

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 19, 2006**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 19, 2006 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Attorney Marianne Stecich, and Deputy Village Manager Susan Maggiotto.

ABSENT: Trustee Marjorie Apel, Village Manager Francis A. Frobel.

CITIZENS: Seventeen (17).

Mayor Kinnally: Trustee Apel is not with us this evening. Her husband is ill, and I wish him a speedy recovery.

PRESENTATION - 2006 Audit Report

Mayor Kinnally: We have two presentations on this evening. The first is the 2006 audit report. The second is the update on the waterfront, and it will be a report from ARCO.

Susan Berossi, Auditor: I am from Bennett Kielson Storch DeSantis, the government services division of O'Connor Davies Munns & Dobbins. I am the partner in charge of the audit. I am here to present the financial statements for the year ended May 31, 2006 for the Village of Hastings-on-Hudson. We were here with a team of six people in July for approximately a week, and we did some preliminary work before that and performed the audit of the financial statements. The independent auditor's report, pages 1 and 2 of the financial statement, is the only piece of paper that the firm owns. That piece of paper states that we audited the financial statements of the Village and we conducted our audit in accordance with government auditing standards and generally accepted auditing standards of the United States. We planned and performed the audit to obtain reasonable assurance that the management statements were free from material misstatement. This audit included examining, on a test basis, evidence supporting those amounts and disclosures in those statements themselves and assessing the accounting principles used as well as any estimates made by management, and evaluated the overall financial statement presentation itself. At the end of this audit we had determined that the financial statements presented fairly in all material respects the Village's financial position and changes in its financial position in accordance with generally accepted accounting principles. What that means is that at the end of the audit process the firm was able to produce an unqualified opinion, which is the best opinion that a village can record on its financial statements.

Page 3 is the Village's management discussion and analysis, a summary prepared by management of the overview of the financial statements. Page 15 is the balance sheet of the Village at the fund level. This balance sheet focuses on near-term inflows and outflows of spendable resources of the Village as well as the balances of those resources of the Village. The Village has many funds: the general fund, which is the operational fund of the Village; the capital projects fund, which all capital projects are run through; and other governmental funds: the public library, the pool, and the special purpose fund.

Page 41 is the general fund balance sheet of the Village. The Village has cash, investments, receivable for taxes that may be uncollectible as of the year end, liabilities, and fund balances. To see how the Village did for the year ending May 31, 2006, go to page 42. The first column is the original budget that is prepared by management and approved by the Board. The second column is the final budget, which includes any modifications to and from the budget that were made during the fiscal year end. All modifications have to be approved by the Board. The third column is what actually happened during the year. The last column is the variance. If you look at the original budget column, you can see that there was a budgeted net decrease in fund balance of \$392,000. But, you say, budgets are supposed to be balanced. This budget was, but that decrease of \$392,000 is, if you go to page 41 at the bottom of the balance sheet, at the end of 2005 there was reserve fund encumbrance of \$57,000. Those are purchase orders that were issued during the year at the end of 2005 in which invoices were not received of \$57,000, plus a designation. What was designated at the end of 2005 to balance the budget in 2006 was \$335,000. If you add the \$57,000 to the \$335,000 you come up with \$392,000. That is your \$392,000 net decrease in fund balance.

What happened during the year? In the original budget you had a use of fund balance of \$392,000. After all the modifications were made to the budget during the year there was no change. There might have been changes in details of the budget, but there was no net change in where the fund balance would be so that stayed the same. But if you look at the net change in fund balance, at the end of the year, it came out that there was a positive; there was an increase in fund balance. So budgeted was a decrease of \$392,000; there was a positive effect of \$294,000. Therefore, if you take the \$392,000 plus the \$294,000, the overall positive variance for the year for the Village was \$687,000. How did that happen? There was \$10.4 million of actual revenues as compared to the final budgeted revenues of \$10.2 million. That was a positive variance of \$220,000. The Village, the Board, management has to budget revenues conservatively. How did the \$220,000 come about? There were positive variances on non-property taxes of \$80,000 in sales tax and mortgage taxes. It is very difficult to budget mortgage taxes. You want it to come in positive because mortgage taxes are based on people refinancing and the purchases of new homes, so it is difficult to come up with that number. That generated the positive variance of \$220,000.

Total expenditures came out as a positive, \$9.1 million, compared to the final budget of \$9.2 million, a positive variance of \$134,000. This savings is a small percentage of the total overall budget. This meant that management held control of that budget, making sure departments did not overspend and did produce that savings. There was a savings of \$67,000 in public safety, fire department savings. We have actual revenues of \$10.4, expenditures of \$9.1, an excess of revenues over expenditures of \$1.3 million. There was a bond issuance during the year, of which \$252,000 went into the general fund to pay for judgments. There were transfers in and transfers out, which are typical of a village. Other financing uses of \$1.16 million, which produced a positive change of \$294,000. Add that to the beginning fund balance, you come up at the end of a year with a positive fund balance of \$942,000.

That \$942,000 is just not a total free resource. At the end of 2005, you have reserve fund encumbrances, which are the purchase orders that were issued, where the invoices had not been received at the year end, of \$47,000. There was a designation for subsequent years' expenditures as of the end of the year for the 2007 budget. It was determined that \$376,000 would be carried forward to 2007 to balance that budget. So that meant \$376,000 less property taxes that had to be received to balance that budget. And then an undesignated fund balance of \$517,000. So you add those three numbers together to come up with the \$942,000. That meant that the Village ended up in a very healthy position as of the year end. But that undesignated \$517,000 is only about 4.9% of the overall budget and therefore it is encouraged that the Village build up that undesignated fund balance. In prior years Moody's would suggest 10 to 20% of your budget be your undesignated fund balance. But they have increased that even more, to 30% now, because you have to have a cushion for the future and there are other things out there, such as other post-employment benefits that in the future may need to be accrued if it is determined to accrue at the fund level. Right now it is determined that it needs to be accrued at the entity-wide level.

But at the end of the year the Village was in a very healthy position. For a detail of the other funds here, and to see the capital projects, there are subsequent schedules. Page 53 has all the capital projects that the Village is undertaking and is in the process of completing. Also as part of our audit we had produced a management letter with recommendations for management in their internal controls. Overall we determined that the Village had very strong internal controls. It was a very successful audit, and the Board and management have worked very hard to produce a very healthy position at the end of the year.

Mayor Kinnally: When the management letter is issued and recommendations are made do you follow up to see if those recommendations have been implemented?

Ms. Berossi: Yes. Before we do any work for preliminary testing for the audit, we look at the prior year's management letter, discuss with management, and do tests to see if our

recommendations were implemented. As part of the current year management letter, if those certain recommendations weren't or were, we mention that in the letter. But there were recommendations that were implemented and we see that the management is taking charge of that letter.

Mayor Kinnally: And in connection with the ongoing bookkeeping in the Village, do you wait until year end before you start doing an overview, or do you look at certain targets during the year to see how progress is being made?

Ms. Berossi: We look at certain targets during the year. Regarding dollar amounts, we look at the budget and how the actual compared to the budget during the year. We come in pre-year end to do the testing of the systems. And then we look at subsequent year end to see what has happened subsequent to the year end and put that in our report.

Mayor Kinnally: This audit was for last year's budget. The budget was put together by Susan, when she was Acting Village Manager, and Raf. They did a pretty darn good putting it together.

Ms. Berossi: Yes.

Mayor Kinnally: And the Village was certainly in good hands at that time. I understand we have a relatively high increase every year, but we try to build up our surplus. So we are on track in building that up?

Ms. Berossi: Yes. You had an increase from the prior year and you are steadily increasing that.

APPROVAL OF MINUTES

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Public Hearing of December 5, 2006 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of December 5, 2006 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan with a voice vote of all

in favor, the following Warrants were approved:

Multi-Fund No. 40-2006-07 \$544,183.21
Multi-Fund No. 41-2006-07 \$726,250.85
Multi-Fund No. 42-2006-07 \$ 900.00

101:06 LOCAL LAW NO. 3 OF 2006 – TERM LIMITS

Trustee Quinlan: Tonight I am asking my fellow Boardmembers to pass this resolution. It was a campaign pledge that I made when I first ran for trustee last winter, and I think it is important.

The major argument against terms limits, and it is a good one, is that it takes the power of a person's right to vote for a particular person away from them based on a calendar date which, in this case, would be 10 years. That is a very good argument, but it can be balanced by even stronger arguments. Those arguments are that term limits encourage political participation by newcomers, they can be used as a tool to make government more responsive to public needs through a continuing process of renewal, and they can help reduce power of incumbents to get reelected time and time again because of their exposure.

To the best of my knowledge of the people sitting here with me, I am the only person who has been subject to term limits in the Village. I served for 10 years on the Zoning Board of Appeals, at which point, because of the laws as they currently stand in Hastings, I was made to step aside. For the last five years I was chairman of the Zoning Board, and that is a very important and powerful position. Yet after my 10 years I was glad to leave. I thought that I had served the Village well, that I had served the Village long enough, and that since I left there have been two other chairmen, Arthur Magun, who has done a tremendous job, and Al Hansen, who also did a fantastic job. Although I do not agree with all their decisions, they are two remarkable Hastings citizens who had the opportunity to serve as chairmen and they really have done a fantastic job.

After I left the Zoning Board I was able after a year to argue two cases in front of the Zoning Board. One I lost and one I won, so it was not a matter of whether I agreed with the people on the Zoning Board. It was just that I was able to participate from outside. It was hard to lose and it was nice to win, but they did a fantastic job. I believe the person who took my place was Mr. Murphy, who has also done a fantastic job. He is a Fordham Law School graduate, my alma mater, and I was glad that he, too, had an opportunity to serve. And that would not have happened without term limits.

Since I brought this topic up there has been a general discussion about term limits that has

been very interesting. A lot of people have been against term limits, remarkably so. I think we will find out today that some of my colleagues were against term limits, and yet they sat for years and years and years while term limits applied to the Zoning Board. No one can really remember how long they have applied to the Zoning Board and no one mentioned it, no one cared about it. I guess they thought it was a good idea. My experience was that it was a good idea or they would have changed it.

It is important that in terms of precedent, besides the Zoning Board, we have the precedent of the 22nd amendment to the United States Constitution, which sets two terms for the President of the United States. Some people may argue that that was a Republican response to a very powerful Democratic President. My argument to that would be that to create a constitutional amendment you have to have two-thirds of each house of Congress vote it and three-fourths of each state approve it by their state legislature or a Constitutional Convention. I think that takes it out of the political process to a great extent. People say it can be used for political purposes. But I do not think there is anybody in America right now, I do not think there is any Republican who would complain, that term limits had to apply to President Clinton. And I do not think that there are any Democrats at this time, or not many anyway, that would complain that President Bush has to have term limits applied to him.

It is my belief that if it is good enough for the United States Constitution it is certainly good enough for the Village of Hastings-on-Hudson.

Trustee McLaughlin: We had a Board of Trustees committee to study this, and the committee was Jerry, Susan who offered to be the staff person for it, and since I did not know how I felt about term limits, I volunteered to be on it as well. Susan did reports through the New York Council of Mayors and found that there had not been much work done on term limits since the mid-90s. People have not thought about term limits much. So that left me kind of on my own. Peter and I both participated in some of the e-mail conversations that have gone on, and when he speaks he can cover the history of Alexander Hamilton's view on term limits, for instance.

As a past League of Women Voters president, my tendency was to go first to the Website of the League of Women Voters of the United States. The League is a nonpartisan organization, and it arrives at consensus by studying, by discussing the results of its study, and then by trying to create a statement of what most people agree on. When the League of Women Voters of the United States arrives at a consensus it has been addressed by people in every state, and possibly Guam; people of every party, anybody who cared to participate. Their statement on the presidency endorses the 22nd amendment: they favor two terms, or 10 years, as it now stands. But in their statement on Congress, the League does not support term limits. The League, in fact, does not mention term limits at all in its statement on Congress.

And it formulated the statement on Congress at the same time that it formulated the statement on the presidency, so you could not suggest that the League did not know about term limits when it formulated the statement on Congress. The League's view of term limits is, in turn, adopted by the League of Women Voters of New York State, although the State League of Women Voters of New York State gives local leagues the option to study it and come to a different conclusion for local offices. However our league has not, which leaves me as a past president of our local league faced with the fact that the League of Women Voters does not endorse term limits at the local level.

I then looked at some other good government groups. Common Cause has no statement about term limits on its Website. People for the American Way has only a few links, and they are to the Websites of people who support term limits. There is a link to the Cato Institute, to statements of Dennis Hastert, and to Newt Gingrich's Contract with America, all of which support term limits. I suspect that it was Gingrich's Contract with America in 1994 that caused the League of Women Voters to study the issue of term limits because it was much discussed back in those years.

I looked to see what the experience of Hastings might be in terms of the longevity of people in office. I went back to 1950 and looked at the results of every local election since that time. Since 1950, 64 people have been elected as trustees for Hastings. Of those 64 people, and that includes the four of us, more than 90% have served six years or less. Trustee Apel is approaching the end of her sixth year, and if she chooses to run for a fourth term and gets that fourth term it will still be more than 90% of the sitting trustees will have served six years or less. The situation with electing mayors was different. If you look at the wall of this room you will see that going back 130 years we have only 20 or 22 mayors, 23 counting Mayor Kinnally. Since 1950 we have had nine. Something interesting happened in 1981. Fran MacEachron, who was not a trustee, defeated the sitting mayor, Julius Chemka. Since 1981 there have been 12 mayoral elections and only three of those have been contested. There have been six or seven trustee elections that have been uncontested. So in terms of longevity of people in jobs, it does not appear that Hastings has a real problem with people sitting in jobs and holding them for long periods of time.

