

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**APRIL 24, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 24, 2007 at 8:05 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 Deputy Manager/Clerk Susan Maggiotto.

**CITIZENS:** 5 (Five).

**Mayor Kinnally:** We have with us this evening former Trustee Bruce Jennings, who served us from 2000 through 2006 as Village Trustee. I was remiss last year in getting something for the outgoing Trustees. I have made amends, and I will ask Bruce if he will come up. Bruce, this is on behalf of the Village and all your colleagues on the Village Board, a token of our gratitude for all that you have done for us. Thank you very much for your service.

**Bruce Jennings:** Thank you very much, Mr. Mayor and Trustees. I appreciate whatever it is. Even more so, I was honored to serve on this extremely outstanding Village Board and I was privileged to have the opportunity to serve my community. I thank you for that very much.

**Mayor Kinnally:** Bruce's service went beyond the Board of Trustees. He also served as a member of the police commission. So thank you, Bruce, for everything.

**PRESENTATION** - Waterfront Update by ARCO

**David Kalet, Project Manager, ARCO:** I am project manager at the 1 River Street site. As we spoke last fall, we had discovered some material in one of the monitoring wells. We have been working with the New York State DEC to put together a field sampling event this spring, doing additional sampling on land and in the water to see if we could identify if there is more of the sticky material that we saw in monitoring well 12, the DNAPL.

Our plans are pretty much still in place. We expect to receive final bids on Friday from a specialty drilling contractor. We are hoping to begin sampling mid-May. We will not start unless we find everything is in order and is safe. The scope of work seems to be all right with the DEC. We expect to have the DEC in for much of the sampling. We expect to spend about six weeks in the field and try to conclude by the first part of July.

Probably about 15 to 20 people will be involved in the field event. There will be a barge on the river with a drilling rig as well as a drilling rig on land. In terms of traffic in town, this work is not going to involve truck traffic to any extent other than to set up the rig and then when they pack up and leave.

**Trustee Goodman:** When do you think the data analysis might be completed?

**Mr. Kalet:** It will be mainly visual just to see whether or not there is a presence of the material. There probably will be some laboratory confirmation. We go through a process to validate the data. Probably ten weeks' time may be reasonable. Since we are going to be doing field work with the DEC, we will review the data with them as we receive it and put out a report, probably after Labor Day.

**Trustee Goodman:** Because perhaps some of us have lost track of the purpose of the new testing, could you remind me? I thought you were retesting for other things. So you are just looking for more data?

**Mr. Kalet:** We are going to take the opportunity to do some work inside of Building 52 as well and tie up some other data gaps we had identified in earlier testing. With the rigs in place it makes sense to do that. It is important to know if there is any more DNAPL in consideration of where we would put a bulkhead wall along the riverfront. If there is material like this we want to avoid that with a steel sheet pile wall. The DEC agrees, but they would like us to present more data to show where the locations are. It is in areas where it is very difficult to get samples, so I am sure that is why, previously, samples had not been taken. It is a difficult sampling event, but I think we have figured out how to do it.

**Trustee McLaughlin:** Is this going to involve only sampling on land, or will you be sampling in the bulkhead and in the river? If you have a barge I guess you will be sampling in the river as well.

**Mr. Kalet:** That is correct. We will have one rig on land and a different type of rig mounted on a barge operating from the riverside. We will probably start the land stuff a few days ahead of time, and then we will mobilize the barge and get that crew going shortly after.

**Trustee McLaughlin:** Last fall you were not certain how you were going to do sampling underneath the current bulkhead. Is there anything unusual about how you have resolved that?

**Mr. Kalet:** We did some work to assess the strength of some of the areas along the shore. We think we can reach in pretty close on the northwest corner because of the way boulders and all have been placed there. We will have to work the tides in order to, at high tide, get as close in as safely possible with a barge.

**Stuart Kadenhead, 5 Valley Place:** Prior to the analysis, is the data going to be available?

**Mr. Kalet:** The data is always part of the public record. We want to make sure that we validate the data. When we submit it to the DEC it becomes part of the public record. Typically we have a hard copy in the library and electronically through the Village Website and/or through our Website and/or through the New York State DEC Website

On the preservation issues, we owe you a couple of deliverables. We have some estimates that Parsons is working up for us in terms of façade preservation and brick preservation estimates, and we should have that up hopefully in a couple of weeks. So we are looking forward to giving that to you.

