

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 10, 2007

A Regular Meeting was held by the Board of Trustees on Tuesday, April 10, 2007 at 8:45 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Eighteen (18).

APPROVAL OF MINUTES

Trustee McLaughlin: Page 11, second paragraph, Mayor, you are addressing the Farmers' Market. The question came up of whether we were going to put it off for a week or two weeks and I believe what you meant was putting it off for one meeting or two meetings. Could we change week to meeting? It appears three times.

The informal way in which we speak is reflected in the transcript. On page 15 Raf is referred to twice. If a future historian chooses to use these minutes, that individual might not know who Raf is or what Raf's position is. Could the minutes reflect who Raf is by putting his name and his title in brackets, and why you are referring to him in this instance?

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of March 20, 2007 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 56-2006-07	\$593,370.51
Multi-Fund No. 58-2006-07	\$ 11,679.39
Multi-Fund No. 60-2006-07	\$233,935.91

PUBLIC COMMENTS

Mayor Kinnally: Any public comments on items that are not on the agenda this evening?

26:07 SUPPORT RESOLUTION - LISTING OF WATERFRONT BUILDINGS ON NATIONAL REGISTER OF HISTORIC PLACES

Stuart Cadenhead, 5 Valley Place: All that we are asking you to endorse tonight is to have the state office of historic preservation take a look at these buildings and issue a determination. Whatever determination they make will not be binding on the Village or on the owner of the property. We are just hoping to have the process go forward, and I thank you in advance.

Mayor Kinnally: You know I have been somewhat skeptical about this. What is the process? Let us assume that they change what they had done ten years ago and say they should be eligible for preservation. Then what?

Mr. Cadenhead: If the state office of historic preservation issues a determination of eligibility, that would mean that they are eligible to be on the National Register. In order for them to be put on the National Register the property owner would have to endorse the application, which would then go to the federal decision-making body.

Mayor Kinnally: That is why I am somewhat skeptical. The owner of the property has indicated that it is not going to endorse the application.

Mr. Cadenhead: The owner of the property has indicated that, you are correct. But they have also indicated on their Web site and in their publications that determination of eligibility is a significant consideration in whether or not the buildings are of historic value. You should take that into account as well.

Mayor Kinnally: I understand. But if they are not going to support this, then I do not see the endgame here.

Mr. Cadenhead: You do not see the endgame because there is no endgame to be seen at this point. I do not see the endgame, either. But it will open up the Village's options in terms of making grants available. Today the owner feels a certain way. They do not think it is realistic and they do not see how it can work. A lot of people feel that way and, to be perfectly honest, I do not see it myself. But I know that if we were to move this process along, first of all it makes us eligible for grants and tax breaks.

Mayor Kinnally: It does not make the Village eligible for tax breaks.

Mr. Cadenhead: It makes anybody who becomes involved with the process of saving the buildings. Whether it is the owner, whether it is the preservation committee, you can start to

put together a package where you can look at grants, you can look at tax breaks, you can use this as an inducement to a developer perhaps. It just increases our options, that is all. And there is nothing to lose. If it does not work out, it does not work out.

Village Manager Frobel: Stuart, what about our credibility? If we go to the State Historic Preservation Office [SHPO] knowing full well the company is not keen on the idea from an engineering point of view, they are not convinced it can work and save the buildings at the same time, what does that do to our standing? Won't SHPO look at us and say, Well, what happens here? You have worked with the owner, they are not supportive. Why are you asking us to take a look at this?

Mr. Cadenhead: What is the danger of our credibility being diminished in the eyes of SHPO?

Village Manager Frobel: I am thinking of the next event.

Mr. Cadenhead: What might the next event be? There is not much left to reserve at this point.

Village Manager Frobel: I agree with you, but I am not talking about that site; I am talking about another site elsewhere in the community.

Mr. Cadenhead: It is a two-pronged process. This first prong is for citizens who are trying to save important buildings. We are trying to find out if they are important buildings. I think they are, maybe somebody else does not. This is our chance. It does not carve anything in stone. But if SHPO says that they are valuable buildings I think that is something the Village would want to know. And it certainly is featured prominently in the Hutton reports, on ARCO's Website, in the Domani report. It is in the opening paragraphs of the summary. It is a very important thing. For this process to reach its conclusion without us asking this question, to me it would be an incomplete process.

Mayor Kinnally: But the process has been started once before and it was denied eligibility.

Mr. Cadenhead: As part of a SEQRA review.

Mayor Kinnally: But it would not matter if it was part of the SEQRA review. The same analysis went into it.

Mr. Cadenhead: That is not correct, and the state office's files do not indicate why it was denied at that time.

Mayor Kinnally: Do they normally tell you why it has been either granted or denied?

Mr. Cadenhead: Yes. There was some record-keeping problem between '89 and '91. They do not have any records.

Mayor Kinnally: Would you advise SHPO that the owner does not support this effort at this time?

Mr. Cadenhead: Okay.

