

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
NOVEMBER 1, 2016**

A Regular Meeting was held by the Board of Trustees on Tuesday, November 1, 2016 at 7:55 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Eleven (11).

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of October 18, 2016 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 29-2016-17	\$ 3,633.32
Multi-Fund No. 30-2016-17	\$ 8,197.07
Multi-Fund No. 31-2016-17	\$112,776.98

**Mayor Swiderski:** Ms. Maggiotto points out that number three on Board discussion and comments, a comparison of Village and Town exemptions on the assessment roll, has a direct bearing on the topic we just had a public hearing on, and while the Town Assessor is here we will accelerate that to the top of the agenda so if there are questions or issues we can raise them while she is still in the room.

**BOARD DISCUSSION AND COMMENTS**

**1. Comparison of Village and Town Exemptions on Assessment Roll**

**Mayor Swiderski:** We have a set of exemptions in the Village's current assessment roll. Some of them are the same as those offered by the Town, and others are different. In taking on an assessment roll from the Town, we would want to examine those exemptions, see if there are ones we should adopt that the Town has, and also if there are ones that we have that

we would want to tweak or change to be in line with the Town. There are four of them, and I will start at the top. There is an exemption that is driven by salary level for the elderly, 65 and over. What does that mean?

**Village Attorney Whitehead:** It is dictated by state statute. The state statute defines what you can give as an exemption. For this exemption currently the Town and the Village handle it the same. They do what is permitted by the statute. Based on your income, a percentage of the assessed value is exempt. At, for example, at a minimum income of \$29,000 you get an exemption for 50 percent of the assessed value of your property. Going up to a maximum of \$37,400 annual income, it reduces down to a 5 percent exemption. But right now, the Village and the Town are the same on that so nothing would need to be changed.

**Trustee Armacost:** Could we choose to have a figure higher than the minimum, or do we have to be completely in line with what is recommended by the state?

**Town Assessor McCarthy:** There are different levels of the senior exemption, and currently the Village and the Town are at the maximum levels. Usually what happens, when the state legislature proposes an increase in that maximum amount of \$37,400 as the assessor I am notified and then I will notify the board, this board and the school board and the Town Board, then it is your prerogative to increase that amount or not. But that has not happened in eight years from the state legislature.

**Mayor Swiderski:** So we are at the maximum.

**Trustee Armacost:** It cannot be higher, but we could lobby the state for that amount to be increased.

**Town Assessor McCarthy:** Absolutely.

**Mayor Swiderski:** We can move on from this one since we are at the maximum and it is the same as Greenburgh.

The next is a volunteer fire and ambulance service award. It is an annual award of 10 percent of the assessment, once within five years. And that is determined annually. If you have been in the Fire or Ambulance Corps for 20 years that 10 percent becomes permanent. In addition to that, we have had a \$500 exemption which is not one that survives under statute and would go away.

**Trustee Armacost:** Does it have to go away?

**Village Attorney Whitehead:** It existed from before you adopted the 10 percent and it should have gone away when you adopted the 10 percent. It is a \$500 exemption off the assessed value. And you cannot offer two exemptions for the same ...

**Trustee Armacost:** So we should not have been doing that. Interesting.

**Village Attorney Whitehead:** And I believe it was corrected this year.

**Mayor Swiderski:** Our current award is the same as Greenburgh offers. The negative impact, I computed it, was about \$40 for the average firemen or fireperson, firefighter, or ambulance technician. Five-hundred translated to about \$40. However, it was not permitted so I will take that as something we cannot correct. We are offering the maximum that Greenburgh offers. This also did not change.

**Village Attorney Whitehead:** Correct. There is no change. The Town offers the same.

**Trustee Armacost:** And just one question for Edye. How long has that way of framing it been in place? For example, the five years and the 20 years. There could be a provision, for example, that it shifts after 10 years or 15 years.

**Town Assessor McCarthy:** That is state legislation.

**Trustee Armacost:** How long has that state legislation been in place?

**Town Assessor McCarthy:** Six years ago maybe. It is 10 percent a year assessed value. That is an annual renewal process. If you do not renew that exemption every year when you are notified you will lose it. Unfortunately, that happens.

**Village Attorney Whitehead:** But one thing that becomes a little easier if you cease being an assessing unit is, someone will not have to apply for exemptions in both the Village and the Town. They will only have to apply it in Town.

**Town Assessor McCarthy:** May I comment on that before you go any further because it relates to any exemption that needs a renewal, be it the veterans exemption, the firemens exemption, the senior exemption. What we plan on doing, once I know what you are doing as far as the adoption of the roll, my department will send out notices to all the residents who are receiving exemptions in the village and not in the Town. We have the number of senior citizens who are getting the exemption here for village taxes, off of village taxes, but not off of Town, County and school. We have veterans who are receiving the exemption for the village taxes and not off of the Town, County and school. My plan, once I know where you

are going, is to send a notice out to those people and tell them you have until May to apply at the Town level.

**Trustee Armacost:** And for the people who were just not able to get the process together for themselves and have not applied, do they have a chance to get involved now? A senior citizen who never applied.

**Town Assessor McCarthy:** Until May 1 of 2017.

**Trustee Armacost:** Only until then, and then what happens after that?

**Town Assessor McCarthy:** Then they have to wait until the next cycle comes around.

**Trustee Armacost:** So if you miss out on a year you can always apply again.

**Town Assessor McCarthy:** Yes.

**Mayor Swiderski:** The two exemptions covered so far, it is probably not fully accurate to say there is no revenue difference to the Village. There is likely to be a small amount, we cannot tell which way because the property roll between the Village and the Town are different. The new assessment roll will affect both differently, but net-net it is not likely to be significantly different.

**Trustee Armacost:** So this figure here of \$1,366, how was that computed?

**Village Manager Frobel:** That was my doing. That was taking apart the difference between the two. As the Mayor indicated, the \$500 exemption on the assessment for the volunteer firemen was an estimate I had worked out. In fact, it would be a savings to the Village of the avoidance of providing that any further.

**Trustee Armacost:** So this has got nothing to do with the people who are not signed up on the Village side or who are signed up on the Greenburgh side.

**Village Manager Frobel:** It may.

**Village Attorney Whitehead:** It is too hard to calculate that.

**Trustee Walker:** And we do not know who really qualifies unless they apply.

**Trustee Armacost:** But we should be able to know if they are on ours. There should be a list of all the people. You should be able to compare the list of the Village and Greenburgh.

**Town Assessor McCarthy:** I have not done that comparison because I do not know. That is a lot of work, and I have no problems with that. It is just not necessary to do it if we are not moving forward. But there is a list in the Village and there is a list in the Town, and I can do that comparison.

**Mayor Swiderski:** Now we move on to the veterans exemption. This is something that was offered in Hastings, and enrollment ended in 1984. But those veterans enrolled prior to that date are still on it, and currently enjoy what comes to a \$41,000 in cost to the Village in terms of savings on their taxes.

**Village Attorney Whitehead:** These are all estimated numbers.

**Village Manager Frobels:** Well, the Village cost is true for today.

**Village Attorney Whitehead:** For last year's roll.

**Village Manager Frobels:** Last year's, yes.

**Mayor Swiderski:** Right. Greenburgh offers a current veterans exemption, which is 15 percent for war service and then an additional 10 percent off the assessed value if you were in combat. According to our calculations, we believe that would come at a total cost of \$98,400 to the Village or an additional \$57,255. That estimate is based on an assumption that the total number of veterans would rise with sign-up for the exemption. Is the exemption offered by Greenburgh numerically similar to what we offer?

**Village Manager Frobels:** Yes, it is identical.

**Town Assessor McCarthy:** No, there are two exemptions. One is the veterans exemption, which you have here in the Village, which is identical to what we have in the Town.

**Mayor Swiderski:** Right.

**Town Assessor McCarthy:** The additional exemption started after 1984, which you have never adopted in the Village. The combat, which is where you were talking about the 15- and the 10 percent, you do not have that here; we have that in the Town.

**Village Manager Frobel:** But in answer to your question, they would be the same percentages for the individuals who served during those periods of war.

**Mayor Swiderski:** So the increased amount is largely due to an expected increase in the number of veterans who would be applying who were not signed up after '84 and are currently in the pool.

**Village Manager Frobel:** Who would qualify.

**Village Attorney Whitehead:** And who may be entitled to the additional combat exemption.

**Trustee Armacost:** So the additional amount of money that this relates to, \$57,000. That is or is not including the 10 percent?

**Village Manager Frobel:** It is. That is our estimate.

**Mayor Swiderski:** Everyone we are aware of.

**Village Attorney Whitehead:** And that is a rough estimate, again.

**Trustee Armacost:** What are the categories of veterans, other than people who were in combat? When you say "service war," what does that mean

**Village Manager Frobel:** There are certain designated periods of time like the Gulf War. You could be in uniform and not be serving during a time of war. If you served during the Gulf War I understand you get the 15 percent. If you actually served in combat you have got an additional 10 percent.

**Mayor Swiderski:** But if you served in '87, when no conflict was underway, you are not considered a veteran for tax purposes. You are considered to have served in the military, but you were not serving during a period of wartime. That is what the definition of a veteran is.

**Village Attorney Whitehead:** For tax exemption.

**Village Manager Frobel:** It is hard to find those periods of time when we were not at war.

**Trustee Armacost:** Sadly.

**Mayor Swiderski:** So the question here is, do we adopt the Greenburgh definition or not.

**Village Manager Frobel:** The footnote to that, as you know and as Edye has pointed out, our school board has come up with a variation of this. They have not gone as far as Greenburgh nor as far as I would recommend you go. Edye, would you want to explain the step program that the school has where they split it somewhat?

**Town Assessor McCarthy:** The 10- and 15 percent, it is state statute. There is no option there. What is an option is that there are five different levels of the exemption amount. You can only get 15 percent of your assessed value, for example, times your equalization rate. They set limits on the maximum amount allowable exemptions. The Town-County has committed to the maximum level. Legislation recently passed allows the school districts to opt into this program and they have chosen the minimum amount. So of the five levels, the school district is at the minimum and the Town and County is at the maximum. The other villages that have since adopted the Town's assessment roll, like Ardsley, Irvington and now Dobbs Ferry, have all chosen to adopt all the Town's exemptions, which puts them at the maximum as well.

**Village Manager Frobel:** Have you heard from our school as to whether or not, with the new roll, they would be inclined to modify theirs?