Finally, as a personal note, it is time for me to move on from this project. I would like to introduce my replacement, Joe Sontchi. Joe is a certified professional geologist. We have been under transition for a period of time. We filed with the state and notified some of you personally that we are making the transition. This is effective May 1. It has been an extremely challenging, very interesting project and I really enjoyed the cooperation of the Village. It is a very well-informed village, and it has been a pleasure to work with you. Thank you.

**Mayor Kinnally:** It has been a pleasure working with you and trying to work through an interesting and challenging process and problem.

**Trustee Goodman:** I would like to thank Dave for the care that he took in guiding the public through the tours. I was on a tour, and you gave us over and above what we expected, a great lecture, and handled us with care on the ice. It was also very informative, so thank you very much.

**Trustee McLaughlin:** I would also thank you for giving me insight into the mind of an engineer, in particular when you helped me along once. I asked you if something could be done and you said do not ever ask an engineer that because an engineer will always say yes and then will proceed to tell you how much it will cost. I appreciate that insight, and I am sure I will find it useful as I proceed through life. I certainly have found it useful as I have proceeded as a Trustee. Thank you.

**Mayor Kinnally:** Thank you very much, Dave. And Joe, welcome. I am looking forward to continuing to unravel this mystery. The DNAPL will be an interesting entree for you.

### **APPROVAL OF MINUTES**

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 10, 2007 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Public Hearing of April 10, 2007 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of April 10, 2007 were approved as presented.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 63-2006-07 \$150,625.79

Multi-Fund No. 64-2006-07 \$258,965.32

### **PUBLIC COMMENTS**

**Jacque Lhoumeau, 157 Southside:** I was concerned about the article in *The Enterprise* about Con Edison and the trees. I think I heard from you, Mayor Kinnally, that there might be a question and answer period with comment.

**Mayor Kinnally:** Yes, it will be next Tuesday, May 1.

**Ms. Lhoumeau:** I am really glad to hear that. I have been doing a little research on my own. Could I submit to you some stuff I had found?

**Mayor Kinnally:** Yes, thank you. See you next week.

### **38:07 ADOPTION OF BUDGET AND TAX RATE - FISCAL YEAR 2007 - 2008**

**Village Manager Frobel:** We are at a point now where it would be appropriate for the Board to consider passage of the budget. You have had your overview that I prepared several weeks ago and a public hearing on the budget. We have had two work sessions. You have had for several weeks an opportunity to go over it, consider the changes that we are suggesting. The tax rate is projected to be at \$194.47, a 5.5% tax increase. The other revenues that we generate locally, or receive from the county or state, reflect stable, conservative growth, one that we feel is attainable.

The budget does reflect some changes, although not as extensive as I would have liked, in terms of expanding programs. We are looking for a new position in our highway department. We believe that we can put that position to good use as we address maintenance of our streets and roads and drainage systems. We also are looking to add hours to the library on Fridays from Labor Day through Memorial Day.

The revenues reflect a steady, consistent growth. We have tried to keep the tax rate as low as we could. Our expenses, like homeowners and businesses, reflect higher utility costs, medical insurance, and our commitments to our employees.

**Trustee Goodman:** I would like to thank the Village Manager and my fellow Board members for being patient with me. I did have a lot of questions.

I am hard pressed to vote for a budget with this increase. I understand why we need to do it, but I would hope that the budget process is something we look at all year long. A couple of things that concern me are our property assessment values going down. I know why that happens, but do we need to change strategies, do we need a second opinion on the way we are handling assessments, challenges, legally. For the fifth straight year we have eroding revenues due to this. Property taxes are an eroding stream of income. Our debt service is up; we are trying to pay off our debts more quickly. That makes sense.

Sixty-five percent of our increases are due to employee benefits, union contracts. I understand why that is. Energy costs are another thing, and I would hope that we reconvene budget sessions during the year and look at our energy costs, and that we have the conservation committee or some other group of citizens look at how to reduce our energy costs, if that is possible, with programs that include solar panels, electric cars, etc.

With revenue that comes to us through sales tax and state aid, we must take a proactive stance with the state. To not advocate for our Village is not a good thing, and I would ask the Board to think about at least convening a subcommittee of a couple of us. I would volunteer for that. We are starting an economic development committee. Hopefully they can help stimulate the Village economy. With the New York 400 Quadricentennial, the Hudson Valley is going to be on the world stage. We should be looking at 2009 as our goal to have our Village shining like a new penny and inviting new business in.