Trustee McLaughlin: About the issue of notifying SHPO that ARCO does not want this, I would assume that SHPO will be doing their own research. I think it is part of Stuart's committee's role to do that notification. But I would be very surprised if SHPO does not already know it or would not find it out on their own.

I support tonight's resolution, and I understand that there is some sentiment in the community from people who feel that we are wasting our time and the Village's money on this. I would like to address that. We are in a down period in terms of the cleanup of the waterfront. Nothing in this process stops that by so much as five minutes. The cleanup of the waterfront is proceeding as it is going to, and this does not stand in its way. Moreover, it is not occupying Trustee time. Stuart's committee does not have a Board liaison, so there is no way that this is construed as wasting our time or Village money.

The issue of credibility is an interesting one. I agree with what Stuart says in asking what are we saving our credibility for. I do not know what other local thing we might want to take to SHPO, but even if something came up tomorrow, the purpose of Stuart's committee is to examine this situation, do what it can, and report back to us. This is part of the process that we authorized in the first place. I do not have any problem with the issues that have been raised tonight, and I will be happy to support the resolution.

Michael Curtis, 328 Warburton Avenue: The issue of credibility struck me as an interesting issue. Citizens' voices and interests in their own community, their wishes which are part of this public process, I cannot see how they can be characterized as lacking credibility. This is our community. It is perfectly credible for members of this community to express their desires. ARCO is leaving the property. We are going to live here with it. It is wrong to view any comment that any citizen wants to make about the character of this property when ARCO leaves.

Mayor Kinnally: I do not think he was characterizing a comment. He was reacting to the proposal. He is not criticizing.

Village Manager Frobel: Oh, no, not the intent. I am just indicating that when the staff reviews it they will look at it and say that you know fully well that the owner of the property does not support the effort. That was the point I was trying to make. Not the validity of your effort to pose the question, just the format.

Mr. Curtis: Thank you for that clarification. But I heard Stuart describe that the very act of national certification as a designated historic place can then change the process itself, the review process. It lends weight to those wishes. So in that other sense it has no inherent incredibility. In fact, it lends credence to the effort. I appreciate your clarification, but I think procedurally it shouldn't be characterized that way either.

Jim Metzger, 427 Warburton Avenue: Honorary titles do not necessarily confer any special privileges, but we tend to refer to people that have honorary titles in a different vein. If these buildings are awarded an honorary title of being eligible for the historic register it gives the Village a certain amount of credibility in future negotiations with whoever may take over the waterfront in how we want to see the waterfront handled. My guess is the people that were involved ten years ago may not be there today, there may be different people viewing this. The number of warehouse buildings on the Hudson River ten years ago are not the same today. I believe these are the last two buildings of their kind on the river. That is what I was led to understand. So different people are taking a look at a different time. There's nothing to be lost. Down the road it gives us credibility in dealing with whoever is looking to take over the waterfront to say these buildings are worth saving and we want to make sure our village is included in the process of doing that.

Cindy Travis, 427 Warburton Avenue: I do not know why it would matter if it is not holding us up and it does not cost the taxpayers any money. Especially those of us who view the waterfront all the time, we would like to see the resolution by that committee.

Donna Taylor, 10 Valley Place: Having grown up on Warburton Avenue and understanding the whole culture of the factory life, I applaud someone who is a newcomer to Hastings that he has done this. I am happy that he is my neighbor and has put in so much effort.

Ellen Hendrickx, 136 Circle: Stuart also mentioned that it makes us eligible for additional monies for funding for different organizations, so it is important to note that and make it clear that it can be beneficial in that way as well.

Steven Siebert, 71 Mount Hope: ARCO can presumably do with the buildings as they choose except as limited by the consent decree. This is just an attempt for the citizens of this

town to make a decision about the buildings based on our interests rather than on a corporation's interest, a corporation that will not be in the town the many years that we all hope to be in town. It is giving the citizens a voice against a corporation whose decisions are not being made based on the well-being of our town, our community, our children. It is taking control to the extent that we can, given ARCO's imbalance of power in this situation, for us to have control over our destiny.

Fred Yaeger, ARCO Liaison: I want to congratulate all the winners of the recent elections. To Trustee Goodman especially, welcome to the Board.

In terms of the Atlantic Richfield Company and the buildings, Dave Kalet recently gave an eloquent talk about the risk and costs in preserving the buildings. He will be here again at the next Board meeting and will be able to further address this issue. The Atlantic Richfield Company is going to be in this community for a long time and has been a good corporate neighbor to the community and wants to continue to do so. We are also working very closely, as you all know, with the LWRP, which is coming out in May, the findings in the report from the LWRP with regard to Buildings 51, 52, and the water tower.

Trustee McLaughlin: Thank you for making the points that you just did. I want to note again that this resolution enables the committee to ask some questions, and that is all. This does not commit anybody to do anything. It does not commit the Board to any action, it does not delay anything that is already underway, it does not obligate ARCO in any way, it does not infringe on ARCO's property rights. I support it because I am in favor of asking questions. I try to ask questions until I think I am informed, and that is what this process is letting us do: it is going to let us become better informed.

