

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 10, 2006**

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

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings (8:25 p.m.), Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Francis A. Frobel, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: One (1).

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Regular Meeting of December 6, 2005 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 44-2005-06 \$583,036.61

1:06 2007 - 2008 NYS SNOW AND ICE AGREEMENT

Village Manager Frobel: This is an intermunicipal agreement between the Village and the state DOT. The state is looking to exercise their option to renew for a one-year period before the current agreement expires. This is for our maintenance of part of their road located in the Village.

On MOTION of Trustee Holdstein, 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 the agreement to extend the municipal Snow and Ice Agreement for the 2007 - 2008 snow season with the New York State Department of Transportation in the amount of \$7,328.00.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	Absent	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

2:06 2006 STOP-DWI CONTRACT

Village Manager Frobel: This is an intermunicipal agreement between the Village and county for enforcement of the DWI law in an amount up to \$8,400. It is a reimbursement to the Village for money spent in enforcing drunk driving laws. It has to be either an overtime or a specialized patrol. It cannot be part of our regular operation.

Trustee Holdstein: The contract says that if the state does not provide the county with the money, we are out. Have we ever had a problem where we did not get our money?

Mayor Kinnally: It is not an unusual situation where funding starts from the top and cascades down, but I do not remember a program like this not being funded.

Trustee Holdstein: For this IMA and the previous one, does it cost us more than we receive?

Village Manager Frobel: I would assume for the plowing it probably costs us more. The second one I would leave the judgment to the chief. If he wants to put a special emphasis on DWI crackdown, I would leave it up to him. He would have to live with his budget. But at least we know we had that amount of money dedicated for that sole purpose.

Trustee Holdstein: Are either of these amounts negotiated with the Village Manager?

Mayor Kinnally: On the first one it is the exercise of an option, so the number is in the existing contract. The managers have the option to pick up the phone and tell the state what they want, and I will tell you what the response is from the state: we will send you the contract, sign it.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to execute the 2006 STOP-DWI Patrol Project

Reimbursement Contract with Westchester County in the amount of \$8,400.00.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	Absent	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

3:06 SETTLEMENT AGREEMENT - PBA

Mayor Kinnally: This is the culmination of a number of meetings over seven or eight months that the Board has had with the Manager and the Manager has had with the PBA's negotiating staff, so I will turn it over to the Manager for a report.

Village Manager Frobel: I am pleased to report that in my opinion we reached a very fair agreement. It was ratified by the rank and file last week. It is a three-year contract beginning on June 1, 2005. It will be a 4% raise across the board for each of the three years. We are adding one personal day, going from four to five days. We will continue with a medical contribution from those hired after June 1, 1998. Upon reaching grade 1 it will increase their contribution from \$500 to \$700 for a family coverage, and from \$300 to \$400 for a single employee. We have agreed to a single payment for the uniform allowance with no increase in the allowance of \$950.00. We have allowed them to increase the allowance for inclusion of unused sick leave into their retired police officers pension benefit. Currently, they receive 5% of their base pay for days left at retirement from zero to 120 days; 10% of their base pay from 121 to 200 days; and 15% of their base over 200 days. Each of those three categories will change to 15%. We do not see that as having an economic impact because most will have at least 200 days of unused sick time.

I think the contract is fair, it is affordable, it is something that the staff had planned for in terms of the cost of living increase, and I hope the Trustees will support it.

Mayor Kinnally: I do agree that it is a fair contract for both the PBA and the residents of the Village. One of the things that we take into consideration when negotiating contracts is what we get in return, and we have a very professional force with not only capable, but outstanding, leaders. The morale of the force has been excellent, and we are quite proud of our force. This is a reflection of not only that pride but also our gratitude for what they do for us on a daily basis. Thank you to Fran for all of his work, and to Susan and to Neil, who had quite a bit of input in this process both before and after his retirement

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

RESOLVED: that the Mayor and Board of Trustees approve the settlement agreement as attached with the Police Benevolent Association for the period June 1, 2005 to May 31, 2008 and authorize the Village Manager to sign the contract.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

4:06 DESIGNATE GENERAL VILLAGE ELECTION DAY

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 21, 2006 as General Village Election Day, for the purpose of electing two (2) Trustees for a term of two (2) official years each, and be it further

RESOLVED: that the polls are to be open between the hours of 7:00 a.m. and 9:00 p.m.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

5:06 DESIGNATE ELECTION DISTRICTS

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

RESOLVED: that the Mayor and Board of Trustees designate one Election District to be located at the Hastings-on-Hudson Public Library in Fulton Park for the General Village Election Day to be held on Tuesday, March 21, 2006.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

6:06 GRIEVANCE DAY

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, February 21, 2006 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

RESOLVED: that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

7:06 TAX LIEN SALE

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 21, 2006 as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

ROLL CALL VOTE:	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: You have, placed before you this evening, a CD copy of the updated code and a CD of the downtown business promotion that we ran during the season. The DPW has asked me to remind everyone that they will be picking up discarded Christmas trees on Wednesdays through January and February, except next week, the holiday week.