**Town Assessor McCarthy:** They have not.

**Trustee Lemons:** There is no means testing option in this?

**Town Assessor McCarthy:** No.

**Trustee Armacost:** Are people stacking exemptions?

**Town Assessor McCarthy:** If you are a senior citizen and a veteran? Yes, you can have two.

**Trustee Armacost:** A senior, a veteran and a fireman?

**Town Assessor McCarthy:** Correct.

**Trustee Armacost:** Do you start with senior and that takes up 10 percent or 20 percent, and then you are assessed as a veteran and that takes up 20 percent of what is left?

**Town Assessor McCarthy:** Veterans come off first, and then from the remainder the senior citizens come off, and then from the remainder the firemen comes off.

**Trustee Armacost:** So that reduces it by a very substantial amount.

**Town Assessor McCarthy:** Sometimes. That is also by state statute.

**Mayor Swiderski:** When you mention the steps, could you give a sense of what that means in terms of the effect on the taxes? The lowest step versus highest step, the school having gone for the lowest step, what does that mean?

**Town Assessor McCarthy:** That means the exemption amount from the lowest step to the highest step is substantial.

**Mayor Swiderski:** Do you want to give a range, a sense for that?

**Town Assessor McCarthy:** I cannot because they change every year based on the equalization rate changes and based on what is happening with the reassessment. But regardless of that, I can tell you that of the five categories it is substantial. For example, the lowest category is based on a base of \$12,000. So it is a long formula, but \$12,000 times your equalization rate times the 15 percent, minus your assessment. That is over here, the low level. The high level is \$45,000, and that is where we are at. The \$45,000 times your equalization rate times the 15 percent. So you go from \$12,000 to \$45,000.

**Mayor Swiderski:** The equalization rate is no longer a factor.

**Town Assessor McCarthy:** There will always be an equalization rate. It just so happens to be 100 percent at this point.

**Mayor Swiderski:** At that point what happens? Again, it is at \$12,000 to \$40,000? When you are speaking of \$12,000 versus \$40,000, these are maximum amounts you could...

**Town Assessor McCarthy:** Within those levels or categories, and there are five categories. The first category is \$12,000, the second category is \$15,000, the next category is \$25,000 up to \$45,000. You can choose, as a village, any one of those five levels.

**Village Manager Frobel:** To summarize, ours would not change. We adopted the Town's program. The only program of any consequence would be adding the veterans, which the Board had always thought that when you did adopt the Town's roll, we would address this question of veterans exemptions. The program had closed off to new enrollees as of 1984. So you had a lot of veterans in the community from '84 to today who did not have the benefit of any exemption for their years of service during a wartime.

**Trustee Stugis:** I get that part. I do not get the step part.

**Village Manager Frobel:** We could maybe offer some greater examples of that. Edye had explained it to me and worked out a diagram for me on a yellow pad. I understood it by going through that, but maybe we could give you some more concrete examples of what it means in genuine numbers and exemptions.

**Mayor Swiderski:** I would like to see that.

**Trustee Stugis:** I do not know the \$10,000 or \$12,000. What are those? Are those assessed values the old way?

**Village Attorney Whitehead:** That is the amount that comes off the assessed value. That is the cap. Let us say you are entitled to 15 percent. It is 15 percent up to \$12,000 or \$40,000, depending on what step the Village chooses. So if your assessed value is now, say, \$500,000 with the revaluation your exemption could range from reducing that by \$12,000 up to \$40,000 depending on which step. Did I do that right?

**Town Assessor McCarthy:** That is correct.

**Village Attorney Whitehead:** I am doing the layperson's version.

**Town Assessor McCarthy:** So your \$500,000 home would have a taxable value of \$485,000 if you chose the \$15,000 level. It would have a \$445,000 taxable value if you chose the maximum. You take the \$500,000 value, minus \$12,000 on the low end and minus \$45,000 on the high end, and that is what your taxable value is.

**Trustee Stugis:** So do we have that choice, or just the veterans?

**Village Manager Frobel:** Right. The others are a percentage so it floats with the value of the property.

**Village Attorney Whitehead:** With no cap. This is a cap essentially.

**Trustee Armacost:** But what you said, Edye, is that our neighbors have chosen the maximum category.

**Town Assessor McCarthy:** The Town of Greenburgh, the Village of Irvington, the Village of Ardsley and the Village of Dobbs Ferry.

**Village Manager Frobel:** I have a narrative from the school of how their program works out. I will circulate that as well.

**Mayor Swiderski:** I should have prefaced this discussion by asking what the timing considerations here are.

**Town Assessor McCarthy:** Yesterday.

**Mayor Swiderski:** And given that we are today ...

**Town Assessor McCarthy:** Right, I will take it.

**Mayor Swiderski:** ... what is the proverbial drop-dead date?

**Town Assessor McCarthy:** I may have to defer that to your Village Attorney. It is definitely before you set your rates because it will affect your rates.

**Village Attorney Whitehead:** The rates will not be set until the spring when the budget is done. Any change that you make, and we need to make some cleanup changes anyway to the sections of your code relating to exemptions because there are references to the Village Assessor, we are going to be doing a local law to amend those sections anyway. If you want to change any of your exemptions, just adding veterans back in, that has to be done by local law. So we could have the law ready for your next meeting, or can have the public hearing the beginning of December and you could adopt it then.

**Mayor Swiderski:** So it is not pressing in that if we forego concluding on this particular item the Village Manager could circulate what the impact of those various levels would be.

**Town Assessor McCarthy:** I would think by the next meeting you would have something to give me direction.

**Village Manager Frobel:** Sure.

**Trustee Armacost:** This sheet says there are 46 fire and ambulance at the \$500 assessment. So why is it not 159? I thought that was the number of volunteers.

**Village Attorney Whitehead:** Because they have not all applied.

**Village Attorney Whitehead:** And some of them might be renters. They may not all be property owners.

**Village Manager Frobel:** Some do not live in the Village.

**Trustee Armacost:** A hundred of them are renters who do not live in the Village?

**Village Attorney Whitehead:** Or they have not applied.

**Village Manager Frobel:** Or they are young and live with a parent.

**Trustee Armacost:** OK. That seems surprising to me.

**Mayor Swiderski:** Old, and living with children. There are any number of scenarios.

**Village Attorney Whitehead:** They would have to *the* property owner to be eligible.

**Mayor Swiderski:** . With the explanation of the steps, are there other questions the Board has that can be explained either tonight or by Fran by the next meeting so we can be in a position to talk intelligently about this next time?

**Trustee Armacost:** When do we ask for views from the community on this?

**Mayor Swiderski:** It will be a public hearing based on the fact that there is a change of the law.

**Village Attorney Whitehead:** Right, you have to have a local law, and to adopt a local law you have to have a public hearing.

**Trustee Armacost:** But I think we need to set this up in a way that gives people clear opportunity and not vote the same day. I do not think that is a good process.

**Mayor Swiderski:** No, and I think it sounds like it is not that we have to be passing the law next meeting. Because we do not have to until next year, right?

**Village Attorney Whitehead:** You have got to give Edye some time to apply the exemptions.

**Town Assessor McCarthy:** It is a lot of administrative process.

**Trustee Armacost:** But we can separate these two processes. We can do the process which relates to the assessor, and make these changes at a different time.

**Mayor Swiderski:** Yes.

**Town Assessor McCarthy:** No. I am going to need it all in one spot so I can get it on to the Town's assessment roll.

**Village Attorney Whitehead:** The cleanup changes can be done separately; taking out the reference to the Village Assessor.

**Town Assessor McCarthy:** Oh, on the Village? Yes, you can do that whenever you need to do that. Right. I am sorry.

**Village Attorney Whitehead:** The big decision we would need direction on to draft a local law is how you want to handle the veterans exemption.

**Trustee Walker:** I would like to hear from people in the Village about the veterans assessment. I do not know how we set that up, but it would be nice to have some input from the public. If we grant it, then the burden is carried by others.

**Mayor Swiderski:** It is carried by the community. Not tangential, but relevant, the \$57,000 loss here, how does that play with our tax cap?

**Village Manager Frobel:** Well, it is that much less revenue.

**Town Assessor McCarthy:** No. Your exemptions, you are not losing any dollars. You are just reallocating them. It does not have anything to do with your tax cap, the reallocation of the exemption, the math.

**Trustee Armacost:** Other people bear it, that is all.

**Village Attorney Whitehead:** It does not affect your tax levy.

**Trustee Walker:** Right. It is not going to affect our budget or things we need.

**Town Assessor McCarthy:** It does not.

**Trustee Lemons:** It affects everybody.

**Mayor Swiderski:** It is a half a percent, roughly, in taxes.

**Village Manager Frobel:** We would have to raise it from some other source if we want to stay equal. I think that was your question. Or reduce our expenditure.

**Mayor Swiderski:** In terms of sequencing, we want to understand the different levels. And once we have that, then the first meeting in December we can ...

**Trustee Walker:** If we have the public hearing on the assessment, you are saying we do not necessarily need to have a hearing on the exemptions.

**Village Attorney Whitehead:** No, you will if you change the law.

**Trustee Armacost:** Edye, I know it is simpler for you for these things to happen together, but are we required to have them passed together?

**Village Attorney Whitehead:** No, I do not think you were looking for that.

**Town Assessor McCarthy:** You have to make a decision. When you decide to dissolve the assessing unit here in the Village you have to make a decision as to what levels of exemptions you want so they can be administered on the Town's assessment roll.

**Village Attorney Whitehead:** But only if you do nothing. You are just saying exemptions will apply.

**Town Assessor McCarthy:** The Town's exemptions will apply. The Village, as well.

**Village Attorney Whitehead:** Confirm that with John Wolham.

**Town Assessor McCarthy:** OK, I am fine.

**Trustee Armacost:** So really it is a question of adding an exemption. We can not make a decision on the veterans. I know it is inconvenient for you but theoretically, we can make a decision on moving the assessment without making a decision on the veterans and make a decision on the veterans separately.

**Mayor Swiderski:** Yes.

**Village Attorney Whitehead:** I think that was always the plan, but the idea was to do it shortly.

**Trustee Armacost:** I understand. I just want to be very clear why we are combining these two things, and whether we can make the decision separately or not.

**Town Assessor McCarthy:** Let me just make clear for the record, it is not about me and administrative processes I am going through. It is the notification of homeowners that is the biggest administrative issue here. The letters have to go out, and then typically what happens is, and no disrespect for anybody, but residents throw them out. Then my department sends a second letter out, we make phone calls. We go well above and beyond what our state requirements are so I need as much lead time as I can get because I do not want to miss anybody. This is a big deal, what you are talking about right now, and I respect that immensely. But I do not want to negatively impact the taxpayers either. So the sooner I know what you are doing, the sooner I can get what I need to do to notify the taxpayers.

**Mayor Swiderski:** Understood. And if we move as we described, by the second meeting in December we would be in a position to pass. That would give a chance for public input and discussion on the Board. I think we are doing OK here.