Trustee Swiderski: Points have been made. I agree, and I do not have anything to add.

Trustee Goodman: I am very mindful of citizens who do not have the time to be here who are opposed to preservation. I have also had the pleasure of sitting in on meetings with Stuart's committee. These are people who are volunteering their time and their talents. Their creativity and their imagination is beyond belief. Perhaps we could have a forum for them so that people could share in the drawings. There are architects, preservationists, some of the brightest and best new residents, old residents, a mix of people that are emblematic of what this community has to offer.

I will vote in favor of the resolution because in 2003 the then-sitting Board and the Mayor negotiated for preservation. It is part of the consent decree. A federal lawsuit was started by this Village with the Riverkeeper to ascertain responsibility for cleanup of the waterfront. During those negotiations the Board sought to make some declaration about the feasibility of

preservation. As a new Boardmember I feel an obligation to uphold the tenets of the consent decree. It is on line and the public can view it at page 13, paragraph 5. This is not slowing up the cleanup. Testing is still being done. The design of the cleanup is not done, and remediation is nowhere near starting. ARCO gave us a year last October to make a decision. I thank the committee for taking this on so it is not taking up the Board's time.

Trustee Quinlan: It is important to note, as has been stated, that it is not costing the Village anything, it was part of the consent decree, and it is not slowing up the process. I attended a meeting on March 26 with the Mayor and Fran at ARCO's attorney's office. It was a fascinating meeting and I learned a lot. I learned that we have an extensive cleanup to be done, not only in the land, which is OU-1, but in the river, OU-2. Possibly \$200 million is going to be spent on this cleanup, and there is further testing to do. A proposal, or PRAP, by ARCO has not been completed and submitted to the DEC on either the land cleanup or the water cleanup. That is no fault of ARCO's because there is more testing that has to be done. The DEC then determines exactly the extent of the cleanup. The cleanup is probably not going to start for three years. That is optimistic. More practically we are looking at 2011, 2012. So the idea of this preservation going forward absolutely does not hinder the cleanup or the development of the waterfront in any way, shape, or form.

The other thing I would like to add is the credibility issue that came up for the first time tonight. I never thought about that. But ARCO has been a good neighbor and they are reasonable men. I found that out at the meeting. I hope, but I do not care one way or the other, if it is designated. I do not know enough about historical preservation. But if it is designated that would make a big difference to me on whether I wanted to vote to save the buildings. I am sure it would make a big difference to the reasonable men at ARCO. So I do not believe it affects our credibility at all and, in fact, it enhances our credibility that we can get them more information. That is why I am going to vote yes.

Trustee Goodman: I did some research to find out how many of these sorts of buildings might exist. I did not come up with any answers, but when Atlantic Richfield bought Anaconda they bought all of Anaconda. Anaconda had sites all over the country. I was not able to come up with a determination, but I did find a study done in Kenosha, Wisconsin of an Anaconda site. In that case the buildings were knocked down. I would suspect that that is the case all over. I do not know how many of these buildings are left, but that could be something else we could look at. It is worth at least the research and some thought. And it is democracy.

Mayor Kinnally: This is not going to be popular, but it is a democracy. Everybody involved in this process is well-intentioned. I am a great believer in preserving buildings. One of the problems in New York City is that we do not have Penn Station. The loss of that

building and the saving of Grand Central and Carnegie Hall are the turning points in the preservation movement. In an ideal world I would be in favor of saving this building. There are major impediments to the ultimate preservation of the building. The effort to try to find out if this is eligible is a laudable one, but it is one part in the process. I see the next process getting them eligible, and then an argument made how can you take these down if they are a treasure.

My problem begins and ends with the consent decree. The consent decree came about because the people in the community, the Board of Trustees, and people in the state of New York said we have a highly toxic site there that has to be addressed. We spent years and a lot of professional input trying to hammer out a consent decree that ensured that that property is cleaned up to the highest level possible. That was the mantra. The cleanup of the site is taking a distant back seat to the idea of preserving these buildings. I do not oppose preserving the buildings. But I am not so sure we are all being honest about what is realistic. The committee wanted our blessing because they wanted to be able to go to funding sources. Months have gone by. We can designate that building as a historic treasure, but nobody is stepping up to the plate to put money into that building, to maintain that building the demolition and remediation. We are talking about a major deconstruction area that is going to impinge upon the footprint of this building.

I was at the meeting with Jerry it does not appear that you are going to have a building. A building has four walls and a roof. At least two of those walls and the roof are going to be removed.

My problem is that nobody is going to fund the maintenance of the building at the present time or, post cleanup, the preservation of the building. But more importantly, it is going to impinge upon the ability of this Village to get what it fought very hard for, and that is the cleanup of that site. I would love to see the building kept. It is part of the heritage. It is part of the legacy of Anaconda the same way, unfortunately, that the PCBs are there. But I do not see how we can get to the PCBs on the site, clean up the site the way it is supposed to be cleaned up, and have a viable site for future use and development while at the same time putting in first place the maintenance of these buildings. I just do not see it.