BOARD DISCUSSION AND COMMENTS

1. 2006-2007 Village Budget

Mayor Kinnally: The Manager has begun the process of preparing the 2006-2007 budget. I would ask my colleagues that if they have any items they wish to have considered for inclusion in the budget, or any comments on the budgets, programs, personnel, etc., that we exchange those and give them to the Manager within the next couple of weeks. I ask the residents in the Village to send comments by January 27, so we can include it in consideration for the budget and have a process that is all-inclusive and transparent.

2. Update on the Waterfront

Mayor Kinnally: I have not spoken with ARCO recently. I had a meeting at the end of the year with Mark Chertok. We are going to continue our discussions and outline what has to be done from a zoning standpoint in connection with what Phil Karmel said in December. We also want to revisit the information supplied to us by Saratoga Associates and move forward on the structure that we are going to employ in dealing with the development of the waterfront. In light of the hearing that is going to be held by the DEC on the PRAP for the

properties adjacent to ARCO, we have to start thinking about reaching out to a coordinated and consolidated cleanup and development of the site, opening it up yet again to public comment. Phil outlined a fairly comprehensive agenda of what has to be addressed in the next year. Mark is ready to proceed with the issue of rezoning and looking at what has to be done on both a timetable and a substance standpoint. I will also give Dave Kalet a call to coordinate a meeting with the LWRP and with me and maybe some other members of the Board having to do with what their plans are for 2006.

Village Manager Frobel: Fred Yaeger called. He sends his apologies for not being here this evening. They are still analyzing the data from OU-2 and should have some results soon. They expect a report from the architectural firm looking at the structural integrity of the remaining buildings.

Trustee Holdstein: I am curious to know if ARCO had been approached by any developers. We are all hoping that there is going to be some arrangement between ARCO and the Village that may or may not preclude a private developer buying the land directly from ARCO. But if they were to be approached by a private developer, do you think they would tell us?

Mayor Kinnally: I do not know, but I will ask them if and when they are approached if they would share that information with us.

3. Community Center Update

Village Manager Frobel: . I hope you have come away from my weekly reports with a sense that the community center project is moving forward nicely. There are three things we want to talk about tonight. One involves the removal of trees that are in the way. We have a recommendation on that. We also want to talk about the pocket of contaminated soil. We have a plan, and we believe that is well in hand. And finally, although we cannot act on it tonight we do need to make a decision on the exterior of the building. When we awarded the contract in September we did not feel comfortable in recommending a totally brick exterior. We feel tonight that we are in a different position, and we will explain why we would like you to consider brick for the exterior. Ray will begin with the trees.

Superintendent Gomes: We have three trees that are straddling where we are going to put the foundation. Most of the roots have been exposed. I do not see them surviving in the next couple of years with the foundation that is going in and also what we have done to the root system at this point. I brought Community Tree down. They are under the same assumption, that the trees are in danger of dying within the next couple of years. So it would be prudent to take them out now so when we have the new building we do not have any occurrences of

the trees falling in and about the site. Community Tree is giving us a price without stump removal. The GC is giving us a price with stump removal. Obviously we want the stumps out, so we would most likely go with the GC.

Village Manager Frobel: The estimate is \$7,500 to \$8,000. The low side was \$5,000 for just taking trees down, and it was \$7,500 or \$8,000 for the removal.

Mayor Kinnally: What will the removal do for the stabilization of the site?

Superintendent Gomes: Minimal impact.

Trustee Apel: Are we replacing trees in the design?

Superintendent Gomes: I think there are going to be a couple of trees on the site, but we are not working with much grass or land with the new facility.

Trustee Swiderski: Where are the trees?

Superintendent Gomes: They are all the way to the back.

Trustee Jennings: Does Cropsey have any interest in this?

Superintendent Gomes: I had initially spoken to Cropsey and we had informed them that we are doing work on the site and that we may have some removal of trees, and they seemed okay with it. I do not think they are that concerned with it at this point. We also had to discuss with them part of a sewer line that is going to go on their property where we have to do some excavation. But, once again, they were very willing to work with us.

Village Manager Frobel: We did plan for this. It sounds unexpected, but there was money in the budget for job conditions.

The second item is the contaminated soil. When I first indicated to the Trustees that we encountered some dirty soil we felt that it was within tolerable limits, that it could be handled as any other soil on the site. It was subsequently tested again by the contractor, revealing a higher threshold, generating another set of standards that had to be addressed. Deven has taken the lead in working with a consultant to address this in a way that is very economical. He has also had some findings in terms of some insurance coverage that may offset most of the cost.

Building Inspector Sharma: Initially, the investigation was done on the assumption that we were not removing any soil and no cleanup would be required. However, it was determined that some soil would need to be taken off-site to a dump site. The soil needs to be certified that it is clean of certain contaminants before they will accept it. So at that time another testing was done, and it was found to have contaminants like certain metals, arsenic, lead. They were just above the threshold where it goes into what is called hazardous material as opposed to just being contaminated soil. If you have to deal with hazardous material, the cost is much more than if it is just contaminated soil.