**Village Attorney Whitehead:** Yes, you have to give direction at your next meeting so a law can be drafted and put on the first meeting in December to schedule a hearing, and have the hearing

**Village Manager Frobel:** But, Edye, not to hit this too hard, but you are not going to have the burden of notifying veterans of this new policy if, in fact, the Board adopts this change.

**Town Assessor McCarthy:** It would be a courtesy.

**Village Manager Frobel:** But how would you know who these people are?

**Town Assessor McCarthy:** Because anybody that has the exemption on the Town's roll, but does not have it on the Village roll, I will notify them.

**Village Manager Frobel:** Yes, but there are individuals out there who never did it with the Town either. You do not know that.

**Town Assessor McCarthy:** I do not know that.

**Village Attorney Whitehead:** What you can do is publicize it.

**Trustee Armacost:** I think the American Legion can publicize, the VFW can publicize.

**Village Manager Frobel:** I just want to make sure that Edye does not have that obligation to find out for us.

**Town Assessor McCarthy:** I do not.

**Trustee Walker:** So the \$50,000 you were talking about is really those who are on the Town exemption roll and getting the Village exemption. It does not take into account that we may find more veterans and it may increase from there. That is a base, a rough estimate, but there could be more.

**Mayor Swiderski:** And if we go with one level that is different from the school that is not an issue, from your perspective. You do not care.

**Town Assessor McCarthy:** It is just administrative. I set it up one time and I am fine.

**Mayor Swiderski:** And the step level, is that set legislatively or is that set administratively?

**Village Attorney Whitehead:** Legislative.

**Mayor Swiderski:** How is the selection of one? Is that a legislative issue, or is that an administrative issue?

**Town Assessor McCarthy:** Legislative for you.

**Village Attorney Whitehead:** Everything is legislative. It has got to be part of the law.

**Mayor Swiderski:** So we cannot start at level three in the next year.

**Village Attorney Whitehead:** Well, you can. You just have to amend your law.

**Town Assessor McCarthy:** Yes, you can. That has happened, as well.

**Mayor Swiderski:** All right, then I think we know enough to close this particular issue out now.

**Village Attorney Whitehead:** There is one other thing. The Town offers a disabled exemption.

**Town Assessor McCarthy:** We have one in the Village of Hastings.

**Village Attorney Whitehead:** Then if you choose to offer the same as the Town it is not a huge impact.

**Town Assessor McCarthy:** The criteria is, you have to be disabled and your income has to be at a certain level. So very similar to the senior exemption.

**Village Attorney Whitehead:** And the Town currently has one person, one property, within the Village that qualifies.

**Mayor Swiderski:** We will need the level for that for the next meeting.

**Town Assessor McCarthy:** It is the same level you choose for the senior exemption. You do not have to be a senior to receive the disabled exemption, you just have to be disabled with a low income.

**Mayor Swiderski:** All right, got it. And that, too, is cumulative theoretically. You could be a disabled veteran firefighting senior.

**Town Assessor McCarthy:** I hope you are not a fireman.

**Mayor Swiderski:** I think we have what we need. Then the next meeting we will finish our discussion on this with that in hand, and we can head back to normal order.

### **PUBLIC COMMENTS**

**Pam Battle, Yonkers:** River Community Coalition represents the neighborhood of Greystone. We have endured, been beleaguered, with a lot of new construction and it has been very difficult over the last 15 years. We have been able to mitigate some things. We have also experienced three developments that failed, where there was blasting involved and also damage to adjacent properties, including one person losing their homes; cracks in the walls, cracks in the floors. Then them abandoning the project midway and not restoring it. So we have a lot of experience and a lot of concern. It got to the point where we are going back to the city when new construction projects, new developments are coming in, in terms of asking for certain conditions. This would be our concerns, and hope that we would be heard concerning the nursing home, since part of it does exist in Yonkers. It a very tight residential neighborhood. There are a thousand, soon to be 14-hundred families, whose peace will be disturbed, possibly, with this and possibly their homes at risk. One thing we ask for developers is that they must post bond, not only for infrastructure for the city or the county but for adjacent homes if there is damage to them.

**Village Attorney Whitehead:** Blasting always requires insurance.

**Ms. Battle:** Maybe for you guys, not down in Yonkers. The other thing is, that the insurance also covers restoring the property to a reasonable state. The way it was abandoned was pretty bad in the case of two, and in one of them it caused runoff that caused breakage of the county sewage line and 14 million gallons to be spilled into the Hudson. Plus, the residents nearby would want to be notified during periods of blasting. We would ask that construction and noisy truck traffic be limited during construction, and upon the completion to reasonable hours, not starting at 7 because of the noise concern, but maybe 9 to 6 p.m. Especially once the nursing home is in place. And that possibly you put their pickup and delivery on the north end of the building so it is not right next door to the Esplanade, to control the noise. Another suggestion is, if you are going to build there and blast into the wall you might look at giving back to the community in terms of maybe a thoroughfare from David Lane down to Warburton.

**Trustee Walker:** We are going to go through a scoping process when we start the SEQRA process for this application. We have to send the City of Yonkers notices. But it would be useful to notify your neighbors. How would we get them noticed? You are an association.

**Ms. Battle:** You can use us.

**Village Attorney Whitehead:** If there is an actual association with an address that could be used to send notices we can do that.

**Ms. Battle:** We are looser than that, but we could give you our addresses.

**Village Attorney Whitehead:** Well, we are not going to send it to a whole slew of people.

**Ms. Battle:** No, we have the e-mails, we handle the meetings down there, to let people know what is going on and also offering them constructive suggestions on how to proceed. So yes, definitely we would love to work with you. These are unofficial constituents, and people shop and dine here so it is good. We could make this relationship much tighter.

**Village Attorney Whitehead:** Just so you know, none of the individual residents are going to get notices of every step. But if you have a group or something with an address, everything that happens will be posted on the website. There will be information about every meeting every step of the way.

**Ms. Battle:** Once it starts building we had contact with key people from these constructions. If something came up we could call somebody and say you have 20 concrete trucks making a horrible racket, could you not park down by the bus turnaround and give us some peace here. It was just a matter of a phone call because we had that contact.

**Village Attorney Whitehead:** We are a long way from that.

**Trustee Walker:** But it would be good for you all to get involved in the beginning of this process. You are the neighbors.

**John Gonder, 153 James Street:** It has been awhile, but we have not heard about the deer. A new effort to embrace wildlife launched in New York City. There is a program that they want to use part of the impact management plan to include public education regarding living with deer, as well as sterilization program for male deer through a partnership with White Buffalo. Now we have one for does. What if we had it for both does and bucks. The bucks come to those corn feeders because they were in my yard, the corn feeders, two years now. The bucks sort of keep the does away. I am saying, Shoot, shoot, you know, but the women would not shoot because it is a buck and lost his antlers. It surprised me. But the other day I saw a buck, four-pointer, with number 10 or 17, a yellow tag. I remembered one of the young women, Kayla, said she made a mistake. We should look into this shooting the bucks. We can make it a lot quicker.

This board passed a resolution to save us all money unless you opted out for our electric bills. Twenty communities, and the average is \$17 a year we are going to save. Now the state is bailing out three nuclear plants up in the Buffalo-Rochester area. These are going to get a supplement from all the utility bills in the State of New York, and it is going to cost us \$2 more per month on the average. That does not include businesses and other things. So we are getting a loss. A lot of people are upset about that because we are not getting one watt, one ohm, one amp, one volt coming down because there are no transmission lines coming down from those three plants. These plants made a lot of money for 30, 40 years, and now I think you should write the governor and say put a stop to it.

**Frank Brodhead, 1 Main Street:** I would like to speak about the idea of public hearings. We just heard an extraordinarily detailed and informative discussion about tax exemptions. I learned a lot, I heard what each of you said. In general, I have an idea of where you are at on this issue. Prior to that, during the public hearing, three people spoke, two Johns and Susan. John Gonder described this extraordinary event of tens and hundreds of thousands of dollars being knocked off his assessment with a phone call and a visit. The other John spoke about how he was going to have to sell his house and leave town, and this is so representative of so many people I know. Everybody knows this, this is really a crisis. Susan spoke, among

other things, about the high cost of Village benefits and how that affects the tax rate which she and many people have difficulty paying.

But in response to that, at the public hearing nobody said anything. I do not know what you think. I do not know if you are sympathetic. A public hearing should include a response from each of you where it is appropriate, particularly where people bring difficult stories. This is not just a bit of paper about an exemption, this is about how people's lives are being affected. A number of us concerned families of Westchester just spent two years being stonewalled by federal regulatory agencies, and it was very similar. People would come, it is very dangerous, their house is going to blow up, nuclear power very bad. The sock puppets sitting behind the dais would nod their head, and once in awhile arrest somebody for being out of control but said nothing. Then behind the scenes, they would have a talk and you would not know what they thought or what they said.

In response to John's question back here or John Gonder's or Susan's, will you talk about this later? In which case, we do not know what you think. Or will you not talk about it at all, in which case what is the point of people coming to address you? It seems to me that it is wrong to have a public hearing and not say anything.

**Elisa Zazzera, 111 Pinecrest Drive:** Thank you, Frank. I agree, and that is also what I would like to reiterate. I was astonished that there was not one utterance from any of you after Susan's very eloquent and detailed, and clearly well-understood, issues about this. I know it is called a "hearing" so, hopefully, you did all hear and hopefully did more than that in listening. But yes, where is the response? We have been asked by this village for two surveys. One ended August 15 and we still have not seen the results. The last day for the Downtown Advocate's survey was yesterday. We have been asked to fill out surveys like what kind of restaurants we want in town, what do we think about the trash in the downtown, yet with public hearings there are clearly a lot of other ways to spend a Tuesday night. Not a lot of people are going to show up, they may be watching on TV, you will get e-mails which you will or will not respond to. Could you not send a survey out: What do you think about Village exemptions for veterans? Most of you have heard from me that exemptions should be based on need. Why should a veteran who also happens to be a volunteer fireman who also happens to be disabled who makes \$300,000 a year get an exemption?

**Gary Weinberg, 1085 Warburton Avenue, Yonkers:** I live just a quarter mile south of here, and I grew up in Hastings. I have been watching intently the beginning of the planning process for the senior home. I am familiar with the planning process. My father, Marvin Weinberg, was the chair of the village planning board back in the '70s and '80s. More currently, I have been active in the Yonkers side of the planning process with the development that Pam so eloquently spoke about that we have been dealing with for the past

20 years. What Yonkers has brought about to our area has been for their benefit, a great development and great tax base. We are going from a thousand families in the area to currently slated at 1,450; we are adding another 450 families with the huge developments there. That is, unfortunately, only exacerbating problems of traffic and parking. There is a zoning ordinance that is called "transit-oriented development," where because we are right next to the Greystone train station there is this belief that people do not need as many cars. While that is great for commuting to the city like many of us do, we still have cars because, we got to get to Hastings to shop, we got to get to Central Avenue to shop.