It is all well and good to ask the state is it eligible. Maybe they have changed their mind, it is eligible. But then the big question is, so what. What is going to happen when we start to clean up that site. I am devoting myself to making sure that this Village gets a cleaned up site so we can use it for whatever we want to use it for. But if we are going to cannibalize that site to do what we have to do, and that is clean up, remove those PCBs, and the highest concentration of the PCBs, unfortunately, are in the northwest corner where this property is, we may be left with two walls, unsupported by two other walls or a roof, and then what.

In negotiating the consent decree we wanted to make sure that Anaconda or ARCO did what it was supposed to do in assessing the historical nature, and the possibility and opportunity of preservation down there. Many things have changed since then. The footprint has changed dramatically. I know there is a lot of skepticism why suddenly the footprint is bigger. More sophisticated sampling has been done, and it appears from comments from the DEC and from ARCO that there is a bigger plume and it is more intrusive on the building.

I laud everybody's efforts here, but I do not think that in the end we are being honest with ourselves by saying we want to preserve this property. Let us assume for a moment we had someone from SHPO here and from the federal government, and they came down here tonight and they said it is on the National Registry of Historic Places. Then what? It is still deteriorating before our very eyes. The issue of the grants, of course there are grants available. But the grants are not going to be given to the Village because we do not have an ownership interest in the property. And every grant has a matching component. The SHPO Web site says that there is at least a 50% matching component to this. Because of the number of applicants, the percentage that has to be matched is much greater than that. I do not believe this Village can contribute anything to the maintenance of that building because it is private property. And the last thing this village wants to do while this property is being cleaned up is to take an ownership interest in that property.

I do not for a moment diminish the efforts and the well-meaning intentions of everybody to preserve this building. But I have to go a step beyond this and say to what end are we doing this. If the owner of the property says we are not going to support the effort, if needed this building is going to come down, well, it may make us feel good, but I am not so sure that we are being honest with ourselves in pursuing this. But as Danielle said, it is a democracy.

Trustee Quinlan: I have not decided whether the building should be preserved or not, but maybe I am more skeptical than my colleague. I was at that meeting and it was a convincing presentation. But I saw that as the plaintiff's case. I am looking forward to the report from this preservation committee as the defendant's case. I am going to keep an open mind. ARCO says the buildings cannot be preserved. And when I walked out of that meeting I said, Wow, that is great, they cannot be preserved. But maybe after I see the other side of the case I will see that the buildings can be preserved and some of ARCO's data can be refuted.

Mayor Kinnally: I do not question your analysis, and maybe they put a spin on it. But let us assume that defense carries the day. Who is going to preserve these buildings? Mr. Green has not come here and Mr. Green is not going to come from the state. State money has to be matched. I do not know who is going to do it, but it is not going to be the residents of the Village because we cannot use public funds for private property.

Trustee Goodman: I was hoping that if the committee had the opportunity to go for this evaluation that Mr. Green might materialize. I am an optimist. We do not have to fret about it. The committee has taken this on. Maybe whatever wheels that you feel that are spinning are a waste of time, but anybody who has worked on a project, whether it flies or it fails, learns something. You have such a galvanized, wonderful group of citizens working together that you could probably take them and channel them into some other project if this does not fly. But we have to encourage them, or to support within the bounds of our responsibilities, and something good is going to come of this. I just feel it. Even if the buildings do not survive, the story of trying to save them will. You have a Village filled with independent filmmakers and documentary filmmakers. There is so much more to this exercise than just the buildings. It is about the people.

The irony is that the citizens who lived here long ago fought and did not want the buildings, and now today you have citizens fighting to keep the buildings. So we are just part of the great cycle of what goes on here. There is more to be gained than just the buildings. It is a committee, and I say we let them go and we do not fret, and we will see how it works out.

Trustee McLaughlin: Not one of us would hesitate for a moment if we were asked to make a tradeoff between environmental remediation and saving those buildings. Every one of us would take seriously our responsibility to the people of the Village and go for the cleanup. But with this resolution and even with various possible outcomes, I do not see that the issue of the cleanup is threatened. We are not being asked to choose tonight between the cleanup and not, and I do not see that this leads anywhere that the cleanup will be threatened. It is not being impeded because we are waiting for ARCO and New York State.

This is a matter of asking questions and getting more information. If the state preservation committee were here tonight and said you have what you want, that would still not interfere with the cleanup. ARCO's property rights still exist. It simply opens the door for the committee to find funding. Nothing threatens the remediation. With all due respect, Mayor, I think that that is a false dichotomy. This is not a tradeoff between some airheaded idea of preservation and the hard-hitting nitty-gritty of the remediation. Nowhere along the line do I see that this threatens it. It is simply a matter of getting more information. We are all dedicated to the best possible cleanup as soon as it can happen and this does not threaten it.

