

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 16, 2006

A Regular Meeting was held by the Board of Trustees on Tuesday, May 16, 2006 at 8:05 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, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Ten (10).

PRESENTATION

Mayor Kinnally: The first item of business this evening is the presentation of the draft LWRP plan. The LWRP had been in business for how many years, Phil?

Phil Karmel, Chair, LWRP Committee: Since 1997.

Mayor Kinnally: They have produced a multi-page draft plan and handed it to us for our consideration. With us this evening is the chair of the LWRP, Phil Karmel. Welcome.

Mr. Karmel: We also have Angie Witkowski, the Director of Planning for the Village, who was instrumental in helping the committee draft the document.

After almost ten years of work the committee has prepared a draft LWRP. The draft was prepared in connection with several community workshops in which over 100 Village residents participated, a number of outreach meetings to affected constituencies within the Village, and a lot of hard work by many members of the Village. A consulting firm was retained to assist us, particularly to prepare the generic Environmental Impact Statement that is part of the document. But most of the document was written by volunteers within the Village. We have given a draft to the Board of Trustees and the Planning Board.

A draft LWRP has been on the Village Website since 2001. This is an update and a more complete document. The next step would be to get some feedback from the Planning Board and the Board of Trustees. If the Board determines that the document is in good enough shape for a public meeting, then a determination to that effect could be made by resolution and we will schedule a public meeting and distribute materials. I would hope that it would be widely publicized and a number of people from the Village would participate so we could continue the open planning process that we embarked on ten years ago.

Mayor Kinnally: It is a comprehensive document. Public participation in its creation, and in continuing to fine-tune it, is central to what we have been doing. If we can get input from the Board and from the Planning Board and make a determination that we go public with it, we can put it on our Website. We might be better served in having the public meeting in September. It would give everybody an opportunity to dig into it and to make that meeting more productive.

Mr. Karmel: That sounds fine. Even though the plan is done there is still a lot of additional work that can continue to take place before that meeting. Two local laws need to be drafted and enacted. The first is a coastal consistency review law that will provide an explanation of what the procedures are within the Village for making the determination that any future action undertaken by the Village or by a state agency is consistent with the LWRP once it is finally enacted. It is a standard law and it would be drafted fairly easily. The more complex law is a new zoning law for the downtown waterfront area, the area west of the railroad tracks. We have a grant from the Department of State to assist the Village in retaining counsel to draft that law.

Mayor Kinnally: And on the issue of the new zoning text, is that a SEQRA action so we are going to have to go through that process?

Mr. Karmel: The draft LWRP has a chapter which is the generic Environmental Impact Statement. The intention is that the generic Environmental Impact Statement served as the SEQRA compliance for both the LWRP and the new zoning so there will be one integrated process. Since we do not have the new zoning text at this time, if we were to have a public meeting before that text is available we would have to have another public meeting on the proposed new zoning and we would not close the SEQRA process until we had a second public meeting to give the public an opportunity to comment on any specific proposed text. But fortunately we do not need a second Environmental Impact Statement; we have the EIS for both actions.

Mayor Kinnally: This is a wonderful effort that gives a lot of guidance and to the Village. It also gives a lot of history. It captures what our past is and our hopes for the future. I would like to thank you and Angie and all of the volunteers that have labored the last ten years.

Trustee Apel: Is there a way to update what is on the Website?

Mayor Kinnally: We have to determine if we want any more input from the Planning Board and the Village Board before it goes on the Website. So I would give them a couple of weeks before we put it on the site because the Planning Board is just getting it now. I am hoping by the middle of June that we can put it on the Website.

Trustee Apel: But people will be reading the Website and it would be incorrect. That would be worse than putting this on as an updated draft.

Mayor Kinnally: I would tell people that it is going to be updated and a new one will be on the Website. I do not know if the chapters that are there have appreciably changed.

Village Planner Witkowski: We could add a memo in front of what it is on there saying that there is a new version which is more complete and it will be posted within the month.

Trustee Apel: I do not understand why we just cannot put this version on.

Mayor Kinnally: It is given to us to get the input from the Village Board and the Planning Board before it goes on the site. We may want to have other things put in there. Phil, what is your take on it?

Mr. Karmel: I have no objection to having it on the Website. It will be on the Website in a few weeks anyway, so I will take guidance from whatever the Board decides is appropriate.

Trustee Apel: It could be put on as a draft as presented at this particular meeting.

Mayor Kinnally: What is the sense of the Board?

Trustee Swiderski: Put it up.

Trustee Quinlan: Put it up.

Trustee McLaughlin: Put it up.

Mayor Kinnally: Okay, we will put it up.