The question has come up, what about people who are not good campaigners. Those of you who are good campaigners have an advantage over people who are not good campaigners. I thought about that. If you want to campaign for the United States Senate, from the day you are elected to the job every single day of the next six years you must raise at least \$12,000 a day. That is not the case with a trustee in Hastings. Our campaigns are a few weeks long. I won't say that they are painless, but they force the candidates to go out and talk to their neighbors, to go through League Night, to be on TV, to sit down before the editorial boards of two newspapers, and basically to engage in the same types of debate and give-and-take

that we engage in up here, that we engage in with you when you question us, and that we engage in when we talk to developers, when we meet with other groups, and when we meet with people in other towns. In other words, campaigning is a good test of one of the skills you need if you are a trustee or a mayor. It does not take very long. You are talking to your friends and neighbors. The idea that people who are not good campaigners are somehow precluded from holding public office in Hastings, I do not think that idea holds water.

The suggestion also came that our form of elections is antagonistic to women. Here I am. I am now and always have been female and, moreover, so is Trustee Apel. I do not think either of us was hampered in our race for office by being women. There have been 10 women on the Board of Trustees. One of them, Carol Shryock, served 10 years. She had to step down because of ill health. Mayor Fran MacEachron served 12 years before stepping down as mayor. So I do not think that the argument that our style of campaigning is antagonistic to women and therefore keeps women from running for office holds water either. Our school board currently has only one male member, and they also have to run for office. The record shows that the school board, the Village Board, and the mayor's seat are all open to women.

Finally, the question came up about ways to serve in the community. Counting school board committees, Village committees, volunteer firefighters, and members of the emergency medical services, we have between 250 and 300 people volunteering in the Village. At the last several Board meetings we have created new committees, and we have asked the public to submit their resumés. We welcome more resumés from people who want to serve. So the idea that you are limited in your ability to serve your community if term limits do not exist: again, that argument does not hold water.

Trustee Swiderski: Term limits fix a problem by relying on a mechanical and arbitrary cutoff of the calendar and not thought or analysis by the voter. By throwing everyone out at a fixed date we rid ourselves of the job of deciding who is doing a good job or not. We cast a vote, effectively, of no confidence in the ability of the electorate to choose. But what is the problem really that we are seeking to address? Diggitt did us the kindness of research to discover that in the past 50 years we have had 64 trustees and nine mayors. Four of them have served five or more terms as either trustee or mayor, which is the cutoff being proposed tonight. The rest have not. In fact, two of those four people are here on the Board today. Lee, who is in his seventh term as mayor, and Lee who served five terms as trustee. So half the problem we seek to address is here with us today. Maybe we should call it the for-God's-sake-Lee-stop-running act. Of course, I am joking. Trustee Quinlan has said that all sitting Trustees and the Mayor will be grandfathered in on the proposal, but still it makes you wonder what issues such a law addresses. Jerry, Susan, and Diggitt did some research and found out that, apparently, at least 95% of all municipalities in New York State agree. The

overwhelming majority have determined that term limits are not merited.

John Adams argued simply in 1790, and I quote, Much safer is it and much more does it tend to promote the welfare and happiness of society by frequent elections of the people. They may be deceived in their choice, they sometimes are, but the evil is not incurable. The remedy is always near. They will feel their mistakes, and correct them. With elections every two years here, the electorate always has a choice of course correction should they so choose.

We have had several requests for a public referendum on the issue. Legally such a referendum could not be binding, but would be simply an indication of the will of the public. This is a hugely expensive way to take a public poll, and its accuracy is suspect in the end. The expense is not merited and the input it would provide is limited. The electorate decided a scant eight months ago that two incumbent trustees no longer satisfied. We have Trustees Diggitt and Jerry as a result. I am more than certain that should I displease the majority of the voting electorate the public will set me aside, too. However, the converse should apply as well. It should be your choice, and to that we all humbly submit. I shall vote no.

Mayor Kinnally: I spoke with Trustee Apel today. She indicated to me that she was not going to vote for this. She felt that the proposal was unfair to the voting public, that it was not necessary and that people generally do not stay that long. But Peter, you shortchanged me. It was 13 years as trustee, not five terms. And the statement, My God, Lee, why are you doing it again?, I did not realize my wife had drafted this legislation. This is an issue that has been around for awhile. Some other communities in Westchester were considering it and I had received a call from a former mayor in Bronxville lobbying me about this and thinking it was a good idea. It caught on New York City and Yonkers. I think both of those municipalities are rueing the decision. But I never embraced it and even when it was not looming here in the Village I was against it. Jerry and I had a conversation about this at a Christmas party last year and I said I do not see the need for it. Nothing here in the public hearing did anything to change my mind. The argument about what we have in the Constitution today I do not think is parallel. That was a decision of another time. The general wisdom or lack of wisdom of the country following President Roosevelt's four terms prevailed and we have what we have.

The argument of the power of incumbency is an interesting one. Incumbency is a double-edged sword, especially today where we are covered by Channel 75-WHoH. The power of incumbency exposes everything, warts and all. But what it shows is that if somebody is doing the job, generally the electorate is going to say we might as well keep him or her. And if the person is not doing the job, then the electorate generally has a pretty good measure of what they expect of their public officials. We do not have the power of budgets and member items and earmarks and so that our clout carries the day. If anything, this position at this

level of government is probably more exposed and more transparent than any other level of government because people see us every day. We go to the A&P and people talk to us, we go down to the train and people are not shy in their opinions or their questions. If an incumbent is doing a good job, generally that person is going to get reelected, not simply because they are in office, but because they have demonstrated that what they sold to the public when they were running for trustee or mayor sits very well with the public.

I do not see how that argument carries the day. The decision should be with the electorate. As far as giving people an opportunity to participate in government, it can be done at many levels. I was involved in activities in the Village before I was on the Board. A lot of people here tonight participate on boards and commissions, in political parties and whatever. Actually, only one incumbent was beaten last time in the election because the other incumbent was not nominated and chose not to run. I do not see that this would accomplish what the people who thought long and hard about this seek to accomplish, and that is a turnover, a rejuvenation. Because the natural progression of government is that people are elected and they serve, and only those with a genetic defect hang around.

I had the pleasure of serving with eight of the 10 women who served. The only two I did not serve with were Ruth Bachelor who, after her time on the Board of Trustees, was probably more active. This was before Channel 75-WHoH, and Ruth was here all the time. The other woman was Ann Malarky. But Fran and Lucile Alter and Carol Shryock, Elsa DeVita, Marge, Diggitt, Sue Winn, and Pam Barnes all served on the Board of Trustees.

Trustee McLaughlin: And Sue Smith, right?

Mayor Kinnally: Sue Smith, that is right, so actually it is 11 women. To the extent that people are saying, well, Lee, maybe it is time to go, that decision will be made in the ballot box. But it would not apply anyway here. If anything, it is an invitation for me to stay another 10 years. Time served will not count toward the 10 years. It would be measured from this election on. I am not so sure that it is wise move. If you look at the last 56 years, the voting public has done a pretty good job of assessing who has done a good or bad job.

Trustee McLaughlin: Another point is the phenomenon of the lame duck. It is entirely possible that the voters of Hastings might elect somebody for a fifth term when they should not simply because they would rather not have the unpleasantness that comes with having to vote somebody out. For two years they are a lame duck. The accountability that we have being on TV, having *The Enterprise* come here, having you folks in the audience, having people meet us on the street and give us a hard time about what we are doing, all that stuff, about half of it is eliminated if you know that you are in your seat and you are safe. So that is another aspect of term limits that I did not much like.

Going back to the 22nd amendment, I do not think anybody can argue that the President of the United States is not the most powerful man in the world. Two terms for the President of the United States is entirely okay. At the level of government where we operate, think of the things that we cannot do. We cannot abridge your vote, we cannot change how elections happen, we cannot lift habeas corpus; we do not have that power. The kinds of things that a president or a governor can do, we cannot do. We do not have major power in determining even the laws that govern us as a board because they are determined by New York State. The power that we have is only the power of the directors of a small corporation. The greater power over your life and how you exert your power as a citizen is something that we do not control. And therefore feeling that our longevity of service may represent unacceptable power is not correct.

Trustee Quinlan: First, I do not know how tonight's discussion turned into a gender discussion. This is the first I have heard that term limits had anything to do with the power of women versus men, and men trustees and women trustees. That was not my intention at all. Anybody who knows me or who knows my wife knows that only a strong, powerful woman would I ever have in my life or, hopefully, on the Board. I do not want that to come into play. I am sorry it even came up tonight. Second, a comment that Peter made that somehow this is directed at Mayor Kinnally. Lee and I have been very close friends for over two decades. I respect him a great deal, and this had nothing to do with him. It only had to do with giving the newcomers a chance to serve on the Board without being here for such a long time, and to have a renewal and a renaissance of ideas and thoughts and beliefs in the Village. I want to thank you, Lee, for taking this seriously and for giving me the opportunity to present this to the public.

Mayor Kinnally: Not for a moment did I think this was directed at me by you. Not at all.

On MOTION of Trustee Quinlan, SECONDED by Trustee McLaughlin the following Resolution was defeated upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 3 of 2006 adding Chapter 60, Term Limits, to the Code of the Village of Hastings-on-Hudson as follows:

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1. The following chapter is hereby added to the Code of the Village of Hastings-on-Hudson:

Chapter 60 Term Limits

§ 60-1. Enactment.

This chapter is enacted pursuant to Municipal Home Rule and Village Law.

§ 60-2. Term limits.

- A. Mayor. No person shall be eligible to be elected to or serve in the office of mayor if that person has previously held the office of mayor for five consecutive terms, unless at least one full term has elapsed since that person last held the office of mayor.
- B. Trustee. No person shall be eligible to be elected to or serve in the office of trustee if that person has previously held the office of trustee for five consecutive terms, unless at least one full term has elapsed since that person last held the office of trustee.

§ 60-3. Applicability.

- A. Only terms commencing on or after March 20, 2007 shall be counted in calculating the number of terms a trustee or mayor has served.
- B. Except as provided in Paragraph C of this section, only complete two-year terms shall be counted in calculating the number of terms a trustee or mayor has served.
- C. If the mayor or a trustee resigns, vacates, or is removed from office prior to the completion of his or her term, he or she shall be deemed to have held that office for a full term, for purposes of this chapter.

Section 2. This local law shall take effect immediately.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	Absent	
Trustee Peter Swiderski		X
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin		X
Mayor Wm. Lee Kinnally, Jr.		X

102:06 BUS SHELTERS AGREEMENT

Deputy Village Manager Maggiotto: The Village has had an agreement with the county for quite a few years whereby we share a percentage of the sale of advertising on the two bus shelters in the Village, the one on Farragut across from the high school and the other one on Route 9-A. We do not make much, anywhere from \$650 to \$900 per year. So we are asked to renew this again. I do not believe any of the terms have changed.

Mayor Kinnally: Susan, the schedule indicates that there are four bus stops, including S. Broadway at Tompkins and 425 Saw Mill River Road.

Deputy Village Manager Maggiotto: All right. I thought the last agreement I looked at only had two. But I will check into it. In any case, it is a positive for the Village.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign an agreement with the Westchester County Department of Transportation for Provision of Bus Shelters for a term of five years commencing on April 1, 2006 and expiring on March 31, 2011.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	Absent	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Deputy Village Manager Maggiotto: The holiday spirit is certainly in evidence in our village. I was just out shopping, doing my last-minute Christmas buying before the Board meeting, and I was in two stores in the Village. Both merchants told me that it had been a very good season for them, and I was happy to hear that. I certainly hope that is true for the rest of the merchants.

I would like to remind people to look on Channel 75 for that video that Raf and Jen and the Village Manager did with the Chamber of Commerce, going from store to store and interviewing merchants. I understand it is quite entertaining. I was very pleased with the way the lights looked on the trees this year. I thought they were done rather artfully. I want

to compliment Jim Sugrue and Mike Gunther because Jim took great care with it and it really shows.

We have a promise from Con Ed that the juice will flow tomorrow to our beautiful new street lamps in the Boulanger parking lot. We had a lot of dealings with Con Ed in this project. We had to put in a new panel to their specifications. At the time they told us that they had to then put in a work order to do the trenching to run a line but they never put in the work order. So we installed the lights expecting that it was just a matter of turning a switch and the lights would go on, but there was no electricity. It was a lot of back-and-forths with Con Ed, and finally they did the trenching, and they are ready to do the final thing tomorrow. The sealer and the sanding are being done today. The capstones and the seats that are going to go on the front plaza we will not see for a few more weeks. We need a few other things: brackets on the street lamps for the hanging baskets, and the grills around the trees. We will try to set the pay stations this week. We had to wait until we had the electricity before we could make a firm date with the installer.

Mayor Kinnally: Do you have an update on the Community Center?

Deputy Village Treasurer Zaratzian: Since you are talking about trenching, my understanding is that Saturday, in front of the Community Center, Con Ed will be ripping up the street to put in conduits for power.

Mayor Kinnally: Can they not reschedule that? It is going to be one of the busiest days in the downtown. Who is the foreman, the Grinch?

Deputy Village Treasurer Zaratzian: Not only is Con Ed going to be there but Verizon and Cablevision will be there, all putting in conduits for services to the Community Center.

Mayor Kinnally: You are going to have all those pieces of equipment there in one day? They are all going to come with trucks.

Deputy Village Treasurer Zaratzian: Is it not as though they are all going to be digging up the street. Con Ed will dig up the street, and then the conduits will be laid in.

Mayor Kinnally: Let us see if we cannot talk to them tomorrow and see if that delivery can be delayed a little.

Trustee Quinlan: These are our streets. Why do we not just cancel? Tell them to come back another time. Simple, we will vote on it tonight.

Mayor Kinnally: You cannot use the power of incumbency that way, Jerry. But we have to get their justification for it, and to me there is no justification why they cannot do it the following week.

Trustee Quinlan: Exactly. So instead of asking them to come back, why do we not just say your appointment is canceled, come back next week.

Mayor Kinnally: It may be a matter of approach. Sometimes a suggestion does better than a fiat.

Trustee Quinlan: I totally agree with you. But what if they say no?