I brought another consultant in recommended by the administrator from Sleepy Hollow. He looked at the process, samples were taken, and tests were done. It seemed to him that they had not quite followed the procedures and processes to satisfy. Also, of the three samples that were taken only one sample had marginally high contents. We did speak with DEC people and they accepted, that if we redo the samples and come up with a different results they would entertain it. We are hoping, in redoing the samples, that the soil may not be quite as contaminated, or as hazardous, as it came up in the first testing. A couple of samples were taken today and we are going to have them worked on expeditiously.

Village Manager Frobel: We believe there might be upwards of 80 to 90 cubic yards, so it is not a tremendous amount.

Building Inspector Sharma: Currently the excavated soil is about eight to 10 truck loads. Again, if that soil needs to be treated as a hazardous material the cost could be three times greater. We are hoping that the new tests come out in our favor. And perhaps our insurance might cover expenses related to this kind contamination. Contaminated soil will cost about 50 to 60 dollars a ton; hazardous material would be more like 130 to 150 dollars a ton. That comes to 15 to 17 thousand if it is hazardous material.

Mayor Kinnally: So the number we have in here for soil removal at \$25,000 is worst case scenario?

Building Inspector Sharma: Worst case scenario, and also insurance coverage covers us up to that amount.

Trustee Holdstein: The insurance coverage on this is solid, or we are still checking?

Village Manager Frobel: No, we feel pretty comfortable about that. We met with the agent.

Building Inspector Sharma: We already filed a claim with the insurance company. We have coverage for this kind of happening, which is not our doing. This contamination is caused by outside sources. Our insurance company goes to the other insurance company to recover their losses. There is a possibility that the petroleum gasoline products seeped from the gas station across the street that is now taken over by A&F.

Mayor Kinnally: When the A&P was reconstructing the Food Emporium, they found petroleum products on their site and that was from across the street on Broadway. That water courses down that way, so it may be that we would look into that, also. They had to do on-site remediation for that distillate product.

Trustee Holdstein: On the site across the street we need to make sure that that private developer is having his soil monitored.

Mayor Kinnally: The DEC has been there. I believe they dealt with some of the soil on that site.

Building Inspector Sharma: I think that was done in 2001 and it was closed in 2003, whatever remediation, whatever action they had to take. Much of it was taken.

Trustee Holdstein: I am just concerned as we go forward with the development across the street that we are on top of it in monitoring.

Mayor Kinnally: The cleanup and development of that site still is under the aegis of the DEC because there was prior activity there, but we will make sure of that

Jim Metzger, 427 Warburton : This is not a criticism of Deven's credentials, which I believe are impeccable. I was going through our code, and there appeared to be a couple of issues that I would like the Village Attorney to take a look at to make sure we are not open to any liabilities from subcontractors or third parties because of Mr. Sharma's interest in this project. It is Item 18-8, which is interest in contracts with the village, prohibited interest: no Village officer or employee shall have an interest in a contract with the village or an interest in a bank or trust company. It is prohibited by subsection 801 of the general municipal law of the state of New York. Any contract willfully entered into, or by, or with the village in which there was an interest prohibited by that section shall be null, void, and wholly

unenforceable. We need to make sure that we are not setting ourselves up for a potential problem.

Mayor Kinnally: But do you know of a contract that Deven has?

Mr. Metzger: I do not.

Mayor Kinnally: He does not have a contract. He is an employee of the Village.

Mr. Metzger: I was told that he was contracted separately with additional funds to cover the time he was spending managing this project. If I was misinformed I apologize.

Mayor Kinnally: Part of his salary covers what he is doing, but he is an employee of the Village.

Mr. Metzger: The next issue is conflict of interest for the duties of Building Inspector: In all cases where the Building Inspector is financially interested in a building being constructed or reconstructed he shall not inspect officially, or issue permits or certificates. In any such case, it shall be the duty of the building board to appoint a substitute to perform the normal function of the Building Inspector with relation to the particular building specified.

Mayor Kinnally: Again, that assumes that he has a financial interest in the building.

Mr. Metzger: I was under the impression that there were additional funds being paid to Mr. Sharma to perform this service. If that is not the case, then I apologize.

Mayor Kinnally: It is part of his additional compensation package, but what you just read assumes that he has an interest in the building. He does not have an interest in the building other than all of us have an interest in the building seeing that it is done correctly. He does not have a financial interest in the building.

Mr. Metzger: If Mr. Sharma is the person who is signing off on the project as well as the person who is overseeing the project on behalf of the Village, if there is an issue that comes up with a subcontractor who is saying we have to perform additional services, as an example this contaminated soil, well, Mr. Sharma's role in acting as the Village administrator overseeing the project would be to try and keep the cost of that as low as possible. His role as Building Inspector would be to make sure that the cleanup is done to the maximum extent possible. There could be a potential conflict of interest is what I am suggesting.

Village Manager Frobel: In September when we awarded the contract, we knew that the budget was tight and brick was bid as an alternate. We may be in a position where we could recommend that you consider going forward with brick.

What has changed in the budget that I have given to you tonight is that we are recommending that the contingency be reduced almost in half. We carried a fairly large contingency going into it. We think we can reduce that somewhat. One area of savings has been having Deven doing the services as clerk of the works; we had budgeted using outside management services which, in my opinion, would have been foolish. We can do it entirely in-house and do a fine job with it.

