

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 6, 2006

A Regular Meeting was held by the Board of Trustees on Tuesday, June 6, 2006 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Fifteen (15).

PRESENTATION – ARCO - Waterfront Remediation/Architectural Status

David Kalet, ARCO Remediation Manager: We have been doing a lot of sampling work and have been busy over the last few months analyzing that data. The first submittal that we made to the New York State DEC was a supplemental feasibility study, an OU-2 on the river portion. That culminated nearly two years' worth of sampling and discussion work on a technical level with the state. We believe that we have fully assessed the river portion to the point where we have enough information to make an informed decision on the remedy. We have tried our best to answer every question regarding the sediment on the site.

We have taken a close look at public policy issues and are proposing a dredge and cap remedy at a cost of about \$44 million. We think it is a pretty substantial remedy. There is no question in our mind that it is protective of human health and the environment. We evaluated the state's proposals with the guidance documents as we understand them. The state will complete its technical review and provide comments. We have provided you a copy of that report in electronic format. It is labeled "draft" because the state has not provided their comments. The state is fairly engaged; I think it is a fairly high priority.

Mayor Kinnally: Have you advised the state that a copy has been given to us?

Mr. Kalet: Yes. After they make comments they will post it on their Website. It is over 500 pages of text and a lot of technical backup in the appendices. We think it answered all the questions we and others had in terms of the geotechnical issues.

Mayor Kinnally: Can you touch upon some of the high points of your proposal, as far as remediation in the river?

Mr. Kalet: While I want to be careful to support New York State's effort to do analytical work, very difficult to do in the river, it seemed some of the data was conflicting. We validated every piece of data taken in the river, including our own. By doing so, we made the data all comparable so you could look at it equally. We found some transcription errors, human error certainly. But the good news is that the PCBs we are interested in removing are much closer to the shoreline than had been understood previously. We can, by not going out any more than 30 feet from the shoreline in the northwest corner at a depth of about seven feet, remove over 60% of the PCB mass. That is incredible. From a remediation standpoint, that is good luck. It means that the contamination was very close; it did not spread out as sometimes you see in these sites. It has to do also with the material. It is not flowable; it tends to agglomerate. It is very unusual that you find this in a project

Mayor Kinnally: Do the concentrations of the PCBs mirror on land what is in the river?

Mr. Kalet: That is actually what this study showed. Once we corrected some of the anomalies that we saw and a transposing error, and did some confirmatory sampling, we saw that the contamination is in a small, tight footprint in the northwest corner.

Mayor Kinnally: What about the heavy metals?

Mr. Kalet: We found in the river portion that a lot of the metals of concern, primarily lead, occurred primarily in the same footprint of PCBs. So the remedy that removes PCBs will remove substantially most of the lead. Copper was also an issue that we agreed to take a look at. Most of the copper in the river is very close to the shoreline, but most of it has been tied up. Copper is a reactive metal, and it reacted with the naturally occurring sulfides and organic material in the river. According to the tests that we have done with the state, it does not pose any threat. The copper is in an inert form. Rather than do additional testing to determine whether the copper poses an issue next to the shoreline, we are proposing to remove it. Again, I think our remedy addresses the concerns that were expressed from a public health standpoint.

You probably will hear comments from the state or from others, should you not remove more material? Any additional removal will not be any more protective of public health. It will not be a safer remedy. Any additional work complicating the remedy will take longer to implement, longer to design, longer to permit, longer to execute. We tried to be very sensitive to a lot of the needs of doing a remediation project, and that is what we think our proposal accomplishes.

Village Manager Frobel: How is the capping process going to work?

Mr. Kalet: The process of dredging suspends particles and it is nearly impossible to hit the cleanup goals without putting a cap or sealant over the top. We have spent a tremendous amount of time addressing concerns about a cap washing away. We engaged some serious engineering studies that conclude you can engineer a cap that will not wash away. We took a look at ice, flow, storm, and 100-year event studies. Basically, if you put a large enough particle size there it will not wash away. In this part of the river the flow tends to go north and south; it does not come sideways. That is very lucky for us because we do not see the currents here. We can design a cap to accommodate habitat, to accommodate stability of the shoreline. We had some comments from the Fish and Wildlife folks. We found that an engineered cap would provide a better habitat than what is there now: some very fine silt and a lot of debris, and it does not necessarily make an ideal habitat. The cap can be designed to accommodate the type of habitat people think are appropriate. That is more of a biologist's call and more of a Fish & Wildlife call. I suspect that we will be working with them to figure out the best design.

Trustee Apel: Do you mean fabric or cement?

Mr. Kalet: A cap is a term of art that is used for how you seal something up. We would start with good sized boulders, one to two foot in diameter, a stabilizing type of rock. This is followed by smaller and smaller size of aggregate or rock, eventually getting to the point of fine gravel or coarse sand. When it is done, it seals the site both from physical as well as biological barriers. Depth is the key. Most of the biological life in this river, in any river, is in the top six inches.

Trustee Apel: What is the cap supposed to do?

Mr. Kalet: If you are next to the shoreline, whatever land mass you have on one side is going to want to push over into the river. So the first thing it does is provide mechanical strength because it is putting pressure on the river side. We call it shoreline stability or bulkhead stability. The other thing it does is provide a physical barrier from materials of interest. The third thing it does is provide a habitat. We are going to need some public input because boating interests and wildlife habitat interests are not necessarily compatible. You need to optimize in terms of the desired interest or end use for something along the bulkhead. It can be designed either way, but designs have to be optimized.

Trustee Apel: The area that you are talking about, only in the northwest corner, or are you going further down?

Mr. Kalet: We will be doing other work, but the main area of concern for this project is PCBs. We intend with the OU-1 remedy, which was separately discussed, to completely replace the bulkhead. Even though we talk about an offshore unit and non-land unit, they are related. We have to make sure that the remedies are compatible with each other.

Trustee Apel: So you are going to do the northwest corner and you will come down as far as you need to, and then you are still doing the bulkhead.

Mr. Kalet: We are still doing the bulkhead. We are looking at some additional capping and limited removal in the other areas, but not nearly as extensive as the northwest corner.

Mayor Kinnally: My understanding is that the bulkhead in the north is going to be replaced and there will be an additional bulkhead outboard of the relatively new bulkhead in the south also put in so that bulkhead in the south is brand-new, but it is temporary. It will be bolstered by yet another bulkhead in front of it, or behind it.

Mr. Kalet: That is exactly right. We fully intend to design and install this bulkhead for a 100-year life. The one that was there will probably last 20, 30 years, but the agreement was that we want to design something for a 100-year lifetime.

Trustee Swiderski: I am curious about staging the cleanup of OU-2 and OU-1 and the time frame: is one two years and then the next one is two years, or is it concurrent?