I am hard pressed for all the capital needs and the continued expenses for recreation. When you need a new roof you do not landscape your back yard. We need an ambulance, \$140,000. We need a fire pumper truck in Riverview, \$550,000. We need a sanitation trash compacter truck, \$170,000. The hook and ladder firehouse needs repairs on an ongoing basis. This all represents future debt. I am going to have difficulty in the future approving recreation programs. We need to reorder our priorities, and I hope that we do that.

Lastly, I hope that we look at some of the uses of Village cars. I specifically except my comments from the fire department, the police department, and the DPW, but I am looking at other administrative cars that are in this budget, \$12,000 each. If these cars are being driven out of the Village then I am hoping the employees pay us for the fuel and that we do a pro rata share for insurance and maintenance costs. Cars that are being driven distances like New Rochelle or White Plains have to be putting on substantial mileage.

I would ask that in the future we talk about the budget all year long, and we find other ways during the year to carefully look at these things and see if we can prune some of the fat out.

**Cindy Travis, 427 Warburton Avenue:** In light of the fact that Earth Day just passed and we are facing the need to conserve in every possible way, I hope there is a great push to look at when we can not be running lights in public buildings that are closed. There are plenty of people in this village who have their own thoughts who could e-mail to the Village Manager of ways that we can increase what we do as citizens, what the people who work for our community, can do. We are all trying to shut down lights and use less water, and we have to do so on a municipality basis as well. including the new Community Center. I am hoping we can put something on the Website.

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

**RESOLVED:**           hat the Mayor and Board of Trustees adopt the 2007 - 2008 Village Budget as follows:

**APPROPRIATIONS**

General Fund	\$11,935,522
Pool Fund	314,000
Library Fund	749,304
Draper Fund	<u>31,000</u>
	\$13,029,826

**REVENUES**

Property Tax	\$ 8,241,737
State Aid	566,180
Sales Tax	1,100,000
Re-Appropriated Surplus	374,000
Other	<u>2,747,909</u>
	\$13,029,826

And be it further

**RESOLVED:** that the property tax rate be established at \$194.47 per thousand of assessed valuation.

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**Mayor Kinnally:** I would like to thank the Manager and all the staff who put this together. It is the longest process that we undergo in the course of the year. It started before the holidays and it runs to the end of April. Danielle mentioned revisiting it during the year. The Manager probably revisits it daily when he has to figure out who is going to get paid what, when, where, how, and why. Everything we do here has an impact on the budget, be it on the revenue side or on the expenditure side. I thank everyone for what they have done and what they will continue to do in monitoring our fiscal resources in the Village.

### **39:07 REQUEST FOR PROPOSALS – LANDSCAPE ARCHITECT SERVICES FOR QUARRY**

**Village Manager Frobel:** The subcommittee that the Trustees established to continue looking at the former quarry and putting it back into public use has been very busy. I have kept you informed in my comments during my weekly reports as to the work they have accomplished.

Several months ago you authorized us to retain Malcolm Pirnie to help on the environmental questions. Tonight we want to talk about the landscaped architectural use of that site. We believe that these two processes could work together and result in a shorter timeline and avoid some expenses had we done them separately. Certainly no guarantees, and certainly we know that this is a very lengthy process. We are dealing with environmental concerns and ultimately public use, so it takes a lot of care and attention.

Kevin Dawkins has served as chair of that group, and tonight we are looking for your permission to solicit proposals from qualified firms to take us through that landscape architectural process. We do not have a budget. If you approve it and we come back with a recommendation, we will have some suggestions as to where we could access that money. We do not know how much it might cost. We have a list of about 20 different firms that we believe will be interested in this proposal. If it is too expensive, we are going to have to reconsider our position. But we believe this tool is important to us. This group, as you will hear from Kevin, has not been sitting idle hoping that we could turn to property taxes. We are aggressively looking for grants and other funding sources, and we think by having some renderings as to what this parcel could look like we will be more successful attracting private dollars to help in this endeavor.