So with those two elements, we are at a point now where we can look at the brick exterior. It is important for us to make a decision soon because the brick needs to be ordered. We would like to order it in one batch so it will match. We told the contractor when it was awarded in September that we would make a decision in December. We have put off this decision as long as we could, hoping that things would begin to come more together and we would not have any unexpected expenses. It is at a time where the contractor needs to know. There is no difference in the steel. The steel has been spec'd and will be built for brick or stucco. But at this time we would like to know if you would like us to go forward with the brick.

Mayor Kinnally: Can we defer discussion of that, and have you talk about the emergency generator and the grant?

Village Manager Frobel: The generator is something that the Trustees and staff spoke about early on in the process. We still would like it. We are designing it so that the building will be equipped to handle a generator. A switch will be installed so that it will simply take, at some future time, someone buying a generator and hooking it up. I had it shown here on the budget to indicate that we think that may be possible, too. No decision has to be made on that this evening. We are still going to have to get prices from the contractor. That may be a separate bid. But that is a pretty good number for what we have to accommodate our needs.

Mayor Kinnally: But the structure of the building and the wiring of the building and the storage needed for an emergency generator will be accommodated in the construction, right?

Village Manager Frobel: Yes. The only thing that has not been decided is the location of the generator. We would like to have it on the hook and ladder property if they can find a spot for it, and try to accommodate their needs as well away from our building. We are also looking at any kind of noise requirements that we may have in terms of buffering or screening from the neighbors when the generator has to be used.

We received word late last week that Senator Spano has come through with a grant for up to \$15,000 for furnishings in the building. Ray, do you want to talk about some of the ideas that you had for this \$15,000?

Superintendent Gomes: That would raise what we have to spend on amenities, furniture and recreation supplies to \$115,000. When we wrote to Senator Spano we had indicated that would go for computers because we will have one room dedicated with computers for senior citizens and the kids. From my conversations with Raf, we can most likely outfit a nice room with a printer or two and some computers. I had spoken to a teacher at the about doing a program for senior citizens with computers. We have about 15 to 20 seniors interested already. So we are going to start up at the school using their computers, and then bring them down when we get our building done.

Trustee Holdstein: Some of these numbers are a little fuzzy the way they are presented. We originally agreed to a bond of \$5 million. What was the original voted-upon budget by this Board that we were going to expend? Was it the \$5,573,000 that is here? I do not see what our original numbers are to get a fair clue as to where we are going. I do not know where the 180 for brick t fits in to what this board originally finalized. That is my first issue.

I know that we did not define the furnishings; the chairs, the couches, the desks, all that sort of thing. But somewhere we asked how much was that going to cost. Where is the money for that? Has it already been set aside? I am uncomfortable going a dime over what this Board agreed to do. I was the lone vote against the second floor, and I do not want to shortchange the project if we think that the brick versus the stucco is something that is important. But I am very concerned. All we have done is dig a hole in the ground but already we are making a decision to cut the contingency in half. Are we rushing to judgment to cut a contingency in half? If not, why did we have twice as much contingency as we needed?

Village Manager Frobel: Those are questions that we have been wrestling with for the last three months. The contingency was the industry standard. As has been explained to me, 5% is not an unusual number. It seemed a bit high to us going into it but, being new, I was not about to challenge what the architect had recommended. As Deven has explained to me, contingencies become very important when you are dealing with a renovation. In an older building there are a lot of unexpected expenses. With a new building, Deven believes that the likelihood of unexpected expenditures to the magnitude of the contingency that we had originally carried is remote. Because we are building fresh we should be able to isolate what our expenses should be.

Building Inspector Sharma: Our bid did come in a little lower than our budget, so we could afford to have \$260 thousand for contingency. Newer buildings are not very complicated. Contractors have worked on the project for two, three, four months already. If there were any omissions or errors they would have been brought to light. Sometimes you use the contingency for administrative changes. I do not believe that is going to happen. So \$120 thousand as contingency is not a bad number. The Architectural Review Board seemed very much in favor of the brick. They were almost getting ready to start a campaign, writing letters, and coming to this meeting and talking to you about it. On a life-cycle cost basis the brick would cost less, although it initially costs more.

Village Manager Frobel: I was new at the time and did not know Deven that well; part of that number was the \$60,000 we had carried for outside services. Now we are very comfortable with his work and his professionalism in this project, so we feel comfortable.

Trustee Holdstein: I am wondering what the numbers were when we voted on this thing. I do not know if it was the 5.5. I am confused about the initial bids. Did not the initial bids come in much higher than we anticipated?

Village Manager Frobel: If you look at your project cost, the base bid 3.57; mechanical, plumbing, electrical, your total project was \$4,666,928. That is what you awarded. The revenues are on the other side. Your bond issue, your CDBG grant that Angie got for the roof work, a special HUD grant, a state EDC grant, and then the most recent change is the \$15,000. Going to the other side, besides what you awarded, 4.6, we spent money on asbestos removal for the old building.

Mayor Kinnally: Which is a little higher than we had originally hoped to spend, but had to be done.