Mr. Kalet: There will be phasing, but it is best to implement both remedies at once. Even if we started OU-1, we could not put the fill in until we know what OU-2 was going to be like, mainly because of the wall. If you have too much leaning on one side and not enough to support it on the other you could have failure or collapse. The first thing would probably be putting sheet metal piling in. You would carefully unload and balance both sides of the wall, then carefully put them back together. One of the things is how wide a strip along the river you do at a time. We will look at that in more detail in design. My sense is that the southern tip of the site, which is the least impacted, would be worked on first to provide a staging area for the work in the rest of the site. Also, the southern area provides a route for rail and barge access. By the time we are finished with the design all that will be laid out and reviewed with public comment before we proceed.

Trustee McLaughlin: I was under the impression that when you have particles of different sizes, say ranging from one to two foot boulders to pebbles, physical forces force the smaller ones down and the larger ones up, especially when there is a current of water moving through them. Does that make it more compact and solid over time?

Mr. Kalet: Think of putting the cap down as layering. We would not suddenly go from a very large aggregate to small. You would gradually build up even deposition of these things. In the void spaces the next layer would fill some of those voids, but that would smooth over.

Trustee McLaughlin: But as I understand the movement of particles of various sizes, the smaller ones move down and the larger ones move up over time. It sounds like the layers would shift, and I am curious to know if, in the process of shifting, they get more compact and harder, or what does happen.

Mr. Kalet: There is settling, to be sure. When these rivers were filled in, people would put down aggregate and it would settle. That is why a lot of construction in wet areas is done on piles so you do not add to that compression. Yes, things will become more compact. When you get two big structures stacked together, they bridge. Water will come through them and they will tend to compact. But you are talking about maybe a foot with ten feet of fill of this magnitude over the course of 50 years. In these environments my understanding is it is not like frost action on land; in the water either we do not understand or we do not see it yet. But we have an obligation to inspect and do repairs over time. I would expect 50 years from now there may have to be another placement of some kind of armoring or cap just to accommodate subsidence. Or if we get the 100-year hurricane event that could cause some damage, then it would have to be repaired.

Mayor Kinnally: Before we get to the architectural part of it, let us discuss on the supplemental report for OU-2 what will happen after submission to the state.

Mr. Kalet: I expect that the state will have some clarifying comments. I think these are pretty minimal because over the past year and a half we have convened a technical team on each aspect. We have tried to shorten that period. We really want to get this project done, and the state does, too. So there will be a comment period, and the state could ask some clarifying questions. Once we answer, the state would issue a PRAP, a Preliminary Remedial Action Plan, and that would invite public comment. If there is interest, then there would be a public meeting scheduled by the state as they have in the past.

Following those comments the state would issue a record of decision that would signal us to go into remedial design. Just like with OU-1, we would commission an engineering firm to develop a design and go through the public comment period. Since we have done so much work in OU-1, the design effort on OU-2 is not going to be as difficult or time consuming because we can use a lot of the engineering that we have already learned from OU-1. This is a public process, so it depends upon the nature of comments and what it takes to answer things to people's satisfaction.

Mayor Kinnally: So the proposal for OU-2 is fluid because it is subject to comment in Albany and ultimate preliminary decision in Albany, and then it goes out for a PRAP. That is when we will have the presentation here in the Village with public comment.

Mr. Kalet: Exactly.

Mayor Kinnally: Where are you in the design phase for OU-1?

Mr. Kalet: We are on schedule to submit our 50% design by August 2. Since the OU-1 ROD was issued last March we have read all the agreements and worked with engineers to put these things in engineering terms. We have done borings along the bulkhead because that is part of the scope of work, to understand the bulkhead. But also inland to confirm the nature and extent of contamination, try to understand the depth and the breadth of contamination so that we can understand what a digging program would look like.

We have come up with some pretty broad concepts of design. In order to drain the area engineers tell us you need a 1% slope. We have taken a look at drainage patterns on the site. We have come up with a conceptual model of what things need to look like in terms of capping. There is no requirement for public comment or public presentations. But understanding how important this project is to the Village, I have a question: what is the best way to engage the right technical and planning resources so that we understand what people's questions or interests are?

Mayor Kinnally: If you are going to be ready in August, do you believe that the state will comment within four to six weeks after your presentation?

Mr. Kalet: We have been asking them some questions about the design and regulations, so we have already been getting feedback. George Heitzman has recognized the progress that we have made and has begun to make assignments internally for construction supervision. That signals pretty strongly that they understand the questions we have and are trying to provide us more quick feedback. I think the state is going to be fairly quick in responding on that as well. If we expend resources and it does not address the things that people are interested in we have just wasted our own resources. As a project manager I do not want to do that. The company is backing me in this approach, so we are trying to reach out as best as we can to try to get feedback on different issues.

Mayor Kinnally: We could have a public meeting in September, where a presentation similar to the PowerPoint presentation you made to us might be in order. You mentioned that there may have to be some modifications made to the consent decree because of variations or new data. If we could get all the stakeholders there, it may facilitate this.

Mr. Kalet: That is a good idea. We have had very good response from posting things on our own Website, and I know the Village's Website is very well looked at. We can put out printed material as well

Mayor Kinnally: To the extent that you can, without stepping on Albany's toes, release information to us that can be posted or give us a link to your Website. That would go a long way to educating people and making the meeting much more productive.

Mr. Kalet: I agree, and George is pretty supportive.

Trustee Apel: That is great that you are willing to have the public comment because I know you will get it. Whenever we can put it together would be great.

Philip Karmel, Chair, LWRP Steering Committee: I have two issues I would like ARCO to consider in designing the cap. One is in terms of the depth of the water, the surface of the water, and the compatibility of the cap with the boat traffic or vessels. We have prepared a draft LWRP and we have a vision of an active waterfront with marinas and boating. So in designing the cap, I would want ARCO to consider the compatibility issues. With respect to the bulkhead, our plan is to have a waterfront esplanade along the whole frontage. The surface of the bulkhead should be aesthetically compatible with that. It should not have an industrial appearance like a factory-type site. It should be consistent with a waterfront park.

Mayor Kinnally: We will move on to the architectural evaluation.

Mr. Kalet: We commissioned Hutton Associates, an architectural firm, to help us take a look at some structures of interest: the water tower; Building 51, which is between the water tower and the rail station; and Building 52, which is the building with the sawtooth next to the bridge. There is a lot of detail in this report. The study describes what they are, talks about their condition, and gives considerations in implementing the remedy.

The water tower appears to be salvageable. However, it cannot remain where it is for the implementation of the remedy nor long-term in the same spot. A site would have to be found south of the north boat slip to locate it. Would it be acceptable, for example, to put it on the other side of the boat slip, a mirror image of where it is now? We do not need an answer early on because the tower could be disassembled, refurbished, and stored and then put back in years to come. But the important thing is, is there an interest to salvage it so that it does not become lost or scrapped out? We would need some input from the public on this.

Mayor Kinnally: There has been broad interest in salvaging and reusing that water tower because it is the most visible and recognizable symbol of what we have there. I do not think there is a question as far as refurbishing, storing off-site, and when development begins putting it back up.