Trustee Quinlan: A question for Phil: the zoning aspect of the waterfront: we are going to start from scratch, I assume.

Mr. Karmel: A lot of work needs to be done, but we do not need to start from scratch. There is an existing MWB district that is not mapped and is not appropriate because it allows for much more dense development than what this document envisions. So significant changes do need to be made, but there are a lot of good ideas in that zoning document in terms of setbacks and height limitations and the massing of the roofs and so forth. We do have a document to start from, but it needs a lot of revisions.

Mayor Kinnally: I agree, you don't have to start from scratch. In that text also is the promenade. But more importantly, what has trumped that document is the settlement agreement in the Riverkeeper suit. In that settlement agreement we have additional setbacks, additional height limitations and density limitations that are part of the order. So that is a starting point.

Trustee Swiderski: Sort of the outer envelope that defines sort of the maximums that we can do.

Mayor Kinnally: That is exactly right. And there are steps, depending upon where on this site the buildings would be put. If it is by a cove are the setbacks farther back? The height limitation is lower. This was all part and parcel of the negotiated settlement. So those things are the starting point, not the current text.

Trustee Quinlan: So what you are suggesting, Lee and Phil, would be to start by looking at the current zoning and also at this settlement decree order, and go from there.

Mr. Karmel: The idea of zoning as I would envision it would be to ensure that what is built is consistent with the draft LWRP. There are a number of very specific ideas in the LWRP in terms of the number of units, the amount of open space, the existence of setbacks. The LWRP suggests very stringent height limitations. And, of course, there are the consent decree requirements that need to be respected. But those are maximums, not minimums. For example, the height limitation. The consent decree is higher than what we have proposed in our draft LWRP document. So we would want to try to effectuate through zoning which is consistent with our vision for the waterfront.

The key chapter of the document is Chapter Three, which is where the policies are set forth. There are 50 pages of policies that, if approved by the Village, would apply. Among those policies are some very specific ones that concern the land west of the railroad tracks.

Trustee Quinlan: Would that include the height?

Mr. Karmel: Absolutely. The LWRP committee is just an advisory committee. The final decision-making on all of these issues is with the Board of Trustees.

Trustee Apel: Do we rewrite the floating zone which is out there, or do we scrap that and write a whole new one?

Mayor Kinnally: You would have to adopt a new text

Trustee Apel: Do you need to then repeal the other one and go through a process to get rid of it? Otherwise you will have a floating zone out there which we are not going to use.

Mayor Kinnally: It will supersede it. I do not think we repeal it. The local law would state that chapter X, section Y is amended to read as follows.

Trustee Quinlan: There has been a lot of talk of the comprehensive plan in recent months. How do you see this fitting in with a comprehensive plan for the Village?

Mr. Karmel: The document is comprehensive in some respects, but not comprehensive in others. It is comprehensive in the sense that the policies that are set forth in the LWRP would apply to the entire Village. The way we have drafted the document, the entire Village, all two square miles, is within the waterfront area. Any development that triggers SEQRA: site plan approval or a zoning variance or new zoning or other action by the Board of Trustees of a discretionary nature, would need to conform to these policies. It is different, however, from a comprehensive plan in that we have not made specific suggestions how to control land use development in terms of appropriate uses or appropriate density for other parts of the Village. We view that as beyond the scope of our committee's mandate, so we did not get into that. But a comprehensive planning effort would review those issues.

Trustee Swiderski: It is important that we move forward on this and pass it and get to the zoning around us. The cleanup will be underway soon and suddenly three or four years are going to go by, and we cannot dawdle. Do you feel this is dependent in any way on a comprehensive plan, or can this be passed independently and then a comprehensive plan could essentially be fitted around everything east of the railroad tracks?

Mr. Karmel: This document can move forward and the rezoning of the waterfront can move forward before some additional planning process. You are right that things are going to start happening on the waterfront, and we are going to have property available for development or reuse and we need to be able to control that. The whole point of the LWRP and the rezoning that will be associated with it is to manage that development west of the

railroad tracks so that what occurs is consistent with what the Village rather than what those who are not part of this process may want.

So this process should go forward. If, in the course of some comprehensive planning process, some idea obtained currency and popularity that was inconsistent with the LWRP the Village could always change the LWRP. The LWRP is not something akin to the US Constitution, where changing it is well nigh impossible. It is a local law and it can be modified by the Village in the future. It does require interaction with the Department of State to do that, so it is a little more complex than just enacting new local law. But if the comprehensive plan concluded that there was something in this document that should be changed, that could be also changed in the future.

Jim Metzger, 427 Warburton: Does ARCO still own the property on the waterfront?

Mayor Kinnally: Yes.