Deputy Village Treasurer Zaratzian: This is to help the project keep going.

Mayor Kinnally: I understand it is to help the project get going. But I cannot believe that Saturday versus next Wednesday is going to make a big difference, since the project is a few months behind schedule anyway. Let us see if we cannot talk to them tomorrow.

Trustee McLaughlin: Next week is a high traffic week in the Village because of students home from school, visitors, people spending holiday money. Can they come back Jan. 3?

Mayor Kinnally: I do not know. Let us see what the window is.

Trustee Quinlan: I strongly agree that sugar is much better than vinegar, and that is the way I try to lead my life. But Raf, after you ask them nicely whether they could change it because it is December 23 and it is a big shopping day, could you let us know what their response is so we could have an emergency meeting and ask them to do it another time if they do not understand how important this is to us.

Mayor Kinnally: We should leave it up to management to deal with it. They have the sense of what we want done, and I do not think it is going to be necessary for us to meet in emergency session to deal with this. Raf or Susan can send us an e-mail and let us know what is going on.

Fonda Lefrak, Vice president, Chamber of Commerce: Last Saturday was a disaster. We were all wondering why it was so quiet. If you were on Main Street, there was traffic up the street, they could not get into the parking lot, they could not get out of the parking lot. This Saturday is our biggest Saturday. We have struggled this fall because of the parking lot. I beg you to do everything you possibly can to have them not work this Saturday.

Mayor Kinnally: I was down there and I did not have any trouble getting in and out of the parking lot. In fact, I had to go around twice to find a space. What I objected to is that they took up too many spaces with their equipment. They had the compressor taking up four spaces close to the sidewalk, and then they had one or two other trucks.

BOARD DISCUSSION AND COMMENTS

1. ARCO – Update on the Waterfront

Mayor Kinnally: We have Dave Kalet here from Atlantic Richfield. I had asked Dave to update us on some of the issues: additional testing and a delay of the OU-2 remedy; the additional plume and the impingement on Building 52, the removal of the PCBs; the DNAPL, which is part of the discussions and the testing with the DEC; and the issue of the feasibility or practicality of saving Buildings 51 and 52.

David Kalet, ARCO Remediation Manager: This update is an extract from a lot of publicly submitted material. The volume of material that we submit is pretty thick, so I tried to extract from some of the reports submitted to the DEC and to give you some of my own reactions, too. A good place to start is where we left off a year ago. We had completed demolition on the site and it had really changed. We took 10 structures down and created a lot more open space around the place so we could start to do some site investigation throughout the whole site; we did quite a bit of analysis.

We had a busy year in 2006. We submitted a number of reports, hundreds of pages of documentation, on OU-2. We recommended a dredge and cap remedy for the river. We continued the investigation started in the fall of 2005 and we worked until May to collect remaining data. That led to an excavation footprint change. In about July, we submitted reports for this field investigation in OU-1. We completed the preservation study in October, 2006 and presented this material with an architect and an engineer. We have identified some risks to preservation.

There were multiple technical reviews with the state. This is a very complex site, to say the least. The state asked us to do a further OU-2, the river dredging option study. We worked with them, we developed a few more options, and we presented those for their consideration. We were hoping that we would get a decision from the state, and I am only speculating. I do not know if it was a change in leadership or whatever, but a decision was not rendered by New York State. They have come back since we submitted all that information, and this fall had had some more questions regarding DNAPL: dense nonaqueous phase liquid. It is heavier than water; that is the term dense. Some of the material is in a liquid form on the site. They had requested us to do a work plan for investigation and recovery to see if there

is, first of all, more material like this on the site. And if there is, could we take a look at recovering some of the material.

This led us to conduct a field event on November 16 to look at monitoring well 12 which was installed about nine years ago in the northwest corner of the site very close to the Hudson River. This is the well that we investigated because we had a lot of old data. None of us had seen material from this; we only read reports. We thought it would be a good idea to get everybody out there. So two folks from the state and our consultants came out. We got one of the technicians to sample the well and have a look at it. When the technician pulled a sampling rod out, we could see what the reports were talking about, that the material seemed a little thick. That was consistent with the sampling reports from nine years ago that says this material is a sticky, rubbery material. Now we had a better understanding of what they were saying. When the technician was handling the material we noticed it was on his gloves. You can see there is not a lot on his gloves. It is a very small amount. We were thinking this is probably the material that was applied to fireproof the cable that was produced on the site. We agree with the state: we probably want to get some samples of this material and do some more chemistry and physical analysis to better analyze it. It is our opinion that that material is probably not going to flow. I am stating the obvious, but we do not have the technical information that would suggest otherwise. We do know that it is heavier than water so that it could settle, but we do not think it will flow. It is sitting 35 feet below the ground surface, which means it is sitting on top of the marine silt, the original fine silty clay material. It is highly unlikely, and we see no signs of evidence that it has gone any further than that, nor would you expect that.

We agreed with the state that we would attempt to study this further, get some samples, begin some recovery efforts. We plan to mobilize on January 11 on the site, or later if weather delays us. We have also agreed to submit an investigation plan by February 1 of next year, with the intention to begin some field investigation in spring of 2007 when we agree on the scope of work. There are some data gaps and this is going to be a very tough investigation. There is about a 30 to 50-foot width where it is very difficult to come from land with a drilling rig to be able to define that bulkhead line, or come from the river because there are remnants of old piles. There was an old dock structure in there. We have some serious safety concerns in figuring out how close we can get. We need to determine the best place to put this steel bulkhead wall; we do not want to put it through that sticky material if there is more sticky material like that. The state agrees with us, saying if we can show there is sticky material one of the options they would consider is moving the wall out into the river a little more so that we would not drive through that material. At 35-foot depth it is technically impossible to pull that material out safely. Typically when you encounter stuff like that you work around it in the remedy. But the state would like us to do more clarification. There are sampling locations all over this place, but there is only one where we found material like

that. We do not know if that is an anomaly. One thing for sure, monitoring well 12 is located where they were doing the mixing of the material and then transporting it into the process for coating. So it would make sense that is where you expect to find that. Every other boring location that we have done, and there are dozens, does not show any material like that. We agree with the state: we should take a look and make sure.

Mayor Kinnally: Has there been any boring for that material in the river beyond monitoring well 12?

Mr. Kalet: We have, and the material is very dilute. It is stuck to soil particles out in the river. As a matter of fact, that is the way it is in every other place we have sampled except for that one. But we do have some data gaps that we have not sunk wells, and we just have to figure out how to do that. It will not be an easy investigation, but it is clear that we need to commit ourselves to do as best as we can to identify that. We intend to do that this spring.

Trustee McLaughlin: How far out would you have to put the bulkhead to enclose that?

Mr. Kalet: Probably anywhere from 10 to 50 feet, and only in this northwest corner area.

Mayor Kinnally: And that is scheduled for when?

Mr. Kalet: Usually these plans go through pretty quickly. The state is working with us. We could start drilling from land in March if we have a reasonable spring. Then we will have to complete some of this from a barge and probably cannot get out in the river safely until mid-April. Depends on when the ice comes down through and we can get rigs. It may go into May. And we have to be very careful because the river temperature is really cold. We do not want anybody falling in the river. It is certain death if you fall in the river with those type of temperatures.

Trustee Quinlan: If the bulkhead goes out that far, will you have to fill in land?

Mr. Kalet: Yes, it would extend the land mass. As you can see, that has been done before and that is not an unusual precedent in cleanup projects. That is something that the state has the authority to grant and it has to be unusual circumstances for that to happen, and this looks like it could be one of those unusual circumstances. That will not happen with the rest of the site. We are only talking 100 feet, the most lateral that would be granted with that type of provision. But I am speculating because we do not have the data right now. We may find that we may not have to do that at all.

Mayor Kinnally: And the reason for that would be to avoid piercing?

Mr. Kalet: Driving a steel sheet through sticky material and thereby dragging that material down, you never want to do that. That is against public policy. We recognize it, and the state has no argument with that. The question is, was that an anomaly, was it only one spot in the mixing zone. That is likely the outcome, but we need to put some borings in to test. We reported that there was a change in the excavation footprint. The blue dotted line was what was reported when the remedial investigation was completed on this site in the early 90s. That is where the perceived excavations would be for this project. The level of data that is done in the remedial investigation phase is not limited, but it is not as extensive as a design investigation or to build. We are currently getting very high quality, more dense data. We are working with probability and statistics to define the exact digging footprint. We probably will do one more set of sampling. It has gone out a little bit here, with the green line. It has changed somewhat, but we have a better definition of where we think we need to dig. People could not have done any exploratory work in this area because Building 52-B had a very low roof and you could not bring a drilling rig in to obtain samples. Since we completed the demolition last summer we are able to get a rig in and do drilling and test pits, and we find that we need to do some excavation in these areas where 52-B was. Again, that is not a surprise to us because this building was not there during World War II when the coating process took place, and some of the records indicate that some of the cable or some of the batches may have been air-dried and air-cured outside. We saw in some pictures that there could have been some exposed cable. That confirms that this is not extremely deep contamination, but we did find it, so we are going to have to dig in those areas.

We also learned, on studying in a much greater depth, that there were some trenches that were in part of the process that drained this building and very common in coating type processes. So we sampled all the trenches in building 52. The coating process started on the south end, and we believe it worked north where the finished product ended up here. We did not find any contamination in the trenches on the north side. We did find it on the south end, which is not a surprise. You would expect to find it in the trench. Again, some good news: it was limited to the trenches. But we are going to have to do some excavation, in some cases six feet and in one case 10 feet, to remove that material. We want to do more sampling to make sure we have that right. We did not know this, nor could have we foreseen this, because we did not have the sampling data to do so.

Trustee Swiderski: And the sampling was done through the concrete floor of the building?

Mr. Kalet: Yes, we drilled cores, removed a concrete section, and had a specialized drill rig get some samples.

Trustee Swiderski: You are describing a process that puts down a hole, and yet these are

boxes with discrete borders and discrete sizes. What determines the size of that box, and what does that box size mean?

Mr. Kalet: The box size is the way that we work with the state to define boundary limits. The data that we submitted will show holes outside of these boxes where there was nothing or below 10 ppm, which is the limit of removal on land. That is the standard New York State has adopted. So we define things in square boxes by increments of 25 by 25 feet.

Trustee Swiderski: So in theory, if you had a slide, using 1960s terminology, an acetate, that had the boring holes, the ones within those boxes has positive results.

Mr. Kalet: Right.

Trustee Swiderski: And there is enough sampling for the boxes to be different in size?

Mr. Kalet: You are right. We use a statistical technique and we blend the data. As long as our confidence level is over 90%, then we think that we have a valid conclusion and we can draw a box like that. That is pretty standard in what we do in our business, and the state reviews the methodology for that. But we have identified things that we had not seen before.

Trustee Swiderski: And a map with the bore hole locations is available?

Mr. Kalet: That's all part of the public record. We survey all those things in because we may have to go back and do samples. So we want to be able to find that exact spot.

Trustee Swiderski: Where is the public record?

Mr. Kalet: New York State holds the official public record, but we always submit duplicate copies. There should be a copy in the library, and there may be another copy here. I know we are working with Raf to digitize as much of this as possible. You can find digital copies at the New York State Website. We are trying to be as transparent as possible.

Trustee Quinlan: Some of the boxes look like they go through the wall. That would be like outside the structure and inside the structure.

Mr. Kalet: Right.

Trustee Quinlan: Is it possible to remove the wall, excavate, and put the wall back, or would the building fall down, or what would happen?

Mr. Kalet: Here comes my opinion. Engineers can do everything. But these buildings are built on piles. They are not sitting on ground. There is no ground here. When you build in a river system, you build on piles. The only types of piles available over 100 years ago were wooden piles. They drove wooden piles in and, depending upon the load, their engineers sometimes would build pile clusters. They would build enough of them, they would pour a concrete cap and calculate that then they could put a steel beam on top of that cap. If we happen to be digging in a place and we have to remove some of those pile structures, or tops, it is going to be near impossible to replace that with the integrity so that you could put a point load on it. It would be very difficult for a professional engineer to be able to say with repairs that you could put a load on that again and get an occupancy permit.

Trustee Quinlan: Those piles could be anywhere, and they are holding up the whole building?

Mr. Kalet: The term is pile fields. And depending on the load, and this building had a lot of load in it because you had very heavy copper members in it, it is not uncommon to find clusters of piles, eight to 10 piles, in maybe a circle of about six feet. Other places, we found pile drawings where they would put a pile every five feet. Piles below the water level generally do not rot because they do not get air. But above the low tide mark is where bacteria can start to rot the wood. That becomes a problem in a lot of cities. You pull some of these submerged wooden structures out and they are in very good shape, but they quickly rot. You see that in ships. I do not understand the phenomenon that causes that. But this is my definition of high risk: are we going to affect the structural integrity of the building. I will talk about other risks later. But the main deal that I want to talk about here is, the footprint changes with these green things. The blue marks in here, we knew that there was something based on some other sampling. We got a better definition. This is good news because there is less material than previously thought and it is not as deep. So this area is not as contaminated as we thought previously, based on the original data.

Trustee Swiderski: What is the coating? Some of the green boxes are straight and some of them have those little bumps in them.

Mr. Kalet: It refers to a type of steel sheet that we would use during the excavation. When you go deeper you use a more rigid steel sheet. Basically it means we probably are going more than six feet in these areas.

Trustee Swiderski: So those are the deeper contaminations.

Mr. Kalet: Yes.

Mayor Kinnally: Let us take a look at the rectangle, Building 52 on the left side, closer to the tracks. That is going to be a deeper sheet pile configuration. That is inside the building. Is it on a cement slab?

Mr. Kalet: We would have to remove the cement slab and then see what kind of pile network is underneath.

Mayor Kinnally: But in order to do excavation there you are going to have to drive piles?

