

# Village of Hastings on Hudson

## Waterfront Rezoning Committee Meeting Minutes

Date: January 10, 2019

Time: 7:30 - 9:30 pm

Location: Hastings Public Library - Orr Room

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### **Members Present:**

Shannon Rooney, Morgen Fleisig, Meg Walker, Tom Asher, Richard Bass, Katey Stechel, Spencer Orkus, Kate Starr, Peter Swiderski

**Minutes Prepared by:** Sandra Nam Cioffi

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Meeting called to order at 7:33pm

Public members in attendance: Eilizabeth Perry, Jill Paterwa, Morris Bowdin - bridge over parkway, Amy, Brian Allen, Steven Seibert

Chair's Welcome & Updates (Kate Starr)

- WRC is now beginning our second year.
- Year in review: we've made materials public on the Village website, received expertise of John Nolon and Pace Land Use Law Center with community input, exploration and discovery; now we will kick off the planning expertise we need to make an informed zoning recommendation to the BoT.

Mayor Peter Swiderski - updates from BoT meeting on 1/8/19

- WRC submitted a finalized draft of the RFP to the Board; the question arose from the Public regarding providing a chance for public input to the draft RFP and questions about how the RFP responses would be handled. The Board had a substantial discussion about it and will discuss (tonight) their steps to their conclusions and the evaluation process that they will take.
- The RFP is for gathering proposals so that a planner can provide support to this committee through the submission of a zoning recommendation; it is not for subsequent work for an environmental impact statement; the work would be conducted by a planning firm or a planning consortium with a lead - essentially one proposal.
- Proposal vs. BID means there is the flexibility for us to choose the best fit - not necessarily the best price.
- Public input re: RFP - there has never been an RFP opened for Public input; this RFP is the Board's RFP and they are taking it on in full; they will not make remand to make changes; in their history they've never opened these types of document for public comment; if anyone wishes to review the video of the BoT's meeting (1/8/19), it is available on the Village website.

- This committee has been trusted with the duty to come up with this document and the Board's responsibility is to review and/or approve it.
- The next steps/process:
  - The RFP was not discussed at length during the meeting.
  - Over the course of the next week, edits will be made/suggested by the Board.
  - 2-week turnaround for approval.
  - When approved and posted, the RFP will be posted on the Village website and made available to the broader public; anyone will be able to access it.
  - Once the RFP is posted, some of the schedule will be adjusted to reflect these changes, and the standard process will be followed.
  - Responses will be sent to and collected by the Village Manager.
  - (3) members from WRC and (2) members from the Board will review responses - collectively, these (5) individuals will evaluate the responses and score them on an appropriate rubric.
  - (3) responses will be interviewed by the Board of Trustees (since it is ultimately the BoT's vote and selection) with assistance from the WRC (who, is still TBD).
  - Whether the responses will be released to the public before vs. after the selection process was discussed - the Board unanimously came down against the release before the process and this debate is worth listening to; this passion strongly held conviction - most of it centered around that Board members have BID out on business and very often you're divulging approaches and methods which are competitive advantages; concerns about the loss of confidential methods used in bidding; Peter felt strongly against releasing the RFP before the process, because it will be an awkward process at negotiations - which would be stunted, and the Board concurred.
  - After selection process is complete much of the same reasoning applied, by many of the Board members, about why it should not be released.
  - Often in the case of requesting for proposals, most proposals requested in one document and BID in another - having 2 separate documents allows for discretion; the Village has done this before and this will be recommended for the WRC.
  - There was no particular discussion about the rubric of selection; once a winning firm is chosen by the Board, then they will go into contract negotiations.
  - Questions to Peter by the WRC members:
    - Meg - pleased the Board is taking ownership at this point in the process; it is a good sign they are embracing this whole process. Will we, the WRC, see the changes recommended by the Board members?
      - Board hasn't considered this based on the timeline, and at this point they own the document. Many members indicated there weren't many changes; and there is no expectation that there would be any radical changes; however, Peter can't promise any material changes - it wasn't signalled.