Mr. Metzger: And do they have a say in how the LWRP gets enacted, assuming the Village approves the document?

Mayor Kinnally: No. They have input like anybody else. But the zoning is a function of the Village Board, with input. Property owners have no role other than commenting on proposals. We do not have to get their approval.

Phil, Angie, thank you very much for all the hard work you have done, and to your committee for a tremendous task. One of the things we will have to start talking about is to retain counsel to move forward on the issue of the rezoning. We will discuss it in executive session. Angie, what is the timetable on that grant for the rezoning?

Village Planner Witkowski: I think it is two more years.

APPOINTMENTS

Mayor Kinnally: We will move forward the following appointments: John Daley to Parks and Recreation, reappointment to a term expiring 2009; Carolyn Summers, Parks and Recreation, appointment to a term expiring 2007. Thank you to both of them for agreeing to serve our Village on this important board.

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Special Meeting of April 25, 2006 were approved as presented.

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 2, 2006 were approved as presented.

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. 69-2005-06 \$227,109.27

Multi-Fund No. 71-2005-06 \$101,837.28

49:06 LITIGATION RETAINER AGREEMENT

Mayor Kinnally: Bob Bernstein has instituted an Article 78 proceeding against Paul Feiner challenging the allocation of the Parks and Recreation budget to the B budget and not the A budget. The A budget is town-wide, including the villages. The B budget is just the unincorporated part of the town which does not include the villages. Hastings, along with five other villages in the Town of Greenburgh, in conjunction with the village officials committee, of which Trustee Swiderski is the chair, has been working to formulate an approach to intervene in the action so that the villages' interests can be protected. Bob Bernstein has declined our request that we be allowed to intervene, so we made a motion to the court. We are seeking to intervene so we have a place in the courtroom and at any settlement table that may arise in the future. We have discussed with a number of firms representation of the villages. At a prior meeting we authorized the expenditure of up to \$5,000 for our portion of the litigation expenses. This agreement authorizes the Manager to sign the retainer agreement with Keane and Beane.

Trustee Swiderski: Should the litigant win his lawsuit the town portion of the taxes you pay to Greenburgh would go from around \$100 to triple or quadruple that amount. We do not accept the litigant's argument that it is an issue of fairness. Twenty-five years ago the Finneran law was passed that allocates expense in a way that it has been for 25 years. Only in the last year have the good relations between the town and the villages decayed over this issue. We are hoping to put this to rest with this lawsuit, so it is important.

On MOTION of Trustee Swiderski, 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 sign a retainer agreement with the law firm of Keane and Beane PC to represent the Village of Hastings-on-Hudson in the litigation pending in the Supreme Court, Westchester County entitled Bernstein v. Feiner.

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

Mayor Kinnally: I would like to proceed with the Village Manager's report as I have been trying to reach a representative of ARCO for the last number of days and have not been able to do so, so I am going to try now.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: For the past several years Village Hall has been open Thursday evening until 8 p.m. Not many citizens have taken advantage of those extended hours, and we feel it would be far more productive if we were open an hour longer each day. So beginning June 1 Village Hall will be open from 8:30 a.m. to 5:00 p.m. Monday through Thursday. We will still close at 12 noon on Friday.

I have been reporting to the Trustees on the process and the progress being made with our Community Center. At the end of this month steel will be delivered to the site. There will be some traffic interruptions as they offload the steel. There will be a large crane on the site for probably upwards of ten days as they offload the steel. The road is very narrow there and we are going to have to go down to one lane at times. We are working out a traffic pattern to minimize the interference, but people should be aware that it is unavoidable, given the fact that the steel has to reach far back to the corner of the property and consequently a very large piece of machinery is needed. For that we apologize, but we will try to minimize the interruption.

Trustee Swiderski: Was the dispute with the contractor over possible additional costs resolved?

Village Manager Frobel: No, we are still proceeding in our conversation. As noted, there were some extra costs associated with the contaminated soil. We have approached the state of New York. They have a spill containment program which is designed, we believe, for a situation like this whereby a party injured as a result of a contaminant flowing onto their property can be reimbursed for those expenses. The state has received our application and they are reviewing it. But we are still negotiating that issue and also the fact that to the rear of the property we needed to remove a greater amount of soil that was there not naturally but placed there years ago from the site, which would have required either additional fill being brought in or what we call a lean mixture of concrete. We opted to go with the lean mixture of concrete. There is a dispute as to whether or not that was part of the specifications. Those issues are still outstanding, but we are proceeding in a friendly manner.

PUBLIC COMMENTS

Mr. Metzger: I know that we were working on a fairly tight contingency with the Community Center. Are we on budget relative to the remediation of the soil? Is everything else still moving forward as planned?

