 villages. The number that still do their own assessing is less than 120. The trend over the years has been for villages to give

up assessing unit status. The honest answer from the state perspective is that it is a duplicative service. You have two different governmental entities that are assessing the same properties. The observation I have typically heard over the years is, if the values assessed by both the village and a town are about the same why are they both doing it? On the other hand, if they are assessing the same properties and the values are very different, what is up with that? Why is that the case? From the state's perspective, we encourage villages to give up, or at least consider giving up, assessing unit status if they feel it is appropriate.

Village Attorney Whitehead: To fill in on the timing issue, the local law to cease being an assessing unit is subject to permissive referendum. It means after you adopt it there is a 30-day period where residents can petition. If you get enough signatures, which I have never seen happen, they can force it to be put to a referendum.

Trustee Armacost: How many signatures are needed?

Village Manager Frobel: It is the same on, any bond issue.

Village Attorney Whitehead: It is a lot.

Village Manager Frobel: It is difficult to reach.

Ms. McCarthy: I have never heard of that happening.

Mr. Wolham: I defer to Linda as the Village Attorney, but anecdotally I have heard the threshold is 25 percent. I do not know if that is correct.

Village Attorney Whitehead: It is pretty significant. I can get you that number. Let me just continue with the timeline.

Mayor Swiderski: It would need to be gathered within the 30 days.

Village Attorney Whitehead: It would have to be gathered within 30 days, but you cannot file the law until that 30 days for taxes. So you could, theoretically, at your next meeting in two weeks schedule the public hearing. The public hearing could take place the first week in November, the 30-day clock would start. Assuming you do not get a petition, then you would be able to file the law at the beginning of December. You could do that in time for this year, but you would have to start the process at your next meeting.

Trustee Armacost: Right, so we need to come to a conclusion pretty promptly.

Village Attorney Whitehead: We could have a proposed law for you for the next meeting and you can decide then if, in fact, you are going to go ahead this year. As John said, if you do not do it in time or choose not to do it you can still do it. It would just be another year.

Ms. McCarthy: I will just leave you with two comments. John did mention this earlier, that because of the Town's new assessments being public at this point, anybody that has had a reduction in their assessed value which is lower than the Village of Hastings-on-Hudson's values will be visiting the Board of Assessment Review this year. I can guarantee that part. My experienced guess is that that will be significantly higher than what we have been used to in the past.

Village Manager Frobel: Do we have a sense of how many people that represents or what the value is that would be in that difference?

Ms. McCarthy: I do not.

Village Manager Frobel: That is what we are trying to measure. We are trying to measure the risk we run by waiting.

Mayor Swiderski: It would further distort a distorted roll.

Trustee Armacost: The point Edye is making here is that there is going to be litigation. And she made clear earlier that if they are responsible they deal with the litigation and we do not deal with it in the same way.

Village Attorney Whitehead: But we just discussed the fact that you want to deal with it.

Trustee Armacost: But we do not want to have to actually deal with individual things. There is a difference in terms of the way we budget, as well, from that point of view.

Village Attorney Whitehead: So you will no longer be paying for an assessor. And tax certs hang around for years and take many years to settle. So you are not going to eliminate the need for an attorney to handle your tax certs because they do not go away for many years.

Ms. McCarthy: They do not go away. That much I will concede. However, the negotiation power is created more on the municipal side at this point because the values are current. So even though the cases are outstanding ...

Village Attorney Whitehead: But I am talking about the older cases.

Ms. McCarthy: I get it, but even though the cases are out there and they are outstanding, we now have current numbers to work off of.

Village Attorney Whitehead: But those numbers are still being challenged, and there are people who may still challenge those numbers in the next year. You had some who challenged them this year, and you may still find more who are not happy and challenge the next year. So your new roll is still playing itself out, if you will.

Ms. McCarthy: We received in the Town entire 246 more grievance applications than we did in the prior years of not doing the reassessment. That is a great grade for a reassessment project because I fully expected to have double the number of filings, and I had 246 more. I am still in shock.

Trustee Armacost: So one interpretation is that people think it was done in a fair way.

Ms. McCarthy: Correct.

Trustee Armacost: There could be other interpretations.

Ms. McCarthy: There are many interpretations.

Trustee Armacost: Exactly. But if I could just pursue the point I was trying to pursue earlier, which is I think you are implying, Edye, that the certiorari fund we have would not necessarily need to be as high moving forward because of this shift. Or am I interpreting it in a wishful thinking way?

Village Attorney Whitehead: You are still going to have refunds.

Ms. McCarthy: For the first couple of years you will need to keep that reserve, if that what you are referring to because we have to settle the back years and we have to settle the most current issues. But going forward, you are absolutely correct. The volume of filing will decrease significantly. And the amount of refunds, if I am speaking as of today for historical purposes for other municipalities, will significantly decrease. The next couple of years are going to be a little shaky because we have to get rid of the back cases and we have to get rid of the most current. But, going forward, they will significantly decrease.

Trustee Armacost: You might be able to help the Village Manager and team in terms of setting up a more accurate tax roll starting in September. Will you be able to give a similar kind of clearer sense on what is likely to be that amount, moving forward? Again, is that wishful thinking?

Ms. McCarthy: No. Excellent questions that you are asking. Normally what happens with villages and school districts that have adopted the Town's rolls, but the schools are already within the Town's rolls, get notification by the end of September. I also notify them at the end of December if there have been any changes. Changes would only occur because of court orders; certioraris or small claims. I would notify them, regardless, again in December, again at the end of January, and then again, finally, March 1 is usually my cutoff. So I would send a letter out saying this is where you started in September 15 for your budgeting, we have made these changes, and this is where you are as of March 1 All along the process you will watch the changes, if there are any.

Village Manager Frobel: But that is no different than what we do today.

Ms. McCarthy: We do not have time today to do that.

Village Manager Frobel: Yes, we do because you get me a tentative roll in January. And then by March 1 we have had our grievances and adjustments.

Ms. McCarthy: They are not official. I give them to you preliminarily.

Village Attorney Whitehead: Their roll is finalized September 15. Tentative role comes out June 1, and where yours is not final until April 1 the Town's is final September 15.

Ms. McCarthy: There could be adjustments on your budget up until March 30.

Trustee Armacost: So it is giving us six months that are pushed into the next fiscal year, in a way. Some of it is pushed into the next fiscal year before we have had a chance to have a proper budget discussion. So this helps us have a more accurate budget discussion with these numbers being clearer, if I am understanding you correctly.

Ms. McCarthy: That is correct. And the last question I want to put on the table is that once you make this decision, normally what happens is some time around October the assessor, and it happens to be me wearing that hat right now, will start the process of preparing the assessment roll for February in October-early November. If I know you are moving forward with adoption of the Town roll, or not, then we will know how to proceed with the 2017 assessment roll, or not.