Mr. Kalet: Well, steel sheet around. OSHA rules, once you dig below four feet you have to put some kind of shoring in there. So we would have to first remove the cement, see what is there in terms of piles, and line the thing with a steel box.

Mayor Kinnally: And how is that put in, with a driver?

Mr. Kalet: We would have to use a specialized piece of equipment. You are vibrating the stuff down and pounding while you are doing that. You have got to pound it down whatever the amount of excavation. Then we are going to have to figure out a way to cut those piles, if there are piles in there, and get those out of the way and then remove the soil. It is not easy work. The soil here is not part of the structure. It is just filled space. Once you get below the river mud you do have some strength. So while we were doing that, the vibrations were jiggling all that loose soil that is not load-bearing and put some cracks in this building and a piece of the roof and part of a parapet fell off. We said wow, just the act of doing that little bit of work really caused some structural damage to this building. Again, this is a very old building. It was probably built in the teens. You are at risk of causing failure not because you intend to but just because of doing your work.

Fred Olsson, 3 Glenwood: I would presume that the pilings would be only around the perimeter of the building, not in the inside.

Mr. Kalet: No, there are supporting structures, I-beams, down through the center also of these buildings. This one is ringed around like that. But apparently, and again I am just going by the drawings that are there, they just lay piles all over the place. I think it was to support not the load of the building, but the load of the copper cable that was hauled around inside. An engineer would do that just because these coils of cable were quite heavy point loads. You can tell where that type of loading was not done, and the ground is sunk and you see the pile stubs pushing the concrete. Everything else is settling around them. Some of these older buildings the concrete is actually bowed.

Mr. Olsson: Is the property line defined at the river edge?

Mr. Kalet: It is. There is a survey, and it is very interesting. According to the land survey that we completed we can account for 26 acres of property. According to the official records it is 28. Again, I am speculating, but they may have counted some of the dock space where there had been concrete poured over some of these piles. That is the only way I can come up with 28 acres.

Mr. Olsson: So then if you extend the sheeting out into the river, you would not...

Mr. Kalet: Well, you would gain a little bit of acreage, maybe a tenth of an acre.

Mr. Olsson: You cannot go beyond the property line, can you?

Mr. Kalet: The state has jurisdiction, yes.

Mr. Olsson: They can allow you to do this, then you would own that property.

Mr. Kalet: Or whoever the successors are.

Mr. Olsson: And you could use it.

Mr. Kalet: Oh, yes, it would extend. But it is not a significant amount. It is not like we are creating acres.

Mr. Olsson: If it went out 20 or 30 feet it would be quite a bit of property.

Robert Kornfeld, 47 Summit Drive: I find it hard to believe that it would be that difficult to support this wall. It is not a tall building. There are a lot of high-rise buildings that are built on wood piles with pile caps. One example is 90 West Street, the building just south of the Trade Center. We are talking about a wall that is only a few stories high. There is a lot of potential for putting down other types of supports using beams or underpinning or shoring or various structures. I find it hard to believe that experienced engineers in preservation would just throw up their hands and say you have to tear the whole thing down. I know that sheet piling gets vibrated down, but when you are doing sheeting or piling near historic buildings there are ways of minimizing vibration which might be more expensive. But you would only be doing it in limited areas if you are trying to avoid the building walls.

Mr. Kalet: I am a chemist. I rely very heavily on information from engineers. But I will tell you some of my observations. When people are building loads with public occupancy the engineers tend to be conservative. Where this train platform was put in, that also is in the

river, so to speak, and the railroad put in fresh steel piles. This is just a loading platform. So evidently the engineers thought that needed that support. The weight loads here are a lot heavier and more dynamic, and my engineers are very conservative. Some of these piles are approaching 100 years old. You probably want this thing to last for another 100 years. A professional engineer is going to have to stamp this to get an occupancy permit, so it is a risk that you go through all this work to save things and not be able to get it stamped and certified. That is a very expensive risk that I do not know you necessarily need to take. It is hard enough to save buildings if you do not have excavation and digging around them. This just complicates things. If these buildings were in a non-contaminated area it would be a different story. I am trying to advise folks as best as I can: this is what I would call extremely high risk and there is no way to assure it. You can go through all this work to try to stabilize things, but you may find when you start digging that it is impossible and you will be forced to give up. I question whether it is a smart decision to put money at risk for something like that.

People talked about schedules earlier and what is going to happen with the project, why are we not making decisions. Bulkhead alignment is an OU-1 issue. This is what I am talking about, the bulkhead, the steel that is going to go all the way around here. The river remedy selection will determine OU-1 design because how much digging you do out there means how much you have to support that bulkhead. We are looking at putting a berm in the river to help stabilize the whole site, depending on how deep we have to dig. The size of material processing facilities will determine how much soil processing and water treatment facilities we have to design, build, and operate in order to get this remedy done. This project needs to start to be looked at as a whole. We cannot simply deal with it as an OU-1 issue and an OU-2 issue. The best way to implement this project is to do it altogether. The state realizes that, and we need to start making progress on selecting a river remedy as well as deciding some final issues on OU-1.

Until we get a remedy identified by New York State we will not be able to complete the OU-1 design. That is why we need to move along. One of the things that would help is Village understanding and support. I hope you understand this is a very complicated issue. I understand in the past, in OU-1, the company worked with the Village to help identify what kind of resources you may need to help review the material so you can support a solution. I think the company would be receptive to the Village thinking through that. I know you have Malcolm Pirnie. Ask yourself, how much effort would it take to have a retained independent expert that you would select, and would the Village need some help with that. That is a question the company would entertain.

Mayor Kinnally: I would say that the Village in the past used experts and resources not so much to support the solution, but to react to the solution that was proposed not only by

ARCO but also by the DEC.

Mr. Kalet: You are absolutely right. The way decisions get made is that you exhaust the objection process and you find common ground that makes all parties happy with the conclusion. It is not just a DEC and an ARCO question. The public has to support things.

Mayor Kinnally: What we would need in the way of resources would have to go to the professionals. It would be, I think, a combination of Malcolm Pirnie and Mark Chertok's firm, Sive Paget. But that is something we could entertain.

Mr. Kalet: It is something I wanted to get people thinking about. It seemed to me in the OU-1 remedy selection process, when the Village and Riverkeeper intervened and looked at things, it helped the New York State DEC make a decision. So if there are some issues we will address them, but in absence of comment there is not much we can do. One of the things that was on our list to do was take a look at potential utility corridors. This is a draft, this is only a schematic, it is not where it needs to go. Our engineers said you probably ought to have two utility corridors and one of them should be a road. The utility corridor does not have to do a straight line. Engineers love to draw straight lines. That is just a schematic on the south. They did the same thing on the north. Our engineers also took the liberty of looking at the Village's redevelopment plan, which is on the Website. It talked about an extension coming off the bridge. It showed a sweeping road. We see some problems with that. If you are going to take an extension you would have to curve it and probably not go much further than this with it. It could then wrap around further back. But again, this is food for thought. We need to start engaging the planners and start thinking about where you want to put things. This utility corridor is active right now, it is existing. There is sewer and water that goes up through here from Westchester County sewer, and also the water lines. This is the existing pump house. This goes to Harvest and the tennis club. You probably want to have two spines for utilities and, again, they do not necessarily have to be a straight line. But it is time to maybe start thinking about that.

Here is another opinion. If you are putting an extension off the bridge you probably would not want to put it through the building. You probably would want to remove the building. When I looked at some of the Village plans from the planning efforts five or six years ago, before I came to this project, it did not look like there was any building footprint in this area. So somebody obviously contemplated Building 52 not being there. I look at that, and that is a second reason I am questioning the discussion about trying to save the building.

Specifically talking about risk of damage to Building 51 and 52, I asked our engineers to take a look at it. They identified three things. There is an unknown condition of existing 100 year old piles. Just the fact that the building is standing does not mean that something can support

a future load. They have not been inspected, to my knowledge. So that is a risk. The other risk is vibration during remediation and development. As we have said, you are going to be installing sheet pile and different things and you are going to be jiggling the ground. That can cause differential settlements. When you start doing excavation of any type you sometimes, not intended, cause lateral flow of soil. And this soil is very unstable because it is all fill. When you are digging in the high parts of town where there is rock you do not have those issues. We do have some detailed engineering reports for you. I just summarized this for you.

Trustee Swiderski: In the northwest corner, the bigger green box with the lines coming out of it around the front: what does that mean?

Mr. Kalet: This is a deeper excavation right in here.

Trustee Swiderski: Does that impinge on 52 there in the corner?

Mr. Kalet: It does. And one of the things we do not show here is that we have not identified it but we have to do some kind of a support for this wall out here. It will affect at least one, perhaps two, column widths of this building. It will probably have to be cut off in order to accommodate support for the river side of things.

Trustee Swiderski: And what do those lines mean?

Mr. Kalet: The steel sheet pile.

Trustee Swiderski: But is this a key for depth?

Mr. Kalet: Part of it is a key for depth and part of it is a key to tie in to the bulkhead. There will be guy wires strung underground to support this bulkhead. That is a phenomenon that is only going to happen in this northwest corner because of some of the depths we are dealing with. We will not have to use that construction technique south. It is a very complex thing.

Mayor Kinnally: I thought we were going to have tiebacks in the south.

Mr. Kalet: It looks like we found a way around that now, or if we do they will be very minimal. They are not going to be as stout as these.

Mayor Kinnally: That northernmost box there, is that one of the highest concentrations?

Mr. Kalet: These are higher concentration areas, yes.

Mayor Kinnally: And that is the no-build area.

Mr. Kalet: Yes.

Trustee Swiderski: The no-build area was within the blue dotted lines originally, and now it has been extended further east?

Mr. Kalet: Yes, but when you take a look at the practical matter, we are talking either 100 or 150-foot setback, and 150 feet brings you back in here someplace.

Trustee Quinlan: One hundred, 150 feet setback, that is from the consent decree?

Mr. Kalet: Yes.

Trustee Quinlan: And that goes the whole length of the 25 acres?

Mr. Kalet: Yes.

Mayor Kinnally: There is also a difference around the coves. There may be a greater setback. I know there is a height differential of what the buildings can be.

Mr. Kalet: Right. It is pretty complex. We are trying to take the legal terms and put them into engineering terms that are buildable. I think that would be a very desirable outcome of any development to have a minimum of 100 feet. I tend to agree with that. And 150 feet does make sense. You get a better structure. We are trying to design this for 100 years. That is our intent, which is probably very likely because some of this is approaching 100 years now. So with better technology I think that is reasonable. It adds up, depending on how you measure it, to about six or seven acres.

The part of Building 51 that is not impacted by where we have to dig is wooden-structured and not in very good shape. Had somebody made a decision 35 years ago, 1975, to save buildings they probably could have been stabilized. But that was not the case. Anaconda sold the place in 1975. ARCO purchased Anaconda Corporation in 1977; when ARCO purchased Anaconda this property was not on its books. Legal theory says that as current owners the liability comes back to us. ARCO could not have foreseen this being their responsibility until 1997. But we have to accept the responsibility, and we are. Anyhow, I am pointing out that this place is deteriorating. Things are rotting and falling apart.

I know we are talking a lot about buildings and it is no small amount of effort, but this thing looks to be salvageable, the water tower. I have not heard any expression of interest in it. It is going to be a tremendous amount of work to do this. Once it is taken down and scrapped, it is forever lost. So if there is any interest, this may be something that I would encourage folks to take a look at. There are probably 100 tons of scrap steel here. Once it gets taken down, we need somebody to take custody of it, to safeguard it, to see that it is cleaned, that it is repaired, that it is stored safely for seven or eight years. I do not want to accept responsibility for storing scrap steel on the site. Like most construction sites, scrap steel disappears. So if this is to be treated as an asset we need to find somebody that is willing to take custody of it and shepherd it through the cleaning, repair, stabilization, painting process, and then re-erection. That is no small task in terms of responsibility of being a steward for it. Dollar-wise, it is reasonable to do. A couple of firms, one in particular, gave us some prices. You are talking around \$500,000 to take this down and re-erect it, plus repair work. It is a lot of money, but it is nowhere near the ball park of trying to save buildings. The risk here seems pretty minimal because there are communities and companies that have saved these things, taken them down and re-erected them. If you have the energy and the time and the interest, this may be something worth putting energy into because it has the highest, in my opinion, success, lowest risk of failure.

Trustee Quinlan: You own that now, right?

Mr. Kalet: Yes.

Trustee Quinlan: It is private property? I do not know whether the public would want to save it or not, but could ARCO not find a place to store it? How big is your company? Could you describe that in public? How many storage facilities do you have all over the world?

Mr. Kalet: Well, we do not. They are for refineries and chemical plants and whatever. We are not in the warehouse business. We are a big enough company, something like this could get lost. I am telling that from the bottom of my heart. If you want to save it, you need to find somebody that wants to take an interest and be a true steward of it.

Trustee Quinlan: How about you guys? I promise you, if you store it and tell me where you store it I will write it down, put it in my safe, and I will tell you where to find it when it was time to get it out. Is that possible?

Mr. Kalet: It is just not in the line of work we do, and it would be very difficult to guarantee that we could safeguard it. And we probably would not safeguard it the way

somebody who would keep this in their community. That is just a reality point. When we start getting into things like this, my focus and my scope is on demolition and cleanup. It is hard to justify in a Sarbanes-Oxley world that this is environmental remediation, that company dollars should be spent that way. It is looking more like redevelopment dollars and I do not have the authority, this project does not have that. Can we present that question to the company? We could, but it is clearly outside of my area in normally what happens in most cleanup projects. We do demolition, we raze sites, we clean them up to agreed-upon standards, and then turn the keys over to the next person. I do not make the rules, I just follow them. But it is getting much tougher in a Sarbanes-Oxley world to do wink-and-nod type of things.

Trustee Swiderski: Does the tower have a utility outside of its symbolic aesthetic? Is there a benefit to having a water tower for water pressure reasons?

Mr. Kalet: No, it is not connected to anything. I do not think it has been used with water since the quarry water supply stopped.