- The Board did discuss language about legal representation about consulting; they agreed it is a language issue - to ensure that the firm hired has legal expertise (can read a consent decree or a zoning code, etc); this should be apparent in submissions.
- Meg - assume the interview process will be closed?
  - Yes - closed.
- Meg - assumed it will be closed BIDs for fees, as there is no indication in the document.
  - Yes
  - Regarding budget, we will wait and see what comes out.
- Tom - will there be a point where the whole WRC can see the proposals and weigh in on them by sending comments to WRC representatives on the subcommittee
  - Peter has no problem with this. The WRC will have to select who is on this subcommittee, but then there can be freedom to see who is involved in the second round (the interview process); if this is the desire or request then he has no problem bringing this back to the Board.
- Meg - many of us have worked with these firms, and it could be useful to have information shared by our experiences.
  - Yes, agreed
- Morgen - master plan vs. site plan differentiation - Morgen checked this language and wanted to make sure this language was consistent
  - We are to produce a **master plan**. The attorney did stress the difference between the two and to reiterate we are to produce a master plan.
- Kate opens the floor to the Public:
  - Brian Allen - as usual is confused. Is the draft RFP not being released to the public? And there is discussion about BIDS?
    - Final RFP will be posted on the website, draft versions will not be posted and are not open to freedom of act law - drafts are not open to FOIL.
  - Subcommittee formed - will this receive a Village charge?
    - Board of Trustees will formally setup the committee and will be in charge of selecting the finalists.
  - This is not a business, but a government, what rationale is there not to make this public?
    - It is signalling out to planning firms who are paying more attention what the likely RFP will look like and gives them a jump on the process.
    - This is the way the Village has operated and it is not how this is done elsewhere; it gives unfair advantage.

- The WRC has had public engagement and closely follows the strategic plan.
- We are not breaking with any practice, and we are not breaking practice with any community or state; we are doing what every community does.
- We are discussing this because the question was raised and we are giving it the dignity to discuss this issue.
- Jill - sounded like there will be minor editing, but then can't guarantee there will be substantive changes?
  - If a Board member brings up a substantive change, then this cannot be anticipated.
- Jill - this group having worked on this for a year; no matter how smart the Board is, it would seem you can't possibly know the nuances or differences to send it back to the committee - why wouldn't the Board want the expertise of the WRC?
  - It is a document owned by the Trustees and the BoT controls how documents are reviewed; if they are at odds with the committee, then he can't imagine not bringing these changes up with the WRC; the BoT reserves the right.
  - If the Board decides it needs a 6-month review, then they can do that, but they don't want to do this. They are looking to move this along and don't anticipate doing anything radical with it, but if there is anything substantially at odds with the committee then they will bring this up for discussion.
- Jill - 40 years ago she worked at an environmental consulting firm and the RFPs were very specific so people could decide whether people want to submit proposals; can't understand if the RFP is specific enough so planners would respond.
  - Yes, the RFP is very specific and well-detailed.
  - Once it is published, anyone can submit a response; if someone sees the RFP on a Village website and forwards to a friend at a planning firm that is ok - it is an open submission process; not a pre-qualified submittal process.
- Jill - will this be put on various websites and organizations?
  - Yes, we will go through our rolodexes, but this will also be broadcast far and wide to many places.
- Lyz - attended the BoT meeting and wants to raise her concerns. She understood the reasons for why not to get public input and confidentiality; disagrees that public input is not valuable at this stage - quotes a Board member and quotes Trustee Lemons.

Given the Board's decision not to make the draft public, what is the public's involvement in the selection process?

- There is no anticipation for public input on the process; it will be run as described; there have been few cases where communities have empaneled public presence in the review process and it is not the intention here.
- Lyz - will you be making public the firms that have submitted?
  - It is not uncommon to release everybody who submitted BIDS, he believes we have done this in the past; certainly the finalists have been announced with dollar amounts; but the practice on a proposal will have to be checked (with the attorney) and see what is allowed.
  - Remember, the WRC is also part of the Public.
- Jill - wouldn't it be to everyone's advantage if when you get down to 3 finalists, to release those names/firms because maybe somebody knows some bad stuff or good stuff?
  - Peter offers a countervailing argument exposing decision makers that could tilt the process unfairly; we've never done this and don't know if it's ever been done before.
  - There is a gap for input and gap for influence and it could adversely affect price and negotiation; without talking to the Board and Counsel, this is not anything we've ever done and there is no reason to corrupting the process or potentially undoing the process.
  - It is inappropriate to be lobbied in the process by residents or firms or anyone; releasing the names to the community will not improve the process.
  - We will also be asking for references from the teams, and we will be calling the references to check.
  - There will be time for input on recommendations by consultants during the process (the community has an entire process in the beginning)
  - Kate - we have been discussing the process for "the process" for so long; we are asking experts who have the resources to think about the impact of several scenarios - none of us on this committee have a preordained idea of what should happen; this isn't even our waterfront, this is the waterfront of the future generations; we know we want to create a very engaged process and we will be checking this in the proposers.
- Jill - suggestion is to not just go with a reference, but to investigate what was created.