Mayor Swiderski: I am going to ask you to be the devil's advocate here. You said the state-preferred option is for villages to merge their assessment function into the Town's. Cease being their own assessor. However, I can, off the top of my head, imagine one possibility

which is that a town does not fight as fiercely for a village's certiorari claims as a village lawyer might. Is there anything other than anecdotes regarding studies on that? And is there any evidence that we lose anything in terms of negotiated outcomes, historically, in other communities.

Mr. Wolham: The short answer is no. I know of nothing anecdotal or a formal study about that. The only instance where I could say I have heard something like that is not an apples and oranges comparison. That would be in Nassau County, where the county is an assessing unit, and you only have that in one other county state-wide. Clearly, I know of anecdotal situations there, where villages feel that their attorneys do a better job settling certioraris than the county attorneys. Again, it is not a comparable scenario here. I cannot say that I have heard that as being a concern or a reason not to do it. IF I was being devil's advocate and saying why would a village not want to do this, I could point to the Village of Bronxville, which has a much more current assessment roll than the Town of Eastchester in which it resides. There certainly is a very compelling reason not to do that.

Village Attorney Whitehead: Their village did a revaluation.

Mr. Wolham: They have been doing regular reassessments since 2007. Another example would be the Village of Sleepy Hollow, which initially reassessed back in the early '90s. Again, even though that has been awhile it still is a much more current role than the Town of Mount Pleasant, which is, at a minimum, several decades older. So that is the only instance that I could point to off the top of my head where a village would say why on earth would we want to give it up?

Mayor Swiderski: The financial argument was one. I have a second argument, which is an issue of, in my industry, called SLAs, service level agreements, where there is an expectation of a turnaround time and responsiveness from a local community that you want to make sure you have from your town assessment authority. People who come before the town get this same level of service, et cetera that they were getting locally. Have you ever heard complaints of a change or a difference as a result of the move up to the town level?

Mr. Wolham: No, I cannot think of any off-hand. The distinction I would offer is that in the vast majority of towns, certainly not all and particularly as you get into the more rural parts of the state or more rural countries, most assessors in larger townships are full-time and also have staff. Edye, of course, is a professional assessor but she works full-time at the Town. For most assessors' offices, by comparison, she has a pretty large full-time staff. My point here is simply that I think there is a consistency in the availability, whether it is to Hastings residents or that of any other village or the Town outside, that you would not necessarily find at the village level. It may be more limited. Most villages of which I am

aware are assessing units have part-time assessors. They may or may not have a staff person who is available. Again, maybe the person is full-time, but that person may be charged with duties beyond that of the assessor's office.

Trustee Armacost: And we have an ironic situation, in that it is the same person.

Mayor Swiderski: That is not why I am not asking her.

Trustee Armacost: I understand. But there is a peculiar logic in having the same person with the same allegiances assessing on different standards. You must feel like you are in a Fellini film at certain points.

Ms. McCarthy: I wanted to comment on your question about the negotiating power. I do not ever, and I have been an assessor for 27 years, felt the municipal attorney has put more emphasis on the town values or the school values than they did the village values. I started my career here 27 years ago, and I did not feel that way. So if that is a concern, which rightfully so it should be, then perhaps you can meet with the Town Supervisor and discuss that with him and the Town Board, and you can come up with some agreement until you get the legislation passed, which I think is a great idea. I do not know who is working on that.

Village Attorney Whitehead: I will let you know, and you will get your support for it.

Mr. Wolham: The only comment I could add to that is, whether a village gives up its assessing unit status and uses the Town roll, the Town's defense of values affects more than just the Town as a taxing jurisdiction. To me, it is immaterial whether the Town value would also be the de facto Village assessment. I would think the Town has an inherent interest in defending its values to the most reasonable degree possible unless the Town says we see the evidence and we have to acknowledge it is right, and maybe there is a reduction in order here. But it is hard for me to envision a case, taking the high road here, where a municipality charged with the defense of the roll would actively or proactively say we are not going to defend this because it happens to be in a particular village or it happens to be in the Town outside. Again, I think there is a vested interest in defending the roll and preserving the assessment roll to the degree possible.

Village Attorney Whitehead: You can certainly speak with Irvington and Ardsley and see how it has gone for them over the last two years.

Trustee Armacost: And to be fair, what we ought to do is, and I think it is not fair to ask you this, ask Linda other than losing the seat at the table until the legislation is passed are there any other disadvantages to doing this?

Village Attorney Whitehead: No. The only concern, and I know you had talked originally about waiting a year, is whether you wait a year to let the Town's new reval roll play itself out. The fact that there were only a couple of hundred more grievances helps. I know I spoke to Ira Levy, who handles your certs. That was his only concern was that maybe waiting a year is a good idea because they will have sorted out some of the issues that may come with a new reval roll. But other than that, there is certainly no other disadvantage. And I do believe the Town of Greenburgh will work with us in letting us be involved in those negotiations, even if we are not a formal intervener.

Trustee Armacost: But if we were to wait a year, we would miss out on the \$1 million of, as you put it, "new inventory."

Village Attorney Whitehead: You are collecting what your budget requires you to collect. It is just a different allocation. You are not really losing ...

Mr. Wolham: I would agree that would affect, potentially, the tax rate. The inclusion of that additional value may cause the tax rate to decrease more than it otherwise would.

Trustee Armacost: Right, that is the point I am trying to make, exactly.

Mr. Wolham: Besides Irvington and Ardsley, when the Town of Pelham reassessed the villages of Pelham and Pelham Manor they gave up their assessing unit status. Just a few other places you could potentially reach out to.

Village Attorney Whitehead: The Village of Mamaroneck.

Mr. Wolham: Village of Mamaroneck, absolutely. You have first-hand experience there. In the Town of Rye, the Villages of Port Chester and Rye Brook gave up their assessing unit status. Both the Village of Ossining and Briarcliff Manor gave up their assessing unit status years before the town undertook its reassessment. So there are a variety of places, probably some others I did not even think to mention.

Ms. McCarthy: The advantages of waiting a year, according to Linda and your certiorari attorney, Ira Levy, is to wait and see. I am not quite sure what happens. Also, two more things is that you would have to make a decision as to the level of exemptions. So, for example, if you were to adopt the Town's roll this year the Town is at the maximum level for senior citizen income levels, which is \$37,900. You are at \$34,000. So anybody who makes between \$34,000 and \$37,000 falls out of the category unless you adopt the Town's roll this year. For the veterans exemption ...

Trustee Armacost: But would we not have to adopt the Town's roll and adopt that additional?

Ms. McCarthy: You do not have to do that, but that is an option.

Trustee Armacost: It makes sense, yeah. Similarly with veterans.

Ms. McCarthy: Correct.

Trustee Armacost: Where we do not have an exemption, but to become aligned.

Ms. McCarthy: That is correct. My last comment is that again last year, because we are preparing for the 2017 village assessment roll, we talked about the people that had lowered assessments in the Town that may affect our roll this year, going forward.