Village Manager Frobel: Then there was some additional asbestos that was detected with the window frames. Some last-minute things. Architectural services are what we are going to pay the architect throughout this project. And asbestos monitoring, that is not something we have spent yet but we suspect there are going to be some additional expenses on the monitoring of asbestos.

Trustee Holdstein: I have to stop you. I am assuming, now that we have a hole in the ground, we are done. Why do we need \$10,000 to monitor asbestos?

Building Inspector Sharma: No, that has already been done. That cost us about \$80,000 and another \$10,000 in monitoring.

Village Manager Frobel: Now I have got specialized services. That is like the tree removal, anything else that may come up. And then we have carried our contingency. So now we have got another subtotal. The furnishings include any internal wiring for telephones, anything else we have got to do inside, you have carried \$100,000; the brick which is being talked about tonight. The total project is \$5,498,145. If you do not spend all your contingency, I will be back here asking you to consider the generator, at the end of the day.

Mayor Kinnally: The other project that we had of this magnitude was this Municipal Building. We had a number of work orders and changes because in an existing building you run into things you do not know anything about. The library was new construction but it was also retrofitting. I am not sure what the work orders were for that. I am nervous also. A \$125,000 contingency on a \$5 million project gets me nervous and I think we are playing it very close to the bone here.

My aesthetic inclination is to go with the brick because given the prominence of the building, I would much rather see a brick facade versus brick and stucco for maintenance, for aesthetic reasons, for general durability. And it is making a statement. It is the anchor building. When you come down the hill and you make the swing there, you see that it is directly in your line of sight. It also is somewhat consistent with the type of stone/brick structure that is the hook and ladder and what we are going to have across the street. I would go with the brick. I told Christina Griffin that I would carry the message to the Board that the sense of the ARB was to strongly urge the Board that they opt for the brick.

I am nervous but I am certainly encouraged because we have Deven on site and we do not have to rely upon somebody else to give us a review. You know the problems we had with the pool in getting information and in getting work orders to us after the fact, and we were surprised by things.

Trustee Holdstein: We have got this \$180,000 add-on with the brick, 125 of which is covered by slashing the contingency in half. But that still leaves you \$55,000 that we are now going above what we voted for to do the project. Otherwise, where is the other 55?

Village Manager Frobel: Management services. You planned on using an outside management service.

Trustee Holdstein: Did this Board sign on at 5.4? That is what I want to remember.

Superintendent Gomes: I would really have to research that, but I think it was 5 and then we had these grants to bring it up. That is the number we portrayed to Lothrop that we could spend.

Trustee Holdstein: I want to know what this board signed on for as a final number so I can compare what it is today. I do not have to have an answer today, but I would like to know.

Trustee Jennings: I would find it easier to follow if the figures were arrayed in columns that would show the historical or the sequential changes made in various line items, both on the expense side and on the revenue side. Now we are getting that narrative verbally from Ray. I understand that it is different from the pool project, but I feel we have been ill-served in the past by periodic verbal reports without ever having anything in writing. So it is very hard to keep track. It would be simple to show us in different columns what has gone on over time so we could see that history and we could readily compare the amounts of money that we originally voted to approve and the amounts of money we are now talking about.

I feel that brick is more desirable than stucco and I think it would be a worthwhile expenditure. We are going to have to live with this building for a long time. At the Public Health Board meeting we were talking about emergency communication equipment which is going to be put in the firehouse next door, and the broadcast equipment that we are going to have in the new Community Center. That speaks to this generator issue. If we could share a generator, or maybe the generator really needs to be in the firehouse more than the Community Center because of that emergency communications equipment.

At the Youth Council meeting we were talking with Bill Findkeldey about the furniture and fittings. If you have not done so already, I would urge you to put a furniture and fittings budget together, even to the point of going to the catalogues and figuring out what is available for what use and how much it costs. We were sitting in the Barnes room with two round tables shoved together in lieu of a conference table. I wish when we were doing the library furniture and fittings we had paid a little more attention to what was going to be going on in that room and what people needed to have easily available, easy to put up and take down. Let us see if we can do a little better than with the Community Center. But think this is the time for it. Then we will know whether the \$115,000 is enough. A number of groups in the Village are prepared to do private fund-raising to try to make up for the shortfall so that that building has what it needs. Their generosity and their willingness to do that is great. It is time now for us to begin to get these numbers in hand and plan for that.

Trustee Holdstein: I would suggest visiting other community centers to see what equipment is in use, talking to some of your cohorts to find out what is the best stuff out there, what seems to be working well within their community centers.

Superintendent Gomes: Good idea. I met with a furniture company that exclusively does these big projects and works off the state contract. I have met with Bill twice and am meeting with him Thursday. At our last meeting we were thinking about programming and that goes hand-in-hand with the furnishings. So it is on our mind. Also, what we plan now we are going to have to put into this year's budget because the center will be done in '06 and our budgets have to reflect what new or additional programming we will be doing. We will have solid numbers for you, and we are working at it. I am trying to pin this down by the time we have to finalize our budgets in February.

Trustee Apel: Have we exhausted all the possible grants?