Anything that goes into the process of looking at this development must have a distinctive look at the traffic issues. I recommend a traffic engineer be hired by the Village to look into this because it is going to bring traffic through Hastings. There are going to be support services, there are going to be vendors, there is going to be laundry cleaning, there is going to be trash removal, there is going to be food and so on for the people who are living there. In terms of following up on the comments about how to contact the people in the area, there is a list that the City of Yonkers has for all the developments. That is public information for Yonkers. Almost all the dwellings are multi-family so you are contacting the managing agents, and there are not that many units there so it is not that vast a list. It is not going after so many single-family homes.

I would like to welcome all the Trustees to visit the area. Not just go as far as the river view and the boarder of Hastings, but come a quarter mile south, see the huge development that is going on there, see the impact of what is going on right now with the development and how it affects traffic, as well as what we expect to happen once it is finally finished and the construction traffic is gone but we are left with all the family traffic and driving. With that said, I would like to ask a question of what is the time frame from this point forward of the scoping process and the SEQRA process that follows that.

**Village Attorney Whitehead:** We are currently waiting for them to submit a revised plan. Once they submit a revised plan, the next step for the Board to make a determination of significance under SEQRA. The next step after that would be scoping. Again, if you watch the website there will be information.

**Steven Siebert, 113 Hamilton Avenue:** It is ironic that I was going to begin my comments saying that my passion for Building 52 often seems unseemly to me, because there are a lot of issues that matter a lot more: incarceration and racism, and the issues we talked about tonight. Even though I wanted to speak about Building 52, if I thought echoing the words that were said would have further impact I would throw Building 52 to the winds to speak about them. But I trust you were able to hear what was said because I think what was said was really important.

Let me speak briefly about Building 52. It does seem to me, and I feel like I am Don Quixote tilting at windmills, that we are making a terrible mistake. Particularly in our wireless world, to lose a building that embodies making wire, that has a materiality of our historic past, to lose that for something new and modern is a great loss for us. The thing that disturbs is, it sounds like we are going to have a negative declaration about the environmental impact of this. But New York State law very clearly says that the historic import of a building is part of the environmental situation of the building and that has to be taken into account. It also says very clearly that it is not only inclusion in the National Register of Historic Places that determines it has historic value, but other factors as well.

You need to be looking at the reason why it no longer has historic status because of acts that were taken on Building 51 which should not have been taken. To ignore the historic component of that building and just focus on the other environmental issues is, in all the reading I have done on this, to be violating the law. There is no policing SEQRA. But the law clearly says, and I am reading this not because I am threatening to do this nor do I know of anybody who is threatening to do this, "If an agency makes an improper decision or allows a project that is subject to SEQRA to start, and fails to undertake a proper review," and a proper review by law clearly entails dealing with historic status, "citizens, or a group of citizens, who can demonstrate they may be harmed by this failure may take legal action against the agency." I do understand who is allowed to do this depends on a set of factors. Again, I am not saying I know anybody who is planning on doing this. The fact is, if you do not look at the historic status and deal with those issues before you make a determination on the building you are not following the law.

**Mayor Swiderski:** Thank you. Just to respond to earlier comments, I understand the optics of a public hearing can be odd. That people come before us and speak, and we do not respond. But that is the structure of a public hearing. We open the floor to the public, and we hear. It is not a dialogue or an engagement. The purpose of it is to build a public record of what the public feels on an issue. Lack of response is not lack of listening, it is fulfilling the purpose of a public hearing. The reasoning behind the Board's decision on a given topic comes up in the Board discussion section of the meeting on that topic and during other opportunities where the Board discusses that issue. But it is not necessarily at the point of a public hearing, it is afterwards.

It has been the tradition of the Board where we do not simply vote and that is the extent of it. There is usually a discussion where each member of the Board describes the reasoning behind their commitment to a yea or a nay vote. And there is frequently a back and forth where there is a detailed discussion of why people came to that decision. It is not typically done behind a closed door. This often comes as a surprise to people, but it is a rare moment

that we talk bilaterally outside of this room, and we cannot talk three or more of us on a topic outside of this room. The sunshine law prohibits that. We do not go off to the smoke-filled rooms and make policy. It just does not work out like that. We spend very little time outside this room talking about policy because it is not something we do. We form our opinions based on what we hear in here, based on discussions elsewhere with others in the community, and then come in here with that. That forms our discussion.

**Trustee Armacost:** And based on material we are provided by the community and others.

**Mr. Brodhead:** Is it a bylaw or state law that prohibits discussion at a public hearing?

**Village Attorney Whitehead:** It is procedure. Public hearing is for the public to make comments, and most boards do not respond to public comment during the hearing. They will discuss the issues before they take a vote on something.

**Mr. Brodhead:** Could you answer my question?

**Village Attorney Whitehead:** The law says the purpose of a public hearing is to hear public comment. And if you get into a back and forth it can also take time away from the public who may wish to speak. So the idea is to give the public the opportunity to speak and make their comments.

**Mr. Brodhead:** Was that your concern tonight? That there might be more than three people speaking?

**Village Attorney Whitehead:** It is the standard procedure of this board.

**Mr. Brodhead:** Could the Board alter the procedure if it wished to, or is it prohibited by bylaw or state law?

**Village Attorney Whitehead:** You have written Board procedures that you follow.

**Mr. Brodhead:** Get to the practical fact, which is that the next time you have a discussion about this issue you will not remember John Gonder's story about the \$100,000 or \$150,000 off his assessment and you will not respond to him. You will not remember what John had to say about how he will have to move out of town

**Trustee Armacost:** It is all in our minutes and we write detailed notes.

**Mr. Brodhead:** Excuse me, I am speaking. You will not remember this and you will not respond to this. You will have a discussion of a no vote or whatever it is, and so on. It seems to me, particularly in a small public hearing in a small village about issues that people bring forth, deeply-held things that have to do their life and their ability to stay in the Village, that it would be good practice to respond by saying, What you are asking is illegal, We cannot do that, We will think about it, We did that last week and it did not work, or something like that. If you do not have anything to say that is fine, but it seems to me it is an impediment to democracy to restrict yourself from replying to constituents at what is a small, informal meeting simply because it is custom or because other boards do it differently. I urge you to consider this and to change the practice.

**65:16 ADOPTION OF LOCAL LAW NO. 3 OF 2016 TO TERMINATE VILLAGE'S STATUS AS ASSESSING UNIT**

**Mayor Swiderski:** This was read earlier with identical wording. We have before us what we have been hearing about and discussing, which is adopting the Town's assessment roll. It is a significant change. It has, as its positives, savings for the Village, and it has a real impact on the people whose lives are affected by the taxes we increase or decrease as a result of this. I welcome Board discussion.

**Trustee Walker:** I wish our friends had stayed for the discussion. Two of them did and the other friends left and missed the discussion they were asking for. We understand the gravity of this reassessment that really is affecting people we know and have been in the Village for a long time. Some people got good news. I think Mr. Gonder managed it.

**Mr. Gonder:** It is terrible news.

**Trustee Walker:** But you went back twice and may have a third. Anyway.

**Village Attorney Whitehead:** It is still up.

**Trustee Walker:** Oh, it is still up. But it sounds like they reduced your assessment by quite a bit. No? At any rate, there are people who got good news and there are people who got bad news. It is unfortunate that it seems unfair; however I do not know of any other way we could be fairer, because we are basing the taxes and the tax levies on the actual value. You may question that, but as far as we are equipped to determine, basing it on the value of the house, the property. It seems unfair that some people are going to have to pay more than others, but it does not affect the amount we take in. Our budget is our budget, it is just redistributed.

It breaks my heart there are not other ways we could provide exemptions. If we had the discussion Steven was talking about we could perhaps come to other conclusions about exemptions, but we are limited, as we learned, by state law. I do not know if there are other things we can do to relieve the burden on some of our residents, but I do believe it is fairer this way because it is based, instead of on 50-year old assessments, on very recent assessments. We probably are going to keep that up now so it continues to be a real value and not just some artificial value. It was not particularly fair before. In addition, we cannot have two completely different assessments and I believe the Village and the Town should be aligned. There is no point in us continuing with assessments that are so out of date. For that reason, I think it is appropriate to vote yes on this, understanding that people are going to be hurt and I feel for them, but this is the fairest way we can proceed.

**Mr. Kassebaum:** Can I just make a comment?

**Trustee Armacost:** Not really. This is not a good idea.

**Mr. Kassebaum:** The difficulty I have with this whole thing is, where did they come up with this number? When I looked at the value of the houses on my street, and I looked at my street and the street behind me, they varied from \$700,000 down to \$400,000, some of them which have been sold recently. Where does Greenburgh or Tyler or whoever makes this assessment, where do they come up with this figure of \$459,000 or \$500,000 when the size of my house has not changed? If my house was changed and I had added on to it, then I could understand the increased value of the house. Now, how much can I sell my house for? That is an arbitrary figure because it depends on who wants to buy the house and how much I am willing to pay for it.

**Village Manager Frobel:** that is what it is based on, John, is the market sale of your home.

**Mr. Kassebaum:** The market of my home, I have less than 1,000 square feet in the size of my house. It is a very small house.

**Village Manager Frobel:** I know the home, but they know the market and they know what the home would sell for. They put a fair value on it.

**Mr. Kassebaum:** And the house next door to me, which is basically the same house as my footprint or slightly larger, and all the five houses on the street built by the same builder are basically the same homes. That house was renovated, gutted, changed the whole thing around. He sold it for \$700,000. Now, it is a brand-new house. Basically the only thing that remains is the outside shell of the house, but the house was \$700,000 and not anywhere near what my house is going to get if I go to sell it. So I will drop you a note and let you know

how much the taxes turn out to be, especially school taxes. When you do not qualify for the enhanced STAR it is really significant.

**Trustee Stugis:** I worried about this, the whole reassessment initiative. About a year ago I sent some of you a hypothesis of what might happen, how it might change the fabric of the community. What was interesting is that in huddling with you later we debunked my hypothesis. I looked at the notion that one-third of the folks' taxes would go up, one-third would stay the same, and one-third would go down. That was roughly what we were told would happen. I speculated that the losers, the folks whose taxes would go up, would be inordinately certain segments of the population; people who had been here 20 or 30 years who, by definition, were people who established themselves in the community when they were making a certain income level that could support the cost of living here. I speculated that, by definition, those are older folks. And that what would happen would be they would be in the situation that a couple of our citizens described tonight: got to leave.