Trustee Swiderski: So it no longer has a function in this day and age. And it could not in the future.

Mr. Kalet: No, I cannot imagine why you would. You may want to hang cell phone towers off of it, you may want to put stairways in and have people look at it. But from a practical matter I am not sure it is much more than a symbol. Other towns have had symbols. But the question is, how do you support this thing for the future. Once we meet our obligation here we would have no interest to maintain a presence, to become a land developer or anything like that. That is not what we do as a company.

Mayor Kinnally: Dave, will you take the request up the chain?

Mr. Kalet: I can, and I encourage you to think carefully about what you are asking for. I have never done anything like this before, so I would need to work with you and folks on our staff. But it gets outside the normal request of what we do. Most people ask us to come in and clean things up and leave them clean. This goes beyond normally what we do in our line of work. My function serves to extinguish liabilities. That is what we do.

Stuart Cadenhead, 5 Valley Place: I know a warehouse where you could store the water tower. It is just a few feet from the water tower. But I wanted to discuss something else. You said earlier there had been no structural evaluation of the buildings. In your May structure evaluation report you wrote that all three structures are in reasonably good physical condition and are capable of being stabilized to further prevent structural deterioration. Is

that still your position?

Mr. Kalet: As long as we are not jiggling things around there, I think that is true. But if we do remediation, that changes everything; that is where the risk is. Since we do not have a remedial design in place I cannot tell you exactly what we are going to be doing. But we are likely to be doing quite a bit of digging, in some places to 10 feet. The scope of work is starting to become much more clear now. I hate to speculate, but if we are going to be digging 10 feet next to it, these stilts without that soil in there to lock them, I question how stable they would become. I am not sure what shoring would look like, but for a guy that has spent 31 years working around refineries and chemical plants it becomes very expensive, a very serious thing, when you are trying to work around heavy structures. You saw some of the beams today. Some of that stuff has got a lot of weight to it.

Mr. Cadenhead: Also, your second slide made mention of an October preservation report. Is that another iteration of the report?

Mr. Kalet: No, that's one we have presented the last time we were here.

Mr. Cadenhead: Is that available in complete form somewhere?

Mr. Kalet: We have it on our Website.

Andrew Zimmerman, 7 Ridge Street: What you are calling DNAPL, the sticky stuff, it is basically PCBs, right?

Mr. Kalet: We have not analyzed it, but it is probably a mixture of polychlorinated biphenyls, PCBs; polychlorinated triphenyls; and polychlorinated naphthalenes. That was the original formula as we understood it. So it is probably around 35% PCBs, but we call it DNAPL because it is more in a liquid form and not just stuck to particles of the soil.

Mr. Zimmerman: As I understand, it is extremely toxic stuff, if you were to ingest it.

Mr. Kalet: The only symptom known from a toxicology standpoint is a condition called chloracne. There are reports that if it gets ingested into the fish supply that it can cause problems. But it is 35 feet down. It is unlikely that it can get into the chain where worms eat it and fish eat it and humans can be exposed to it.

Mr. Zimmerman: Except it is already going into the river. It is going in there.

Mr. Kalet: No, there is 35 feet of fill on top of this material.

Mr. Zimmerman: But I thought it was flowing out into the river. That is why you have the whole OU-2 project?

Mr. Kalet: It probably flowed when it was released in 1943 when there was a catastrophic explosion, but once the solvent separated it probably gelled.

Mr. Zimmerman: You said you went down there with the DEC. But what is this new thing that happened that made you want to go down with them? You had done some other testing before that that had found this stuff, as I understand?

Mr. Kalet: We had raised the question. We said if the reports that were done during the remedial investigation--somewhere between seven and nine years ago a study was done--if those reports are true this is not the type material you would want to drive a sheet pile through. We had requested and recommended that we keep the sheet pile away from that area. The state said that is a valid point, but do we know that it still exists in that form? And if there is more where you want to drive the sheet pile, you have to show us that otherwise we cannot grant that type of a variance or change in engineering plans. We agreed that is probably a fair assessment. The engineer, George Heitzman, and his understudy had not seen the material and said they would like to take a look at it. None of us had seen anything more than reports. So we opened that monitoring well up and obtained a sample. We agreed that we were going to take some more samples to better classify it. We would like to understand the material more.

Mayor Kinnally: When was the first time you knew there was DNAPL on the site?

Mr. Kalet: From the description that we have read in those reports that were published seven or nine years ago.

Mayor Kinnally: And when is the first time the DEC was advised of the existence of DNAPL?

Mr. Kalet: We did not agree on terms. They were saying, yes, it is PCBs, but we do not necessarily believe that that material could flow or is flowable or is sticky. There was some question that if you encountered that material it would stick to a piece of metal and be dragged. That is fair.

Mayor Kinnally: When did that first come up?

Mr. Kalet: This summer we were talking about where you would put a wall. After talking

back and forth and sending reports, we came to the conclusion that we should go out there and take a look at it. Seeing is believing.

Mr. Zimmerman: My understanding was, even in the ROD and the things that were already decided, I read in some of those reports that there already was DNAPL that was almost pure sticky stuff that was found.

Mr. Kalet: Right.

Mr. Zimmerman: So this is not new that you knew this stuff was here. How is it different?

Mr. Kalet: This was the very well where that observation was made in the report. There were probably photographs of it as good as could have been produced in that day, but it was very hard to see. So everybody was relying on the engineers' logs, observation logs, that describe the material. There was no chemistry testing done to express the material in more definite chemistry terms, so it relied on somebody's observation report.

Mr. Zimmerman: As I understand now, much more of it has been found in this well than there was before. I heard that there were five inches in there before and now there is about 30 inches. Is that true?

Mr. Kalet: There is 32 inches as you measure it now, and nine years ago there was something like seven reported. The way things accumulate in a well does not necessarily mean that that is what is in the strata. When you have an open pore like that, material that is that dense will actually rise up a tube.

Mr. Zimmerman: Is it through capillary action?

Mr. Kalet: It is a capillary phenomenon, but it is basically the weight of the material with the ground pressure. In a well you will see liquid thicker than you would in a pore space.

Mr. Zimmerman: So does this mean that there is much more of this stuff down there than you had thought before?

Mr. Kalet: I do not think so. I think it is the capillary phenomenon. I think what we are trying to figure out is what it means. There are wells within five feet of it that show nothing, so what are you to conclude? Is that an isolated pocket? I think conservatism would suggest, and what we are agreeing to do is, to put more wells in around it and in that area to see if there is another spot like that. The second question becomes, what do you do?

Mr. Zimmerman: Why would this require a different sort of remedy?

Mr. Kalet: What it would give us is more confidence that we do not put a piece of steel sheet pile through a material like that. It is highly unlikely that a few feet away we would find more of this. Now, where is that point? Do you have enough confidence to put a steel sheet in to define the bulkhead? That is what we need. We need more data to do that, and we are prepared to do that.

Mr. Zimmerman: Has the area that is going to be enclosed increased a lot?

Mr. Kalet: It has increased somewhat, but it has shrunk in other areas. The original thought was to enclose a larger area, and there are only spots. We can clean those spots up. We do not have to dig up as much area. So the footprint has changed. We have not calculated any definitive cubic feet, but it is somewhere around 60,000 yards.

Mr. Zimmerman: I understood that there was some disagreement between you and the state about what needs to be done. Is that true?

Mr. Kalet: It is like most things: defining the limits. In the river now there is no difference in public safety if you dredge seven feet or if you dredge 25 feet out in the river, depth-wise, because in the end you have to put a cap down. There is no dredging remedy in New York State that has worked without putting a cap, and a cap isolates any residual material from the environment. So the question becomes how much mass of material will satisfy current New York State policy. It is not a question of risk. A very minimal remedy will extinguish the human health risk just the same as a remedy costing 10 times as much. So we have established that any remedy will need a cap. The question becomes secondary policy issues with the state, and we are trying to find that common ground.

Mr. Zimmerman: It has been weeks if not months since this was found out about. As far as I know, the Board did not know anything about this until very recently. In fact, ARCO was here a couple of weeks ago and did not say anything about it. So I am wondering what the delay is. In addition, I went onto ARCO's Website and there is nothing there about it. I notice there is a prominent link to ARCO's Website from the Village Website, so I would say I do not understand why there is a link to ARCO's Website. That means the Village more or less endorses ARCO's Website, which to me has very little real information about stuff like that. So either ARCO should provide some real information on their Website or else maybe the Village should take off the link. We need more information to get out there for people like us who live near the site.

Fred Yaeger, ARCO Liaison: It is a good point. We are working closely with the Village and with Raf and everybody else in terms of providing that material. We also will be putting

that same material on our own Website. We appreciate your looking at the Website. It will be up-to-date information, and I am sorry that we were not able to get it up as soon as we would have liked.

Mr. Kalet: I thought what we found was not remarkable. It was consistent with what was found nine years ago. So if there was an error in judgment, I am the person responsible for that. We are trying to be as transparent as we can. I struggle, and my team struggles, with putting so much information out that the people cannot possibly get through it. This year we came close to that. We probably have submitted over 1,000 pages in the public record of material. The problem with that, you can almost minimize the importance of things when everything is important.

I accept your criticism. We are going to try to be as sensitive as possible. But I assure you, once we submit anything to the state it is definitely public record. It is in our interest to be as transparent as possible. I get no personal gain, nor does the company, by not sharing information. So we have nothing to benefit by not sharing things. We are working very hard to catalogue material and make it available in a format that people can get access to. We are providing it both on paper and electronically, and Raf is working very hard to make it indexable. Our goal is to make the record here in Hastings more complete than the record at the DEC. The DEC record does not have all the historical information about that site, nor would it, because anything that does not apply to remediation the state would not put on their record. Our goal is to have a more complete record here in the Village.

Trustee Swiderski: What is the well number with the 30 inches of goo?

Mr. Kalet: MW-12.

Trustee Swiderski: What results are driving the determination that the bulkhead will have to be further out? Is it 12, or is it something else?

Mr. Kalet: It is if there is material like 12 in the footprint of where we would want to drive sheet pile, because that material is sticky. If you touched metal to it you could potentially drag material down.

Trustee Swiderski: But are you asking the question, or are you making a statement? There is material, or is there material?

Mr. Kalet: We do not think it is any more than around number 12 well, but the fact is there is a data gap. If you are asking me at which confidence level do you have that, our models are somewhat calibrated around 80% confidence level.

Trustee Swiderski: No, I am taking a statement you made, which is there are borings or wells five feet away that have nothing in them.

Mr. Kalet: That is right.

Trustee Swiderski: And then you are saying the bulkhead would have to move up to 50 feet out away from where it was originally positioned. That does not square with five feet; there is nothing there.

Mr. Kalet: Because five feet inland a way, five feet away from water, five feet away from that well, if you will, that would be east, there is nothing like that. And we have a number of borings that are even further in that do not show that.

Mayor Kinnally: How will you fill that data gap?

Mr. Kalet: We have to get west of that well, and we do not have any data west of that well. The only way to get it is figure out how to reach it from land, or get on the water and reach.

Trustee Swiderski: Thirty-five feet down below river level, or is it above river level?

Mr. Kalet: The river is dipping in that area. At 35 feet it is on the marine silt layer, then the river gradually keeps going down, that marine silt layer.

Trustee Swiderski: I guess if you are going to bore over the water, 35 feet down enters at the bottom, or is it still the river?

Mr. Kalet: It depends how far you go out into the river. Once you get out into the river it is 50 feet deep. That would be above the river level. But in close proximity, when they put fill in, it caused like a mud wave. What happens is that mud wave rises because of all the fill they put in. It is like a rippling wall. I am not trying to avoid your question. Part of what we speculate is that that mud wall may be retaining everything from going further out. So conservatively speaking, if we went 50 feet out in it there is probably zero probability that we would pierce that. The state says, we really hate to lose water, you are going to have to give us more information. And to the extent that you can show us that there is that stuff, then we agree you can move the wall out. I accept that.

Trustee Swiderski: The perception is based on a maybe, not on bore holes to the west of 12 that indicate goo.

Mr. Kalet: We are out 50 feet. We have even gone 100 feet out and there is nothing like that. We can tell you that. It is that no man's land that I was telling you about. It is about a 30 to 50 foot swath because there are pilings from the old docks and everything. We are going to have to, from a safety standpoint, think very hard and clear how to bring a rig in. One of the possibilities is to wait until there is high tide, bring a barge in, do the sample, get out before the tide is in, and pull up. That is risky in itself. We may be looking at building some kind of a platform from land to that. It is going to be very difficult. I do not know if we can actually close that gap to zero. But we promise to give it our best effort, bringing in companies to take a look at it.

Vanessa Merton, 111 Pinecrest Drive: I am sorry I missed the first part of your presentation. In any of the earlier slides do you have anything like this schematic; the relationship among the river, the fill, and the marine units?

Mr. Kalet: I did not present any of that. We had some more of that material when we submitted our studies this spring and into the summer, some engineering drawings to show what we believe is going on. But that was in the remedial investigation document, and that was what they call a site conceptual model of how people believe contamination exists and got to where it was. In order to saturate that cable the chemists and the engineers in the Navy that developed this process had to thin that material. You saw the picture, how sticky it is. There is no way you could have saturated a cloth for that material to impregnate and impart those fire-resistant qualities. We do know from people that worked at the plant that they applied petroleum naphtha, which is essentially lighter fluid, to that material to thin it so it would saturate. That material is lighter than water. So in an aquatic environment, with time you would expect that material to separate. The naphtha would have separated up. The heavy material is heavier than water. It would stay down there, and that material over time would have thickened. What we do not know is if the chemists had put a cross-linking material in there to set it up. It is one of the questions I have and why I would like to study the material. If it reacts to air, and cross-links and gets even stiffer, that would be good for us to know.