Trustee Armacost: So, Edye, just to put you on the spot. Is there any advantage, from your point of view, and I understand Linda's point of view, to waiting? Or are there disadvantages you can reiterate to not waiting? One disadvantage you mentioned earlier to not waiting is the losing of your fee. If we do not wait we do not have to pay your fee because it is paid by the Town. What are some of the other advantages and disadvantages to waiting, other than the one Linda said, which is wait and see and let them fix any problems that are there.

Ms. McCarthy: I feel the reassessment, after 60 years, went phenomenally well all around; all the public information, all the way across. Was it perfect? Absolutely not. So I am not sure of a reassessment in the entire world, because I have colleagues all over the place, everybody does a reassessment that is absolutely perfect. It is going to take some time to clean it up. You know, it could be cleaned up now, it could be cleaned up next year, it could be cleaned up in five years. I do not know how to answer that question about the advantages or disadvantages. I will tell you, for your taxpayers, that it is a lot easier for them. They do not have to go to two places, they do not have to fill out two grievance applications, they do not have to fill out two exemption applications. And it is understandable that they have one assessment, and it is at 100 percent. When they look at their tax bill and they see their house is worth ...

Mayor Swiderski: It is not weird.

Trustee Armacost: And it is fair.

Village Attorney Whitehead: It takes a little bit of time. People will still file here, and we have seen this in Mamaroneck, people who still come in with their grievance applications.

Ms. McCarthy: When the Village of Irvington and the Village of Ardsley adopted the Town's roll, the Town took it upon themselves, or my department took it upon ourselves, we notified all the residents in the villages: do not go there anymore, come here; do not call them anymore, call us; you have any questions, call us. My name is plastered all over the place. I do not know if the villages received any of the applications, but we did not hear any backlash when they had adopted our rolls..

Village Attorney Whitehead: It is not backlash, it just takes time for people to get used to it.

Trustee Stugis: When we go through this exercise, presuming we do an examination of our various constituent group exemptions, whether or not we want to mirror the Town, is that something we have to do in these next three months? Or can we pick those off as we deliberate and analyze them?

Ms. McCarthy: I am going to defer that one to you.

Mr. Wolham: I would say realistically the answer is yes, you would want to do that.

Trustee Stugis: Can we decide to do one next March and another one next June?

Mr. Wolham: You could. It is up to you. Obviously, to the degree you can make them consistent so much the better. The Town's roll will be finalized soon. So any changes you make will not affect this roll, but it would affect any one after that.

Village Attorney Whitehead: It just may be a delay, where the old village exemptions are applied and not the new ones. That may be a year.

Mayor Swiderski: But the old village exemptions are useless because they are \$2,000, which is a bundle of money compared to \$12,000 total evaluation. But it is nothing compared to \$750,000.

Trustee Armacost: But I think towards his point, what I have heard is the Town is more progressive than us and here is an opportunity to become as progressive as the Town. I think we think of ourselves as progressive in that sense, and we think of ourselves as very progressive and generous. But perhaps we could look in the mirror and see there is room for improvement there. But to Walter's point, it is arguably more efficient to do it.

Village Attorney Whitehead: At the same time.

Trustee Stugis: It is a fair amount of work, and talking to people and the constituent groups they will have their views. That is for sure.

Village Attorney Whitehead: They are going to want the biggest exemption.

Mayor Swiderski: Right. I can tell you their views right now.

Trustee Stugis: And for some, the school district, whatever we decide, do it on their own, right?

Mr. Wolham: That is correct. Taxing jurisdictions have their authority in that regard.

Trustee Stugis: What about the county?

Mr. Woollam: Same thing. The county votes to adopt what exemptions it chooses to offer and what levels of benefit.

Mayor Swiderski: Assistant Treasurer Zaratzian, do you have any opinions or questions?

Deputy Village Treasurer Zaratzian: I totally agree that the future is going to be we are going to the Town. My concern is, in the village tax system the school taxes are the big ones. And we just paid our September tax. It is based on the old one, and my concern is only that I am not sure the school is going to adopt it.

Village Attorney Whitehead: The school uses the Town.

Deputy Village Treasurer Zaratzian: It does, so it is going to use the new numbers.

Village Attorney Whitehead: Yes, by definition.

Deputy Village Treasurer Zaratzian: So if we just wait until January to do this, then we will not have it for this year but we will see the changes when, in September, people for the first time see the bill.

Village Attorney Whitehead: People will not see a bill based on the new roll until their town and county tax bill in April.

Deputy Village Treasurer Zaratzian: I agree with you. But for the Village of Hastings-on-Hudson people, that one will not be that big.

Village Attorney Whitehead: They will not see a school tax based on the new roll until next September.

Deputy Village Treasurer Zaratian: That is right, September of 2017. That is why I am suggesting that if we wait after January we will get the benefit of any changes the people suddenly see in September.

Trustee Armacost: I do not see that.

Village Attorney Whitehead: You are saying basically that using the Town's roll would not take effect for the Village until 2018.

Deputy Village Treasurer Zaratian: Yes.

Trustee Armacost: I do not understand his opinion.

Deputy Village Treasurer Zaratian: What I am saying is I think, and I may be wrong, people have not seen the new roll in their taxes yet.

Mayor Swiderski: They have not seen the impact on the actual amount they are going to pay, and the lion's share of that impact will not be hitting until school taxes in September of next year, which may trigger a mini-wave of assessment.

Deputy Village Treasurer Zaratian: That is exactly it.

Trustee Armacost: But what difference does it make? If all we do is add more later on, I do not understand the argument. I do not understand the argument for waiting. What are we waiting for? We are waiting to continue and exaggerate and expand the pain? I do not understand because the pain is going to be pain.

Mayor Swiderski: No, I think the argument is if we are waiting for the assessment roll to settle down it will settle down more so after the school taxes provoke a reaction. However, with that said I agree with you.

Trustee Armacost: Also, if we institute exemptions those will also kick in. You may give up some things, but you may get other things. One can postpone and postpone forever and ever. There is a point at which you have to bite the bullet.

Mayor Swiderski: We have heard the presentations. Are there any remaining questions so we can move on and let them go? Thank you for coming here and speaking to us.

Steve Siebert, 113 Hamilton Avenue: When were the Village taxes last assessed?

Village Attorney Whitehead: It is not the taxes, it is the assessments.

Mr. Siebert: Right, sorry, that is what I mean.

Mayor Swiderski: The last assessment was in the late '50s.

APPOINTMENT

Mayor Swiderski: We have an announcement of an appointment to the Youth Council. Mary McDonald will be filling a term expiring in 2019. We welcome her aboard and thank her in advance for her service to the community.

APPROVAL OF WARRANTS

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

Multi-Fund No. 23-2016-17 \$ 16,316.54

Multi-Fund No. 25-2016-17 \$127,797.14

PUBLIC COMMENTS

John Gonder, 153 James Street: I see Ginsburg sued over disability features. The law was in effect 13 years. That is very disappointing because it was in the Village of Hastings. We have the architect review board that spent a lot of time because it went through twice really. I was very disappointed that they did not access for wheelchairs, maybe. That is disappointing for a contractor such as him not knowing the law. If I remember, ignorance of the law is no excuse.