Trustee Swiderski: With some concern about proving right those who say that this is taking away time from other Board business, I will restrict my comments to saying I agree with the points made by my colleagues. We asked the group to be creative in their approach. This is a free, creative next step in a process they are pursuing and it does not appear to interfere with any steps either ARCO or the Village might be taking in the future, so I support it.

Mark Rosner, 24 Branford Road: I am not convinced that exploration of preservation of the buildings comes without a price at this point. I have an aesthetic appreciation for them, I really do. But you have to be careful about creating a white elephant. The Navy was selling a submarine if only whoever would take it over would turn it into a museum and pay for that. Governors Island is available should you be willing to do the restoration it needs to be restored. No one is jumping at that opportunity. If we move too much in an unrealistic direction there might be a price or a risk attached to it. That exploration has been explored, maybe not comprehensively. But we should not assume that recognizing those buildings as treasures and deeming them as such, or recommending that they be considered that, comes without a price. It is going to rain tomorrow night, and while we take our time thinking of these things and asking the company to do this and that, the water is going to wash the things in that soil into the river. The sooner that we work with them to get this developed the better.

Mr. Cadenhead: Mayor Kinnally, I do not disagree with anything that you said necessarily. I, too, feel that the cleanup is the bottom line and the DEC is the final arbiter of the cleanup. If the DEC were saying that preserving the buildings is unrealistic, then that is something that we would have to take seriously. They have not said that. I spoke to them several years ago when I was first dipping my toe in the water of this process. I said, Is it possible to keep these buildings and do the preservation, could you tie the foundation of the building into this cap that is going to cover the site, would that maybe help? You would not have to penetrate the cap when you are doing future development. Once I realized that there was a possibility that not only it might not interfere with the cleanup but that it actually might help, that encouraged me to take another step into the process. You said that the contamination in the northwest corner is in the same place as the property. Are you under the impression that the contamination in the northwest corner is under the buildings?

Mayor Kinnally: Part of the contamination is under the building.

Mr. Cadenhead: The plume of contamination in the northwest corner did not impinge on the footprint of Building 52 on the last map I looked at.

Mayor Kinnally: There has been an update. It does impinge upon both buildings.

Mr. Cadenhead: You mentioned that you spoke to ARCO's engineers.

Mayor Kinnally: Well, they were at the meeting.

Mr. Cadenhead: The Parsons engineers were at the meeting?

Mayor Kinnally: Yes, I believe they were at the meeting. Yes, because our engineers were there, and counsel who had an engineering background spoke about it also. Dave showed how the plume had expanded. Jerry, is that your recollection?

Trustee Quinlan: Yes.

Mr. Metzger: At the PowerPoint presentation I believe ARCO said it would only cost about a million dollars to stabilize those buildings while we look at it for preservation. But if ARCO brought up all of these issues at that meeting, and we know we are talking about a million dollars to stabilize, then why are we waiting to have this process move forward where we could find somebody who might say, I have a love of old factory buildings, let us put that money in, stabilize it now, so we can use it in the future.

Mayor Kinnally: I agree. And we have a committee that was supposed to be doing that.

Mr. Metzger: And they are. I am bringing that point up so that people on the Board remember that ARCO said a million dollars can stabilize the buildings. Now I am hearing they are saying, we cannot stabilize them, it cannot happen.

Mayor Kinnally: No, I do not think they said stabilize. There is a difference between stabilizing the buildings and allowing the buildings to remain in the fashion that they are while they remediate the site. Those are two different things. Stabilize is just while you have a static situation there. But they said that once the construction begins they are going to have to go inside the building and breach at least one wall if not two walls. That is where they have a problem from an engineering and safety standpoint.

Mr. Metzger: There is a huge difference between saying we can stabilize the building and we can only stabilize one or two walls and the rest of the building may fall down on us. They did not make that point in the PowerPoint presentation. I was led to believe that they could set these buildings up so that at some point in the future we could decide to possibly reuse them.

Mayor Kinnally: And that is the difference. Stabilization is just allowing it to remain as is until they start the remediation. That was my understanding all along.

Fred Olsson, 3 Glenwood: I work for the Shubert organization. I have been in charge of all the buildings in New York City that Shubert owned, 17 theaters. We have buildings that are 100 years old. You do not know the condition of the theater unless you go in with the steelers. If there is any steel penetration where the steel penetrates the building, you have deterioration which can cause a collapse. When we started this program the chairman of the

board asked if we could get bids on this sort of work. I said I will show you why we cannot. We went to the Broadhurst Theater where there is a beam running between the Broadhurst and the Shubert supporting the fire escapes. It looks perfect. It was all beautifully painted green. We opened up the wall and I put my fist through the beam. I said that is why we cannot. You cannot see it. If you look at the Anaconda buildings you will see some lintels where the bricks have fallen away and it is all rusted. Where those lintels hit the side of the window I dare say some of them are rusted right off, but I cannot say for sure. There is not any engineer who can tell you the condition of the steel of the building without probing. You have to probe every penetration. A building that is 100 years old, there is great danger that there are a lot of problems with it, not only with the steel but with the pilings which, I believe, it is all on wood pilings. That is a very serious problem. I emphasize that it is difficult to say the word stabilization and put a number on it. I think that is impossible.