Ms. Merton: Well, we all want to know as much as possible. Leaving aside for the moment some differences we might have about the health risks from PCBs, there is ever-increasing information even since the time of the PRAP in 2003 and before that. But is it not a question not only of how much a concentration of this substance is PCBs, but also where it is and how it is able to move in this environment? Are you familiar with a letter from Haley & Aldrich to the DEC of October 30 of this year? It is the letter in which Haley & Aldrich apparently informed the DEC that this DNAPL had been observed in the northwest corner at the bottom of the fill and, emphasis added, in the upper several feet of the underlying marine silt.

Mr. Kalet: And that is consistent with what I have just said, yes.

Ms. Merton: When you said it was 35 feet it seemed as if you were suggesting that there is no potential health risk as a result. What is interesting about this letter, and what is new in this information and what you might want to emphasize in your effort, which I think is laudable, to provide us a great deal of information but not overwhelm us by having everything seem important, what I think is maybe important is that for the first time there seems to be an indication of contamination of the marine silt unit with PCBs. Instead of their skating along the surface of the marine silt unit, which is what was thought at the time of the PRAP and the RIFs, it seems as if it may be penetrating. In fact, the DEC seems to criticize the Haley & Aldrich “highly speculative conclusion” that “these observations indicate the potential presence of up to several feet of potentially flowable DNAPL in low spots at and/or near the fill marine silt interface.” We join with you in wanting to see more of the contamination detected, since the DEC chose as a proposed remedy a remedy that would essentially focus almost only on the PCBs and seeking remediation above a concentration of one part per million. But what is of greater concern maybe to those of us who live here is that if these PCBs are unlike what was first thought in this conceptual model are migrating through the marine silt unit, then the fill that is proposed for the rest of the remedy may not be as impervious and successful a barrier for 100 years, which I was very glad to hear you say, as we contemplate the future of this waterfront over the next hundred years, let alone in terms of protecting the river. It would be foolish to spend incredible amounts trying to remediate the river, and then have very heavy-duty concentrations of PCBs come down and not only skate the surface of, but actually penetrate into, the marine silt unit where the DEC notes there is concern about contact with aquifer. Does that bring anything back to you?

Mr. Kalet: It does. We do not think that there is evidence that the material is moving. We do not think it will move on its own. We think it is there. We have done carbon dating and radioactive dating of the sediment, and we see the sediments in front of this site getting thicker with time. So the combination of the material is heavier than water so it cannot rise. And the fact that there is deposition going on burying this more, we think it is highly unlikely a pathway exists for that material to get into the aquatic chain.

Ms. Merton: But we now have reason to think that it can go into the marine silt layer.

Mr. Kalet: We did not reach that conclusion. If you or the DEC reached that conclusion...

Ms. Merton: Haley & Aldrich wrote that it has not been observed in the upper several feet of the underlying marine silt.

Mr. Kalet: That is where that well is. So we observed 32 inches and that is where the feet, plural, comes in. But we do not know, and the reason that is significant is we do not think you want to drive a piece of steel sheet pile through material like that. And the state agrees with us.

Ms. Merton: So are you going to remove it?

Mr. Kalet: We do not know how to. We do not know if it is physically possible. We are going to go out there and attempt to bail it, but because of its high viscosity it may not respond. We probably can remove some mass, but we do not know physically how you could possibly remove that material where it is. There is no technology available to do that.

Ms. Merton: So it makes it all the more important for us to make sure that it is contained. As is observed here by the DEC, if the DNAPL has indeed penetrated this far into the marine silt layer, then the ability of that layer to contain the DNAPL in equilibrium is in question and the underlying basal sand aquifer is threatened. That is what the DEC responded to Haley & Aldrich's letter.

Mr. Kalet: And that was in reference to if you drove a piece of steel sheet through that material you would create a pathway that, because it is heavier than water, it could fall deeper. And we do not want to do that.

Ms. Merton: That may be so. This does not say anything at all about driving steel...

Mr. Kalet: Because that is their response. But when you read the context of our submittal, that is what they are responding to. There is disagreement between the DEC's technical people and ourselves. As a chemist, I am pretty qualified to say that when material is heavier than water, given the opportunity it will sink. So if there is no reason to have to do that, you should not create that kind of a pathway. Once we put it in those terms, the DEC is changing their opinion. They are saying, we agree with that, but how do you know how widespread this stuff is?

Ms. Merton: It is possible that I may not have access to the full correspondence here, but I guess that is something that we could take a look at?

Mr. Kalet: We are trying to make sure it is on the record, but that is certainly on the DEC's record. Sometimes there is a delay for them to put that on and, again, I will apologize. We are trying to put it on as much as we can. If there are submittals that did not get through here, we certainly will go back and try to update the record.

Ms. Merton: It would be really helpful. Because some of us have not been terribly happy going all the way back to the original sampling plan. We do not think it was sufficiently systematic. We thought it was much too purposive, taken the history of the site. Just to say that if there is going to be more sampling, and we certainly welcome that idea, it would be great if there was some consultation with the Village and with residents who are concerned about this in figuring out where that sampling is going in this discussion about the technical feasibility of the bulkhead.

Mr. Kalet: I appreciate your concerns. This stuff is very technical, and we are very careful to follow protocols that are very complex, very difficult to understand. We vet this with engineering firms that we hire. The state does the same thing. Neither one of us has an interest in not being complete. We are both very concerned about having valid data, data that we can replicate. We are very pleased with the data quality to date. Some of the data that was 10 years old we think could have been better. We went back and we improved a lot of the data quality. We validated that statistically. We think we have a much better data set than has ever been done on a project like this. I do want to speak to leaving material behind. This is not a precedent here. You just simply cannot get it. You try to get as much as you possibly can out of things. But the most important thing is to make sure there is not a pathway for that material to affect human health and the environment, and we are very conscious of that. We will not support any remedies as a company that would do that.

Ms. Merton: Lee, you had mentioned in responding to the comments about the need for the Village's consultation, specifically Malcolm Pirnie and Mark Chertok. Are you indicating that they are the only potential choices for the Village to retain in connection with reviewing any aspect of the waterfront situation?

Mayor Kinnally: No, but they are the resources that we have used in the past. And they both are familiar with the site and with the history of the site. If anybody has any other ideas I am open to it. I will not speak for the rest of the Board.

Mark has been involved not only in the litigation in the settlement, but also in working on the PRAP and in reviewing OU-1 and the adjacent properties to the south. We will talk about personnel in executive session. But if anybody has any other resources... one of the thing here is the learning curve. Malcolm Pirnie has been involved, they are familiar with the testing protocols, they are familiar with some of the raw material. But the more the merrier.

Trustee Swiderski: I am just trying to square everything you say against each other. Okay, this stuff does not move, and it moves down when it does, but the amount in the well has gone from seven inches to 30. So it moved, right?

Mr. Kalet: There is a phenomenon about material accumulating in a well. Wells are put in to gauge and monitor things, and this happens with both hydrocarbon, which is LNAPL, and PCBs, which are classified as DNAPL. There is an effect, with pore pressure and phenomena like that, that the result in a monitoring well is always higher than if you just sliced the soil. The reason is that there is less pressure. There is actual day-lighting, and it is allowing it to get thicker. There are things called correction factors when you see that, based on soil open pore space and the density of the material. So it is not inconsistent with what you would expect on other sites.

Mayor Kinnally: Is a well a pathway with little resistance? Is that what you are saying?

Mr. Kalet: Yes, it is a pathway for stuff to move in. It is not a pathway, because of the way they are constructed you would not expect humans or wildlife, the way they are constructed, to come in contact with them. It is just the way they are built and secured.

Trustee Swiderski: But unless the soil is nonporous, what is to prevent, over time, material from going down further into the aquifer?

Mr. Kalet: Surface tension, because the marine silt is extremely fine-grain. It is clay, and clay is very small as compared to gravel or coarse sand. The fill is more like gravel and coarse sand, and it can move freely through that. Clay is often used in landfill construction and putting together retainment ponds to become a water-impermeable barrier. This material will tend to stick to fine-grain material because there is a lot more surface area in a cubic foot of it. So it is very difficult, some will say impossible, for it to move significantly over time. A box of gravel has a lot less surface area than a box of clay, and these materials will tend to stick to surface area. So the more surface area it is and the viscosity, the stickiness of this material, it will be like an adhesive. It will hang up in it. But just like if I have got a box of rocks, with big rocks on the top and little on the bottom, and I shake that box, after awhile the big ones are going to go down through. The ones that are heavier, more dense, are going to separate. And the lighter ones, like if you had pieces of Styrofoam balls and pieces of ball bearings, and you put the ball bearings on top of the Styrofoam, once I start shaking that the ball bearings would go to the bottom of the box and the Styrofoam would rise to the top. That is kind of the same concept with density here. This material is dense. But by the same token, if I put ball bearings on top of little Styrofoam pellets and I did not shake it, those ball bearings would probably sit there forever.

Trustee Swiderski: I So you want to put the sheet piling out a little further to ensure you capture it, contain it. So you put it out, let us say, 20 feet. You fill what is now currently water with gravel, stone, whatever. Why doesn't this goo pass through that gravel to the steel and then head down that pathway? What prevents that from happening?

Mr. Kalet: That is a good question. This material, what would encourage it to flow sideways? Let us ask ourselves that first question. Gravity is not going to push it sideways and it is not going to pancake out, it is probably pretty much so pancaked already. But if you had a theoretical hole or well, and it was able to free-all, its most likely direction or force vector would be down, not sideways.

Trustee Swiderski: So it hits the clay layer. My visual image is the blob from the 1950s movie. It hits the clay layer and just spreads out from there.

Mr. Kalet: To a point. But after awhile, when the solvent escapes from that from which it was created, it is going to become stickier. That is why it is useful to understand there are a lot of complex physical forces in play here. This material to me seems like Scotch tape. I would expect it to stick to stuff. It would probably prefer to stick to something than flow. And usually the way materials like petroleum flow is they flow on themselves when there is enough thickness. But again, unless there is a driving force they are probably just going to sit there. The question is we do not know. Is there 10 gallons of this material or 100 gallons, or whatever? There was not a lot of material that was reported to have escaped from the process. We do know, though, in this corner in 1943 there was a fire. We are all speculating probably that is what happened: when this thing exploded a lot of material was released. But we do not know, there was no report. Was it 500 gallons? The mix tanks were probably much bigger than that but, again, there were no details. So it would be hard for me to believe that there are acres of material.

Mayor Kinnally: Let us assume there was 500 gallons of this in the mix tank. How much of that would, over time, vaporize?

Mr. Kalet: It was probably thin. About 50%, so probably half of it was the thick material. So then you have the other 250 gallons or whatever that would go down through and stick to things, and eventually you probably had some amount of material that made it through. That is the only explanation of why there is that material. I repeat, we have not seen this. And New York State is pretty clear on that, too, that they agree they have not seen another location on that site. If you look at all the investigation, there has been a pincushion out there. We have not seen another place like this, but we have not been able to go west of there so that is a fair comment that the state is making. We agree with it. Do not know how to do it, but we are going to try to do it better than we have done in the past.

Trustee McLaughlin: When you talk about the evaporation, that is the naphtha that has evaporated out?

Mr. Kalet: Yes.

Trustee McLaughlin: So the goo, then, is a mixture of three different substances. And did I understand correctly that you do not know how that mixture is going to degrade further?

Mr. Kalet: It probably will not degrade. PCBs tend to degrade very slowly, and when they are in that pure form...

Trustee McLaughlin: ...mixing it would not make it degrade more.

Mr. Kalet: There is not a lot of literature on that that I can speak to. The reason they were popular is because they did not oxidize, they did not burn, and they were very stable materials. So they were formulated with that in mind, that they do not degrade. There are reports that these things do degrade over time, but I do not know if that would be a real factor here. I think it is better off to stabilize them.

Jim Metzger, 427 Warburton Avenue: You say the technology does not exist to remove this material. What if you were to drive sheet piling, say, a quarter of a mile out in the river, build a huge swimming pool out of this entire site, and excavate 50 feet down and then put fill back in? Would that be a reasonable assumption that that technology exists, and that would get rid of all this material?

Mr. Kalet: No, it is not. You have a phenomenon called bottom heave. That is why the land remedy was limited to 12 feet. Because engineers agreed that once you get below 12 feet you would not be able to control bottom heave. You have all the water pressure of 12 feet of head during high tide pushing up. The only way to counterbalance that, and we do not know how to do it yet but that is part of the design, is to weight, or stabilize, the floor to overcome that water pressure from rising up. That is how people get killed in excavations. They dig and have water pressure, and this phenomenon called bottom heave comes up and, like that, the river can come up. It is very difficult to secure bottoms like that. The other way you do it is in the wet, and that would be dredging. Dredging only removes 90% per pass. So you have to ask yourself, do I want to risk spreading contamination due to dredging? Every dredge project, not only in New York State but in the US, people did not realize that is a consequence of dredging. That is why every single dredging remedy that has been out there has only met the remediation goals through capping. I would expect the exact same situation here.

Mr. Metzger: So there would be no way to isolate this site and then dredge below the water table and not experience the possibility of this bottom heave.

Mr. Kalet: Not that our engineers are aware of. That is why that remedy was selected at 12 feet, to do it in the dry. And that is the only way to prevent contamination from spreading. When you are doing it in the wet it is called dredging. Dredging, those buckets only get about 90% per pass. So if you get into heavily contaminated areas you could actually risk spreading contamination around in however big your quarter-mile swimming pool is. You have 100% pure stuff, which is a million parts per million, and your goal is one part per million. Pretty soon the amount of surface area you have to do is technically impractical.

Mr. Metzger: That is in a no-build area, as I understand this material. And we have no indication that materials like that exist in the area that we could potentially be building in, is that correct?

Mr. Kalet: That is right. There are some pockets way to the south, but it looks like we can get all of that, or contain it. And if we did find any, that would become a no-build zone.

Michelle Hertz, 62 Euclid Avenue: Was there more testing under Building 15?