I still see nothing on the agenda for the veterans. This tax thing, you are going to kill old people like me. You are going to chase them out, and most of you would be happy because you will get good sales. People that come in will say we need to redo this house, permits and everything else. You will be happy, but you are going to chase the old people out.

The list of federal people that were convicted in Obama between 2010 and 2015. Twenty people were convicted. State and local, the list of American state and local politicians

convicted of crimes, 161. Same thing 2010 to 2015. My source was one of my relatives, but they did not get everything I wanted. This does not include judges, DAs and other elected officials and aides to the government that swore on the Bible. Remember at one of the meetings I said In God We Trust is on all our bills and coins. You swear on the Bible. I do not even think you people know, and when I say you I am talking of all politicians, all elected, what is in the Bible. What are they swearing about? To uphold the laws of the state, period? I do not know.

Mayor Swiderski: What is missing from your statistics is the total population of officials against which those 125 convictions are counted. My bet is, it is probably on the order of a quarter of a million. So you are talking about something like one in 2,000, one in 4,000.

Mr. Siebert: Jim Metzger sent you a letter that he had hoped I could read in his absence tonight because he would like to be part of the public discussion. I also have my own comments. Is that appropriate? Can I read his?

Mayor Swiderski: It is already part of the record. There is no public discussion per se. It is just public comments.

Village Attorney Whitehead: It is not on the agenda tonight.

Trustee Armacost: Steven is asking for his five minutes and five minutes for Jim.

Mr. Siebert: Well, I thought we had three, but I would not mind five.

Trustee Armacost: Three, all right. Three minutes for him and another three minutes.

Mayor Swiderski: It is a light hall, I am amenable to that.

Mr. Siebert: Jim Metzger sent this letter to the Board of Trustees today. He says:

*"To the Mayor, Board of Trustees, and Village Manager,
"I will not be able to make the meeting." And he would like to comment on the fate of Building 52. " As you know, I believe that Building 52 represents potential benefit for the Village if it is preserved, remediated and adaptively reused as a focus for the future development of the waterfront. It appears that any timetable for the remediation has to be designed on the waterfront, which is still very much up in the air. I also believe that the NYS DEC is waiting on additional site investigation and reporting – really, this is still going on? – before they will allow BP to proceed with the design engineering of the cleanup.*

"The missing information should be key in the demolition decision-making process. It seems that despite the years of discussing Building 52 there is still only conjecture as to the pollution that may or may not be present under the 4 feet, I think, slab. As presented so many years ago by BP itself, the concrete slab provides the best cap for PCBs. In addition to this request for a delay in voting on the demolition permit, it seems that the prudent course of action regarding the health, safety and welfare of the Village would be to require a full SEQRA process, to be performed prior to demolition, remediation or construction on the site.

*"Despite our best intentions, and the expertise brought to bear on this complicated process, it makes sense that we apply a belt and suspenders approach to cleaning up the site. Regarding any perceived delays, it is clear that BP has no interest in providing a timely cleanup or this process would have been started three years ago, right after the Infrastructure Committee finished its work. There is still no beginning in sight, and demolition of the last remaining building is an attempt for BP to say, 'Look, we are making progress,' and that is shortsighted at best. It clearly did not work after removing the previous buildings. To paraphrase The Who, we shouldn't be fooled again.
Jim Metzger"*

And also, Doug Alligood is also out of town, but he mentioned that last week he was at a meeting of his architectural firm, the largest firm in the city, and talking about building a modification to a school. An EPA official came and said, answering the question about what to do about PCBs in existing structures, that our best advice is really just leave it; remediating it will not solve the problem. But I should let him speak, hopefully next time .

For my own comments, I too am concerned about the lack of a full SEQRA review. SEQRA requires, among other things, that the archeological and historic factors be specifically included in the definition of the environment as part of the law. We have not really discussed those issues. The impact on the history of our village, those issues have not been discussed. Until they are discussed, we cannot proceed with a negative declaration about the status of the demolition permit.

I find myself in an unusual position in that I do not think, from all the research I have done, that it necessarily is safer to tear down the building. And, in fact, preserving it might be safer than tearing it down. So I do not think the levels of contamination and pollution there are so strong that it represents significant danger to the Village. But if we think, as the Board seems to think, there is a great danger in the building and it has to come down in order for the site to be remediated, it seems to me, by law, you should be required to do a full SEQRA

review on it and not simply pass a negative declaration. If it is, in fact, so dangerous that it has to come down and cannot be remediated, to pass a negative declaration without doing a full study of the safety hazards involved in tearing down the building is to ally risk the health and welfare of citizens in the Village. I do not subscribe to that because I do not think from people I have talked to who have remediated sites like this, that it has to come down in order for the site to be remediated. But given the position of the Board of Trustees that if the building is that contaminated, we need and deserve a full SEQRA review.

**58:16 SCHEDULE PUBLIC HEARING FOR COMMERCIAL TRASH
COLLECTION FEE INCREASE**

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Oct. 18, 2016 at 7:30 p.m. to consider the advisability of revising fees for commercial trash collection as follows:

<u>CATEGORY</u>	<u>DESCRIPTION</u>	<u>DEC. 1, 2016</u>
A.	1-3 gallon barrels	No charge
B.	2 yard dumpster	\$50
C.	5 yard dumpster	\$125
D.	10 yard dumpster	\$250
E.	15 yard dumpster	\$375

ROLL CALL VOTE	AYE	NAY
Trustee Meg Walker	Absent	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	Absent	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

Mayor Swiderski: I neglected to mention at roll call that two Trustees are absent for reasons of business out of town.

VILLAGE MANAGER'S REPORT

1. Proposed Coast Guard Hudson River Anchorages

Village Manager Frobel: . I have three items I want to mention to the Board, the first of which involves the anchorage siting. The Coast Guard is considering amending the rules to allow some additional anchorages along the Hudson from Yonkers to Kingston. Last week I attended a meeting held by the Historic Hudson Rivertowns. The meeting was intended to discuss among ourselves with legal counsel a strategy as to how we can voice valid reasons to object to this proposal. The Rivertowns have hired the firm Blanchard & Wilson to advise us as to how we can proceed. The meeting was well-attended, with people from Riverkeeper, Historic Hudson, myself, Mary Jane Shimsky, and Tarrytown. What is going to be important in this evaluation are several controlling documents, one of which is a community's local waterfront revitalization plan. As you know, the Village went through that a number of years ago. We have a draft, and I am not certain it was approved, but I did provide that to the legal counsel. They believe that would be a very important document.

The key here is that what we have got to try to do, and let me read the notes here, is place the emphasis on trying to convince the Coast Guard that expansion, as proposed, will have a negative impact on the environment, essentially require them to perform an environmental assessment. That is something that, from what I understood in the conversation, they are not obligated to perform. It is only by trying to compel them or convince them that our LWRP and our Comprehensive Plan, which is the second document they feel would be important to offer as evidence, will be very much controlling.