Mayor Kinnally: I do not think so. I received a letter from Nita Lowey asking us for suggestions, and I think this is one that we go to her for. Before we send it in I would like to speak to her office and see if this is something that she would try to get.

One other avenue I want to explore, is that we have two congress people and we do not hear anything from the other one, Congressman Engel. I said to his district office that it would be very nice if the congressman would meet with us. This is the second time I have tried this. I have not gotten anywhere but I would also try that. I would also go back to Nicky and to Richard to see if there is anything else. The worst they can say is no.

Trustee Apel: I think there is other funding, and I do not think that the \$100,000 is going to go very far.

In terms of the brick, I think that whatever you can do to enhance the building. I think the brick is definitely aesthetically more pleasing and less costly to maintain.

Superintendent Gomes: I had a Parks and Rec meeting last night and they were in favor of the brick. They said they knew the contingency may be a gamble, but they felt they would like to see the brick.

Trustee Swiderski: I agree with Bruce on the presentation. It would be a little easier to read. I agree with everybody else on the Board regarding the brick. We are not looking at a 50-year building, we are looking at a building that will last even longer than that. I agree that aesthetics are important in public buildings. And I am going to extend that to the interior.

Whatever you come up with for the interior furnishing it should not look cheesy, shoddy, institutional. An attempt to have something that matches the beauty of the exterior of the building within the confines of a budget. I know that is tough. But whether it is a unity of colors or whatever, I hope the architect can provide some input. It is at least as important because that is where people are going to spend their time.

Mayor Kinnally: I think we can get a reconfigured spread sheet. The real issue here, and my sense, is that we would like to go with the brick. There is a nervousness over the contingency, but from what I hear from Deven, from Fran, and from Ray is that we have to act on the brick, we have to hold our breath, and we have to keep everyone's feet to the fire, making sure this comes in under budget, on time, and let the work orders be few and far between.

Am I articulating it the way the sense is? So we will give the green light to that and we will also put our thinking caps, our persuasive caps, on to get other layers of government to deal with this.

Village Manager Frobel: I just want to clarify. This was meant as a broader stroke as to the revenue monies. We have not made any changes in the budget. We have not spent the contingency. This was just to give you a sense, to raise your comfort level, as to where we thought we could come up with that kind of money to make the brick work. That was the intent. But I can give you an accounting of where we are, which will be a clearer depiction.

Mr. Metzger: I had sent a letter to the Board about a potential savings on the building if they change from metal roofing to a high-quality asphalt shingle. It may be as much as a 50% savings in the cost of the material. The installation cost may be less, as well. I agree that brick is the better solution for the building. High-quality architectural shingle can be quite beautiful if it is applied correctly and you use the right colors. They can look like slate, they can look like many different materials. It is something we should consider.

Apple Computer donates computers to large causes. It might be worth approaching Apple and see if they would be willing to donate computers for the Community Center, with the possibility of small advertising.

The cost of building materials have gone through the roof since Katrina. The day after the hurricane the cost of plywood went up 20, 30, 40%. The quicker the building gets moving, the less affected we will be, but we need to make sure our contingency allows for that cost.

I do not know if finishes have been included in the budget. Finishes including floor coverings, whether we are using paint or vinyl wall covering, those sort of things. Is there going to be wood trim? Peter had talked about not cheaping out on the interior of the building. There is nothing worse than walking into a building that is a bare box. If it has not been discussed, then it should be at this point, as well. .

Trustee Holdstein: You made allusion to having Deven here versus outside contractors on the project. It is a lot more comfortable this way, that is for sure.

4. Mt. Hope Wall Reconstruction

Village Manager Frobel: This is a project that the Trustees have been very familiar with. As near as I can figure this goes back to some numbers that Mr. Hess had in 1998. When we came to you last summer we had indicated that the design had been somewhat stalled. There were some invoices with the engineer that needed to be processed to get him back on track. We suspected that the original scope of work probably could not be done with the remaining monies. We had asked if we could go back to the drawing board with some design changes. Also, the directive was given to go out and bid it, and we did. Much as we suspected, the prices we received were in excess of the amount of money for all wall construction. It was my understanding that the amount of money that had originally been budgeted for wall reconstruction was community-wide. That was \$250,000. From what I could determine from some notes in the file it was not strictly this one location; there was hope that we could do others elsewhere. I do not know exactly where those are, but I am sure the Trustees do.

Deven and I have been wrestling with a whole host of alternatives. Part of the tension is we do not know exactly what was promised to the homeowner. We suspect, from what he has explained to us, what he envisioned as this work to be done and how it would appear, we have to take him at his word. There were some alternatives that we felt could do a fairly good job addressing it from a cosmetic point of view. That was unacceptable to the homeowner. I indicated in one of my reports that this was because we could not get an engineer to engineer a wall built on-site by tradesmen, craftsmen. We thought that was one way around it. I have asked Deven talk about the three bids and how even the low one, which was an alternate, is at \$175,000 and we do not think the homeowner will accept it as being aesthetically pleasing at all. That is a form wall that is poured. It has a stone look, and they paint it and make it look like it is real.

It is a disappointment to us and, certainly, to the homeowner. If your directive is to proceed and spend the entire budget on this project, we will. But we wanted some feedback as to where we should go before we spend a lot more time on it.