When we looked at the results it did not quite happen that way. You showed me a map that identified who is up, who is down, and it did not necessarily happen that way. I was gratified because I really worried that the fabric of the community would change, that long-term families would be driven out; the gentrification would be accelerated in a way that was warp speed acceleration of gentrification, which happens. When you live in a great place it gets gentrified and people get driven out. I do not know anything about the law. Are there other ways to consider what is fair other than what your property is worth in terms of getting to stay in the community you helped to build. That you, by definition, for 30 years had been in a community and worked in the garden club or worked as a firefighter or worked in the library volunteers, what is that worth? Is that worth something?

**Village Attorney Whitehead:** For the firefighters. That is why there is an exemption.

**Trustee Stugis:** I was so gratified to hear some of those exemptions. But it is worrisome to me. I was gratified when we saw that spot map that indicated this did not necessarily happen. A lot of folks feel that is what is happening, but if we get some of the facts out we could help us feel better. It is not necessarily contributing to this warp speed gentrification that I was worried about. So in the end, I like the rationale. I went back and argued for a reduction and got some relief but we are worried if we can stay. In the end, it does make a lot of sense for it to be based now on what you think your house can really sell for. That is pretty simple. When sat with Edye in Greenburgh we figured it out and made some adjustments. I felt it was fair.

**Trustee Lemons:** The real estate tax is a quasi-progressive tax. It is quasi-progressive because if you bought recently you are paying taxes that probably have some bearing on your

income. If you bought a long time ago it is not progressive at all, and I think that is what we are struggling with. But real estate taxes are not designed to be progressive; they are not supposed to be. As far as I understand, that is not in the fundamentals of real estate taxes. Real estate taxes are just about property value. They really do not have anything to do, outside of these exemptions, with who occupies that property. I do not think that is a system we can change. I think that is a state system that is imposed on us. What Steve expressed is, could we not find a way to make it progressive. And the fact is we cannot, outside of exemptions; it is not within our purview to do that. So there is bound to be a regressive aspect that happens because of the passage of time.

There were people who really felt like losers because they did get a much higher assessment and they know their taxes are going to go up. There were people who felt like winners, I am sure, because they saw their taxes are going to go down. But those people also are losers because for who knows how long they have been paying taxes that are out of proportion to what they should have been paying. So they lost, and they might have lost a lot. That is not the side I thought about going into this. What we have is not a third, a third, a third. But if it were, it is not one-third happy, one-third not unhappy, and one-third neutral. It is two-thirds unhappy partially because of that group that saw their taxes go down and realized they have been overpaying.

I do not feel we can find a rationale to not make this as fair and equitable as possible based on the way our system is set up, which is on the value of property. That has unfortunate consequences, which we have heard about tonight and which we have very modest ability to ameliorate. But that is the system we have to enforce. Until there is a legal change that makes it more progressive – and I do not envision that happening – what we need to do is have as fair and equitable a system as we can on the basis of property values. I do not see a rationale for deviating from that. Our village assessments are way out of date. They are at least as out of date as the Town's assessments were, which means they are highly uneven,.

So I think the Town's assessment is clearly better than ours in terms of that being unfair. I also understand from discussions we have had when Edye was here that the Town, over the next two or three years, is going to be refining that. They are going to be looking at sales of houses that will happen subsequently and fine-tuning the model. They have committed to that. That reassures me because I am sure the first round of doing this has problems. John discovered those problem by just going in and talking. There are, no doubt, a lot of others. But over time, if that is an iterative process, it is going to get better. So I will vote for this because given the parameters in which we are working, which is the legal system we have got, this is the fairest for everybody.

**Trustee Armacost:** I agree with Dan. We have had a system that has been incredibly out of date and has perpetrated a number of unfairnesses over the years, which this will equalize in terms of assessments being based on property values. I am sure some of the people you were talking about, some of the ones we would have thought would be happy because their taxes have gone down, will not only be unhappy because they were subsidizing other people in that period but because also it is going to be staggered so they are going to continue over the process of staggering. Then there are going to be the people who are unhappy because the levels went up for them and they see it going up in perpetuity.

So there is going to be a lot of unhappiness for people, but it will be a much fairer system than we have had in place for many years which bases taxes on property values. I think in terms of that issue it is clear. What came up in the conversation with both of our Johns who are present today, and with Steven's comment and others, and Walter and Meg in what you were saying is, is the individual feeling of inequity you have when you are experiencing something and you see ... it is a feeling of panic: how am I going to manage through this process; how am I going to manage my income; how am I going to manage my ability to live in this community I want to be in.

We can help people to a certain extent on an individual basis, like your offering to meet with John to help him understand what the fallout will be for him individually. The other thing we can do is look at these exemptions and consider how they are going to benefit people. The amount of money we save from not having to pay an assessor is almost equal to the amount of money we would put into the veterans allowance. Maybe there is an additional \$17,000 we would need to come up with. If you think of those two, and we could do the math more carefully, it is not a huge amount of money that would be required. For people who do not fit within those categories, we need to think about what we can do to help them. We initiated earlier this year the exemptions related to renters which had not existed before. There are a number of things we are doing in various areas that are helping people who are more vulnerable in our community. But the question Susan raised, which is the fundamental question about taxes, is a question I feel very strongly about and is one that needs to be addressed in every budget planning process. And we need to be cognizant that as the budget creeps up it does affect people. I am in favor of this, and we need to continue to have discussions to create fairness in other places that enable people to stay in our village.

**Mayor Swiderski:** I am not going to repeat what has been said. I am going to point out that if we maintain the status quo, what we will have is anyone who found their taxes went down under Greenburgh will now have a current assessment number and is likely to grieve our taxes and further distort them so they become even more twisted. That is a game that only happens because the two rolls are not in line with each other and are not representative of reality. You land up with something that a third or 40 percent of the numbers are in line, and

then even they continue to pay too much because the lower numbers are still enjoying the benefit of that, this equilibrium of old numbers.

We had thought this would be a decision to be made next year, but it became clear that the reassessment process had moved to the point that those numbers would now be held against us and it would cost us. There is also another issue we have not talked about, but this assessment also impacts the commercial properties. Where we take a hit every year is on what is known as certiorari proceedings. If we maintain the current roll, the inequities baked into our roll will surface in certiorari proceedings in the future. So by realigning our roll with reality we cut that certiorari game short, one year earlier than we would have otherwise. That is something we all, as a community, pay for. It is complicated because we are enjoying the benefit of getting that money in one year and then having to add it back next year. That turns into an expensive game that really impacts the budget.

Adopting the new roll means we cut that game short a year early, and that was not brought up but it is not insignificant. It was very compelling to me for why we move this up by a year. If you were going to ask me to enumerate our responsibilities up here the first is financial: budget and the raising of the revenues to cover that budget. We try, and Trustee Armacost emphasized, to treat budgetary money with great care. Our success at maintaining our increases to extremely nominal amounts for years now is testament to that. On the revenue side, we seek where we can raise money with the least impact on people. But we are also responsible for making sure that the raising of that money is fair. So core to our responsibility to the community is that we control the budget, and it is one of the more painful things we do. Oxes are always gored, there are always going to be employees who wish they got more raises or people wish there was more money for parks. It is fraught with anxiety and concern. It is a heavy responsibility, but it is the one we are entrusted with and which is our primary role. So with that, there is not much choice but to support a process that is the fairest possible. I concur with my colleagues; it is with some relief that there are exemptions so at least there is some relief for those who are impacted. But it is with a heavy heart that we realize it affects people in a real way, so I am in accord with the Board on the decision. With that said, I am going to ask for a motion.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 3 of 2016 terminating the Village's status as an assessing unit:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson, as follows:

**SECTION 1.** Existing Chapter 7, entitled “Assessor” is hereby repealed.

**SECTION 2.** New Chapter 7, entitled, “Assessments, Real Property Tax” is adopted to read as follows:

Chapter 7. Assessments, Real Property Tax

§ 7-1. Legislative intent.

The intent of the Board of Trustees of the Village of Hastings-on-Hudson is to implement section 1402(3) of the Real Property Tax Law providing for the voluntary termination of the Village’s status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of this local law to abolish the position of Assessor and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Hastings-on-Hudson.

§ 7-2. Termination of Village as assessing unit.

On the effective date of this chapter, the Village of Hastings-on-Hudson shall cease to be an assessing unit.

§ 7-3. Position of Assessor abolished.

The position of Assessor of the Village of Hastings-on-Hudson is hereby abolished.

§ 7-4. Board of Assessment Review abolished.

The Board of Assessment Review in the Village of Hastings-on-Hudson is hereby abolished.

§ 7-5. Taxes to be levied.

On or after the effective date of this chapter, taxes in the Village of Hastings-on-Hudson shall be levied on a copy of the applicable part of the assessment roll of the Town of Greenburgh, with the taxable status dates of such Town controlling for village purposes.

**SECTION 3.** Within five days of the effective date of this local law, the Board of Trustees of the Village of Hastings-on-Hudson shall file a copy of such local law with the Clerk and Assessor of the Town of Greenburgh and with the Office of Real Property Tax Services.

**SECTION 4.** Effective date; referendum.

This local law shall take effect immediately upon filing with the Secretary of State, provided, however, that such local law is subject to permissive referendum and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.

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

**66:16 SEWER EASEMENT AGREEMENT FOR SAW MILL LOFTS**

**Village Manager Frobel:** This is a sewer easement agreement for the new development on 9-A. As has been explained to me, the rules of the state health department require that the sewer line be dedicated to the municipality. It is entirely on private property and would be the responsibility of the Village, as indicated in the agreement, for the maintenance of that line. If there are any repairs necessary over its lifetime it will be our burden. The comment I forwarded to the Board early on, and then reiterated in my weekly report, is that although I am unfamiliar with this type of relationship in New York, I was suggesting the developer at least be required to place some kind of a sewer maintenance bond on file with the Village naming us as an insured so if, in fact, there ever a failure, and we all know there will be a failure of this at some time although it might be 20 years from now, I t did not see why it would be the burden of us as taxpayers to fix it for a private developer.

Again, it is a new line. Hardly a weekend goes by where Mike Gunther is not out on a Saturday or Sunday unclogging a sewer line or servicing a home, and those are our lines and they are aged. But here, I saw an opportunity where perhaps we can start where at least we know that if something were to fail we have some resource we could turn to. That was my suggestion. Linda and I spoke about this.