The other point that was raised, and I will not get into our strategy but can provide you a confidential memorandum as to what their approaches would be as we go forward in this effort, and is key in this is the position of the governor. I did not realize this, but the governor is not taking a stand as to whether or not he is favorably inclined to support this proposal. As has been explained to us, that would be very critical. The state can have quite a bit of persuasive influence in convincing the Coast Guard not to bend to rules to allow these anchorages, so that is something we are going to want to keep our eyes on.

Trustee Armacost: Is there a plan to present the case in an effective way to the governor?

Village Manager Frobel: I am not sure what the politics would be. I am not sure, I am not sure. The attorney mentioned there has been efforts to try to get his ear to convince him on the negative effect this will have. We are not sure what the politics might be as to why the

governor has not come out in opposition to this proposal. But from what has been stressed to me, his opinion will carry a lot of weight as to whether or not this is done. More so than the municipalities from the Hudson.

Mayor Swiderski: Which is concerning.

Village Attorney Whitehead: Because he has been silent.

Mayor Swiderski: Silence is not golden here.

Village Manager Frobel: It may have to do with economic development up in the Albany area is the suspicion. But I will provide you with a copy of the memo the attorney provided. It is a very practical approach, a very realistic approach, and we think we are in a very strong position if we can get some of these documents to convince the Coast Guard to go through that full evaluation of the environment.

2. New York Bridge

Village Manager Frobel: I thought I was going to be announcing that we submitted our grant to the new New York Bridge grant proposal just last week, and by now I think everyone knows, it was awarded. It turned around very fast.

Mayor Swiderski: Record time.

Village Manager Frobel: Remarkable. I found out last night it has been approved. What the steering committee will be doing is holding a meeting. We are going to now develop our request for a proposal. We will be looking for consulting services to help us. We got the full \$150,000. The goal is to develop better ways to move pedestrians, bicyclists, transits, cars from Sleepy Hollow to the Hastings-Yonkers line. There is a whole gamut of opportunities. It is going to involve demonstration projects and citizen input, and really it is a blank slate as to ideas of what we could do to make it safer for everyone to travel on that Route 9 corridor.

3. Progress on Quarry Trail and Quarry Park

Village Manager Frobel: The Mayor had asked me if I would talk on the status of the Quarry Trail and Quarry Park. I received approval in July of this year, or June of this year, to go out to bid for Quarry Trail phase two. This was completion of the trail from the Warburton Bridge to Southside. We were able to do that work because we received a grant from Parks and Recreation, under their trails program, in the amount of \$135,000. We retained RGA Architects, the firm that did phase one for us, and it is a natural fit.

Our goal to go out to bid in the summer of 2016. What happened is, in development of the bid document specifications have to be sent to the state for their review, and it was determined that the New York DOT required a closer examination of the project as it relates to the coastal consistency regulations. That slowed the project down dramatically to allow the staff to review our trail, which does not touch the river or a wetlands, but still was, in the DOT's mind, within the range of their purview for review of the application. I was calling the state probably once a week telling them let us move it forward and we would like to get this done during this construction season; Hastings has difficulty at times getting projects out to construction; here is an opportunity where we are finally ready to move. I was told as late as August that we were in the top half in this process, but there was nothing we could do to move the DOT along in their review.

Last week we received approval indicating that it has been released, the DOT has signed off on the coastal consistency, and it will go out to bid. We are now out to bid for the Quarry Trail, phase two. We are going to open bids on November 4. We expect to come before you on November 15 to award the project. Phase one was done in the dead of winter. There is no reason, unless it is severe weather or heavy snow on the ground, that we cannot work all winter. We are very comfortable in that approach. Disappointed, but not a thing we could do. We were poised to move forward. And I should point out, I do not have a letter from them. I have an e-mail from the Parks and Recreation Historic Preservation that they have released it, but this is the way it works. You have people that are probably overwhelmed in the review of these applications, they are trying to move them as quickly as they can, and it still takes time. So we will be back in November with that.

Trustee Armacost: That is great news, not great news that we have to go through this process, but great news. At least it is moving, and by mid-November we will have action.

Village Manager Frobel: That is the hope. I really think we will move forward if we get it awarded. I have already mailed it out to two firms. We have got a legal ad appearing in two papers, their regulations. I have got about 12 local contractors that I think will be interested in the work. They will be receiving the bid electronically, unsolicited, and then there will be hard copies for those that want to pick up a copy as well.

Trustee Armacost: And will they be able to work at that time?

Village Manager Frobel: We did with phase one. Phase one was done during the winter. Once the foliage is down and they can move their equipment around it might be easier. It would be less money.

Quarry Park is a bit of another story, although we are part of a process and there are certain time frames we have to operate under. The next step for Quarry Park is for the Village to retain Matthews Nielsen Landscaping, the firm that has been involved in this from the beginning, to complete the final design of the park and to prepare the bid construction documents so we can go out to bid with construction. That can be accomplished, in part because we received a grant from the state parks under the environmental protection fund in the amount of \$147,000 to cover just the landscape architect's work.

The second component to development of those bid and specifications is the specialized environmental engineering. That is the work that, in the past, we have used Arcadis to do. That work is a critical component to be folded into the bid documents that Matthews Nielsen will perform for us. The cost for the specialized engineering is in the neighborhood of \$101,000. If you recall back in July, I came before the Board and received your authorization to apply to the State Office of Parks, Recreation and Historic Preservation, under the Environmental Protection Fund Heritage Grant, for \$167,000. That is a critical part in getting the bid document specifications prepared so we can go out and build the park.

Our whole goal has been to preserve the money we may get through donations or through contributions, and spend our grant money on the soft costs. I do not want to spend, for the engineering, money I would rather see used for the park. That has been our goal. We have been successful in getting these various grants to try and cobble this thing together. I do not think everyone can understand the size of this, when you are dealing with so many different entities, and you are working solely with grants. If we had local money going into this we would not have any of these hurdles to jump through. We have our own procurement rules to go by, our own bid documents, our specifications, and we still would need help but I would not have these state or federal agencies having to review our work, which takes time. So we are getting closer. IF that grant comes through then I will have all the money in place to hire an engineer and an architect and develop the construction documents.

Mayor Swiderski: When is the timing around that grant?

Village Manager Frobel: By the end of the year perhaps. It is hard to tell. They are very competitive.

Trustee Armacost: So what is holding us up from using the \$147,000 we have?

Village Manager Frobel: Good point, and that was my approach. I was prepared to come to you and say let us start with the landscape architect's work. We have been advised by that firm: do not have me do my work without having the specialized engineering firm's work folded into these documents. We believe there will be some savings by having the engineer

and landscape architect work together on coverage, trails, drainage. All those elements of the park should be done together, not separate, and folded in at a later date. It would be more to have the engineering work folded into the landscape architect's work at a later time rather than having to do it at the same time.