Mr. Kalet: Building 51 is in need of quite a bit of repair. The western half of the building is sitting over some contamination that will have to be removed. We do not see how that western half could be salvaged. With the eastern half that is not the case. We can take off roof members and leave a skeleton in place and it would stabilize. Building 52 is in much better shape and we do not have the contamination issues. However, towards the Tennis Club we would have to figure out a way to put an anchoring system in. Part of that northern end would have to be either worked around or removed. Because of the requirement of five feet of fill over existing grade, those buildings would be like basements. We do not need an immediate response because we can work through the design process and these buildings could be left there. But if aesthetically the five foot cover would not make the buildings desirable, that is a question that folks need to talk about. On one of the plans I saw the bridge coming across through Building 52, so you have to consider the future use of the site and less about the structures themselves. Some of the bricks and steel could be saved. We put together a report that considers the architecture, the history of the site, as well as how would that interact in the remediation.

Mayor Kinnally: The report does what we and members of the public had asked: to do an assessment of the possibility of keeping some of the buildings and what the positives and negatives are. I thank you and your consultants for the effort

Jim Metzger, 427 Warburton Avenue: The view from Southside Avenue sometime in the future is going to have a grade five feet higher than where it is now. Is that correct?

Mayor Kinnally: There will be some tapering of it, but eventually that whole site is going to be raised a significant amount.

Mr. Metzger: So we may end up losing some of the view of the water or maybe all of the view of the water from Southside once this cap is put in.

Mayor Kinnally: Some, possibly. You are not going to lose the whole river. But Dave raises a point about the fill, and where the fill would be put and how the fill would be graded. There may have to be modifications to the consent decree to accommodate certain of these changes. It would not do violence to the consent decree but because it was negotiated in a vacuum before any of the design engineering became a reality there may have to be some modifications. We would not want bulkheads on both ends of the property blocking off all of that. That is why I alluded to the tapering on either end.

My understanding is that ARCO will be meeting with the technical and legal people in Albany next week on OU-2.

Mr. Kalet: We are meeting with the section chief and legal counsel. We are inviting preliminary dialogue to understand what types of issues and how we need to come to final agreement. We are trying to fully engage people that have an interest in the site. We have also contacted the Riverkeeper and shared the same information. We are ready to negotiate final remedies and get on with the design and construction.

Mayor Kinnally: We have a window of six months in dealing with the same top people at the DEC because there will be a regime change in Albany come January. There will be changes at the DEC, and the issue of transition is going to be an important one.

APPOINTMENTS

Mayor Kinnally: The Conservation Commission has appointed Sandeep Mahotra as a liaison to the Parks and Rec Commission for a three year term, expiring in 2009.

We have a number of appointments and announcements concerning the Planning Board. Abba Tor, who had been a regular member of the Planning Board and recently alternate member of the Planning Board, is retiring. My thanks to Abba for his many, many years of service to the Village. When I spoke to Abba, before I could say thank you, he said, "Thank you for giving me an opportunity to serve the Village." The thanks go both ways, but he and his late wife have been tremendous contributors to our community.

Bill Smith, who was also on the Planning Board, is not being reappointed. The new members of the Planning Board will be James Cameron, Bruce Dale, and Eva Aligood. Rhoda Barr, who has been a regular member of the Planning Board for over 20 years, will become the alternate. Jamie has served previously on the Planning Board. I thank everyone for agreeing to serve. Everyone who volunteers their time on the various boards and commissions is to be commended because it is a thankless and very arduous task, and they provide a valuable service to our community. On behalf of the Board of Trustees, thank you to everyone and welcome aboard.

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of May 16, 2006 were approved as presented.

Trustee Apel: The title of the Public Hearing minutes should say what it was the continuation of.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing Continuation of May 23, 2006 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 72-2005-06	\$143,996.22
Multi-Fund No. 1-2006-07	\$181,545.00
Multi-Fund No. 2-2006-07	\$ 19,804.36

VILLAGE MANAGER'S REPORT

Village Manager Frobel: The specifications for Boulanger Plaza parking improvements are now out. We are getting a lot of interest in that project. We hope to have a recommendation to the Trustees for your action at the end of this month. We have yet to design the release from the private property owners to work on their property, and we need to have an agreement in place if the property owners and the businesses abutting Boulanger Plaza wish to share in that expense. The staff has met with the business people and it seems to be a positive reaction to the work. I hope for their cooperation in sharing some of the expense.

The quarry committee met last week, as directed. Out of that came three action items. They will be considering a recommendation to the Trustees regarding designating the property as park. They also are considering an environmental specialist to advise them on the cleanup of the site and what may be entailed with the DEC. Finally they discussed development of the quarry trail and how that portion of the property should be the first portion that should be looked at: try to dovetail the trail development and efforts to clean up the property. They will report to the Parks and Recreation Commission Monday night.

The Mayor has asked us to mention our progress on Kinnally Cove. That is moving along perhaps not as quickly as we would like. We have submitted our application for the permit to the DEC. They have reviewed it and responded with their comments to our consultant, of a very minor nature having to do with the design of the breakwater, which is one of the last phases of our work so it should not figure too prominently in our design. We submitted one package for all phases rather than piecemeal it. We are waiting for our consultants to respond to the DEC for their final approval.

We are going to have to turn to our Hudson River trust fund for our share of the work. Despite the grants which we received, it still leaves a shortfall. We have approached the Riverkeeper and BP. Our initial readouts have been positive that they are inclined to support it. This project meets the criteria outlined in that agreement. We have not put a number to it because we do not know the scope of the work yet. Angie provided you an update to the status of the various grants and the funding. All of that is in place. We needed to do some additional survey work on the cove to satisfy the state. That has been submitted and we expect to have a contract for my signature within the next several weeks. Our DPW crews did some work on the site. To get any closer to the water could be troublesome with the state, so we have done as much as we can in opening it up visually to make it look nicer, but it does not go as far as any of us would like.

You may have received some e-mails regarding the tennis courts at the pool. Ray has been committed to preserving those courts. We know they are very popular. They are used on a continuous basis. Ray is making some short term improvements, although they require some extensive work, something that he has included in his capital budget on a regular basis. Although there has been discussion about the need for additional parking at the pool and for the schools, how that figures into our overall plans has yet to be determined. There was some consideration perhaps of expanding the lot, but for the short-term we are very much committed to keeping those courts.

Mayor Kinnally: So to the best of your knowledge, there is no vote pending before the Parks and Rec Commission or the Village Board on anything having to do with those courts?

Village Manager Frobel: No. I received a phone call from Ray tonight, very concerned that there was this fear out there that, short-term something was going to happen to those tennis courts, and that is just not the case.

BOARD DISCUSSION AND COMMENTS

1. Quarry

Mayor Kinnally: Mark Chertok, who has been working with us on the environmental portion of the quarry, suggests that it would be prudent to press the DEC to get a closing letter on the site. He counseled against waiting to engage the DEC because when we get into the SEQRA process for this site, if the site has not been cleared by the DEC, it could complicate and elongate this process. Andrew Lent, who had overseen the site, is no longer in charge of it. But Mark will reach out to the area representative of the DEC who oversees the entire region. It will jump start our process somewhat. If we can finalize the DEC component of it, it will then make the next step, the preparation of the EAF form, that much easier. We have to discuss whether the EAF would be done internally or if we would need a consultant. We will get more guidance from Marianne and from Mark on this process. For starters, we will deal with the DEC on the closing letter. That will not hold up anything that we are doing.