Village Manager Frobel: We have probably expended all of our contingency. If we are unsuccessful in recapturing some of those unexpected expenses we will not have a contingency remaining. It would be very, very tight; however, we are taking some other actions. We have been pursuing federal grants. I have written to our federal legislators explaining our situation, asking for any money. As you know, we were successful with a \$20,000 grant the senator gave us which will go towards it. At our last meeting we talked about some additional money we received from the cable TV company. That was an unexpected amount of money that is helping us. It will be used for furnishings in the building. So we are trying to take alternatives. We have plans B, C, but our contingency is very, very tight.

Mayor Kinnally: I did receive a message from counsel at ARCO, and I would suggest that we go into executive session for advice of counsel on this. Depending upon that, we will be able to deal with the resolutions 50 and 51 dealing with the quarry trail and the acceptance of the quitclaim deed.

EXECUTIVE SESSION

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, the Board recessed at 8:45 p.m. to Executive Session for advice of counsel.

[Resume 9:00 p.m.]

50:06 PROPOSED QUARRY TRAIL ENVIRONMENTAL ASSESSMENT PROPOSAL

Village Manager Frobel: This involves a trail, what is referred to as the Quarry Road, probably less than 1,000 feet, that runs from the Old Croton Aqueduct to the railroad tracks and onto property owned by Atlantic Richfield. Acquisition of this property is part of the development of a railway system that the Village has been working on for the past several years. The urgency in this matter is that the grant that we secured a number of years ago could expire without us spending the money. One of the remaining pieces that we need to proceed on is acquisition of the property, so the matter before the Trustees tonight is to consider the acceptance of the land from Atlantic Richfield and to provide me with the authority, if need be, to contract for a Phase 1 study of the property.

Mayor Kinnally: It is not committing us to doing it; if it is necessary, we will do it. We would rather not spend the money, but we will get advice of counsel on this and at least this gives us the flexibility to deal with this problem in the near future.

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

RESOLVED: that the Mayor and Board of Trustees accept the proposal of CEA Engineers, PC to conduct a Phase I Environmental Site Assessment of the proposed Quarry Trail for a fee of \$4,500.00, if such assessment is deemed necessary.

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

51:06 ACCEPTANCE OF QUITCLAIM DEED FOR QUARRY ROAD

Mayor Kinnally: By way of background and lifting the veil of secrecy of what we just did, we had received a draft quitclaim deed from ARCO which had language in it that we thought was improper, and it tied our hands and gave up too much as far as any potential recourse to getting the property cleaned up if there was a problem with the property. This property was used as a railway line from the quarry down to the waterfront, and nobody really knows what has happened to the property in years past. ARCO took title to the property when they bought the property because it is an adjunct of the waterfront. But there was a misunderstanding as to the scope of certain representations and recourse against ARCO for any problems that may arise from spills on the property or any material that may have been deposited on the property in the past.

We went into executive session to discuss the matter with counsel and to review a voicemail that I had received from in-house counsel at ARCO. Some of the misunderstanding has been cleared up, and subject to approval of the language by the Village Attorney I am seeking authorization to sign and accept a quitclaim deed for this property. We are hoping to get that done this week so we can put the pieces together on a grant for this site.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign a Quitclaim Deed from Atlantic Richfield Company to the Village of Hastings-on-Hudson accepting the property known as Quarry Road, subject to review and approval by the Village Attorney.

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

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I think you just heard it. The Quarry Road came up five years ago, when the governor was in Hastings in August, 2001. Marge was there, and people were talking about the property. I think they asked the governor to take a look at the property that day. This is going to help us connect with the waterfront and go into the railway system and the open space in the community, making it both a walkable community and an accessible community, and tying in the historical portions of our village.

Fred Yaeger, ARCO Liaison: I will be happy to assist in any way I can. I mentioned at a previous meeting that the architectural firm of Hutton Associates has completed studies of some of the existing buildings at 1 River Street. We are looking to having an open forum to present the results of that study to the Trustees. We would like to get a date from you.

Mayor Kinnally: We have a meeting scheduled in New York on May 24, and part of that meeting is going to touch on those studies and some of the other material and information. I am hoping that that meeting with the architectural firm can be combined with a larger meeting to deal with a number of the issues: OU-1, OU-2, and the design engineering.

Mr. Yaeger: That supplemental feasibility study that brings together the remedy for OU-2 and OU-1 is also completed and we would like to get that out to the public at a future time.

Mayor Kinnally: I know Mark was trying to get a copy. It was not otherwise made available to the Village because it has not been filed with the DEC at this point.

Trustee Apel: It would be good to have the meeting before the summer so we have time to think about all this material.