Trustee Armacost: When did we get that advice, because this has been going on for years? Is that advice current, or it several years old? Would they change their mind now?

Village Manager Frobel: No. Back when we received the two grants I just mentioned in 2013 that have just been released, it took almost two years to go their release process. It was during that time that they said at this point we are better off waiting a little longer and have it all done as a package.

Mayor Swiderski: Is there a risk that we are going to wait and go through a two-year release cycle on the next grant?

Village Manager Frobel: No.

Trustee Armacost: Are you sure?

Village Manager Frobel: No, I do not think so. Because until they formally release it the clock does not start ticking. The rules are, you have five years to spend the money. And we have just now, as I demonstrated, received final approval to spend the recreational trail grant.

Mayor Swiderski: But you are applying for a grant that is in December. Let us say you applied, and let us say we win it in December. Could it be two years before it is released, so we would have to wait two years?

Trustee Armacost: Then we would lose out because the other would then be five years because that was in 2013.

Village Manager Frobel: I cannot answer that.

Trustee Armacost: Also, we could be turned down in December.

Village Manager Frobel: We could. Plan B for being turned down is to come back to the Board and either talk about accessing the Hudson River Trust Fund, which I have approached you before on, or talk about the money we may receive from the corporate side to pay for this work.

Mayor Swiderski: You have applied for the grant so it is foolish not to see if it is realized. In the scheme of things, it is just another two months. My concern is that the release time for it will be such that we will lose too much time.

Trustee Armacost: But can we set a date? For example, if we apply in December are you saying the decision is made in December?

Village Manager Frobel: That is my guess. It was submitted in July, had to be in by July 29. So say it takes five or six months.

Trustee Armacost: So maybe what we do is, the minute you hear either positive or negative we then have a discussion. If you can set a tickler system so we have the discussion immediately so we can make a decision. The lag is that we are starting to lose the opportunity. While it may seem more efficient to do them together, it is not efficient if we end up losing the money.

Village Manager Frobel: The other part of this second grant we applied for, the Heritage Grant, the one I just mentioned that you authorized in July, includes design and rental of a temporary bridge. Remember, a critical part of his project is accessing the site. I have been talking to several engineering firms and coming up with some estimates as to what it is going to take to put a type of bridge to cross over the Aqueduct safely with the loads of fill, dump trucks and heavy equipment they are going to have to access. That is also an expense that is folded into that grant we applied for.

Early readout from the state is very positive. They understand they have got a stake in completion of this park. They understand that it has lagged because we have been trying to cobble together various funding sources. So with this last grant we have applied for, the initial readout was very positive. It still remains enthused about this project. It is a great project. Admittedly, it has taken a long time.

The final element, and I explained this in my April memo this year, is the Quarry Legacy Grant. This was a grant we received back in 2008. Under that grant, we are able to complete a preliminary design of Quarry Park. We are able to complete and secure closure from the DEC so we are poised now to move forward with an action plan. We have got all those kinds of documentations done. What happened was we spent about \$105,000 of that program to acquire those two documents to move it this far along. That left us about \$32,000 in grant money unexpended. Despite my efforts, and face-to-face meetings with people in Albany, the grant was in danger of lapsing. We tried everyone we knew to call, beg and try to get them to roll it over a little further. The answer was no. So I was always going on the assumption, and informed the Board back in April, that it had lapsed. I thought the money

was gone. I received a call yesterday from the state. They re now inclined to consider extending that money. So if we do, we have got basically an additional \$33,000 of grant money and \$33,000 in grant money for about \$65,000 we can apply towards this additional engineering we need to do. It required a letter, the letter was drafted today, typed today and should go out in tomorrow's mail outlining the reasons why we need the exemption, what has happened since the grant lapsed in 2014, and asking the state to reconsider and extend the money. The state is always reluctant to take money back. Their goal is, once it has been awarded to a community the goal is to have it worked on. So it is all going to work out to everyone's benefit that we will have this additional money we thought was lost, and be able to put it back into this project.

Trustee Armacost: Is that the LWRP grant, or is that a different one?

Village Manager Frobel: No, this was called the Quarry Park legacy grant. It was received in 2008, and it was Parks, Recreation and Historic Places.

Trustee Armacost: So what about the LWRP grant? Because when Christina Lomolino wrote to us she also talked about the possibility of reactivating that grant. This is Ken Smith of the NYS DoS?

Village Manager Frobel: Right, that is who I wrote to asking for an extension.

Trustee Armacost: I think it might be the same thing, although maybe the amount is different. She says, "Just yesterday, Ken Smith of the NYS DoS sent the Village a letter which addresses the possibility of reactivating the LWRP grant, and details the procedure for making the request to DoS."

Village Manager Frobel: There were several inaccuracies in that e-mail. She is talking about our request for a proposal, as well. There are a couple of things that I did not challenge.

Trustee Armacost: And your amounts are different. She says, "In 2008, the Village was awarded an LWRP New York State Department of State grant in the amount of \$85,000 for planning and design work for Quarry Park. While some of the funds were spent, \$67,956 remains."

Village Attorney Whitehead: If it was an LWRP grant, was the Village not considering doing an LWRP plan at that time? It sounds like that would be grant money from the Department of State for developing an LWRP. My understanding is, the Village started and decided not to adopt.

Village Manager Frobel: Right, it was never completed.

Village Attorney Whitehead: So that would be a different grant.

Trustee Armacost: So this is not same, not the same amount.

Village Manager Frobel: No.

Trustee Armacost: This is a different thing. But if she is being called, I do not know who Ken Smith is. Or is he your person?

Village Manager Frobel: He is the person I have been dealing with.

Trustee Armacost: He is the Legacy Grant person. Maybe it is worth having a meeting to get everyone lined up on the facts.

Mayor Swiderski: To clarify, certainly, that issue.

Trustee Armacost: And some of the other issues. If you say there are other things where you do not see eye-to-eye, Fran, that group has worked really hard on this.

Village Manager Frobel: We did meet. I think in her e-mail of last night she talks about that meeting. Admittedly, we thought, and she met with the landscape architect and myself as well, our goal was to go out to bid in the summer. We thought we would. It was only when the DOT got involved and said there is this coastal consistency requirement and it is going to take some closer examination. The DOT also challenged the right of way. They want to make certain, and we have to verify through surveys and land evidence, that the trail was owned by the Village and within our right of way. So there were a couple of nuances that came up through the state review. The state is going through this process now of consolidating all their grant reviews. It is one size fits all, and we are part of that process.

Trustee Armacost: But it sounds as if there may be not quite alignment on some facts. For example, that LWRP grant she is talking about, that needs to be clarified. Then she also talks about this, which is there is a grant in the amount of \$94,250 from EPF and a grant in the amount of \$61,750 from RTP, a DoT grant. An unbelievable number of acronyms associated with Quarry Park. The design work for the last half of the trail was completed earlier before construction of the first half of the trail. It is unclear to me, reading this, whether those monies are the same. They come to a similar amount to the \$167,000 so it may be that those two are the same as yours.