Mayor Kinnally: For the record, I am in receipt of a letter today from Mary Habstritt, the chair of the Preservation Committee of the Roebling Chapter of the Society of Industrial Archeology. The Board also is in receipt of other e-mails sent prior to today.

Trustee McLaughlin: I would like to respond to Mr. Olsson and to Mr. Yaeger. Just as I said that I believe that we are all dedicated to the environmental cleanup, I believe we are all very well versed in the bad situation at the waterfront and the condition of those buildings. A vote for this resolution, at least in my own case, cannot be construed as wholehearted enthusiasm for undertaking the project because I really do not know where it can go or how it can be made workable. But I am not an engineer. There have been meetings where I have asked if it is possible, and Dave Kalet says never ask an engineer because if you ask an engineer if it is possible to do something he will say yes and then he will tell you how much it will cost. It is the cost of doing things that makes an engineering project feasible or not. . So I am cognizant that the cost of this may be so vast, or the technical challenge may be so extraordinary, that nobody is going to take it on. But in light of what our waterfront represents historically, and the Society for Industrial Archeology has told us today, we owe it to ourselves and to the future to take this one more step.

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

WHEREAS: the Mayor and Board of Trustees believe that the goal of preserving a portion of the history of the Hastings-on-Hudson Waterfront is a worthy one, and

WHEREAS: this history is physically represented in the historic Anaconda brick factory buildings “51” and “52”, now therefore be it

RESOLVED: that the Mayor and Board of Trustees hereby endorse the efforts of the Committee to preserve the Historic Waterfront to have the Anaconda Buildings reevaluated by the New York State Historic Preservation Office (SHPO) for listing on the National Register of Historic Places

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

35:07 RENEWAL OF EASEMENT AGREEMENT - 45 MAIN STREET

Mayor Kinnally: What is going on at 45 Main Street? What can we anticipate in the way of progress in the next six months? And are you going to be back in six months asking for an extension of this easement?

James Huang, Urban Green Builders: Urban Green is the successor to A&F Commercial Builders. It is likely that we will be back in six months asking for the second of the two easements which were conceived of in the original agreement.

Mayor Kinnally: It would be the third, would it not?

Village Attorney Stecich: No. You mean the second of the two extensions.

Mr. Huang: Thank you, Marianne. Yes. The easement was granted in the spring of 2005 and the project began in earnest in the beginning of 2006. Since that time the excavation for the project has been completed, the structural steel has been completed, the entire front half of the building is now completed. The work in the easement was completed on the excavation side very early in the project, perhaps the first couple of months in. The remainder of the work involved is the construction of the retaining walls and the landscaping that is part of our site plan approval. Probably by the time we see you again in the next six months the retaining wall portion will be completed, and the only thing left will be landscaping and paving.

Mayor Kinnally: When do you expect the building to be closed in, bricked, glazed?

Mr. Huang: The façade will probably be completed within the next three months. Glazing will be probably around the same time.

Mayor Kinnally: When do you expect to come to the Village for a permanent certificate of occupancy?

Mr. Huang: We will probably talk to Mr. Sharma's office for temporary certificates of occupancy for individual units starting as early as late fall.

Mayor Kinnally: Would that mean that the sidewalk will be completed by that time?

Mr. Huang: The site work on the front will be the last part completed, and we will probably see that soon after that time frame. So towards the end of the year.

Trustee Quinlan: In general, I am going to have to abstain on this particular application because I cannot in good conscience facilitate in any way, shape, or form this project to go forward. It is so out of character with this Village that it appalls me and a lot of the people that I have spoken to. It has so obliterated so many of our beautiful views of the Hudson River and the Palisades that I cannot promote this project in any way, shape, or form.

Mayor Kinnally: The issue before us is the easement. Any other comments about the easement?

Trustee Goodman: I have a question because I did not see the easement agreement. I saw the minutes where the easement was originally approved but the agreement was not in my packet. Because of the public inconvenience and everything that is going on with this building, were monies negotiated with respect to the extensions? For example, the Ambulance Corps building next door that is getting construction dust on it, our equipment, etc. I assumed that perhaps the builder was going to be reimbursing the Village for industrial cleaning or painting of the Ambulance Corps building, etc. So you are saying we did not negotiate for monies with the easement?

Village Attorney Stecich: There is a separate easement agreement dealing with the portion of the property abutting the Ambulance Corps property which has nothing to do with this. This one is Christie Terrace. We talked about money with the Board and there was no exchange of money. There was not any money for the extensions. It was a two-year easement. We were hoping it would be done in two years. But instead of giving them three years outright it was two years and then two six-month extensions.