2. Old Marble Quarry - Next Steps

Mayor Kinnally: We had some brief discussions last time about what to do about the report; whether to accept it, to endorse it. A number of presentations had been made by the committee, and I do not remember the Board ever discussing the quarry report and what is in it. There is a lot of history, a lot of proposals, some of which are feasible, some of which are somewhat extreme. The question is, what should be Board of Trustees do at this point, if anything.

The quarry committee gave it to the Village Board and we try to give it back to the board or commission that should have a first look-see before we put our imprint on it and maybe trump or forestall any discussion by them. My suggestion would be that the Village Board send it to Parks and Rec for their review and recommendations, and they can come back to us and discuss. Maybe they have different thoughts on some of the proposals. Maybe they have some additional proposals. Then we will be in a position to deal with any of the many issues: proposals, funding questions, feasibility questions. It ties in with Jerry's request about dedicating this spot for parkland. Part of the dedication for parkland, getting beyond the environmental thing, is do we want the entire site to be dedicated for parkland or is there a part of the site that we may want to use for other municipal purposes that would not fall within the envelope of parkland. There are a number of things that we will get into before we get to that point of dedicating it as parkland.

Trustee Apel: I hear what you are saying. I would like information. I think that the people have met with the Parks and Rec, and if someone would report on that then we will get the other part of this picture.

Trustee Quinlan: As directed last week, Chris Lomolino and myself met with the Parks and Recreation Commission. Terrific conversation, good discussion. They formed a subcommittee comprised of two members from Parks and Rec and all those members that were willing to continue to serve from the study committee. Meetings are going to be held over the next several months. Out of that group we expect some recommendations to come to the Board concerning dedicating the land as parkland, pursuit of other grant opportunities, looking into the environmental concerns. We are on the right track to keep this project moving nicely through the summer months.

Christina Lomolino, Quarry Study Committee: You gave a great description of the meeting. It was very positive and collegial. The subcommittee will have its first meeting as a newly-constituted group within the next couple of weeks. Everybody from the study committee who wanted to continue has been appointed. The committee is ex officio members of the Planning Board, the Historical Society, the Friends of the Old Croton Aqueduct, plus some additional residents that volunteered to be on it.

Trustee Quinlan: You are going to make your recommendations to Parks and Rec, and then Parks and Rec is going to come to us?

Mayor Kinnally: No, Parks and Rec is going to get this proposal, and we are going to ask them to consider the proposal and come back to us with any comments or suggestions.

Trustee Quinlan: Is that not what I just said?

Mayor Kinnally: No, you said that she would do it. Their job is done. We will send it to Parks and Rec and Parks and Rec will consider it and then come back to us with a report. I would not send it to the subcommittee because the subcommittee has already done its work.

Ms. Lomolino: What would the role of this newly-constituted committee be in that case?

Mayor Kinnally: As a resource to Parks and Rec, I would assume. You are a subcommittee of Parks and Rec, so how you will interact with the Parks and Rec Commission is something between you and Parks and Rec.

Trustee Apel: I think it has already been decided. You have things that you said that you are going to do. You have already discussed that with them, so it seems to me that this process has already started. Whether they got the report or not, it seems to be moving in that direction. Did they get a copy of this?

Mayor Kinnally: Parks and Rec? I do not know. But I believe the Village Board should formally transmit a copy of the report to Parks and Rec and ask them to comment to the Village Board as to the contents of the report as they usually would.

Trustee Quinlan: An answer to your question, Chris, might be that that would be the beginning. But if this whole plan does go forward, which I very much hope it does, it would be an ongoing subcommittee to Parks and Rec in terms of what would be Phase 1, Phase 2, Phase 3, different fundings. You would be an invaluable resource and advisory committee to Parks and Rec, going through the whole process.

Ms. Lomolino: Our understanding as to the mission of the committee was that we would continue to look into funding, phasing of the project, and what sort of expert input might be needed to cost out the project. Obviously, we will have to coordinate with Parks and Rec. Perhaps one of the things that will be discussed at our first committee is what is the most productive thing the committee can do next to advance the project.

Mayor Kinnally: You are right, but I am trying to get a sense from Parks and Rec what they like or dislike, whether or not we dedicate this as parkland, or if the entire thing is dedicated as parkland, or if they see any other uses that we would carve out from dedicated parkland.

Ms. Lomolino: This is the first mention I have heard of the quarry possibly being divided, and the project has been discussed in a great many meetings. I am just wondering whether there is something specific.

Mayor Kinnally: This Board has, in the past, considered multiple uses for the site and questioned whether or not there would be uses other than parkland. I am not saying they have embraced it, but it has been out there. Your subcommittee wants it all as parkland, I understand that. Perhaps the Parks and Rec Commission says maybe we do not want all of it dedicated as parkland.