**Village Attorney Whitehead:** We can certainly ask for it. It was not a condition of the approval. The stretches of sewer main the Village is being asked to take responsibility for is probably only between 60 and 70 feet in length. It goes from the buildings to the county sewer main that already exists on the property. The county trunk line crosses this property. They will be new, so we certainly hope that in that short a stretch of something new there is not a problem for a very long time. We can ask them for it, say if the Village has to take this we do not want it to be a burden on the Village. It gets a little tricky because the likelihood something is going to happen is going to be many years down the road. But this is not that unusual. You cannot get a bond in perpetuity so it is whether we can get a bond that will be for long enough to last until something happens. It helps that it is a very short stretch of sewer main.

**Trustee Walker:** Why is it the Village's responsibility as opposed to the property owner?

**Village Attorney Whitehead:** The Westchester County Department of Health has a policy, and I have seen this for many years on any kind of a development like this, where the portion of the sewer line that is connecting to the existing public main which, in this case, is the county, in most cases it is connecting to a village. But from a certain point after it leaves the building up to that, especially where there are multiple users, they require it be owned and maintained by the municipality. They do that for their own convenience and benefit because it is easier for the county health department to go after a municipality to fix something than to go after a property owner.

**Village Manager Frobel:** And they certainly know we would be responsible and would respond quickly.

**Village Attorney Whitehead:** For the last 10 to 15 years the county, more and more, is requiring the municipalities take ownership.

**Trustee Walker:** So if it were a line in a village street, would we be responsible for only that portion that was in the street?

**Village Attorney Whitehead:** To give you an example, on a single-family home the village owns the main and is responsible for the main that is typically under the street. Sometimes it is in a different location. The lateral line from that main to the house is the individual homeowner's responsibility. This is a different situation because they are not single-family properties. This has been what is required on multi-family, and they are doing it on condos because there is more than one user. In fact, one of these, under the law, is required. Because remember this property was subdivided, so there are three separate lots. There is a

point where the sewer lines coming out of building A and building B come together, and then it is a very short stretch from there into the county main. That is the piece we are being asked to take over. That is required by law because it is actually two separate property owners. Any line that serves more than one property owner has to be municipally owned.

**Trustee Armacost:** The spirit of what Fran is suggesting is right. In the same way an individual property owner would be expected to manage that, why are we not holding this group of people accountable in the same way. So I am supportive of what Fran is suggesting. My only question is, are there other ways to do it than the bond?

**Village Manager Frobel:** The bond would be the least expensive. Given the fact it is new, the bond would be very inexpensive for the developer.

**Village Attorney Whitehead:** Remember, one of these properties is the affordable building.

**Trustee Armacost:** So is that why you chose that? Were there other ways to do it, Fran, that you came up with?

**Village Manager Frobel:** It is the strongest. You could have a letter of agreement, but that would be as valuable as the word of the developer. You want to react quickly. I talked about it being new and trouble-free. I know the winters we went through with the property on Warburton and the failing heating system with the thermo energy, that was new technology. It could break tomorrow afternoon. I just wish we had something. As far as the mechanism, maybe, Linda, it could be in a five-year increment where at least we are notified it is due to be renewed. Then we have to be notified and be forcing him to roll it over for another five years, or something of that sort. I know we cannot get one in perpetuity.

**Village Attorney Whitehead:** No. You could even probably get ten.

**Village Manager Frobel:** Right. That is all. Just so Susan could turn to the vault and pull that bond out when, in fact, there is a failure if we had problems and the developer was not going to pay for it, he turns to the agreement that it was our obligation.

**Village Attorney Whitehead:** I am happy to go back to their attorney and ask for that.

**Trustee Armacost:** I am supportive. I think it is a prudent approach.

**Village Attorney Whitehead:** The only piece that concerns me is that these are having to do with the affordable property because they have a pro forma with certain expenses. You would hope maybe Ginsburg would pick that up as part of the other two lots.

**Trustee Walker:** Is that the one that ties into the other one?

**Village Attorney Whitehead:** A and B; B is the affordable, the middle one. You can see it is here, so the line comes out here and a line comes out here and this is the piece that is in the easement. That, by law, has to be municipally owned because it is two property owners. Like I said, they are very short.

**Trustee Lemons:** The probability curve of failure is high now relatively and very low for about the next 90 years. Then it gets higher, right?

**Village Attorney Whitehead:** The health department has pretty strict construction standards pursuant to these mains.

**Mayor Swiderski:** But if it is going to fail it will fail now.

**Village Attorney Whitehead:** And I think it is even pretty unlikely to fail now because they do not let them into service until they have been tested up the kazoo.

**Village Manager Frobel:** But it does not even have to fail. We are having problems, and you probably saw New York City recently passed a law, with these disposable cleaning cloths going down. I have sent notices out to the community periodically. That is one of our biggest problems because they do not break down, and as they go down there they start to bunch up. That causes the failure.

**Village Attorney Whitehead:** Are they jamming in the laterals or in the mains?

**Village Manager Frobel:** The mains. And it worsens when you have tree roots that are going into some of these mains.

**Village Attorney Whitehead:** I am just surprised they are not clogging up in the laterals.

**Village Manager Frobel:** They are. But those people would typically call their own plumber.

**Village Attorney Whitehead:** It is then their responsibility.

**Village Manager Frobel:** Although we would respond first because they do not know whether it is in that place.

**Mayor Swiderski:** Do we want to vote on it in its current state?

**Village Attorney Whitehead:** You could either vote on it conditioned upon us getting something from them, or come back in two weeks. The other question is, are you willing to accept the easement even if they say no. If you are not, maybe you do not want to go there.

**Trustee Armacost:** I do not think we should be having that discussion.

**Trustee Walker:** We do not have much of an alternative.

**Village Attorney Whitehead:** On the one you have no choice but to take it. I did question the other one, and they said the health department insisted. We have had this exact situation on a similar kind of project in Mamaroneck, and we tried fighting it with the health department. You cannot win.

**Mayor Swiderski:** Then 66:16 is put off until the next meeting, and we go on to 67:16.

**67:16 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW D OF 2016 TO ESTABLISH BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**Trustee Lemons:** We are responding to a new program from New York State called Clean Energy Communities. Trustee Armacost and I first heard about this at the solarize celebration at the end of the solarize campaign. We met with the person who is running this program who told us about it. Then Trustee Stugis learned about it extensively in the training that you have been participating in. We gotten a lot of information about this program. We knew it was coming, and now it is announced.

The program is one that municipalities can apply for. The outcome is that 14 communities are going to receive grants by meeting certain criteria that have been established. There are 10 actions that communities can undertake. The first four communities that complete four of those 10 actions will automatically get \$100,000 for the project of their choosing that is an energy-related project. Once having received that award, they will have three months to decide what they want to do. They will be provided with engineering support to help design the project, and after that a fair amount of time to complete the project. The next 10 communities that gain that certification will automatically get \$50,000 for a project of their choosing. So 14 communities will be funded. At that point, the program will be over in terms of being able to get in the door. It is nice, in a way, that if you meet the criteria you will get the funding if you meet it before other communities do. I was on a Webinar a few

weeks ago and there were about 70 participants. I do not know if they were all from different communities, but probably mostly they were. There is a lot of interest in the program, obviously.

**Trustee Stugis:** At the Pace training I was sitting there with seven other communities all licking their chops: OK, let us do ours.

**Trustee Lemons:** Very happy to do it. The 10 things we can do to pick four to qualify. First, the law we are looking at benchmarking our buildings, which is monitoring their energy use every year and reporting on it and using that EPA online tool for doing that. The second one is clean energy upgrades that achieve a 10 percent reduction in greenhouse gases. LED streetlights, which we have already done. When I was speaking to the person who is in charge of our region for this program I said we have done that. She asked have you done at least 10? I said, yes, how about 500, more than 500, right? It is around 700 total. Clean Fleets which is a program where there is a lot of additional funding we can go for. But it also takes awhile for organize and do, so not a great possibility. Solarize, we have done. Unified solar permit is an option for us because we are very close to that. We learned when we went through the permitting process for the solarize campaign that we are very close to achieving that. Energy code enforcement training is another one which is a possible for us. It is something we are already doing in the Village. The only issue is whether we could get the next round done in time to qualify, and I will explain that in a second. Climate Smart Communities certification. We are also very close to that, but one of the things we need for that is to have the unified solar permitting. That may be the only remaining thing, I am not sure, but we do need that. Community choice aggregation we have done. Energize New York Finance, we may or may not have qualified under that. Regardless, we have already done three of these things, and possibly four. However, two of the four that need to be certified for this competition have to be done after August 1. We were ahead of ourselves so we did a number of them, in fact all of the ones we have done, before then. So we have to do two more.

**Trustee Walker:** We can do it too early?

**Trustee Lemons:** We did it too early. We were ahead of the game. The Conservation Commission has been very interested in this, of course. They met last week and had a discussion, went through all these looking at what would be the most likely ones for us to do the quickest. We would like to do more than two more, but what can we do to get us qualified as soon as possible. We came up with three. The one that seemed obvious is this benchmarking law, something we want to do anyway. We want to understand energy use of our buildings so we can see when we are making progress in reducing it.

Then the other two I have talked to the Building Department about because the Building Department is very involved in this, either the unified solar permitting or doing the energy code enforcement training and scheduling that. Buddy is looking at that and is going to give an opinion about what he thinks is the most feasible to do. If we pass this benchmarking law, then we will have one more action to fulfill. Then we can submit our documents to NYSERDA. They will take two or three weeks to certify that, in fact, we have done these four things. Hopefully, we will have done that in time to be one of the first four communities to do so. And I suspect we have a shot at that.

**Trustee Walker:** But it is a race.

**Trustee Stugis:** It is a race. In addition to passing this law, I hope we are gathering our documentation for the three we have already done so it is ready to go out.

**Trustee Armacost:** Solarize is pretty clear what documentation is needed, and LED is pretty clear. We had to document a lot of stuff for solarize, as well.

**Trustee Stugis:** Do we have that ready?

**Trustee Lemons:** We really have. In fact, we will start assembling the documents now for the ones we have done. But that is data we all have readily at hand.

**Trustee Stugis:** Do you have a vision to what the \$100,000 will be used for?

**Trustee Lemons:** There are a wide variety of things it could be used for. My feeling is, if the benchmarking law is one of the things we are focusing on, a really good target is this building or one or more of our municipal buildings to see what can we do in terms of energy efficiency. Buddy and I talked about this the other day and it could be the heating plant, which I know is an issue anyway. We had a problem with the library. With a lot of buildings, residential buildings, one of the major improvements that landlords can do right away is put in a more efficient heating plant. It makes a huge difference. But there are a lot of other things we could look at. We could look at solar generation on the roof of the library, if that is possible. There are a lot of projects, and the good thing is we have three months to look at that, sort it out, and see what do we want to do as a village. There is no matching required for this project. So it is, potentially, a really nice piece for us. But the other thing is that by getting this certification, and particularly if we take the next step and do the climate community certification, we become eligible for other funding. One of the things I think we want to do as soon as we can get through process is look at the Clean Fleets. There is a lot of subsidy now either for electric vehicles or for charging stations for vehicles, infrastructure for electric vehicles. We want to take advantage of the great funding opportunities out there.