**Kevin Dawkins, 128 Washington Avenue:** The subcommittee and the Parks and Recreation Department have been busy since I last spoke with you in the fall. There are still a lot of unknowns. One of the things we happily found out is that the cleanup would not require a cleanup of the entire 5.5 acres, but only the portion where the materials were dumped. That could be as small as two or three acres. We have got to do an investigation, historically, to find out what percentage of the 5.5 acres was used for the landfill. That is the only area that the DEC is concerned with. There is a lot of surface material there. They were very comfortable with that material being used to spread around. But the environmental protection issues, the subsoil and the membrane, would only be applicable to whatever the footprint of the landfill was. Finding out what that footprint is will give us a better idea of the cost. Malcolm Pirnie put together three cost scenarios from covering the entire 5.5 acres, to a three acre site to a two acre site; the costs come down dramatically from the original estimates of \$1 million to \$2 million to between \$450,000 and \$1 million, still a significant amount of money.



The DEC explained the benefits of following what they call a part 360 closure, which would give the best environmental protection. It would also make the Village eligible for up to 50% recapturing of the costs through a state-funded program. We are also investigating private foundations that might be interested in contributing to the project. But as Fran said, we need to have a vision to present that would include drawings and a description of what this park would look like. It makes sense to get ideas from design firms, having them work with Malcolm Pirnie so both the engineering for the environmental issues and for the design take place in an integrated way rather than one following the other.

**Trustee Swiderski:** Where is the Parks and Rec committee in this process? Did they review and approve the request for a proposal?

**Mr. Dawkins:** Yes. With the process for the cove as well as for the community center and the pool renovations, it was coordinated through Parks and Rec. We held meetings with commission members and representatives from the various engineering firms to explain to them what our plans were and to get some additional design concepts from them. I do not know if that is going to be the same process, but Parks and Rec is fully up to speed on everything that has been going on.

**Village Manager Frobel:** There is no commitment, obviously. When we have some hard numbers and come before the Board again, you will have an opportunity to meet with the firm and discuss whether or not to go forward. When we have this kind of enthusiasm I like to pursue it. It is wonderful to have a group of citizens that have given so much time to what can be a wonderful facility. We do have the environmental concerns. We have been working very closely with the DEC. They have been very cooperative. We need to address the concerns whether it is in 2007 or 2012. We are not trying to rush it, but the day will come when we will have to close it to their specifications and it is our advantage to be a willing partner. I hope we can move forward and see what this next expense will be.

**Mr. Dawkins:** We have gotten significant encouragement from the New York State Office of Parks and Recreation and Historic Places; it is adjacent to the Old Croton Aqueduct, which is one of their parks. They have been very helpful in putting us in touch with people in that department that are in charge of grants. We had a meeting with Ron Rader; he was encouraging, but wanted to see the Village spend down the two grants we currently have for the cove and the quarry trail. So presumably, as those projects are now moving forward, the day will not be far off when they would look favorably upon this project as well.

**Trustee Quinlan:** I am in full support of this proposal. Fran and I have met on this, Kevin and I have discussed it, Fred and I have been to the quarry together. I have discussed it with the quarry committee, I met with the DEC and Malcolm Pirnie and Fran and myself. The state is excited to officially close what once was a dump. The Village owns the property, it is central to our village, near the Aqueduct, has the quarry trail leading down to the waterfront and the river, and it is not being used. This is the first step to create a fantastic passive recreational Village park and open space. It is a perfect example of what Hastings is about and blends in with our Village character. I am asking for the Board to support this proposal.

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 issuance of a Request for Proposals for landscape architect services for a conceptual design and master plan, design and construction documents, and construction administration, for the development of a park in the Old Marble Quarry.

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

#### **40:07 AUTHORIZATION TO SELL EXCESS VEHICLES**

**Village Manager Frobel:** Both these vehicles are not in use. One is assigned to the fire department, and the other one is parked over at the highway garage. One of these you had already authorized us to dispose of, but the bidder never paid for it. So we are coming back again to seek your approval to get rid of these surplus vehicles.

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

**RESOLVED:** that the Mayor and Board of Trustees declare the following as excess vehicles and authorize the Village Manager to sell same by public bid:

1992 Chevrolet Caprice - 118,965 miles  
1995 Chevrolet Caprice – 185,151 miles

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** The Community Center continues to move along. Progress is all inside the building. They are bringing in the toilet partitions, the fixtures. The furnace has been made operational so we can do our painting, taping, and tile work. Perhaps early June we will have a dedication ceremony. The final touches seem to take the most time, but we are doing well on that.