Trustee Quinlan: This is the first I have ever heard of any subdivision and I am surprised and a little shocked, but I guess it can be considered. But if Parks and Rec comes back and says two acres should be used for whatever, that would still be our decision, right?

Mayor Kinnally: Yes. Only the Village Board can dedicate parkland.

Trustee Quinlan: Or dedicate the land for anything other than park. Could you give me an example of what other uses have come before the Board for this particular piece of property?

Mayor Kinnally: I cannot.

Trustee Quinlan: So it is up to the Board then.

Mayor Kinnally: Sure. The utilization of Village property is ultimately up to the Board.

Ms. Lomolino: I want to commend the Board and thank the Mayor and the Board, and also thank ARCO for transferring the quitclaim deed for the quarry trail. That is a great step forward.

Trustee Quinlan: Kevin Dawkins is here and he is the chair of Parks and Rec. Kevin, the mayor suggested that we send this back to your commission. Could you give us some timetable about when you could come back to us with your recommendations?

Kevin Dawkins, Chair, Parks and Rec Commission: At the meeting that the Village Manager and Christina were at we talked about coming back with recommendations to the Board by December for consideration in the 2008 budget. That was the only discussion of timetable. So that everybody is on the same page about the purpose of the subcommittee and what the Board would like from us, if we could have the parameters of discussion that you would like us to have so that we do not go off in a different direction. I presume we will

present to the full Parks and Recreation Commission the recommendations of the subcommittee; those recommendations would be discussed by Parks and Rec and then presented to the Board.

Mayor Kinnally: That is right.

Mr. Dawkins: We have had the quarry study report for some time and have had several discussions within Parks and Rec about the relative merit of different ideas. So we are familiar with it and ready to move ahead with this next step, which is to move from the theoretical discussions in the report to concrete steps that could reasonably be taken in a reasonable time frame at a reasonable cost.

Trustee Quinlan: You said December for budgetary reasons?

Mr. Dawkins: That is when Parks and Rec begins to construct next year's budget.

Trustee Quinlan: But designating parkland would not involve any budgetary considerations, would it?

Mayor Kinnally: Part of it would be because of environmental review.

Trustee Quinlan: You mean a SEQRA review?

Mayor Kinnally: No, not just a SEQRA review. This is a site that is under a letter from the DEC. There may be closing costs associated with it. There are certainly going to be counsel costs associated with getting a closeout on this.

Trustee Quinlan: A closeout of what?

Mayor Kinnally: A clean bill of health from the DEC.

Trustee Quinlan: But who else would be responsible for cleaning it up but the Village?

Mayor Kinnally: The Village.

Trustee Quinlan: Exactly, so what would stop us from dedicating it as parkland? My understanding of the history of the quarry is that the only person that could possibly have created any environmental problems with the site was the Village when we decided to make it a waste disposal area. So we are going to be responsible for any cleanup. Whether we

clean it up or not might be another question, but how does that slow us down in terms of a budgetary constraint?

Mayor Kinnally: I think you are mixing up a few things. Implementation depends in part upon funding because there are improvements. The ability to dedicate it as parkland may in part depend upon how we get the environmental wrinkles ironed out. Am I correct, Brian?

Village Attorney Murphy: Yes, we have suggested that you may want to undertake an EAF. Some of the recommendations in this report would, if accepted, strongly suggest that there will have to be an EIS done. Some of these could have major impact. If the park was to be kept strictly as passive property, then an EAF and an EIS may not be necessary, but an EAF, in our opinion, should be undertaken. A number of these proposed improvements, are of a nature that they may well have an environmental impact and will require full study.

Trustee Quinlan: I took a recent look at the state environmental quality review act. I do not see any listing of this property as a type 1 action. It certainly is not a type 2 action, which requires none. It would have to be an unlisted action at the very best. The easiest thing to do would be to say it does not need one.

Village Attorney Murphy: That would generally involve an EAF.

Trustee Quinlan: We could neg dec it and go on from there.

Mayor Kinnally: But before we do that, before we use it for any purpose, we have to get a sign-off from the DEC because of the current condition of the site.

Trustee Swiderski: But in terms of timing, can we not allocate the budgetary funds to pay for that ahead of December? I guess the word "December" shocked me as much as I think it shocked other people. Can we get the site dedicated as parkland, the EAF, up to the point that we worry about the next budgetary cycle for renovating the property?

Mr. Dawkins: The December timeline came up if we were going to take some actions, whatever recommendations came from the subcommittee. We really had not discussed environmental issues. We were asked by Ray Gomes to try to have something to present by December so that if it was a feasible thing it could be put into the 2008 budget.