- Yes, we will always look at the deliverables and reports firms have created; we want experienced people and their experience will be easy to find because it will be out there in the public domain.
- Steve - proponent of radical democracy; there is assumption of expertise; we need to listen to all voices; this is moral. By having this structure, we must talk about the issues; we have not structured this in a way to hear all voices and he knows we will do this; we need to have the larger discussions about who we are as a Village and who we want to become and do this in such a way so that we are not coming from the outside; we are not negative people but it always feels like we are always objecting.
  - Kate: this is why we need strong expertise for strong public engagement; this is a strong part of our scope; and we share Steve's concerns.
- Morris - is from Hartsdale and involved in transportation for years - quotes Cuomo - if you lose the bridge, instead of what they designed we would have no construction on this side of the parkway, no need to dig piles; asking for us to use the cable-stay bridge (here, in error, to voice his concerns about the Ravensdale Bridge)
  - **This issue does not pertain to WRC's mission; this is not a meeting about the Ravensdale Bridge - Please attend the next meeting on 1/17/19 at JHCC at 7:30 pm.**

Mayor Peter Swiderski departs

WRC Updates and regular meeting resumes:

- Monthly Meetings to continue every 2nd Thursday
  - Village website should be up to date with all minutes, agendas and documents
- Update on Pol.is (Tom)
  - Kate: perhaps we fold this into the selection process and get consultant's POV - is this in friction with their public engagement plan or not?
  - Tom: Pol.is is a real time survey system to converse over a divisive topic; it sends out polls, allows anyone to make a proposition and everyone in the community can vote or skip questions; it provides a way to see areas of consensus and division in responses and provides a way to see the public pulse of sentiment.
    - Tom set up a test for the WRC, and there were 8 areas of general consensus:
      - Building should be mixed in height and aesthetics
      - 1/3 should be maintained as park land
      - 100% agreement there should be a revenue neutral plan (even with revenue positive option made available)
      - Meandering path along waterfront

- Parking shortage that needs to be addressed
  - We need ample and affordable housing
  - Areas of disagreement
    - Prioritize makerspace
    - Prioritizing luxury housing
- We can choose or not choose propositions to enter, we have the ability at least; but we can't stop people from voting as often as they want - so that is a concern about hacking the results.
- It is an interesting visualization tool to see consensus and/or disagreement in the community.
- Tool for deliberative decision making in many venues - small and large
- American Assembly is able to allow us to use this without cost; typically it is \$8K to use.
- Perhaps the library offers computer terminals to make this tool available for the public to use.
- Hunter College Presentation Posting & Disclaimer (Kate/Richard)
  - Richard doesn't see why this document/presentation cannot be made public, but there needs to be a large disclaimer that this doesn't influence the process so that no one is confused - this doesn't represent anyone's position other than the students.
  - Final Presentation will be posted on the Village website.
- BoT discussion and points made by email about RFP public comment
  - Discussed earlier with Mayor Swiderski.

#### Request for Proposal (RFP)

- Distribution:
  - Utilize Port Chester's list of firms
  - WRC contacts
  - Katey made a suggestion about making it available on LinkedIn - we can come up with a summary to post
  - WRC can invite firms
  - WRC can create an invitation letter
  - Meg - confirms we have a list we can add to and send to the Village Manager
  - Accountability - check who might have the best contact at each firm, if any; we will each take responsibility for it
  - Sandra will make an excel sheet of list of contacts so everyone can take responsibility for making contacts
  - bcc the WRC when emails/RFPs are forwarded
  - WRC members to add contacts on the list
- Update on RFP Trustees' action (Kate)
  - Already discussed
- Update on admin process to issue and post by the Village (Sandra)

- According to Peter's update, this will be managed by the Village Manager; Sandra will continue to provide guidance and administrative assistance in the process
- Mechanics for tracking responses (Sandra)
  - Discussed earlier; will be handled by the Village Manager
- Distribution of RFP (All, Katey)
  - Discussed earlier; the WRC will further distribute to as many channels.
- Evaluation Rubric (Kate)
  - Given what Peter laid out tonight, there is less urgency on this discussion.