**Village Attorney Whitehead:** Does Buddy have an issue with unified solar permitting, or is there a reason why that was not? Because that is pretty easy, low-hanging fruit. I have done it. The Village of Mamaroneck adopted it, and I worked with them on that. It is pretty straightforward and something that is administrative so it is done in one meeting by this board by resolution.

**Trustee Lemons:** Right. We had pretty in-depth discussions about solar permitting around the solarize campaign. My recollection of that is that there is not a lot that is left wanting in what we are doing right now. That is quick to do, and seems like low-hanging fruit.

**Trustee Stugis:** The one thing mentioned at the Pace training about that is that what gets in people's way is that it has got to be a fast-track permitting. There cannot be going to boards. It has got to be done in 14 days or something.

**Village Attorney Whitehead:** We had to do that for solarize.

**Trustee Lemons:** That is not an obstacle for us so I think we may be very close to being there.

**Trustee Walker:** So you just have to document it? Or we have to pass a resolution.

**Trustee Lemons:** It requires a local law.

**Village Attorney Whitehead:** It is best to have this board adopt a resolution. It is not a local law because it is an administrative thing.

**Trustee Armacost:** If you have already done that for Mamaroneck, is it relatively easy to adapt it for us?

**Village Attorney Whitehead:** New York State, there is a form and some things you have to change or modify to fit your municipality in terms of what is going to be required and the plans. There are some blanks.

**Trustee Lemons:** It has a lot of flexibility in it too, though, right?

**Village Attorney Whitehead:** There is some flexibility to put in requirements that you want in your municipality.

**Trustee Walker:** So our goal is to have this resolution ready to go in our next meeting.

**Village Attorney Whitehead:** I would probably have to talk to Buddy and go over it with him, and then see what things he wants added that are specific to it.

**Trustee Armacost:** So can we just accelerate that to just make sure it happens pretty quickly so we can be in the first four?

**Trustee Lemons:** He is looking at it right now. Because I talked to him this week about it.

**Trustee Armacost:** But does Linda not have to be involved?

**Trustee Lemons:** Absolutely.

**Trustee Stugis:** And the training is just a matter of getting on the schedule for the training.

**Trustee Lemons:** I think we may not need that one.

**Village Attorney Whitehead:** That is what I am saying. I think the solar permitting may be quicker.

**Trustee Lemons:** I think that is the preferred one if we could do it. Then we have our four and we can really get into the game.

**Trustee Stugis:** Send them five in case there is a tie-breaker.

**Trustee Lemons:** We could document all of them.

**Village Attorney Whitehead:** Your property owners are eligible for Energize New York financing with the Town of Greenburgh.

**Mayor Swiderski:** So I think the case here is fairly straightforward, and I like it.

**Village Attorney Whitehead:** Just to confirm, we are going to make it the Building Department, Fran?

**Village Manager Frobel:** I think so. The record-keeping, that is where I turn to. If it is administrative I have the capacity perhaps in my office.

**Village Attorney Whitehead:** I am going to change the wording. I do not like the use of the word "commissioner." I like administrator or something for the program.

**Trustee Armacost:** To number 10, which is Energize New York, you said our property owners would be eligible. Why can we not count that as something we have done?

**Village Attorney Whitehead:** Dan and I had a little back and forth on that the other day. You probably can, but you have more than two that are done. You only need two that are already done.

**Trustee Armacost:** But can we not say we are doing it now?

**Village Attorney Whitehead:** No, it is already done. You were included because you are part of the Town of Greenburgh.

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, Nov. 15, 2016, at 7:30 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law D of 2016 as attached to establish benchmarking requirements for certain municipal buildings.

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

#### **68:16 APPROVAL OF FEES FOR COMMERCIAL TRASH COLLECTION**

**Mayor Swiderski:** I think this is well-trod territory from last week.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the fee schedule 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 yd. dumpster	\$ 50
C	5 yd. dumpster	\$125
D	10 yd. dumpster	\$250
E	15 yd. dumpster	\$375

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

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

**Village Manager Frobel:** Regarding the Farragut Avenue project, the first phase was the high-pressure gas main. This past summer was service connections to the homes, and it is near completion. The curbs have all been installed. We expect the paving crew to be back either at the end of this week or next week to mill the road, and we should have some paving done by next week. So at long last we have reached the end of that project. It has been tough on a lot of people. The crews will be back in the spring. They are going to resume their work at the time. We did let them cross Farragut Avenue, and now they are going up Green Street and into that neighborhood. But that will be sometime in the spring of next year. At least for the lower section of Farragut that will be finished.

The Village Hall columns have been fabricated and delivered. The crews are working on it now. I do not know how long it will take them to install. The first one it will probably take the longest, but then they will get right into a pattern. I have not heard any problems as to whether or not they are manufactured properly. I assume they are, but we should know soon how the installation is going.

The street paving is complete. Crews have been working on the curb installation this week. They may be finished with the curbs next week. They are moving very fast. We are coming back with paving to do that portion of Ashley because the gas main installation I spoke about on Farragut went up that street so much Con Ed is going to do a portion. They were going to pick it to there to go up to the rest of the street. So that will be completed at our expense, the small section that is left. The idea was to do that whole neighborhood, so it will be in very nice shape.

Finally, I received word from SUEZ Water. Last year I spoke about their major capital investment of upgrading the sewer main along Villard, up into Circle, Calumet and Ferndale. They are back and hoping to do it next spring. I will be meeting with the crews. This is about a 2,000-foot water line installation. So it will be disruptive, but it should move quickly, and they are hoping to begin that in March. It was going to be this past summer. But due to some budgetary changes they pushed it off for a year.

**Trustee Walker:** I have a question about the Warburton Bridge. There was a notice that the county was going to fix some cracks.

**Village Manager Frobel:** Expansion joints. Just the separation.

**Trustee Walker:** Not the cracks. Have they done it?

**Village Manager Frobel:** It was scheduled for last week. We had posted the bridge no-parking. Someone tore the signs down overnight. So naturally, people parked on the bridge that day and crews could not do their work. It is being rescheduled, and I do not know when.

**Trustee Walker:** And what are they doing with the expansion joints?

**Village Manager Frobel:** I am not certain. It was something the county knew about. It was not part of the punch list.

**Trustee Walker:** It was not part of *our* punch list.

**Village Manager Frobel:** It was not part of our punch list. There was nothing we identified, but it is that rubberized expansion between the surface joints of the bridge.

**Trustee Walker:** So they have not addressed any of the things that we called out.

**Village Manager Frobel:** I do not know. Because remember, they never responded to our request for the documents. Even though we met with them and gave them our list of defects, the county has not called back and said we took care of the things you have identified.

## **BOARD DISCUSSION (Continued)**

### **2. Update on Building 52 Negative Declaration and Demolition Permit**

**Mayor Swiderski:** We finally heard back from both the various government entities. Counselor Whitehead, why do you not fill us in on where we are.

**Village Attorney Whitehead:** The EPA did finally issue comments on October 18. We have gotten a copy of those. The consultants are reviewing it and references to it are being added into the draft documents. We are still trying to confirm. The DEC has not given any comments. They gave one round, they were addressed, no one has seen any additional comments from the DEC, and your consultant is trying to confirm with the DEC that they do not have any further comments. This was one of the things we felt important to have, the other agency comments before this board went ahead and acted. But we do have a draft of the negative declaration, and it will be circulated to you well in advance of the next meeting. Hopefully, we will be ready to have it on the agenda for your next meeting.

**Village Manager Frobel:** Just one thing on the water tower. It was scheduled for Friday, all set, lined up. Police, traffic, et cetera. They canceled it. They believed the weather was not going to cooperate, with winds. Now we are hoping for the evaluation some time mid-November.

**Village Attorney Whitehead:** I think they are looking at Veterans Day, the 11th. The company said it was too dangerous to put the equipment up in the high winds.

### **3. Update on the Downtown & Survey**

**Downtown Advocate Prisament:** First, I have the holiday parking request for this year. I am requesting the dates of December 2 to January 2 because the Crawl starts on Dec. 2 and kicks off the holiday festivities in the Village. Then New Year's Day is celebrated this year on January 2 and Hanukkah overlaps with Christmas so it would be one exact month.

In terms of finding some quantitative information, what we were able to find out is how the merchants felt that answered the merchant survey we did in the spring. I sent some of this around, but if you have not seen it yet 22 merchants answered the question, Does free holiday parking improve your business? Sixty-percent, or 13 of those who responded said yes, 12 businesses. Seven were neutral, and only two said no, it does not make a difference to them. Some of the comments that people wrote in were, Makes a very big difference, Have lost customers because of parking, Greeted 100 percent positively by my customers, Enhancing overall shopping experience. Some have asked for no time in chalking because they feel the people eat in town or get their hair done or other things, then if they have to move their cars they leave. They do appreciate the three-hour parking in Boulanger, especially Visual Difference, where people come, get their hair done, and then stay, very often, to shop when they do not have to move their car, or to dine. I sent you a bunch of comments that merchants gave us.

Then we had the downtown survey this past month, which ended yesterday. I have not looked at the additional 150 or so people that answered yesterday. But the first 520 respondents we asked how important are these factors in determining your shopping and dining habits? In the holiday parking column, 62 percent answered between moderately, very important, and extremely important. Twenty-five percent, a quarter of them, of them saying it was extremely important to them. And 42 percent in the very important and moderately important category. Anyway, 62 percent said it made a difference to them. That is really the only data I have, but I thought it was worthy to continue.

**Trustee Armacost:** That is quite helpful. That shows there is that positive.

**Trustee Stugis:** What did we do last year?

**Trustee Armacost:** It was four weeks on condition of reporting stats to us.

**Mayor Swiderski:** And why do we go beyond Christmas and Hanukkah?

**Downtown Advocate Prisament:** Some of the merchants have expressed that that is still a really big shopping week. People get their Christmas gifts with Christmas money. Some people get monetary gifts and come out, people are off from school and work so there is a lot of shopping that week for them.