Mayor Kinnally: Taking the funding component out of it, when do you think Parks and Rec would be in a position to give us their reaction to what is in the report?

Mr. Dawkins: We were waiting to see what the results of this discussion would be before we set our first meeting. We will probably meet within the next two weeks and then once a month on alternating Mondays. We are not planning on an open-ended discussion, but we have to set up in the first meeting the agenda to for the subcommittee and a reasonable time for discussion. If you would like us to report back at a certain date, we can do that.

Mayor Kinnally: That date is more dependent on when you think you are going to be ready.

Mr. Dawkins: As I said, we have had access to this report for some time and most of the members of the Parks and Rec Commission have read it. We have discussed it informally. So it could be sooner rather than later. I would like us to come up with some practical, achievable goals that the Village could undertake in a cost-effective way. If we are planning on discussing this in detail in Parks and Rec in December, I would like to report something back to the Board by September.

Trustee Apel: That would be fine. Much better.

Mayor Kinnally: In the interim, we will also engage counsel to look into what has to be done to get this property in a position so we can get clearance from the DEC and then move on to the dedication.

Trustee Apel: Can we get the DEC to give us information so that by September, when they come with their recommendations, we at least know what we have to do? It is possible that there may be something we could do over the summer.

Trustee Quinlan: Could we put it on the agenda even for the next meeting to determine whether we could declare ourselves lead agency so we could start the days running to determine whether we need a state environmental quality review or whether we can have a negative declaration?

Mayor Kinnally: I guess we could do that. Let me reach out to Mark on that, too. We can put it on for next time.

Trustee Swiderski: If everybody here is comfortable, I would like to put to bed as soon as possible the use of that site for something other than parks. If Parks and Rec could relay back to us in short order if there is any intention to use part of that site for something other than parks we can eliminate that from the discussion.

Trustee Quinlan: I second that.

Trustee Apel: Yes, we should do that.

Trustee Quinlan: Kevin, could you give us a timetable on whether your Parks and Rec Commission could recommend any other use besides parkland for that land? Has there been any discussion about it?

Mr. Dawkins: There has not been any discussion about dividing the property up for different uses that would not be related to public recreational open space. We have not discussed any construction or buildings there. Our understanding is to look at this as open space. Some uses may require, for safety reasons, separation from two different areas, if there is a playground or an athletic area. It is not like we said we will never put up a fence.

Trustee Quinlan: I thought Lee commented about a use other than parks or recreation use. Has there ever been any discussion about that?

Mr. Dawkins: Not within the Parks and Rec Commission, no.

Trustee Quinlan: So could you consider that at your next meeting and report back to us?

Mr. Dawkins: Peter, if you could give me some clarification on that. What is your request?

Trustee Swiderski: To report back to the Board whether there is a consideration of use for the property other than parks and rec.

Mr. Dawkins: So the format would be, at the next Parks and Rec Commission we would raise this issue, vote on it, and I presume Ray Gomes would report back the results of that discussion.

Trustee Apel: There is another part of this besides Parks and Rec. It is owned by the Village, and the Village Manager would have to say whether or not there was anything that the rest of the Village had wanted to use that piece of property for.

Mr. Dawkins: It is important to go back to the very beginning, where there were several public hearings about how this parcel should be used. There was ample opportunity for the community to make suggestions, and there were a wide variety of them. Then the quarry committee evaluated those and made recommendations pro and con. I think somebody wanted a recycling center for organic materials, compost. In the subcommittee we will go back through those and determine what is most widely acceptable to the committee, keeping

in mind budgetary issues, feasibility. I will ask Ray to put that on the agenda for us to formally consider.

Mr. Metzger: This is in one of the more bucolic areas of the Village. We have one chance to get this right because what we choose to do here is going to reflect for the next 40, 50, 100, 150 years. If it is a choice between spending a few less dollars or a few more dollars to accomplish something dramatic and beautiful I think we should elect to do that. This should become a beautiful place that people will look to for their inspiration.

Ms. Lomolino: The Hastings environmental fund of some \$1.5 million was established as part of the waterfront settlement. It is for civic projects within Hastings specifically related to the river. The quarry will be part of public access to the river via the quarry trail. If the Riverkeeper, the Village Trustees, and ARCO agree on a project it can be funded, partially or entirely, from those funds. I am not suggesting that the quarry project would be funded entirely from those funds, but if some funds are required before the new funding cycle it is possible that this project may be suitable for those funds. Would it be possible to look into that during this time period while we are approaching the DEC, while we are talking about SEQRA and whether it is a type 1, a type 2, or an unlisted project?