2. Saw Mill Lofts Application

Mayor Kinnally: We have received a number of communications since our meeting on the 16th including a multi-page letter today from a number of residents. I know there is going to be an update to this. Is that right, Elizabeth?

Elizabeth Felber: Yes, there are going to be attachments tomorrow.

Trustee Apel: I believed that we were going to have this discussion on the 20th.

Mayor Kinnally: Jerry asked last time for us put it on for tonight, so we have started tonight with whatever comments we have.

Trustee Apel: Once these are built and they are condominiums, there usually are requests for a lowering of their taxes. How low can they go and what is the long-term effect? Are there other places where this has happened, and are they continuously requested, and what would be the result? How would it affect what our gain is? I believe there is about \$175,000 there. Would we be minus? I would like some information on that.

Mayor Kinnally: They have the same rights that any other property owner in the Village has to come in and contest the assessables.

Trustee Apel: I want to know the bottom line.

Village Attorney Stecich: Are you asking about other Ginsburg projects, or other multi-families, or Ginsburg projects in Westchester, or just multi-family developments in Hastings? What is the comparison you want?

Trustee Apel: I would like requests made on those types of property, whether they are Ginsburg or not, in the last five to 10 years.

Village Attorney Stecich: Do you mean anywhere in Westchester or in Hastings?

Trustee Apel: I do not know. What is the effect? We will have to make the decision in terms of what the comparison is. Because if you want like properties, is it much less. Probably like assessments. I just want to know what the effect is. Do we understand what the question is?

Village Attorney Stecich: It seems awfully broad.

Trustee Apel: The project says we should be able to see \$175,000. If they ask for a reduction in their taxes, are we ending up with \$100,000, \$25,000, minus-something? What has happened in like properties with like taxes in like areas over time? And if every year they come back, have these like properties continued to get reductions?

Village Attorney Stecich: I will talk to Ira Levy and Bob Balog.

Trustee McLaughlin: I would be curious to know if the figures for Hastings Landing have been followed over the years. Hastings Landing has been on line at least 20, 25 years. There must be discrete data about its certiorari history, its assessment history, all that sort of thing.

Trustee Swiderski: And Riverpointe?

Trustee Quinlan: I am wondering if the applicant would agree, or we could make it a condition in the deed or the transfer of the condominiums, that a certiorari proceeding would not be brought by the condo association, let us say, for a period of 10 years. And if and when it is brought at the end of 10 years that they could not go back for a reduction for the past 10 years. I know from talking to Bob Balog that Ichabod Landing in Tarrytown which is a Ginsburg project has already filed certiorari through Sleepy Hollow. So is that a possibility in your experience as expert developers in any properties?

Bruce Lozito, Ginsburg Development Corp.: To offer a little level of comfort, the figures used by the Village to evaluate the fiscal impact to benefit were derived from the assessor's estimates, not ours. He arrived at the \$127,000-plus in Village taxes that the project would generate. The Village's consultants found a surplus of between \$56,000 and \$111,000, depending on the method you use. So there is a factor of safety of from 44% to 87% built into this that the assessments would have to be reduced that much before it went below the break-even point. I do not think there is a great risk here. We are legally uncomfortable with a restriction that would prevent future purchasers from having the same rights to challenge an unfair assessment, and we do not think it would be enforceable. It would also be a marketing nightmare to explain why the residents of this development did not have the same opportunity to seek out a fair assessment. It is not something we have ever done, not something we have ever considered, and not something that we are terribly comfortable with. But the Village should be comfortable that there is enough of a factor of safety in this analysis that there will not be a negative cash flow situation to the Village.

Trustee Quinlan: The Village will probably benefit to the tune of \$50,000 to \$60,000 a year after you balance the services and the Village taxes, which is not a lot but it is something. I am concerned that this is going to be chipped away year after year. It is nobody's fault. Condos are taxed 30% to 50% below a single-family home because state law requires that they are assessed at the fair rental value of a unit of similar size, and not a single-family home. Also, the state equalization rate is set by the state. As our property values go up because of the rate, the assessments can be attacked.

The Village is going to be constantly fighting a yearly reduction of that \$50,000 to \$60,000. In maybe five or 10 years we are going to be close to zero. I am not worried about a negative impact, but the statute indicates quite clearly in its intent that the MUPDD zone should be economically beneficial to the village and I am just concerned that they are not. I understand your marketing problems. I know you are not legally comfortable with it, but it has never been challenged as far as I know. Maybe you could show me a case or give me a legal opinion, but I think it is something that you should seriously consider.

Mr. Lozito: We have had experiences where we have tried to place other restrictions that precluded people from exercising certain rights and the Attorney General found those unacceptable in condominium offerings.

Trustee Quinlan: Do you think there is any way that you could get an opinion by the Attorney General in two weeks?

Mr. Lozito: He had a problem with a particular issue. I do not know if I could get an opinion from the Attorney General anyway.

Trustee Quinlan: I know you have been making serious efforts to consider the proposal to connect the South County Trailway to Ravensdale Road. Can you give us an update?

Susan Newman, Ginsburg Development Corp.: I would like to finish the economic discussion before we leave off, since I have a history that Bruce does not have.

As part of the economic package, there are many benefits the Village derives other than taxes. They include the 1.75 acres of open space which has an economic benefit, certainly a recreational or an enjoyment value. It also includes the use of a pedestrian overpass, which we will discuss in conjunction with this second request for additional access to the South County Trailway. Thirdly, there is a recreation fee of \$465,000. If the Village were never to use that rec fee for any other matter and just put it into some type of endowment fund, invested in T-bills at 4% or 5%, it would generate an extra \$20,000 or \$30,000 a year and grow and compound. The Village also benefits from the provision of six affordable units, which goes toward the county's requirement: the Village is obligated to provide 30 units of affordable housing per the county's recommendation. At some point the county is going to get a little stiffer about imposing this with some teeth. If the Village had to meet those six units there would be a cost, and this is a way of offsetting that obligation. It is not entirely fair to say that the only thing we are going to get out of this is our real estate taxes when, in fact, if you were to look at the value of all these other things, all of which comes up front in the project, it is a very meaningful financial benefit to the Village.

Trustee Quinlan: I didn't mean to say that that was the only benefit. I can think of other benefits that you have not included.

Ms. Newman: The mortgage tax, the sales tax, the building permit fees. If you look at the whole package that is probably the least meaningful of the entire package. And to look at only that is not to look at the more meaningful benefits that have been created by everybody's input. This has been created over a six-year period. There was no affordable housing requirement when we started. There was no rec fee until this past summer. So it has been a process where every board and every involved person has taken a look at and has said, How can we make sure that the Village benefits to the greatest extent possible?

Trustee Quinlan: I agree with you, but the pressures of development as opposed to anti-development, especially in Hastings, the main argument that is made for more development in Hastings is we need more assessables. Our taxes are going to continue to go up and up and up. I walk into this project, I see the statute, I see the MUPDD zone, and I see that the Trustees have to approve or disapprove the concept. I also see that we are allowed to impose conditions. It is my obligation to make sure if this project gets built that Hastings will benefit as much as it possibly can.