Trustee Quinlan: I have a question, and I would like to have an answer from either the Mayor or Peter, who were here when this original agreement was entered into. Considering our need for monies to reduce our tax base, why was it not negotiated for this developer, who obviously is using our property to pay for that right, so that we could reduce the tax base of our constituents? What was the discussion, why was it not done?

Mayor Kinnally: I do not know if there was discussion.

Trustee Quinlan: Well, Marianne said there was.

Mayor Kinnally: There may have been discussion with Marianne. There may not have been discussion by the Board, and I do not recall discussion about the consideration for the use of this land behind the building.

Trustee Quinlan: Why was there not discussion, considering the need for a reduced income for the Village and to reduce the taxes for our Village residents?

Mayor Kinnally: I do not know. I do not have any recollection of it. Peter, do you have any recollection?

Trustee Swiderski: No recollection.

Trustee Quinlan: Since they are going to use our property to make a development to make tons of money, why do we not give them a fair price for the use of our property? This is the month we are dealing with the budget. We know how much money we need. We know our tax base is going up 5.5%. I cannot imagine why that would not be the first logical question to be asked, and why can we not ask it now?

Mayor Kinnally: You can ask it now, but I do not think we should negotiate an easement here. This should be done in executive session.

Trustee Quinlan: Fine, but I am bringing that up. I think that we should charge them for the right to use our property.

Mr. Huang: Could I make a comment about that point? In addition to using the Christie Terrace property, the easement calls for the improvement of the Christie Terrace property. The paving, the landscaping, the new retaining wall are all expenses borne by the project and will be part of Village property at the completion of the project. Also, on Main Street, a good portion of our property is being contributed to public sidewalk. What would be the

public sidewalk is now going to be parallel parking with meters which will be dedicated to the Village. So there is some contribution from this project to the Village coffers that way.

Trustee McLaughlin: I would like to see this item off the agenda and brought into discussion in executive session. I move to table the resolution.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, Resolution 35:07 was tabled.

Trustee Goodman: Generally, if we are going to embark on any other construction projects in the downtown where the public is going to be inconvenienced for a lengthy period of time I would ask that we try to negotiate easements that will pay us for the inconvenience, notwithstanding any improvements that the easement might require. We are not being paid during the time that the public is being inconvenienced. I have had so many phone calls and e-mails about the building situation. We all have. And I think the public is owed that.

35:07 APPROVAL OF CHANGE ORDERS - BOULANGER PLAZA PHASE II

Village Manager Frobel: The project now is substantially complete. At this point it is appropriate for you to consider these very minor change orders on a project of this magnitude. I think on balance we did pretty well. We still have a retainage. We are holding back money from the contractor besides his performance bond, given the lack of decision on the restriping. But if you would consider these tonight, this will close out this portion. Part of these expenses, as I indicated in my written report, are the obligation of a private property owner. But that would be a discussion for another evening. At this time we are still trying to work out an agreement, but it is fair now to pay the contractor for his expenses.

Mayor Kinnally: This is all of the items that went into the construction per se, the modifications that were made to the overall contract.

Village Manager Frobel: Yes.

Mayor Kinnally: Do you anticipate any more?

Village Manager Frobel: Not from the contractor. Our other remaining expenses are the pay stations, and that is it. Everything else has been completed.

Vanessa Merton, 111 Pinecrest Drive: What is the total cost to the Village of this project?

Village Manager Frobel: About \$446,000.

Ms. Travis: I have been hearing people say that the pay stations are breaking and that they are not being informed what to do when one of them is broken and where the nearest one is. A lot of information is missing. People have witnessed people putting money in and walking away like it is a meter, and I think there needs to be more definitive help.

Mayor Kinnally: The point is well-taken, but not on the resolution.

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

RESOLVED: that the Mayor and Board of Trustees approve the following change orders from Marquise Construction Corporation for the Boulanger Plaza Phase II project:

PER PCO Change Order Log	-\$4,117.40
Future Pay Station Conduit	+\$7,720.95
Lam Post Brackets	+\$2,078.56
Foundation Repair Center Restaurant	+\$1,533.44
Trench Drain Center Restaurant	+\$1,436.20
Credit	<u>+\$1,500.00</u>
Total	\$6,642.25

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

36:07 VILLAGE QUADRICENTENNIAL COMMITTEE

Trustee McLaughlin: The quadricentennial, the 400th anniversary of Henry Hudson's trip up the Hudson River, has been planned by New York State for about two years. Federal and state money is being put into the project. The federal government is issuing at least one commemorative postage stamp. We have been asked for the past year to participate in the project, and I have been going to regular meetings. The state has asked municipalities to create local committees. The existence of a local committee gives us credibility in applying for grants and applying for participation in state-wide programs. This is not a request for

something that is going to drain the Village budget. It is our intention that this committee will not need to come to the Board for approval of members. People whose jobs are named will be on the committee and other members will come and go as they are interested.

Trustee Quinlan: I would like to thank Diggitt for attending the meetings and for bringing this to our attention. It is a fantastic opportunity. The marketing and the community relations, the commercial benefits are there to develop better communication throughout the region all the way up, and even international relationships. There is a chance that we could generate some commerce and industry in this town through our participation.