Mayor Kinnally: I am very protective of that fund. I know that the LWRP encompasses the entire Village. But saying that a landlocked piece of property in the Village that does not front on the waterfront is going to be a beneficiary of that fund is stretching things a little bit. But we can look at it.

Ms. Lomolino: You probably wrote the language, but it is very broad.

Mayor Kinnally: I know the language. I also know what the spirit of it was, and that was to improve the waterfront area. I do not want to rob from Peter to pay Paul on this one. We are going to be deeded or have access to public property on the waterfront that is going to need a lot of improvements as far as fields and landscaping and things of that nature. That was what we were talking about. Also, we are going to use part of that money for improvements to the cove. I'm not foreclosing it, but the spirit was that it was to deal with the waterfront, it was not to deal with upland issues

3. Other

Trustee Apel: It is time to start getting a committee together for a comprehensive plan. It was brought up tangentially with the LWRP. I want the LWRP to go through. It is vitally important. But there are some other issues that come up when you are studying a

comprehensive plan, such as how many people can we actually have in Hastings. Has this ever been discussed? That would come under a comprehensive plan, looking at the entire Village. It is necessary to take the time to do this now. We have talked about it and we have talked about it and we have talked about it, and we are going to have the waterfront, we are going to have the LWRP, we are going to have other property coming up over time. I do not want to be going through the same arguments over and over again that we are just dealing with that piece of property not in context with the rest of the Village. I propose that we put together a committee in June, and perhaps this committee would be in full swing by next fall.

Mayor Kinnally: We should define exactly what the committee would do and what kind of resources we would need, not just monetary but professional resources, and to define the scope of the committee. I would suggest that that be the first order of business.

Trustee Apel: How would you recommend we go about doing that?

Mayor Kinnally: If any Board members want to come up with a proposal, circulate it among us, we will discuss it when it is ready, and then we will discuss the personnel part.

Trustee Quinlan: I would be glad to help you on that.

Trustee McLaughlin: I, too.

Mayor Kinnally: Well, the three of you cannot meet together.

Trustee Quinlan: We will not meet together. We will meet separate and apart.

Mayor Kinnally: And circulate whatever you have to the rest of the Board members on a contemporaneous basis. We will have to get some professionals to get an idea of what it is going to cost us. We do not have anything in the budget at this point.

Trustee Quinlan: And we will have to try to decide who is going to be on that committee. That is going to be a big issue. And it is going to be rather expensive. Fran, you may know a little more about this.

Village Manager Frobel: It can be costly, but when the Trustees signed on and became a Greenway Compact village we became eligible for grants to help offset comprehensive plan development. So we can get some help.

Mayor Kinnally: Part of it is to define what you are looking for and what has to be done. You are not starting with a clean slate. The LWRP is part of a comprehensive plan, as is the zoning text, the RPA planning initiative, the downtown study, the large tract study, traffic studies. A comprehensive plan is just putting a gloss on what we have. A comprehensive plan is the intermingling of these various components. It is not like we are in the Southwest, where Hastings is going to annex five square miles next to us and start developing it. Ninety-five percent of our village is built out, so you are trying to fine tune what we have.

Trustee Quinlan: My understanding is that quite a few communities have it, and maybe we could reach out to them and see what they have done and go from there.

Trustee Apel: A comprehensive plan is not a static plan. It is a living thing and is always up for review and change. But it is time to put it all these pieces together. We need an overview. We need to look at the Village from the top down. There are the overall larger questions that we have to ask ourselves as a community. And that is what is going to direct all these different parts that are going on. Let us have the discussion of the whole part, and then the other parts will fit in. That is the reason to do this.

PUBLIC COMMENT

Mary Jane. Shimsky 35 Ashley Road: A few weeks ago the greatest urban planner in the 20th Century died. Jane Jacobs, the author of *The Death and Life of Great American Cities*, passed away. Her book has a lot of lessons in it, some of which are more applicable to a bigger urban area than our suburb. But she formulated a lot of great ideas which we have to think about as we move into areas such as walkability, revitalizing our downtown, and land use decisions. That vitality comes from bringing people in to an area and increasing pedestrian traffic. The other thing that comes to mind when you think of Jane Jacobs is that she was self-taught. Her life is testament to the fact that often the professionalism of the anointed experts obscures what is best for a community and sometimes the best wisdom comes from elsewhere. I am sure Jane will be remembered for many decades to come, and her legacy lives on in a lot of new-generation ideas of urbanism and planning. I hope we all keep her in mind as we move ahead.

Trustee Quinlan: Would it be possible to have an executive session on personnel matters tonight?

EXECUTIVE SESSION

On MOTION of Trustee McLaughlin, SECONDED by Trustee Quinlan 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 9:55 p.m.