Building Inspector Sharma: The other bids were into the \$300,000 range. When the engineer mentioned that this project might cost about \$250,000, it was a major shock to me. I was thinking in terms of \$60, 70, 80 thousand. Because of the logistics of the way this project is, how to get the material and equipment to it, that adds almost 30 to 40% to what the normal cost would be to pay for this kind of wall.

I understand the wall has collapsed and has been like this for more than 20, 25 years. Obviously, the portion of the wall that has collapsed must not be retaining anything because the road above is staying in place. The simpler thing perhaps to do is get some responsible bids to just rebuild it, put the stone back where it came down. For that, I have been able to get an estimate of about \$90,000.

Mayor Kinnally: Has there been an assessment as to whether or not there are structural problems with the wall?

Building Inspector Sharma: As I see it, and the fact that it has been like that for 20-plus years. I have only been here about a year. There have not been telltale further structural failures. Just rebuilding it or leaving it up to the contractor to give the methods and means and build it back up, it will still be better to support the wall, the road above.

Mayor Kinnally: Is there a way that we can assess whether or not there are inherent structural flaws with the wall other than saying that the road has not moved in 20 years?

Building Inspector Sharma: The engineer I engaged from Bond Davis agrees with the fact that there has not been any structural failing which would normally be associated with a retaining wall giving out because there is hydrostatic pressure or other things. And once you have that pressure, if there is nothing to retain it, things will settle. Either it is on rock, that portion of the road, or there is enough consolidated soil below that is not coming down. At one time it looks like we had \$250,000 earmarked for doing all the retaining walls, of which we have spent about \$60 already. The remaining is \$190, and we were going to check with Mike Gunther to see if he already had some other walls that need some repair work. Even the lowest bid seems somewhat unreasonable for that kind of work.

Mayor Kinnally: And what was the contractor to do for that money?

Building Inspector Sharma: Bond Davis and Company designed a retaining wall that has a solid toe. It would require the upper portion of Mt. Hope to be dug up almost to the depth of about 15 feet, and build the wall to the toe and the vertical portion, and fill it back up, and then rebuild the road on top of it.

Mayor Kinnally: Do we know what kind of footing is below that wall at the present time?

Building Inspector Sharma: It is all what they call dry-laid stone, heavy boulders just stacked one on top of another.

Mayor Kinnally: Do you know how deep it is?

Building Inspector Sharma: Below the grade, no. Only the free portion of the wall has come down, and if we build that back up, if anything it will still retain something.

Mayor Kinnally: So there has been no subsidence.

Building Inspector Sharma: None that I can tell and none that our engineer could say.

Mayor Kinnally: What does the homeowner say about subsidence?.

Building Inspector Sharma: I do not know. He talks about some hollowing under the sidewalk. I have not really seen it. If that is the extent he is talking about over 20, 25 years of time, that does not seem that threatening. Right now it seems pretty stable to me.

Trustee Apel: Why did the wall fall down to begin with?

Building Inspector Sharma: I am not sure what caused that portion of the wall to come down.

Trustee Apel: This is reminiscent of the wall we did in the plaza, and they ended up putting a wall in front of a wall and putting soil between the two, and that is how they settled the problem. But the question, again, would be why did the wall fall down and was something pressuring it to come out. And maybe that pressure has been alleviated or changed. Or was there a water movement under the road which needs to be directed? Until we can make sure that the original cause has been resolved, just putting up a wall, or replacing the wall, seems a little, I do not want to say premature, since they have been waiting 25 years.

Building Inspector Sharma: What has been hinted at, and I do not know if that could be the real cause of it, is there is a storm water drain that runs along that side of the road on the upper side of Mt. Hope. Whether or not the water got back behind the wall, they had enough space for the water to seep through. So if there was some way the dirt got compacted, or built into the crevices or the space in between the stone, and made it so solid that the water that got behind it thawed and froze and caused that wall to move. But anytime, whether you

build a new concrete wall or just dry-laid boulder wall, whatever they do they would leave spaces or weep holes for the water so there is no hydrostatic pressure that builds up behind the wall to cause it to get pushed out.

Trustee Apel: Is the water still being directed in that direction?

Building Inspector Sharma: No. When it rains, no matter how you direct the water some water is going to seep through, get soaked into the ground, and is going to try to find its way out. And if it does not find its way out, then it pushes the wall or whatever is stopping it. But if there is enough room, enough crevices or weep holes, there is room for the water to seep through, and it will not cause damage.

Mayor Kinnally: So what do you want to do to deal with the wall? What do you want from us on this?

Village Manager Frobel: We wanted to bring you up-to-date as to where we are, that we did go out and bid it. We can come back at a future meeting and ask you to reject the bids.

Trustee Swiderski: If there is no need for the wall from a retaining point of view, why build anything?

Village Manager Frobel: We do not know what commitment was made to the homeowner. We think there was a commitment and the homeowner spoke about it that evening, that it was promised to be taken care of. I think the hope was to have it taken care of at a much lesser expense. As I began to get involved, with an engineer looking at it, it is a much bigger project than we envisioned back in '98 or '99.