Trustee McLaughlin: Absolutely. In 1909 the tricentennial celebrated Henry Hudson and Robert Fulton's steamboat because it coincided. This quadricentennial includes Lake Champlain, so the festivities and the events will include the entire Hudson Valley. It will go from the Battery to Montreal. If you are interested in finding out more about it there is a Web site called newyork400 that will tell you some of the things that are being planned.

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

RESOLVED: that the Mayor and Board of Trustees authorize the formation of a Quadricentennial Committee to participate in activities in 2009 commemorating the 400th anniversary of the voyages of discovery by Henry Hudson and Samuel de Champlain.

This committee shall act as the liaison between the Village of Hastings-on-Hudson and state and regional committees and shall facilitate proposed programs or projects of Village departments, civic organizations and other local groups who wish to participate.

The members of the Committee shall include the Director of Planning, a Village Trustee, a Village staff member, a member of the Parks and Recreation Commission, a member of the Historical Society, and additional members as the Committee deems necessary.

Such committee shall operate until December 31, 2009 or such time as its services are no longer needed.

ROLL CALL VOTE

AYE

NAY

Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel:

Progress continues at the Community Center. The roof is now complete. All the windows are in. This week we have tied in the sanitary sewer line. All the work over the next several weeks will continue in the interior of the building. Our concern remains keeping it at a certain temperature so they can continue to work inside. But all of the utilities are on-site. I also want to announce that the Village-wide cleanup will be Saturday and Sunday, April 28 and 29. On Saturday there will be a lunch at the Hook and Ladder from noon to 2:00 p.m. We encourage all community members and groups to participate, as you have in the past.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Our meeting on March 26 was productive as far as getting a lot of information on the table. Our engineer was there, who had been in discussion with his counterpart at ARCO. The information presented by Dave Kalet seemed to square with what he had said in the past as far as the additional testing that had to be done, how the testing would be done, the protocols and the results of the testing in the last six to eight months, and that is the impingement of the plume. A lot of time was spent on what will be necessary to continue the testing on the DNAPL in the area adjacent to the bulkhead in the northwest corner, the riprap immediately adjacent to the bulkhead, and the area in the river where they expect to find a mirror to the DNAPL that exists on the land.

They are trying to engineer a design for that additional testing and retain contractors who will be able to drill on the land, in the Hudson, and in the area between the bulkhead and the end of the riprap. It is apparently very difficult to get in there and to do the testing. They have been having some difficulty finding contractors. There was a discussion about the preservation of the buildings, which Robert Kornfeld attended. Information that he sought I think was given to him. If he needed any follow-up, we said that he was free to do so.

Ms. Travis: What is happening with the southern end of the waterfront that is not Anaconda?

Mayor Kinnally: I do not know if there has been anything further on that. I will inquire of Mark Chertok. There has not been a Record of Decision, and there has not been a consent decree that I know of.

2. Other

Trustee McLaughlin: When I reviewed the minutes of the March 20 meeting there were things that we said we would bring forward, and I would like to put on the record that we have not yet done so. Two items relating to the Farmers' Market we were going to give to the Safety Council and the police. We were going to examine diagonal parking and neighborhood parking permits. Sooner rather than later in terms of the Farmers' Market, we need to hear what the Safety Council and police have to say about the diagonal parking, but long-range it might be good to examine again the issue of neighborhood parking permits. We were also going to have a discussion of Cablevision, and that is not yet on an agenda.

Mayor Kinnally: Discussions have continued with Cablevision and with Verizon. John Figliozzi from the state public service commission has been working both with the Village and with Verizon. We will get, I hope, franchise agreements to discuss from both Verizon and Cablevision.

Trustee Goodman: I wanted to bring one story to everybody's attention. On Easter Sunday morning the Tarrytown fire department very heroically, in the Hudson River, saved a Hastings resident. Their boat was out of commission, and the fire chief took his personal watercraft into the water with a team and they saved a Hastings resident. It makes me mindful of how lucky we are to have our volunteers who give up their time 24/7.

To the resident in Hastings, I commend your bravery for treading water until you were saved. To the Tarrytown fire department, I thank you. And I thank our fire department and ambulance corps because we are very lucky to have people who are so heroic and committed to the community. Sometimes we do not thank them enough. So I am grateful.

Trustee Quinlan: Diggitt and I are scheduled to go to a school board joint meeting on Tuesday, Apr. 16, the night of our work session.

Trustee McLaughlin: I think we should try to reschedule.

EXECUTIVE SESSION

On MOTION of Trustee McLaughlin, 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 land acquisition and transactions and personnel.

ADJOURNMENT

Mayor Kinnally: I would like to entertain a motion to adjourn in memory of Stuart Cohen from Hastings, a policeman here, a volunteer fireman, a good friend to many of us, who tragically died at the young age of 38 this week in the line of duty. I would like to have a moment of silence and adjourn in his memory.

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