Village Manager Frobel: If you like, I have got a marked up copy of hers.

Trustee Armacost: That would be good to see.

Village Manager Frobel: If you like, I can try to reconcile it.

Trustee Armacost: But I think it would be good if you could communicate with that group, Fran. They have worked so hard on this issue, and it is a group of people who have put a lot of time in. And if they have misinformation maybe you can correct it. If there is misinformation on our side, there may be misinformation on both sides. It would be helpful to have that conversation.

Mayor Swiderski: Clarify the status of the grants for certain.

Village Manager Frobel: Again, we did meet in July, and I do talk to Chris by phone. But I will try to correct some of the inaccuracies that are contained in that.

Trustee Armacost: There may be some misunderstanding and she may be referring to something and you are understanding it in a different way.

Trustee Armacost: So I think that would be helpful. While we are on parks, could I speak to two other issues? One is to say that there is a young man who is involved in doing an Eagle Scout project in Zinsser Park. He is repairing bridges that go across the little river that is flowing through there. That is Brendan Gallagher. That work is ongoing, and that would be a lovely contribution to the Village. Fran, I am sure you are aware of that.

Village Manager Frobel: Yes, I have promised to keep him informed.

Trustee Armacost: The other is to say that several of us were at the opening of Riverview Park. Walter was there, Peter was there, Dan was there, and it was a lovely event. That landscape architect and the contractor did a fantastic job, Fran. Your team did an excellent job. I know there were challenges with things like bringing water and electricity and other things that revealed themselves as a result of it not having been used in that time. But it was an amazing thing to see so many children having such a brilliant time, people of all ages. It is really a multi-generational park. And to see how happy the residents were that the park is available and usable. And, of course, the Village has made its contribution. One of the things we need to discuss, and maybe you can raise this with Kendra for her budget, is to make sure the maintenance contracts of the Village include that land, because there is now some lovely grass there.

Village Manager Frobel: It is, it does, it always has.

Trustee Armacost: OK, excellent. So that is included, and other kind of maintenance issues there. They have some additional things they are raising money for themselves that they would like to put in. One of the thoughts that came up is that we have so many people involved in the film industry in the Village. If there are lovely plants being discarded from a set that might be a place where some of them might be could be donated, and other things that people come up with like that, other creative ideas for ways to get the wish list of the Friends fulfilled in some way.

Mayor Swiderski: It was a lovely event, just a nice moment.

Trustee Stugis: , I went Friday night thinking that might be the ribbon-cutting ceremony. I sat there for 45 minutes just reveling in it, and it was beautiful.

Trustee Armacost: So beautiful. It is a gorgeous river view. The frame that has been set up, it is just so perfect. So thanks, Fran, to you and you team for supporting and making that happen.

4. Transportation Alternatives Program

Village Manager Frobel: We are pursuing a grant funding opportunity under the New York Department of Transportation called the Transportation Alternatives program. I attended a daylong session a few weeks ago. We have submitted a pre-application; on Friday we are having a phone conference with the staff of the DoT to see if they are inclined to support it. This is to extend the sidewalk from where it ends on Washington and Broadway to Five Corners. This was brought to our attention a number of years ago. The desire at that time was sidewalks on Hillside, Farlane and this section, as well as from Burnside to Olinda.

The Burnside to Olinda is a very difficult project, one that would not be ready to go quickly. The sidewalk, from where it ends on Washington to Five Corners, is an expensive piece of property to develop. It involves creation of a pedestrian bridge because where Washington ends Broadway drops off dramatically. There is no room in the paved right of way to build a sidewalk. So we have developed some cost estimates, we are submitting it to the state. We will find out Friday if they are inclined to support it. We think it is a natural. I have been working with the superintendent of schools, trying to get some information out of him. This would encourage youngsters to walk safely from the Washington Avenue area or Warburton, come up to Broadway. As of now, it just ends. They are stuck, and they cannot get themselves to the crossing guard at Olinda safely.

The idea is to build this link, which is very important, and then to improve it from where there are sidewalks in front of the apartments to Five Corners. They are in very poor condition. A few citizens have written to us and shown us photographs. So it is an exciting project, one that could be matched with either our consolidated highway money we receive every year if you want to send a little bit of that way. Or as I noted in my report, our audit from last year, it looks like a very favorable position. We could put a portion of that money that would go into our capital project towards this kind of a program. It is a long shot. There is a lot of money, but we are up against other counties, we are up against the State of New York DoT itself, which is going to be competing for this money. So competition will be very tough. But we will know better this week whether it can be our project.

Trustee Armacost: That is great. Can you tell us how favorable our position was on the audit?

Village Manager Frobel: I do not have the final report. These are all, as I cautioned you in early September, preliminary. But it looks like we ended the year with a favorable balance of revenues exceeding expenditures by about \$376,746. What that means is, our unassigned fund balance has now reached about \$1.824 million. So we are at about 12.44 percent of our operating budget as a percentage of our fund balance.

Mayor Swiderski: Sounds like a capital fund.

Trustee Armacost: That is definitely my view.

Village Manager Frobel: What I talk about in the memo is just that, in that I think we have reached the goal you set a number of years ago and that we are at a position now where we are going to be looking to recommend that a portion of that unallocated reserve be dedicated to your capital improvement. In fact, when the auditors meet with you in November, they will be making that recommendation. So my thought is, we are in a position now where you can make the kind of capital investment I just outlined, a pedestrian bridge sidewalk to improve safety.

So we are in a very favorable position. I have to tell you, expenditures were under that which was budgeted by \$25,000. I thought last year was close. I have never run a budget that close ever, ever. I do not want to brag. Talk about sweating the details. So \$25,000 under a \$14 million budget is pretty close.

Mayor Swiderski: And why the good fortune on the revenue? What came through for us?

Village Manager Frobel: As you might expect, the building permits. It continues to be strong, with the 9-A project, that permit that came in. That really pushed it. And I talk about, in the notes, some of the other items that did better than expected and those that were underperforming in terms of the revenues we had projected. So all in all we ended up a very strong year. But again, you are going to hear that from the auditor. We do not have the final report yet. He expects to have that to you soon, and then his conference with you some time before Thanksgiving.

BOARD DISCUSSION AND COMMENTS

1. Downtown Trash Collection

Mayor Swiderski: Downtown trash collection I had asked Dan to report on. He is off on business, so I will turn it over to you. You worked with him on the Conservation Commission and the DPW on this.

Village Manager Frobel: If you prefer, I can wait till Dan is here. But basically, in your packet I gave you a copy of the memorandum. What we took were the notes Dan generated from our meeting back in August. There are four action items we needed to address. They concerned everything from the street trash bins to enforcement to the residential trash problem in some neighborhoods and to the possibility of considering these rubbish compacters. We, being Mike Gunther and myself, took those action items and, as a result of that conversation, have some recommendations we think merit some further discussion. But, again, with Dan not here I would be happy to wait.