Trustee Swiderski: Has the homeowner offered anything in writing?

Village Manager Frobel: I do not believe so.

Mayor Kinnally: He appeared before us once and mentioned that commitments were made, that it would be, to use Fran's words, taken care of. There is a whole range of things that that can mean. But I have not looked at this, and I am going to take a look at it.

Trustee Swiderski: I would like to do that with you because whenever you head into six digits on anything that is benefitting a single household I have problems with that.

5. CDBG Award

Village Clerk Maggiotto: We put in an application for three Community Development Block Grant projects: Boulanger Plaza parking lot improvements; pedestrian improvements, sidewalk and curb replacement; and the quarry reclamation. We were awarded one of the three projects, the pedestrian improvement, sidewalk, and curb replacement. We got what we requested for 2007 and 2008 for the sidewalks. The first part is \$54,000 for the west side of Broadway between Main and Washington and the north side of Washington between Broadway and Warburton. We got \$59,000 for the east side of Maple Avenue between Spring and North streets, North Street, and the west side of Broadway from Main to Warburton, the west side of Broadway.

On the Boulanger Plaza improvements, the concern is that improvements would not increase the capacity of the parking lot, although I was hoping they would focus more on the neighborhood plaza amenity part of it. They will revisit it in July, 2006 with a review of the proposed design and budget. But this creates a problem for us because this was the year we were supposed to do the parking lot, and we cannot wait. We have determined that we have to maintain the median in the center because of drainage issues. We have a lot of issues to discuss, and we have to talk about them soon. But at this point it looks as if we are going to have a very scaled-down project. When we initially set a budget of \$470,000 we did not anticipate all the work we would have to do on the wall. The wall project turned out to be an enhancement, but it was structural work we had to do. So bottom line, we have spent about half the money already and I do not think \$240,000 is going to go very far in that lower lot. Now that we have found out that we are not getting the CDBG money, I am going to meet with Christina Griffin as soon as I can and we will see how far we can stretch our dollars.

Mayor Kinnally: We have a new Chamber coming into existence and I would like to encourage the Chamber to help us both on the design and any further lobbying with Albany.

Village Clerk Maggiotto: The reason they gave for the quarry was that the project location is not in the low-moderate income area. This abuts it and we thought we had made a very good case, and Angie played with the numbers, and I thought we had gotten a signal from the county that it was going to work. But they have a lot of applications and also have to stretch their money. This reminds me that we have to get back to the quarry discussions. Ray has met with Christina and we are moving forward on that.

Mayor Kinnally: There should not be any long faces on this. We got one of the three, and it is more than we had yesterday. And some people got nothing. But Susan, thank you for

shepherding this thing through. I know a lot of work went into this. Our hopes are always high on this, but we do have a track record. We got something.

Village Clerk Maggiotto: We did, and I would like to give a lot of the credit to Angie Witkowski because she did most of the work on this and did a tremendous job.

6. Other

Mayor Kinnally: We have a number of street lights down on Main Street, on Broadway, on Warburton Avenue. Where are we getting those things replaced?

Village Manager Frobel: I gave Mike a directive. He is going out and will take an inventory. Let us start replacing them. Also, the one that is broken in front of the Food Emporium needs to be replaced. There is one missing. He is working on that, as well.

Mayor Kinnally: The Town and Bob Bernstein made a motion to the appellate division to get a further extension of time to perfect the appeal on the Taxter Ridge case. I believe they sought 90 days. I was notified today the appellate division had granted the motion for 30 days, and indicated it was the last time. The village officials committee has been meeting about the appeal and about the mediation. I sent out an e-mail today asking the Town Board to indicate the items they felt should be mediated. I did receive a list of items to be mediated from Bernstein. The one response I got today was whatever the Village wants to mediate. So it is not a very rosy picture.

The villages do not believe that mediation is the proper course here. The villages believe that the various bodies should perform their proper roles. First, the appellate division should consider the appeal. Second, the Town Board should file the appeal, perfect the appeal by submitting the brief. And third, the Town Board should do what it should do in budgeting for the items that are under dispute. Instead, they are dumping the issue of the allocation of the budget items in the lap of the mediator and the villages to work out.

We received three memos from counsel on various certiorari matters. If there are no questions on them I would suggest that the resolutions be on the agenda for our next regular Board meeting.

The Village has received the gold award in the 2005 flower villages competition from Historic Rivertowns of Westchester and Ginsburg Development Companies. We tied with the city of Peekskill for first prize, and received \$1,000 which will go toward beautification of our village next year for flowers.. Congratulations to the beautification committee and to

the DPW and to Parks and Rec. And to Charles Murray, who was the designated waterer and who put the flowers up and took care of them throughout the summers as long as we have had the hanging baskets here in Hastings.

I received a call on Friday from Congresswoman Lowey's office indicating that there was \$77,000 for intermunicipal radio systems awarded to the Town and to the villages. This is a backup radio system that will be administered by the Town of Greenburgh that the municipalities will be able to use. Congresswoman Lowey was instrumental in this, as was Senator Clinton, so our thanks to them.

EXECUTIVE SESSION

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel items.

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:10 p.m.