Mr. Kalet: Yes, when we removed it. PCB processing did not take place. Our sampling did not find any PCBs under there. On the southern half, the contaminant of concern that we are looking for is lead. We do know that lead was used as a corrosion-control coating on some of the wires. Some of the cable is wrapped with lead sheeting. So there are lead finds and lead particles, and we think we know where that is and we have identified areas. That can very simply be dug out, and that is what the remediation plan calls for.

Mr. Kornfeld: I have some concerns about what you said about the engineering for preserving, potentially, Building 52 and some other structures. I am an architect. I work with a large engineering company. I have been involved with a lot of high-rise façade restoration. I have worked on stabilization of large factory complexes that are similar and, really, bigger and in worse condition than this and some large power plants and things like that. I feel you are taking a completely different approach when you talk about structural engineering. When you talk about chemical engineering...

Mr. Kalet: Were those sites built on piles in a river environment?

Mr. Kornfeld: Let me finish. But you are taking a completely different approach, intellectually speaking. When you talk about these chemical and geological issues, you are speaking in much more precise terms. When you are talking about the engineering you are throwing out fears of things. I am afraid that what happened since your May, 2006 report, which basically said the buildings were in reasonably good condition, that you realized you need to do some remediation within Building 52, I think it maybe became inconvenient and

potentially more extensive. Just like any other type of work, structural engineering involves doing an investigation of what is physically there and then looking at the potential ways to solve a problem. And not just identify problems and say, it is dangerous, we cannot do anything about it, you have to tear it down. Certain things are too expensive to do, maybe, given your frame of reference. Moving the water tower, given the scope of this whole project, is a very small endeavor. Maybe Building 52 might be a larger endeavor. Still, there are ways to identify exactly what the problems are, to do more of a physical investigation and really see what the issues are, what are the potential ways to deal with it. I am just saying that is how I would approach it if you hired me to do it. I would not just say that there are potentially dangerous things so I would forget about it. The site that I was dealing with did not have that problem. It had other problems. But no, it was not on piles by a river.

Mr. Kalet: My number one responsibility in this project is to do the job safely. The overall scope of the project is to protect human health and the environment. It would seem very odd to me to endanger workers and put people's money at risk for something that is highly risky. If the buildings were not impacted, if it was one of the southern buildings that you are interested in, we could probably save Building 22; architecturally I understand it is a pretty boring building, it is a big piece of steel. But there are contamination issues around that that would concern anybody. It is a difficult enough a project, and for me to provide any assurance that we could possibly save a building given the scope of work to dig it up and the condition of the building, the reality check that I have to tell folks is, if it was my money, and I am here representing the shareholders of the company, would I recommend that they put money into doing that? I would have a hard time justifying it. I am not convinced that those buildings could be reasonably saved at an economical outcome to the whole project. I think we are better off to focus our time and resources on pulling a safe remedy off so that people can look at this site and be confident that it can be reused.

Mr. Kornfeld: You need to look at the word "risk" the way you are using it. Something is not just risky. Every construction operation, hitting a nail in with a hammer, is risky if you smash your thumb. But there are measures that you can take and there are ways to approach it. I feel you categorically have decided not to follow that path, although it seemed like you were more interested six months ago.

Mr. Kalet: Six months ago I could not have foreseen the contamination of Building 52. I would have been purely speculating.

Mr. Kornfeld: The area that is contaminated is relatively small relative to the footprint of the building, as I read the plan you showed, and we do not know how large an area within that those trenches represent. How big were the trenches that are contaminated?

Mr. Kalet: Three to four feet.

Mr. Kornfeld: And then is the problem that the contamination has seeped into the...

Mr. Kalet: It does not seem like it is spread out laterally.

Mr. Kornfeld: So we are talking about a couple of these channels that are a few feet wide, and because of that you have to demolish a building that is hundreds of feet long.

Mr. Kalet: But the modeling that we have done suggests that we have got to dig out areas in some of these places 25 feet wide in order to take care of what went down there, because it probably did not go perfectly straight down. Usually they form a trapezoid of some kind when they do go.

Mr. Kornfeld: Again, I am not saying that I know what the conclusion is. I am just saying that rather than see what the possible solutions are and what it would take to accomplish them and what safety measures would be required, you are making an emotional appeal.

Mr. Kalet: I am practicing conservatism. I am accused of being very conservative. I do not want to see the project fail. I do not want to set false expectations. But based on my experience and the advice that I am getting from the engineers that are advising me, this is a high-risk deal. If somebody wants to put that type of money at risk I suppose it would be okay, but it is not a good way to spend public funds or private funds or resources. In this situation, parts of the building have got to be chopped off anyway if you want to use the site. This is my opinion on it. I have been asked to interject a bit. It is going to be very, very difficult to try to do it. The way I read through things, that is the conclusion I come to. I just do not see that it is a practical outcome.

Mr. Kornfeld: I hope that your engineering reports will be independent and objective because there are a lot of people out there that are hired guns who will look at any building and say it needs to be torn down.

Mr. Kalet: I am not talking about is it possible, but at what price is it possible. It becomes a point things become economically impractical to do. If people like that architectural look, I suggest the planning committee, when redevelopment is undertaken, adopt some kind of architectural standard and copy sawtooth roofs and the other things that architects find of interest and go through the public process and incorporate that into the final redevelopment. You would get a better product. Again, I do not think it is a wise way to spend funds, especially since there is no assurance that this is going to work. The engineers say there is

risk. I read risk in the report and I read future uncertainty, and it does look like a project that I would recommend funds to be spent on.

Mayor Kinnally: Thank you, Dave. This has been one of the more informative presentations. The site remains dynamic because the more testing we have, the better picture we have of what is there, what has to be done. There are certain areas that have been ruled out having anything, which is good. Unfortunately, it seems to me the footprint has expanded somewhat.

Mr. Kalet: These are emotional types of things as well as technical. They are very complex. We do not mind carrying on a conversation with folks. Bear with us. We are happy to share things as much as people can tolerate the discussion because it is very complex. So thank you for your time and interest.

Ms. Merton: Would it be reasonable to make a request that when there is correspondence between Mr. Heitzman and Atlantic Richfield Company that pertains directly to this site that the Village could be copied on that?

Mayor Kinnally: I cannot believe there is any correspondence between Mr. Kalet and George Heitzman that does not relate to this site. I raised this issue with Mark Chertok the other day as to why we are not copied or why we were not privy to the meetings or whatever. He said these are enforcement actions the Village is not a party to and not necessarily a correspondent. But I will raise the issue with Mark.

Danielle Goodman, 28 Ashley Road: I wanted to respond to several comments about the plans for the waterfront. Probably what you are referring to is the LWRP, which is a document that was put together with some public input but has not been voted on. People like myself still anticipate having a say and do not agree with a lot of the plan, and would like to see perhaps some green industry, power panels, or other things. So when you are talking about the buildings being in the way of a bridge, or this or that, I think you are being premature and unfair. Anybody who has been watching this presentation might assume that there is an approved plan, and that is not the case. The sky is still the limit. There has to be some thinking out of the box here that has not been done, so I hope that we are not going to put the cart before the horse. When I see conduits and roads and infrastructure being talked about I think it is premature.

Mayor Kinnally: I could not agree more with you that there are no approved plans. But I have got to quibble with your statement that the LWRP was put together with some public input. It was put together by a committee that was the public, that met in public every time.

Ms. Goodman: I do not think so. There was a committee and they were having meetings. I do not know that they were ever publicized. I do not want to get into a quibble with you. That is for the hearings on the LWRP.

Mayor Kinnally: But also the issue of some of the siting and plans was the RPA. It is not just the LWRP, but the RPA initiative, which was a publicly driven thing. The initial concept for the bridge, I believe, came from the RPA.

Ms. Goodman: Hopefully we are going to revisit all of that.

Mayor Kinnally: Of course we are going to revisit it. But it is not just the LWRP. It has not been adopted, and everybody may not agree with it. But you will tell me when everybody agrees with everything that we deal with.

Ms. Goodman: That is never going to happen. But I did not want there to be that assumption. It was said several times, and I did not hear anybody jump in to say, excuse me, it hasn't been.

Ms. Hertz: I happen to have been at some of those meetings in the planning stages, and nobody listened to anything that I said or anybody else who said the same thing that I said, which was we do not think there should be housing down there. The reason that I do not think there should be housing down there ever is because it is too polluted. I have maps in my house that show where the pollution is other than PCBs. There could be other uses for the site. It is frightening enough to live near that site and to have our children grow up near that site, but to have people live on the site is a nightmare. I was at those meetings and there were other people at those meetings that did not want housing and nobody listened to us. It was already as if it were done.

2. Proposed Extension of Ridge Street - for Referral to Planning Board

Peter Wolf, Applicant: We are here to talk about the extension of Ridge Street for about 50 feet. It is now what is considered to be a paper street, which we understand is somewhat of an anomalous term. We want to extend it because we recently purchased a building at 433 Warburton Avenue. Christina and I lived at 433 Warburton for about two years and we love the neighborhood, and we told the owners that if they ever wanted to sell that we would be interested. That is what occurred. Presently there is a two-story building there that was built in 1915 that is a railroad flat on top of another railroad flat, to the extent that when the freight train goes by, the whole place vibrated.

One of the things that we noticed when we were living there was the lack of adequate

parking on Warburton Avenue. It was even a factor in our consideration of whether we would go out on Friday or Saturday evening because we knew it would take at least 15 minutes to try to find a parking place. So we tried to address the problem. This property goes from Warburton Avenue to Ridge Street. At a preliminary Planning Board meeting we presented a number of options, including one that the Planning Board asked us to pursue. We were going to have two units, as they were before. But this time we were thinking of having two parking places on the Ridge Street side and two parking places on the Warburton side. That would give the residents of Warburton a net gain of three parking places on Warburton Avenue. We met with the Village Manager, we briefly met with you this evening, with a request that the paper street be extended approximately 40 or 50 feet. We are due to go back to the Planning Board on Thursday. Now Christina will present the plan in detail.

Christina Griffin, Applicant: We are proposing that we provide parking for this two-family building. We are keeping the status of the two units at the back of Ridge Street. I was the architect for the four townhouses on Ridge Street, so I am familiar with the area. This is a blowup of the site plan that was submitted to the Board. Ridge Street ends, and is 50 feet to this point and then another 16. We are showing coming out 66 feet from where the pavement ends currently so that we could provide a turnaround to allow parking of two spaces for one of the two units in the building, and also to give about nine feet of space to allow the public to turn around at the end of the street.

This is an enlargement of the end of Ridge showing how the paved area ends at the railing right now. There is an area of mulch between the curb and a retaining wall. This retaining wall extends almost halfway into the back of this property. We are proposing that this gets extended just to allow for a car to turn around into this property by backing out, doing a K-turn. This property is 25 by 150 feet going from Warburton to Ridge, so if you needed emergency vehicular access to this property you could still get it from Warburton Avenue. This would be a matter of just providing a turnaround for cars coming down the street. We are also proposing that we provide an easement for use by the public for this turnaround.

This is a 3-D view of the property. It is a railroad flat arrangement. You have to go through one room to get to another, so what we would like to do is do a renovation with some expansion. But one thing that will really make this a big improvement is to provide parking. We are also proposing parking in the front, but this gets involved with the county curb cut. We would like to provide two spaces for one unit in front, and two spaces off of Ridge in the back. This evening we are simply asking the Board if they might be interested in this proposal. We will still need to look very carefully at the engineering aspects such as the retaining wall, guardrails and, of course, the storm drainage.

Trustee Quinlan: Would there be any parking provided on the street that we may approve to be paved?

Mayor Kinnally: There is no parking on the east side of the street.

Trustee Quinlan: How about west?

Mayor Kinnally: There is, but there should not be. There is a striped area across the street from the existing multi-family house at the end of Ridge Street that is supposed to be no parking, and people park there and it impedes the turnaround right now.

Trustee Quinlan: I am just wondering if it would even add more parking than just your two spaces, but I guess the answer is no.

Mayor Kinnally: No, and I do not think you would want to have parking on the west side because it would impede the turnaround.

Trustee Quinlan: But who would turn around?

Mayor Kinnally: Everyone. It is very difficult to turn around right now, but I think it would be the preferred route.

Trustee Quinlan: So it would just really provide benefit for the two spaces for one of your units.

Mayor Kinnally: What is to guarantee that the people will use those spaces, though?

Mr. Wolf: The access to that unit would be from Ridge Street.

Trustee Swiderski: Is there room to extend Ridge Street another six feet beyond where you have it?

Ms. Griffin: Then there would be no place to turn around.

Mayor Kinnally: It narrows considerably and drops off there.

Trustee Swiderski: I was wondering if there was room to extend another 10 feet or whatever and make that into parking. If you are going to do this, Jerry's implication is, is there a public amenity that can be pulled out of this.

Ms. Griffin: That is a good question, and we have been in touch with a few neighbors. Some are here. The Village-owned property from the end of the paved area in back goes past and touches five different properties. The paper road extends probably another 80 feet past our property.

Trustee Swiderski: And what usable extension is there beyond your property to the south?

Ms. Griffin: It is a very wide, fairly level path. The problem is, it is very narrow. You could have a consistent width. But on the west side there is quite a drop, so you would have to have a retaining wall and guardrail there.

Mayor Kinnally: It is not as wide as the area that you are proposing, because that has been built up with a retaining wall.

Ms. Griffin: Yes. I think you would have to extend the retaining wall. The retaining wall ends here, and we just wanted to see if this might be a viable plan before we were going to look into the idea that if this is done we might have to extend, or reinforce, part of the retaining wall.

Mayor Kinnally: This is the current wall. This is the end of the area. There is a wall here now. If you go farther south it really cuts down to about here. So the possible road is narrower the farther down you go.

Ms. Griffin: Lee, you think that this actually narrows this way?

Mayor Kinnally: Yes. Because there are trees there, and it drops right off.

Larry Young, Ridge Street property owner: But it is the same width all the way down. I own the property.