Mayor Swiderski: Would you rather wait?

Village Manager Frobel: I would because these can all keep. None of them are critical action items that must occur immediately. Some involve legal because we are going to look at making some recommendations on improving our ordinance as it relates to the penalties associated with violations of some of our rules. We that there are some opportunities here to work with, and even bring in the Downtown Advocate to help us better inform merchants of what their obligations are in terms of providing receptacles for their tenants. So there are lot of different parties we are going to need to pull in. But I would just as soon wait till Trustee Lemons is here to take the lead with that report.

Trustee Armacost: I was at that meeting, Trustee Lemons was at that meeting, Elisa was there from the Conservation Commission, and Mike Gunther and Brian Schnibbe were both there. It was very helpful to get their input on what is happening. My question to you, Fran, was whether you shared your recommendations with the Conservation Commission.

Village Manager Frobel: No, I would wait. I would share with the Board first, then you would instruct me to distribute to whomever you think is appropriate if you think some of these merit discussion.

Trustee Armacost: No, I understood that. I just wondered if you had had discussions about your recommendations with them.

Village Manager Frobel: No, I did not.

Trustee Armacost: I see. So they have not had an opportunity to give input into your recommendations yet.

Mayor Swiderski: I do not have a problem with it being released.

Trustee Armacost: It would be helpful for Elisa to at least understand what the recommendations were because she has been such an important advocate of these. Sometimes when different minds are put together you end up coming up with a solution that is better than just one or other mind. It might be good to delay till Dan is back and have a chance to share with Elisa in the meantime if that is OK.

Mayor Swiderski: If there is anything in here that you think is specific to the Board you want to extract feel free to. But otherwise, you can share it as written. I will leave it to you what you would have shared or not shared.

Village Manager Frobel: OK, we will send that out tomorrow morning first thing. And I will have Mike Gunther here for our discussion. Then we can delve into this. Is that your thought?

Trustee Armacost: I think it would also be helpful to have Brian. I found him very informative, and he first-hand on it.

Village Manager Frobel: Our eyes and ears out there.

Trustee Armacost: Exactly. He is witnessing things directly so it would be quite helpful to have him join. I found him very informative.

2. Update on the Shoreline Committee

Mayor Swiderski: Without Trustee Walker, who was unexpectedly called away, the Shoreline Committee report will also have to wait.

Village Attorney Whitehead: They have a meeting with the consultant tomorrow.

Village Manager Frobel: We have been hammering it out. There is a contract we have been working on with them, along with their scope and services, trying to narrow that down and to work out some details. There was an attempt to rendezvous with the BP representative, and I think the preliminary conversation occurred. But they have not got the on-site approval yet to have the consultant there.

Mayor Swiderski: Right. It is going to be a complicated process. I am going to add some color to that. For those watching, we have this committee that is focused on what I call the first hundred feet, which is the design of the water uses of the park. This sloping shoreline they want to vary, they want to put potentially piers and walkways, it is the recreational design of the water's edge. This is being planned now because it will inform BP's engineering design, which once again slips out another three months as it takes them more time than expected to complete the hydraulics investigation of the water's edge; the impact of the tides and two-way current.

There was some concern initially at this meeting where we all met with BP that that delay harms this effort. But I will add further color to that. Last week, Dan and I met for the first time with the property disposition team from BP. These meetings were an outgrowth of what the consent decree requires, which is that we begin to talk about what will happen to the waterfront. It is clear to me that the discussions are going to proceed apace, and also the developers are beginning to show interest. So the sooner we have a vision for the water's edge, without the pressure of developers, the better off we will be.

And that applies to rezoning. It is clear to me that if we want a rezoning process to begin, and I do not want to use the word "tainted," without the pressure of developers hovering around us, the sooner we get to that the better because we do not want that hovering there as we try to resolve the best use for this waterfront. I think the waterfront group should not only proceed apace, but almost regardless. The sooner we have that vision in hand the better our position will be with the potential developers and, similarly, with us. It will also help inform rezoning if we know what is going there. There are lots of moving parts that are suddenly real. This is no longer 1999, people sitting around dreaming about the waterfront. We are now beginning to talk about the actual waterfront.

People might think this is all moving very slowly. It is now starting to accelerate, and rezoning is going to take us a couple of years. By then, the property is likely to have been sold so that process will have informed that sale. This is all now for-reals, as the kids would say. What this water edge group is doing is very important. And any concern they have that

BP cannot keep up with them I do not think is warranted. I think it is going to be necessary that they move as reasonably quickly as they can. There are interesting developments. The Village will have supporting in its discussions with BP a local attorney in town, Mr. Rosenberg, who runs a law firm that is primary counsel on One World Trade Center. So arguably, nobody in the State of New York knows development better than him. He is supporting us pro bono on this effort, and we are very fortunate to have those sorts of people in town.

Village Manager Frobel: They were also coordinating examination of the water tower.

Mayor Swiderski: How is that going?

Village Manager Frobel: Fine. I have been in communication with the engineering firm that will be conducting that analysis. Our latest conversation talked about how they can get this lift onto the site, over the bridge, safely. We are coordinating that with the police. They have done a preliminary look-see at the bottom of the water tower. Consensus was it is in very good shape on the bottom anyway; there is no evidence of any deterioration on the legs. They are looking to have that here sometime mid-October, have this giant lift. I forget how tall it has to go; 20 feet?

Mayor Swiderski: Oh, at least. I would guess 40.

Village Manager Frobel: It has a huge reach. Also, the staff prepared a preliminary questionnaire. Once we have some conclusions on the analysis of the tower we are going to need to take a census of what people feel about it. We have developed a questionnaire, which I want to circulate to the Board. We have plenty of time, but I need some input to make certain we have asked the right questions.

Trustee Armacost: That will be helpful. And it needs to be framed exactly the right way.

Mayor Swiderski: Right. I think that is key.

Village Manager Frobel: Well, there are a lot of blanks, as you know.

Mayor Swiderski: Of course. But the moment we have a read on this, have determined the nature of that questionnaire, we, as a board need to discuss how that will be distributed. I am inclined, unfortunately, that probably a mailing is the only way we will reach all households.

Village Manager Frobel: We have got to talk because that will make it difficult to compile the results in hard copy. Electronically, as you know, is so much easier to tabulate.

Mayor Swiderski: The Downtown Advocate asked me to remind everyone that Friday is Oktoberfest, Friday Night Live. And Boulanger Plaza will be closed. There will be sausages and beer. I would call it more adult-oriented, as well as some activities for kids. Main Street in front of Boulanger will be closed, and it is a nice moment for a get together.

EXECUTIVE SESSION

On MOTION of Trustee Armacost, SECONDED by Trustee Stugis with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel relating to planners for the Artis proposal, and a litigation matter before the Village.

ADJOURNMENT

On MOTION of Trustee Armacost, SECONDED by Trustee Stugis with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:43 p.m.