## Public Comment

### 1. Brian Allen

- It was voiced earlier that the public engagement expertise needs to be hired - this seems crazy, go talk to your neighbors; this committee is far-removed from the public.
- Pol.is is another crazy social media platform and will not result in reliable things.
- Does the public know the realities to make informed comments, such as on luxury housing? Doesn't see the value of making these forums public, because Facebook group is highly abused; this seems a waste of time; if we restrict comments, WRC is subject to first amendment.
  - i. Tom - we do not want to rely on just talking to neighbors.
  - ii. Kate - there is a fair amount of critique about methods and approaches to how things are put out in the public. We are sympathetic to this, and we need to be sensitive to this and that is why we need expertise on this; the reality is that people express themselves in different ways.
- Brian says there seems to be a big disconnect between the public and the committee.
- Brian says the Village website has its deficiencies.
  - i. Agreed, it is not maintained very well and this issue was actually raised on the Board's agenda.
  - ii. Meg - in many processes such as this, there are many communications and strategies discussed. The municipality decides what it is going to do vs. the consultant, but just communicating it needs to be part of that and we will need to be clear how this information will be put out there.

### 2. Steven Seibert

- One area where people do come out is at neighbor votes on the school budget. This seems like the one place in town where there is the most public participation. Is there any way we could hand out non-binding / straw votes here? This is where there is the most diverse representation - is it feasible to look into this? Urge the WRC to use more context - i.e. school board budget vote.

### 3. Jill Paterwa (spelling?)

- Thought what Meg said was great about there being more tools than Pol.is.

- Jill suggests/asks - how about also sending out a hard copy letter with these questions to every resident and they can return it as they want? There is a history of ageism in Hastings and it is important not to leave them out since they are paying school taxes and such. It doesn't seem that just asking these questions is enough, because they can provide their ideas and input.
- Has it been discussed of talking to other waterfront towns?
  - i. We have talked to many of the towns, including Planner from Port Chester and how they went through their plan; we've already met with and spoken to Tarrytown and Sleepy Hollow.
- Jill - Tarrytown and Sleepy Hollow don't bully, whereas in Hastings there is so much bullying.
- Jill - disagrees with Brian about expertise - expertise is needed, we need to know the impact on the River and talk to Riverkeeper, and her father was critical to the environmental data and knowing how BP and ARCO polluted the river.
- Jill - besides rivertowns, do these planners need to be NY based?
  - i. No - we are looking outside.

#### 4. Lyz Perry

- Understands the discussion re: public engagement and RFP
- Appreciates the work done so far, but related to the WRC - further ways to engage people and involve people who are already attempting to be engaged and providing feedback.
- Varying when the meetings are, so people can participate more.
- Round-table discussions
- Consider ways to implement these things and sharing ideas.
- A few meetings ago it was discussed the reasons to limit/block development on the waterfront and wants to address issues that are talked around - 1. Not developing the waterfront - least destructive, cheapest, least strain on Village infrastructure, will lead to increased polarization on the Village, 2. economic turn - we shouldn't prioritize economic goals over quality of life, 3. ecological impacts - not enough to talk about electric charging stations, green roofs; climate change is happening.
- Zoning - seems the Village can have more control if it restricts waterfront to development; if we were to zone in away that did not provide max economic benefit to developers, then it is not outside the realm of possibility to sell the land
  - i. Kate recommends that Lyz goes back to John Nolon's recommendations; we know that there are people excited about development and there are people that are not. The reality is there are multiple points of view in the Village, so we have to create mechanisms to divulge those views. At the end of the day it is the BoT's recommendation, and the WRC is examining multiple scenarios - that is what we are here to do.
  - ii. Morgen: please note many points Lyz has raised in the past have been incorporated into the RFP

- Lyz feels it is important to raise these points from another POV, voice, and does see that many things she's said have been acted upon.
- Urges transcriptions for meetings, stakeholder interviews and interdepartmental meetings to be made public or at least transcribed - how is this being addressed in RFP, strategic plan?
  - i. Morgen: currently it is a report, we did not specifically say it needs to be a transcription.

5. Brian Allen

- To do nothing, there will still be 5 feet of fill and it will turn into grass.

Meeting adjourns at 9:30 pm