Mr. Lozito: Susan and Angie and some of our staff, after taking a look at the application several years ago by Meg Walker to make a connection between the Ravensdale bridge and the South County Trailway, visited the site and did a general inspection of an existing bridge. It seems that it could be restored. Then we looked at how to make the most logical connections to that bridge from Ravensdale and also to the South County Trailway, and sketched out a concept. As we have been preparing with Angie an application for state funding it was necessary to meet with county officials since the county trailway is their jurisdiction. So we met yesterday with Pat Natarelli of the county planning department, who is responsible for coordinating projects related to the trailway. We learned that the county has put in its capital plan a project to create a parking area, another trailhead, at this location utilizing that bridge. They are conceiving of about 12 parking spaces, which we indicated on our plan. This was an access to a Mt. Hope railroad station, which the bridge served. It would be a logical improvement to make an entrance just opposite the cemetery driveway to Route 9-A that would then connect to the parking lot off Route 9-A with a pedestrian connection to the bridge and then on to the trailway.

The county has funding to design this improvement, but has not yet set aside funding to construct it. So the county was very interested in joining in an application with the Village to pursue funding from the state. However, they had not thought of having a connection between Ravensdale and this new connection over the bridge. We brought that to their attention. We also learned that this is no longer county-owned land. It is now New York State DOT-owned land. So the DOT would have to be involved and find this to be an acceptable improvement. We contacted someone from their regional office in the real estate section, and we will forward these illustrations to him so we can have a discussion.

Mayor Kinnally: Could you describe the proposed 500-foot path to the Ravensdale bridge?

Mr. Lozito: That connection would be needed to link the two efforts. A third part of this is that the state is planning a reconstruction or rehabilitation of the Ravensdale bridge. Angie spoke with DOT reps today. It was timely to bring up this proposal because they can consider the pedestrian aspects of the bridge at the same time. That 500-foot path would parallel 9-A. Rather than having it right on 9-A, it would be a more desirable approach to have it set into the woods a bit and have a meandering path that is more consistent with a trail approach than a sidewalk along 9-A. I have not walked that whole stretch to know whether that is the right place to do it exactly. This is very conceptual at this point and we need to do further investigation.

Mayor Kinnally: Part of that is wetland. Did the DOT give an indication when that bridge is going to be reconstructed?

Village Planner Witkowski: I spoke with someone in Poughkeepsie, and he said that it is scheduled to go out to be bid in June, 2008.

Mayor Kinnally: Is there money committed for it?

Village Planner Witkowski: It is a \$3 million project. He said they will probably be starting the design towards the end of 2007.

Mayor Kinnally: And construction?

Village Planner Witkowski: It would be going out to be bid for construction in June, 2008. I spoke with someone in design today. I gave him an overview of the project, and also spoke with Doug Cotton at Region 8. He said that they have not started the design yet and we should keep them informed, because they would be interested in any pedestrian improvements that could be coordinated with the design improvements on the bridge.

Trustee Quinlan: I agree that some of it might be wetland. I think it is a great idea if the path could be put inside a little, not right on 9-A. But from my visual observation, it could be put along 9-A. There is enough land that is not steep and water-filled. It would almost be like a sidewalk on 9-A. The monies talked about when Meg put in her proposal were \$300,000. The Village was going to put up 20% of that. What would the applicant be willing to put up towards the \$300,000 in the grant proposal?

Mr. Lozito: Our approach would be to incorporate the pedestrian bridge at Saw Mill Lofts as part of the project so that a substantial portion of that could be considered the match for the grant. It can increase the local share substantially and make it more attractive.

Trustee Quinlan: I have a problem with that. The pedestrian walkway from your project to the South County Trailway is a great idea for the people who live there, and it will be a great marketing technique, and I am sure you will profit from it. But that is something you are going to do anyway, right?

Mr. Lozito: But it still could be considered a local share.

Trustee Quinlan: I am proposing that it not be considered a local share. And let us say the grant is not granted. Would the applicant be willing to pay for the cost of the connector?

Mr. Lozito: I would hope that you withhold judgment on whether you include it as a share or not because that enhances the application at no expense to the Village.

Mayor Kinnally: It does. Their money goes to covering our share.

Mr. Lozito: So it makes it a better application. It is not a way for us to get money, but a way to show that there is a local contribution to the overall project that makes it more competitive. That is the intent.

Village Attorney Stecich: It shows it is a bigger local contribution.

Mayor Kinnally: It is not any of our money but it is tabbed as the local share.

Village Attorney Stecich: If the grant proposal did not go through they still have to build the bridge because that is part of their development.

Trustee Quinlan: Let us say this connector is going to cost \$300,000 and you are going to put your bridge as the down payment or seed money or whatever it is called, but it is still going to cost the state and the county, or whoever is going to build this, \$300,000.

Mr. Lozito: I think that estimate might have been high.

Trustee Quinlan: I do not care what the number is.

Mr. Lozito: We want a little more time to evaluate the cost because we just got into this very recently. We want to talk with the state to see what kind of standards and specifications they would require, whether it could be or should be on 9-A or not, and get a better sense of what the project is before we can make a commitment.

Trustee Quinlan: If the grant is not granted, and if you get DOT approval and the easements from the county, are you willing to pay for the total cost of the connector?

Mr. Lozito: What I just said was that we do not know the total cost yet, so we would like to have a little more time to evaluate that before we could say definitively yes or no.

Trustee Quinlan: So the answer is you will get back to us on that?

Mr. Lozito: Exactly.

Trustee Quinlan: It important for the record and for you to understand that this is not coming out of some imaginary desire of mine. The MUPDD statute indicates its purpose and intent is for a socially desirable development. There are conditions of approval without limitation. Number 4: "Requirements relating to the construction, ownership, operation, and maintenance responsibility for both on-site and off-site infrastructure improvements." Our Vision Plan is very concerned about private enclaves. It is kind of away from Hastings, the kids are going to go to Ardsley schools. It is not going to be a gated community, but we are going to be faced with an enclave whether we like it or not because of the geography. With this connector it would be possible for the residents of your development to go across your bridge, come down and go across this bridge, and walk into the Village. Especially the kids, who are going to be playing Little League in Hastings; hopefully they are going to have Hastings friends; and people can be part of our community, which is very important.

The intent of the MUPDD statute indicates one of the requirements is to provide access to Village and county trailways. There was quite a controversy about the connection in Hillside Woods recently. If you could walk from the South County Trailway up this pathway on the sidewalk to Ravensdale, there is a sidewalk on the north side of Ravensdale, and you can walk on it all the way up to Rosedale. You could walk down Rosedale to Hillside, down into Reynolds Field, and connect to the Old Croton Aqueduct. It would be a great connector, and people would really appreciate that idea.

Mr. Lozito: We appreciate your thinking, and we appreciate that there is a great opportunity to make this happen. The county and others have thought about improving these connections to the trailway. So it is something we want to pursue, and we will have to get back to you.