**Village Attorney Whitehead:** Hanukkah extends past Christmas.

**Downtown Advocate Prisament:** It is that whole week. They overlap this year.

**Mayor Swiderski:** So let us address the request on parking.

**Trustee Armacost:** I am in favor. I am persuaded by the statistics.

**Trustee Walker:** Yes, I am in favor. I think it is good to have it.

**Trustee Stugis:** I have read articles that said it backfires. People tend to just stay there and camp out.

**Mayor Swiderski:** We mark tires.

**Village Manager Frobel:** We will continue to chalk tires.

**Trustee Walker:** I think that is important.

**Mayor Swiderski:** Then that is fine.

**Village Manager Frobel:** The fear is that the merchants park there, which we see now.

**Downtown Advocate Prisament:** Most of our merchants are in support, so they are not seeing too much of that, in their opinion anyway.

I do have a brief update, if I might.

I have not been here since the October event, so I just want to say that the police department, Friday Night Live and extended festivities, and the Oktoberfest a few weeks later were very well received and well attended. We had two Friday Night Lives this fall, and Friday Night Dead this past weekend. On November 19 I am going to do another one of the meet the merchants walking tours. This time, however, we will not go into every shop and stay for awhile because it was way too long and our numbers dwindled. This time there will be talking points, store owners are welcome to come and greet us at the door, people can take a peek. That way it will take about an hour-and-a-half. We are going to end at Maud's, who has offered to do mimosas at noon. We did that halfway through last time and nobody wanted to continue. Everyone wanted to hang out at the pub, so now I have revised it to end at the pub so we can hang out.

December 2 is the Village Crawl and the Holiday Friday Night Live. We have 14 participating restaurants, even with the fact that Juniper and Bread and Brine may be open in a friends and family soft opening situation. But it is not definite and they did not feel they were ready. However, we will have Boro 6 participating, and they plan to soft open the week before and officially, hopefully, open the following week. But they will be open for the Crawl, serving a glass of wine and a crostini so people can come and meet the owners. Taiim is participating for the first time. Harvest will be selling passes and participating again, Forty North. Fourteen bars and restaurants. *Westchester Magazine*, I spoke to the editor, is going to run a piece about it or at least some kind of blurb about it in the December print issue, which is exciting for them to put a downtown event in there. That hits the stands the last week of November, and probably make it into one of their online blasts which go to well over 30,000 people. That is cool, so that will be happening. It will benefit the Food Pantry again, 25 percent, and we will start selling it a week from Friday. So we will have three weeks to get the word out and sell passes. Hopefully, people will come out. It has been a year since the last one.

We are also making a holiday shopping guide again, and that will be distributed throughout the Village. It is being edited now for a few changes, including the new doll house store that

is opening, Urban Dollhouse. It will be opening, hopefully, in time for the holidays, on Main Street. Spoke to here today. Thank you, Walter, for connecting us.

In other news, the Village survey, as I said, just closed with 771 responses. It will be a moment before we analyze the whole thing. Much of it is in graphs, and it will be easy. Maybe I will come to a Board meeting before the close of the year and present that. We are going to get together and try to look at the write-ins. There are hundreds and hundreds of write-in comments. They are everything from traffic and downtown physical improvements to the types of businesses people would like to see here. We would like to get them into categories and make sure you get the most pertinent comments so we can react to them. People took a lot of time with it, so I was really pleased with that.

**Trustee Walker:** Try to find some volunteers to help us.

**Downtown Advocate Prisament:** If anyone out there is listening and would like to help us look through it all, that would be terrific. Just reach out to me, [downtownadvocate@hastingsgov.org](mailto:downtownadvocate@hastingsgov.org). It has also been fruitful because a lot of people also took the initiative to send me e-mails, in addition to filling out the survey, with ideas for businesses they want to start or to elaborate further. There has been some nice connecting over it since.

Then spaces and openings. I just want to say again Boro 6 Wine Bar will be opening in early December, Juniper and Bread and Brine shortly to follow, Urban Dollhouse in December. Nancy, the owner, is going to try to come to a Board meeting soon and meet you all. Then there is movement around Manor Market and even Hastings House, 555 Warburton, but nothing in contract so nothing to report yet. But a lot of interest and offers made. Tony's Steak and Seafood, there was a lovely piece in the *Journal News*. The writer, Joanna Prisco, thank you, Joanna, lives in Hastings and wrote a terrific article. It mentioned that they do have the building on the market. They are not in any rush so there is plenty of time to get Portuguese chicken before that happens.

**Trustee Armacost:** Will it be closing down if it gets sold?

**Downtown Advocate Prisament:** If it gets sold, they are selling the building. They own the building and the restaurant; it is a package deal. Then it is up to the new owners, and there are tenants above so they are going to do what they want to do with it. There are not a lot of empty spaces right now. There is the old French Press space and the Old Chelsea's Closet space on Warburton. There is Hastings House, but there is a lot of interest in that already. Manor Market, that will move into something shortly. Everything else is in process. Maybe there are one or two other small ones, but those are the main ones for the

kinds of ideas people have. They are not necessarily always a lot of spaces, believe it or not. But there will be the turnover over the years. People will move on their businesses, new ones will come in. It is good to know what people want to do and what people want here because there will be other opportunities.

We have gotten some really nice press. In this month's *Westchester Magazine* there was something about the Hastings Flea that I have not seen yet. They mentioned the restaurants that will be opening. Boro 6 was in the *Journal News* and was just in the *Daily Voice*, and will be in the *Westchester Magazine* December issue with the Crawl. We just had the Tony's article in the *Journal News*. Anyway, a lot of good feelings. That is it.

**Trustee Walker:** We will make sure, once we have analyzed the results or findings, to try to put it in a format we can put out to the public. I am not sure if we ever did that with the merchant survey. We need to do that.

**Mayor Swiderski:** The same thing with the DPW survey.

**Downtown Advocate Prisament:** All of the surveys have not been shared yet, and there is a lot to go through on this one. This might take a little time.

**Trustee Walker:** I was interested in the physical improvements. I do not have it off the top of my head, but I think people were most interested in seeing clean sidewalks and streets. There was some interest in sidewalk replacement, not as much as I had hoped. Anyway, we will present it to you. But the reason I bring it up is that one of the things I want to do before I leave this board is get the sidewalks not reconstructed, but get the process going, and figure out what we need to do to hire a landscape architect to do a design for our sidewalks so we can get it priced out. I would like to keep that on the front burner, or move it up to the front burner. They are looking very tired.

**Downtown Advocate Prisament:** It was a very popular comment about this in the write-ins as well. And also the cleanliness of the streets. We do not have to talk about it this time, but we had brought up there was the possibility of a grant for a street sweeper of our own. I was not going to bring it up tonight.

**Mayor Swiderski:** Well, that grant came through.

**Downtown Advocate Prisament:** Nice. So what does that mean?

**Mayor Swiderski:** Proceed through the process until we get the money.

**Village Attorney Whitehead:** Which has been approved.

**Trustee Walker:** It will take awhile.

**Downtown Advocate Prisament:** But we are going to get one, that is great news. Well, many, many survey respondents will be pleased.

**Trustee Walker:** Part of the cleanliness issue is also the deteriorated sidewalks. They look dirtier because they are so old and deteriorated. Even when they are clean they do not look great.

**Mayor Swiderski:** There has also been a tactical use of part-time workers over the last couple of months. That absolutely made a difference. It is cleaner.

**Trustee Walker:** That is saying they are clean, and I look at them and I do not know what people are looking at.

**Mayor Swiderski:** If you check on Saturday morning or on a Monday morning, especially when the Roadhouse was around, there was a trash issue before the garbage pickup. There is not a street in the world that you cannot choose a wrong time to photograph it to make a point. We also have a couple of institutions that do not fully understand the concept of cigarette butts belonging in a garbage can.

**Downtown Advocate Prisament:** Speaking of which, Sakura Garden is expanding into the Roadhouse space and plans to improve the back on Steinschneider because they want people to be able to pick up using the back entrance. Therefore, it needs to be in better shape for pickup-takeout. And he gets along very well with his neighbors, so they are going to work together to improve how it looks back there.

#### **4.Update on Shoreline Committee**

**Trustee Walker:** The Shoreline Committee is a group of very experienced Hastings residents, engineers, and landscape architects who are working with us to come up with a concept design for just the shoreline of the BP property. We are in the process of bringing on board our consultant, Roux Engineering, and their sub-consultants. We got held up a little because we discovered something I did not bring up the last time because it was still a little hazy. The landscape architect from Boston, whom we really do like and is a woman-owned business, was not certified in New York State as a woman-owned business. They are going through that process to apply. In the meantime, in order to qualify for the 20 percent requirement for woman-owned, they are switching renderers. A renderer is somebody who

does the pretty pictures who will do the beautiful perspective rendering so we can see what this is going to look like. They had one from Boston. They are now going with a landscape architecture firm that does this kind of perspective rendering from Ithaca, and they are a woman-owned business. We are going to meet the requirement probably by way more than is required. Once Offshoots from Boston gets their New York certification, that is going to help. And now we can get through the contract because that was holding us up.

**Mayor Swiderski:** It was a loss of a month?

**Trustee Walker:** Yes.

**Village Manager Frobel:** But you met with her. You spent a day with them.

**Trustee Walker:** We did meet with them. We did this field visit. So we did not lose a lot of time. We looked at all the waterfronts up and down north and south of us, and had some great discussions and talked about how we want to do the community engagement process. We are going to meet tomorrow and talk more about that.

**Trustee Armacost:** Meg, one clarification. The woman-owned business requirement was a requirement of the grant?

**Trustee Walker:** Yes, a state requirement.

**Trustee Armacost:** Were they the only ones to certify, or were they a preferred candidate?

**Trustee Walker:** No, they have a 20 percent absolute requirement. But it could be a sub-consultant. It does not have to be the main consultant. We had to scramble on that one a little bit, unfortunately. We assumed they were certified in New York, and they were not. So there you go. Tomorrow we are going to talk about how we are going to do the community meetings and engage the public. We will be finalizing the contract. We have a new DEC rep so I have reached out to them and have not heard back. We have a new Scenic Hudson rep who is interested in talking to us. So that is good. We can begin to put together our stakeholder meeting, which we have been delaying because we did not know who to invite. The DEC will reach out to other agencies for us, or at least they are supposed to reach out to the other agencies, and invite them and get everybody to the table to have a stakeholder meeting. There are a lot of things that need to get out on the table. We have met with BP and they will be at the table. But we need to hear from the state agencies and what their requirements are. We may find there is difference of opinion, and we need to hear that right up front. That is what we need to move ahead with, as well.

**EXECUTIVE SESSION**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss litigation regarding River Glen, another issue of personnel, and choosing among contractors.

**ADJOURNMENT**

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:20 p.m.