Mayor Kinnally: No. The property may be wide, but the drivable portion right now, the west side, falls off.

Mr. Young: There is a sewer easement there. The road actually continues straight. On the west side there is a wall already there that I believe is from the sewer easement. All you would need is a retaining wall and you could make it as wide as Ridge Street is.

Mayor Kinnally: Yes, you could. But as it exists now, I am just saying that there is not enough there.

Mr. Young: It is more of a walking path now.

Mayor Kinnally: So you would like us tonight to refer this to the Planning Board?

Village Attorney Stecich: They were before the Planning Board and they are also before the Zoning Board. I suggested that they ought to come to the Board of Trustees to see whether the Board is interested at all in letting the end of this street be improved, because if they are not, the whole thing cannot happen in this fashion. So it was my suggestion that they come before the Board tonight. But that does not mean that the Board cannot say we want the Planning Board to look at just the street question and whether it makes sense to have this street extension before everybody spends a lot of time on the other issues.

Trustee Swiderski: Are we the ones who authorize the paper road to go physical road?

Village Attorney Stecich: They cannot improve the road without your authority.

Trustee Swiderski: And they are the ones who would improve what is our road?

Mayor Kinnally: Yes, they would have to improve it pursuant to our code.

Trustee Swiderski: And once it has been approved, who maintains it?

Mayor Kinnally: We would decide that. But right now it probably is better for everybody to look at the property and see what exists there now.

Trustee Quinlan: I just want to understand legally. The Board of Trustees has to approve the extension of the road, correct or no?

Village Attorney Stecich: Yes.

Mayor Kinnally: Well, the Board of Trustees could deed the paper road over, too, right? I am not saying we want to.

Trustee Swiderski: What is being asked here?

Mr. Wolf: What is being asked is that when we presented these options to the Planning Board one of them was to extend Ridge Street from a paper street into an actual street. Marianne pointed out that the Planning Board could not take it upon themselves to do that, that we would have to come before the Board of Trustees. If the Board of Trustees thought that it was a good idea we would then develop that plan and make a formal presentation to

the Planning Board and the Zoning Board. The impetus for this idea was to try to alleviate the parking problems that existed on Warburton Avenue. By having this plan, one of the entrances would face Ridge Street and they would use those two spots and we would have two off-street spots for the second unit off of Warburton.

Trustee Quinlan: But if we say we like the idea and send it to the Planning Board, then it never comes back to us again.

Mayor Kinnally: No. It comes back to us because we have to make a decision as to what the ultimate disposition is.

Trustee Quinlan: To approve it. So by saying to the Planning Board, we are just saying...

Mayor Kinnally: To approve it. The question is, I do not know what the "it" is at this point. We have to approve something. I do not know what the "it" would be.

Mr. Wolf: As I see it, there are actually two "its," if it number one is the extension of the paper street and it number two is the easement that we are proposing in conjunction with this. In order to make it a viable turnaround, which is a benefit to the Village, our initial calculation is that the Village would need a nine foot easement. So there would also be discussions as to the terms of the easement.

Trustee Quinlan: Easement in favor of who, on what property?

Mr. Wolf: The easement on our property, in favor of the Village, in order to facilitate a legitimate turnaround.

Trustee Quinlan: But you are not interested in us giving you the property then. You want to keep it a Village street.

Mr. Wolf: We are receptive to whatever the Village wants to do, but that was not our initial notion.

Ms. Griffin: If you take a broader view of this, it might be very worth looking into what the neighborhood is interested in. I know there are so many options. This could be an extension of the street. There could be a private street. I can think of three other property owners who are interested in access to the back of their properties, so this could be a benefit to the community if perhaps there is a turnaround that could be shared.

Trustee Swiderski: In the configuration you are proposing, is there a further extension to the south?

Ms. Griffin: Perhaps further extension. I have spoken to some of the neighbors and there are at least two strong feelings. There are three people who have expressed some interest in having access to the back of their properties. Especially because there is no access, there is no parking.

Trustee Swiderski: Is that material, though, to what you have before us?

Ms. Griffin: We probably need to simply submit our extension, and we will probably stay with that unless we have some kind of a coming together of the neighbors on this.

Village Attorney Stecich: There was in 2000 a Ridge Street subcommittee of the Planning Board. It studied it for several years. I only had the draft report. It is not a long report but you might want to read it, I called Angie today to try to dig up the final report because it has graphics and stuff in there. Angie is going to look for the hard copy tomorrow and make copies for all the Boardmembers. I think that would be interesting. That did have some ideas about what to do about Ridge Street, one of which somebody suggested de-dedicating. I am not suggesting that as an option, but that was one thing they talked about. So these are issues you might want to consider on this street.

Mr. Zimmerman: I do not think the Ridge Street report ever officially got adopted. I think maybe there is not a final version.

Village Attorney Stecich: There is a more final one than I have. That is what Patty Speranza said.

Village Attorney Stecich: No, because the one I had did not have any graphics in it. Patty Speranza had a clear memory of a report with graphics.

Mr. Zimmerman: I live on the street. Even though it is a very small, narrow street with no turnaround there are a lot of trucks that go in there all the time. There are post office, delivery trucks, and fairly large vehicles that are always turning around in our driveway and our neighbors' driveways. Across the street they built a new house and it has already destroyed their curb within the first year or two to have these trucks turning around. People on the street are very upset about it. In the Ridge Street report, they were going to have this turnaround which is there now, which has never worked. Nobody has ever used it because it is too small and it is also always cluttered with stuff. The Village is paying rent on it, but it is not being used. Once in awhile I go in there to try to turn around and I am barely

successful, and I have a very small car. You could never turn around there with a truck. So the present system is not working. I would be happy, and I think my neighbors would be happy, to see something better happen down at the end there.

Mr. Metzger: I am one of the neighbors that is two houses south of where this is being proposed. I think it looks great. I love the idea of taking a couple of potential parking spots off of Warburton and dedicating it back there. I would hate to see this piece of road dedicated to a private owner because that would preclude the street from ever being developed further south to my neighbor's property, my property, or to Larry Young's property. So we can take that off the table and know that no matter what happens it may just stay a paper street, but ultimately we may end up developing that. I know somebody owns the property between my house and I guess it is Railroad Street. I do not know if they have access to that property from Railroad Street. There is industrial development down there, but they may at some point want to extend the street further to get access to their property. So there are four or five pieces of property that could potentially be served by the extension. It may be worth going a little further and seeing what it would take to extend this down.

Trustee Quinlan: So then you would not be in favor of de-dedicating it. You would like to keep it Village property.

Mr. Metzger: I would like to keep it Village property.

Mayor Kinnally: By the way, I was not advocating that. I was just saying it is an option.

Mr. Young: I would be in favor of taking it over from all the homeowners in that group. In other words, de-dedicating it, and giving it to small corporation of the homeowners there. Then we would take of it ourselves.

Mayor Kinnally: We are complicating something. Let us not talk about whether the street is sold. Let us just talk about the feasibility of what is here today.

Mr. Young: I have a piece of property then that I could give a better turnaround if you went further with it. Because mine goes wider, up into the hill. So I am not saying I would want to do it for the public, but I could do it for the police, fire, and sanitation. If I have it built there, if it could be built on, I would not want anybody turning around in my front yard. But I would be more than happy to let the fire department do it.

John Wazeter, 1012 Washington Avenue: I am a little concerned about what I see as a trend developing here: that Ridge Street becomes a parking lot for people who cannot find a parking space on Warburton Avenue. I am all for getting a better turnaround at the end

because it is a problem. It is very, very difficult to maneuver back into that one area, then back out again. But to set the precedent that anybody who has difficulty parking on Warburton, has property they could go down west towards Ridge, could just simply use parts of Ridge Street to park, worries me a lot. As a member of the Ridge Street committee that met, we were constantly concerned about the increase of traffic on Ridge Street, which is a narrow street. To have continual parking used by folks who have addresses on Warburton Avenue increases that traffic and could create a problem.

Mayor Kinnally: I do not think anybody is advocating that. But let me just address the issue of traffic and parking on Ridge Street. There are problems down there, but people who are living on Ridge Street are parking illegally there. As difficult as it is to turn around, and we will address the issue of that not being open in that turnaround, I had a hard time turning in and backing out because people were illegally parked in the striped area at the end.

Also at the beginning of Ridge Street, there is a sign that says No Parking From Here To Corner, and it seems to me that people are saying, if I can get two feet of my car on the right side of that sign I am able to park in front of that sign. It is causing a real problem, and that is not coming from people on Warburton Avenue or on Washington. It is coming from people on Ridge Street. If we have a fire down there and we need to get an ambulance or whatever they are going to have a tough time.

Marion Wazeter, 1012 Washington Avenue: The parking on the striped areas, I agree, is an issue and the residents of Ridge Street are having difficulty parking on Ridge Street. We cannot park our own cars there because of outside people using Ridge Street as a parking lot. The striped areas we have in front of our house we even added with the new improvement to Ridge Street, extra spaces for public parking. It is really ridiculous when the people who live on the street cannot even get parking there, and now you want to open it up to even more parking from outside.

Mayor Kinnally: I do not think the proposal here is talking about opening it up to more parking. They have an application to put two off-street parking spots on their property. Will it mean more traffic down there? It might mean more traffic, but that is another thing. I understand parking has always been a problem down there. And it is Village parking. Anybody can park there, unfortunately, and that whole area is congested. But right now, from what I see, we are not asking for people to park there. It may happen. I am not saying it is not going to happen.

Mr. Wazeter: All I ask is to consider that you not just free up space on Ridge Street for the purpose of parking. There have got to be other alternatives to what we can use Ridge Street for besides just thinking we need parking, let us go see what we can find on Ridge Street.

Mayor Kinnally: I do not know who is advocating that.

Mr. Wazeter: If I understood Mr. Metzger's intervention correctly, he said that there was the possibility of having other properties that had both a Ridge Street and a Warburton Avenue access to them to have more parking built south. Extend Ridge Street further and further south and have more parking, if I understood that to be his comment.

Mayor Kinnally: We are talking about 20 feet or 30 feet. This whole thing is going to be subject to SEQRA anyway and it is going to be reviewed. But I do not think anybody is advocating putting more parking on Ridge Street today.

Mr. Wolf: There is not going to be any more parking from this project on Ridge Street. It is just that there are currently two apartments that face Warburton Avenue and they are trying to find parking on the street. We were trying to alleviate that problem. The way we were trying to alleviate it was by having a cutout and having two spaces on Warburton instead of the one that is in front, and having two in the back on the property, not on Ridge Street. It is on the property, and so there is not net gain or loss of parking places on Ridge Street. There is a net gain of three in the neighborhood because you are losing the one on the street in order to get the cutout to put the two on Warburton.

Mayor Kinnally: My suggestion is that we take a look at the property. A referral to the Planning Board may be premature. I would say let us revisit this at the next meeting.

Trustee Quinlan: But I do not understand one thing: how we are gaining parking spaces on Warburton?

Mayor Kinnally: We are not. What they are saying is they are freeing up parking spaces. You are not adding any parking spaces to Warburton Avenue.

Trustee Quinlan: So now there are two units, right? Four cars. Because there are two units, two cars per unit, four people parking on Warburton.

Village Attorney Stecich: Now two of them are parked on Ridge.

Trustee Quinlan: So how are we gaining three?

Mayor Kinnally: Because they are going to put one in the front.

Mr. Wolf: We are putting two parking places off the street in the front on Warburton.

Trustee Quinlan: There is also an application before the county to take a curb cut and put it in your front yard?

Mr. Wolf: That is the proposal, correct. So that curb is one space. You are taking two off the street is cost one, so there is a net gain of one plus the 200 feet.

Trustee Quinlan: But we do not have to approve that on Warburton.

Mayor Kinnally: Nope.

Mr. Wolf: Well, we have to go before the county.

Mayor Kinnally: Yes, but the Village Board does not have to do it.

Trustee Swiderski: Just shades of Tarricone, in the sense that a proposal has come to us and then there is this chatter about possibly extending it further. Whatever it is that comes before us, just as long as it is clear what is coming before us, if it is what you are proposing, that is great. If you decide to become more ambitious, fine, but as long as there is some clarity to what we are seeing.

Mayor Kinnally: Whatever anybody else wants to do has to be a new application.

Trustee Quinlan: Should we not wait to see what the county says about the front before we decide to do something about the back?

Mr. Wolf: No, because we would try to do the back anyway regardless of whether the county approved or not.

Trustee Swiderski: Two spaces are gained regardless, right?

Ms. Griffin: The property that we are looking at has no parking at all. I do not know if that was clear to you. I also did an analysis of 30 properties just to show how severe the problem is, and the average number of parking spaces for 30 properties is only 0.5. So it is a big problem in the neighborhood. That is why we are making this proposal.

Trustee Swiderski: Well, that is not why you are making the proposal, but that is a net benefit to the community.

Ms. Griffin: Well, no, because this property needs parking. You are right.

Mr. Wolf: Well, no. We could have put two facing Warburton and just leave it the way it is, but we were trying to make an improvement.

Ms. Griffin: It does help the street a bit when you get the spots off the street.

Trustee Quinlan: Now, are these going to be rental properties?

Mr. Wolf: At this point we are contemplating sale.

Mayor Kinnally: But one of them would be a rental property. I do not care if you are selling it. It is a two-family house, and it is being sold as one property. So someone is going to rent out one property.

Mr. Wolf: It is preliminary now, but I am exploring the idea of having two condos, one with the entrance off of Warburton and one with the entrance off of Ridge. Thank you.

Ms. Griffin: Thank you for your time.

Trustee Swiderski: It is rare that we get to thank a volunteer to the Village in person, but yesterday was Peter Wolf's last day on the Conservation Commission, after many years of service.

Mayor Kinnally: Peter, thank you.

ADJOURNMENT

On MOTION of Trustee McLaughlin, SECONDED by Trustee Quinlan with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 12:05 a.m.