Trustee Apel: One of the things was access to the bus. Was someone going to speak with the county to move the bus stop? Because the way it is, they cannot walk to the bus.

Village Planner Witkowski: We also talked about that with the county. A walkway along 9-A would provide safe access to the bus stop that is there. When I talked to the state today, he said that the fact that there is a bus shelter at that corner, if there is also another pedestrian walkway coming along 9-A, would give them even more of an incentive to make sure they took those things into consideration when they design the Ravensdale bridge.

Trustee Apel: Probably the less expensive way is to try to get the county to have a bus stop at the development.

Trustee McLaughlin: There is a bus stop there.

Trustee Swiderski: In front of the warehouse.

Trustee McLaughlin: It is on both sides.

Mayor Kinnally: Then it is just a function of putting up another shelter.

Village Attorney Stecich: In talking to some Trustees about this two questions came up: the likelihood of getting a grant, and would the Village have to put up any money.

Village Planner Witkowski: It depends on how it is structured. If both the pedestrian bridges are included in the total there is only a 20% match required and that match can come from anywhere other than federal sources. If the bridge from Saw Mill Lofts is also included, that would be that portion. If it ended up being like a \$500,000 project, \$200,000 being that bridge that they have to do anyway, then that would be far more than the 20% required. So the Village would not have to put up anything. If that element was taken out of it, and it was just over the county and state land and the Village was the only applicant, then we would have to provide the 20% match. I found out more about the application that was done in 2001 and they simply ran out of money. However, most of the 20% match was proposed from volunteer time and staff time which did not strengthen the application.

Trustee Swiderski: I have questions around the environmental status of the land we would be deeded as a result of this project. There has been a limited amount of testing, but considering the asphalt and lack of knowledge about what is beneath that, my concern is to know more accurately the status of that land environmentally. Dropping four or five bore holes, or whatever you require, to test out 1.75 acres should be neither prohibitively expensive nor a particularly lengthy process. It would dispel concerns and, at worst, identify any potential problems. If a problem is identified I am not sure what we would do. But at the very least, I would like to see sufficient testing so we are completely comfortable within whatever range of comfort is reasonable for that plot of land.

Mayor Kinnally: Whether the testing is done now or subsequently, the DEC is the entity that would come in and oversee it if there were contaminants beneath the soil. It would have to be cleaned up to the DEC's specifications by the initial responsible parties, and that would include Ginsburg and other people in the chain of title. Am I right, Bruce?

Mr. Lozito: Yes. When the question came up at the last meeting we were not prepared to answer it. We looked back at our information and there were a total of seven soil samples and two groundwater samples taken on the 1.75 acres. Three of those were deep-boring tests to 20, 25 feet. Two were in the more shallow range from about 3½ to 12. There were at least two surface samples taken, a foot and a half or so. A groundwater well had been installed and tested twice: once in 1995 by the consultants who installed it, and then subsequently by our consultants in 2000. They were tested for a wide range of materials. Some were tested for volatiles, semi-volatiles, metals, pesticides, PCBs. Others were just tested for volatiles and semi-volatiles, depending on where they were and what the indications were. So a wide variety of testing was done, and no contamination of concern was identified in any of those tests. AKRF, who were your consultants during ShopRite and then for awhile afterward, reviewed our reports and gave a letter to the Village. It might have been to the Planning Board at that time, since it was in the DEIS stage. I can give you copies of the letter where they had reviewed the results of our testing and had suggested some additional shallow testing, which is the last item that I had mentioned. There had not been any testing done in the first two feet or so, so they had recommended that, and our consultants had done that and found no contaminants as well. It was looked at carefully by the Village's consultants and ours, and there seems to be a consensus that there are no concerns.

Mayor Kinnally: Were there test borings done in the paved portion?

Mr. Lozito: I cannot answer that specifically.

Trustee Swiderski: Once we take possession of the property are we number one in this PRP chain of command?

Mayor Kinnally: I cannot answer that. I have an opinion, but I am not going to answer that.

Trustee Swiderski: Would you care, Marianne, to comment?

Village Attorney Stecich: No, I could not answer that. But you could protect against it by not taking fee title until you are comfortable, or doing it by easement. There are other ways to do it.

Kevin Healey, Attorney: I practice environmental law and I am here on behalf of Ginsburg. The answer to your question is no, the Village would not be first in the pecking order as the PRP. There are equitable considerations that go into the mix in determining who should pay what. In a situation like this where a village just got title in a situation where another entity polluted the property, there is very little doubt in my mind that you would be way down in the pecking order, if you were liable at all.

Trustee Quinlan: I agree with you. Would it not be true that Ginsburg probably would not be that liable either?

Mr. Healy: Probably right.

Trustee Swiderski: If Ginsburg is not liable and we are not liable, or at least not immediately liable, and the firm that is now vacating the premises partly because of supposedly financial problems is perhaps not around, what happens then?

Mayor Kinnally: Ciba owned the property before. It was Ciba, Halpern, Purdue Pharma, and those entities that we had during the protest petition.

Mr. Healey: I would repeat what Bruce just said: your comfort is in the fact that the Village's own consultant reviewed the reports in some detail. And your consultant, having done that due diligence, has told you that the site does not have significant environmental problems.

Village Attorney Stecich: I could call AKRF and see where they did the samples.

Trustee Swiderski: I would like that.

Trustee McLaughlin: Is this discussion going to continue two weeks from now?

Mayor Kinnally: Yes. I am hoping that if we get answers to this information we can put it on for discussion and action on June 20.

Trustee Swiderski: Is it possible to structure a waiver which clearly positions us in the pecking order below GDC?

Mayor Kinnally: We can have a hold harmless provision in any deed.

David Shapiro, 6 Amherst Drive: I am surprised that I agreed with something Ms. Newman said: the projections about the potential financial benefit to the Village from the real estate taxes is not very significant. I heartily concur with that, and I support Trustee Quinlan's concerns about the tax and certiorari implications. The residents in Ardsley have the same concern. I have heard very little to make me feel comfortable with the financial benefits to the Village. Given the MUPDD, how does the Board see this project vis-à-vis the Vision Plan?

Trustee Quinlan: That is why I think the connector is so important, because it connects at least people that are willing to walk or bike to the Village in a safe way. The way it is constructed now, and the Vision Plan does say that we are not supposed to have private enclaves, there will be no way to get out of that project and into Hastings safely without being in a motorized vehicle.

Mr. Shapiro: Makes it inconsistent.

Trustee Quinlan: I believe it does, and that is why that particular proposal is important to me.

Mr. Metzger: It would behoove the Village to require that that property be tested to our satisfaction, not merely to Ginsburg's satisfaction. I have questioned our Village experts. They were charged with reviewing Ginsburg's information. They were never charged with providing an independent assessment of the property. We need to know before we get involved in this and before we grant any approvals that the property that we are being given is free and clear of contaminants, any financial problems, etc. so that when we take this property we can actually use it for something.

Elizabeth Felber, 415 Farragut Avenue: Mayor, did you receive a letter from Ardsley school board member Joanne Sold?

Mayor Kinnally: Not recently.

Ms. Felber: I was forwarded a copy this afternoon and I assumed that you had it. Here it is. In her letter, the Ardsley school board planning committee reviewed the tax projections in the Planning Board's submission and in Trustee Swiderski's submission and disagrees with them. They found that Ardsley will be losing money because you cannot deduct the state aid from the tuition cost per pupil; that that does not go towards instructional cost. So they gave a different number, and also they said that neither test took into consideration the fact that 10% of Ardsley school district is special education, which is twice as expensive. So that went into their calculations. When you were talking about certiorari, I would ask that you consider that they have continuously had to pay back money in certiorari fees to condominium associations and recently had a settlement for \$1 million. Ironically, that is why I am asking. I thought Mr. Quinlan had seen this, that there had been an agreement entered into that people not bring these proceedings for three years. I understand that will not hold up.

Mayor Kinnally: Do you know if Ardsley has similar agreements with developments within their borders?

Ms. Felber: No, I do not.

Trustee McLaughlin: One thing came up at a hearing a few weeks ago, and I do not recall that it has been followed up. The wetlands maps came from FEMA and are about 30 years old. I am questioning how much faith we should put in 30 year old mapping. I do not think I need to write a book about climate change here to explain my concern, but at the end of the next 30 years we will be 60 years away from the development of those maps and living in a very different time from now and certainly from the late 70s when those maps were drawn up. I do not think the applicant has any way of answering that because the FEMA maps are the FEMA maps. But there is often a reason why land was not the first in the community to get built on, and that is often because it is swampy. I am troubled by the lowness of this land and its floodability, especially in light of what we are learning about the changing climate in the Northeast and the increasing likelihood of torrential rains in the future, and the way that the property and the land around it floods.

Mayor Kinnally: I do not know. We will ask Mark. Marianne, maybe you can look into that.

2. Avian Flu Update

Village Manager Frobel: Several weeks ago Susan attended the annual conference of the New York State city/county management association. She heard a program about the need for communities to be aware of avian flu and to talk about steps we can take to protect our residents. Susan had asked for some time this evening for introductory comments and to get some input from the Board as to dealing with this if it becomes reality.

Village Clerk Maggiotto: This session was eye-opening for all the managers there. It was a talk by an expert on the 1918 Spanish Flu. She compared what is coming with the Spanish Flu, and it is quite sobering. This bird flu is spreading faster than anything has ever spread in history. It is coming, and the question is not if, but when. I believe as managers and as people that are responsible for a lot of other people that it is our responsibility to take a hard look at this. This is a quote from Secretary Leavitt from the Federal Department of Health and Human Services. "Let's acknowledge that anything we say before a pandemic occurs feels like an exaggeration, feels alarmist. But anything said afterward, it shows a lack of preparation. Is this Y2K all over again? Is this crying 'wolf?' This pandemic will happen with certainty. We don't know if H5N1 [which is the Avian Flu] is the spark. In 1918 they had no idea what was coming. We are overdue, and ill-prepared. Local communities are going to have to take the lead. Those expecting the federal government to ride in and come to the rescue are going to be sorely disappointed."

Mayor Kinnally: They are working on the FEMA maps.

Village Clerk Maggiotto: Exactly. I came back from the conference and was going through my *Journal News* and saw two articles. The first headline was "Scientists Look For First Bird Flu Carrier In North America." This was from Anchorage, Alaska. "The search for the first wild bird carrying a deadly flu virus to North America is underway on a lonely stretch of coastal marsh." The other one was headlined "County Execs Confer on Bird Flu, Drinking Water, and the Tappan Zee Bridge." The three local county executives were asked about preparations for the avian flu, a question met with grim replies. "The counties need to be prepared to see as much as 50% of its workforce out sick in the case of a pandemic, and preparations would be needed to treat ill residents once hospitals become overwhelmed. Nobody knows how bad this virus will be." Our own county executive said, "If there ever was an epidemic, we are not prepared to handle this." This was May 25, 2006.

We are going to have to take a lot of local responsibility in planning for our own operations as a municipality, and then for whatever restrictions might be placed on our residents. It sounds so alarmist to think of quarantines, to think of schools being closed. But we are talking not about a few days of school, we are talking about two months. These are things that we all have to think about, and sooner rather than later. I am looking for direction. Is that something we should refer to our Public Health Board, for starters?

Mayor Kinnally: I certainly think it is something that the Health Board should get involved in. They know the resources, they know some of the jargon, they know the people who are working on it, and this is exactly what we have commissioned them to do. Not to react, but to plan, to give us the information that we may need if you say that the federal government and the state and the county are not prepared to fill the breach.

Village Clerk Maggiotto: There is an excellent Website if anyone wants more information: pandemicflu.gov. The state has done a brief report, dated February, 2006: "Pandemic Influenza Plan." There is not a lot in here, but it depends on the counties and then it depends on us. How are we all going to fit together in something that may happen very quickly?

Trustee McLaughlin: There is no effective vaccine, am I right?

Village Clerk Maggiotto: Right.

Trustee McLaughlin: Is there an effective way of treating it?

Village Attorney Stecich: There is an antibiotic my daughter just took before she went on a world tour. I got it at the local pharmacy. It is really expensive.

Village Clerk Maggiotto: And the supplies are simply not going to be there.

Trustee McLaughlin: So the supplies of the necessary antibiotic are not going to be made in time, and even if they were made in time there would be no way that a municipality like ours could acquire them.

Village Clerk Maggiotto: Right, it is a grim picture. But still, I think there are things that we could start to do.

Trustee Apel: We have to deal with this at our school, and there is a task force that has come into play because it is very serious. You will have students that may or may not have to come home and stay home, or people are going to go get them. Are you going to let them come back into the Village? Are you going to insist they have to stay in their house? How are they going to get their food? The federal government has told our school that we will just use your infirmary to help with the kids. Well, it is not big enough. They are not realistic, they do not know what they are talking about. And you are right, we have to take care of it ourselves. We are going to have to be talking with the police, figure out all the firemen. What happens to those people? Are they going to be hiding in their houses, too? So it is very serious. I would rather be prepared and be wrong than not prepared.

Village Clerk Maggiotto: It is an individual responsibility as well. Everybody has to be prepared in their own homes to take care of themselves for a certain period of time. That is something we have been hearing and it has been preached at us for all kinds of disasters.

Trustee McLaughlin: I was under the impression that person-to-person transmission had so far only happened within families of blood relatives, implying that the virus mutates enough to work within a family group but not necessarily person-to-person outside the family. Is that old information?

Village Clerk Maggiotto: I am no expert on this at all, and I could not begin to answer that. But things change, and that is the scary part.

Trustee McLaughlin: The migration maps show a confluence of birds at the top of the earth, so that the migration patterns in Europe include lands that the migration patterns in North America overlap. Because of the pool of birds in the north, they spread south. During the migrations the virus would travel with the birds.

Trustee Quinlan: I met with the Public Health Board at their last meeting last week, and mentioned to them that Susan was going to present this tonight and that they could view it on HoH later. They could not be here tonight, but I expect that the Board may want to look at it.

Mayor Kinnally: No, absolutely. As I say, it is why we have them. This is too good a resource to avoid.

Village Clerk Maggiotto: We have another excellent resource, the citizens' corps that came into effect a few years ago. A very few loyal people have been working consistently on that, and are now producing a handbook.

Mayor Kinnally: I know Danielle is part of it.

Village Clerk Maggiotto: Linda Knies is heading it up from the Village, with Cathy Soderstrom, and Doris Cooper is the chair. They are looking for more people to join them. Linda is putting something in her new handbook about this. They also could be a group that would at least try and to get their hands around it in some local way.

Danielle Goodman, 28 Ashley Road: Susan, thank you for mentioning the citizens' corps. I was going to bring that to everybody's attention. They are starved for members. I will be happy for the 9-A project to be disposed of so I can give Doris my full time. One of the things that the citizens' corps wants to do is to set neighborhood watch systems. Pinecrest Parkway Associate as well as the Ravensdale Neighborhood association are putting together questionnaires so that within neighborhoods we know who is at risk, who needs help so that we can lend a hand to our neighbors. We also want to prepare our households, and we want people to be available to help the fire and the police. Anybody who is interested should contact Fran's secretary, Linda Knies, who is very efficient and very devoted to this cause. But we just do not have the people power, so now is the time to act.

Village Manager Frobel: You received tonight a copy of the draft of the handbook that the citizens' corps has prepared. If the Trustees would look it over, mark it up, and send it back. The Chief of Police and I will be attending a seminar at the end of this month on development of a community plan for a flu epidemic. We will report back after that.

3. Other

Trustee Apel: The Comprehensive Plan was brought up at the last meeting, and I was asked to come up with some ideas. This is very basic and very simple

Since the state statutes require that zoning and all land use regulations conform to a locality's Comprehensive Plan, even though we have a Vision Plan and zoning in place, I recommend that:

1. We immediately initiate the processes necessary for the development, acceptance, and adoption of a Comprehensive Plan for Hastings-on-Hudson.
2. This undertaking should remain under the jurisdiction of the Board of Trustees.
3. That a staff be appointed/committee be formed to assist the Board of Trustees with issues concerning the logistics of creating a Comprehensive Plan steering committee.
4. The Comprehensive Plan steering committee would, based upon the recommendations of the Board, proceed with the full undertaking of the project.

Mayor Kinnally: This is a good start. I spoke today with Marianne and with Mark Chertok and his partner. Their suggestion would be that counsel meet with us to go through the processes that would be necessary and to identify who we would need in the way of personnel and consultants. I would hope we can do that in July.

Trustee McLaughlin: But we only have one meeting in July.

Mayor Kinnally: I understand. We have one meeting scheduled *now* in July. One of the things we have to look at also is the budgetary impact. We have to identify what we need in the area of expertise and other personnel and see what we have in budget and if there are other monies available. As Fran indicated last time, there may be some monies here. Saying we want to do a Comprehensive Plan is fine. It is like saying we want to develop the waterfront. The devil is in the details. I get a sense from the Board of a commitment to go forward with this process. If we can enlist the expertise and services of Marianne, Mark, and Steve to fill in some of the blanks we will get a better idea of where we are going.

But what is missing here is the Planning Board. The Planning Board has to be part of this process.

Trustee Apel: If you have a Comprehensive Plan steering committee and they come to the Board of Trustees, at that point the decision is then yes, they have come with ideas and suggestions and then you present this to the Planning Board or not. I envision a committee that is not overly large. If you were to have a committee, let us say, of seven people, I envision that you would want to have one person from each part of the community. You might want to have somebody from the Chamber of Commerce. Anybody else that is coming in would be invited to come to the meetings with their input. Because if a committee is very large, around the country they have been as high as 16, we need to find out from other communities whether or not they were productive. They have varied in size in Dobbs Ferry, Irvington, Croton, Bedford, Southeast. The committee would look into those processes, see how they fared, where did they start. We have a lot of stuff, so we do not have to start from scratch. We already have the LWRP. But there are issues that have not been dealt with which need to be looked into. The Planning Board should be one of those groups that are invited in, but I do not see necessarily that they are the core of the group.

Mayor Kinnally: I did not even say that they were the core of the group. They should be consulted even before the structure is formed because they may have some input that we may want to use in constructing this.

Trustee Apel: I do not know if any of the members on that board have had experience with Comprehensive Plans. They worked on the Vision Plan and they may have done some research, but I do not know.

Mayor Kinnally: We have two planners on the Planning Board.

Trustee Apel: I understand. We are very happy for any input that we can get. But my preference is I do not want a whole board of planners working on this Comprehensive Plan.

Mayor Kinnally: We want to see if we can get an evening to discuss this.

Trustee Quinlan: A steering committee would be volunteer citizens that would give us some input on how to structure the beginnings, the middle, and the end of developing a Comprehensive Plan. That is not a hard thing to do except picking the members.

Mayor Kinnally: I am not so sure it is that easy because you have to define what it is you are looking to accomplish.

Trustee Quinlan: We are looking to establish a Comprehensive Plan.

Mayor Kinnally: But that covers so many things and so many variations.

Trustee Quinlan: It does and it does not, but I know what you mean. It conceptually seems broad, but practically, even though it is going to take years and years to do, it has been defined. A Comprehensive Plan is a definition.

Mayor Kinnally: A Comprehensive Plan is what each municipality wants it to be. It is a lot different for the Village of Hastings to have a Comprehensive Plan than the town of Southeast which may be 20% developed. And by the way, Southeast is just concluding its 10 year Comprehensive Plan process. There are many variations on a theme, and there are also questions as to whether or not the Comprehensive Plan wants to change all of the zoning; wants to look at the current zoning; wants to deal only with open space; wants to deal with built-out space. That is why I say maybe it is best to get some guidance from Mark, Steve, Marianne, and then go with our volunteers.

Trustee Quinlan: We certainly could use all the advice we could get.

Mayor Kinnally: Or appointees. Let us put it that way. Because it is going to be under the aegis of the Board of Trustees. I think everybody is in agreement on that.

Trustee Apel: Right.

[Discussion of date to meet]

Mayor Kinnally: We have to see when some of the other people are around, too. Let us pursue what we can. But a substantial monetary appropriation is needed, into six figures.

Trustee Apel: But there are initial grants, and then you can plan it out over time.

Trustee Swiderski: I am not sure when the last update was on our village officials committee. The salient outstanding issue is the litigant has sued the Town of Greenburgh once again on our Finneran law, about a month and a half ago. We joined the suit on the side of Greenburgh a couple of weeks ago. The motion went before the judge last week and we have not heard anything back yet. So we are waiting, and hoping we will join that suit, and eager to pursue it to its natural course.

Mayor Kinnally: Our congratulations to the Hastings High School baseball team which is, to this point, undefeated and waiting to go to the final four. Let us hope they continue their winning ways.

SPECIAL MEETING

On MOTION of Trustee McLaughlin, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled a Special Meeting for June 27, 2006 to consider the awarding of bids on Boulanger Plaza.

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.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:40 p.m.