A reminder that the Village-wide cleanup is this weekend. All the volunteers are treated to lunch at the Hook and Ladder.

The Mayor has asked me to update you on a couple of projects. Kinnally Cove was a project that I inherited. I have been committed to getting it completed. I was hoping last fall we would have done a lot of work. Some setbacks have occurred in terms of the DEC and our permits and the Army Corps. We have since come back to the Board for additional authorization for more engineering consulting fees. That work is underway. We are now again looking at the project. With the passage of time the costs have risen. We are looking to turn to our trust fund, the fund set up by the Village, ARCO, and the Riverkeeper. We are sensitive to not using that fund excessively for this project, so we have sent the engineers back to the drawing board to scale back the project.

We are still convinced we will have this out to bid early summer. We are going to have to have progress by the fall. This grant is going to some day expire. We keep getting extensions from the state. The grant is complicated because there are many different elements, and those elements are designated for certain improvements and the money can only be spent on those aspects. So we are trying to piece this together, but we are, on a weekly basis, working with the consultants to get this project out to bid this year.

Dobbs Ferry has been sweeping our streets for the last several days. The axle that manages the guide wheel on our sweeper broke. We tried unsuccessfully to repair it ourselves, so we sent it to a machine shop. Despite putting over 100 pounds of torque on that axle they have been unsuccessful in fixing it. We are now looking at a major repair. We need to buy the part, and it costs about \$5,000. We hope to have the part soon. Mike Gunther assures me that Dobbs Ferry will continue to sweep our streets but, obviously, not as extensively as we do with our own machinery.

The county has been declared a federal disaster area as a result of that storm last weekend. Private homeowners and businesses will be eligible to make application to the federal government for low-interest loans, perhaps some grants. People are to turn to their homeowner's insurance first. Governments, as of this moment, are not eligible. There was not much damage to any public property with the exception of some washouts on some of the streets, but things that we can fix. We will watch to see if there is any federal aid that the Village would be eligible for. I am meeting with those neighbors that were hardest hit, who front Saw Mill River Parkway. I will be meeting at their homes with the fire chief and Public Works to talk about their situation. Although we are powerless to make significant differences in the river to avoid future flooding, we need to meet with them to hear their concerns and begin that process.

**Mayor Kinnally:** Every spring we put up hanging baskets in the downtown. This year, under the guidance of Sue Smith and Ray Gomes, we are going to have new flowers which we believe will be a lot more hardy than the ones in the past and will be able to withstand the rigors of the late-day sun. We are looking for a much prettier downtown this spring. We expect to have those flower baskets hanging before the Memorial Day parade.

I am in receipt of draft correspondence from counsel. Malcolm Pirnie and Sive, Pagett & Riesel, with Mark Chertok, have been working to come up with a draft budget of costs that the Village anticipates it will incur in working with ARCO regarding the infrastructure and other projects on the site. I will pass it out and please give me your comments tomorrow. It sets forth a budget of anticipated expenditures that will, in part, be underwritten by ARCO as part of their development of the site.

**Trustee Goodman:** I thought this was not going to cost the Village money.

**Mayor Kinnally:** That is what I am saying.

**Trustee Goodman:** Why is there a budget then?

**Mayor Kinnally:** ARCO said to come up with an estimate, and this is in response to that.

**Trustee Goodman:** So are we anticipating paying money for property that we do not own?

**Mayor Kinnally:** No. I said this is a budget that ARCO has asked from us for costs that will be underwritten by ARCO.

**Trustee Goodman:** One-hundred percent?

**Mayor Kinnally:** The letter has a number in it, and the understanding that if that number is insufficient the Village will go back to ARCO. They are agreeing to a certain pot of money now within the confines of a budget that we have estimated. If it comes to a point that that money is insufficient we will go back to them, but we will not expend money without the likelihood of reimbursement. Money will be put in escrow that will be held by one of the firms that will be replenished over time.

**Trustee Goodman:** Will the budget be released as part of the LWRP documents?

**Mayor Kinnally:** I do not think it has anything to do with the LWRP.

**Trustee Goodman:** Well, that has got to do with the development proposal and how the waterfront is going to be used. So this information is not going to be made public?

**Mayor Kinnally:** These are draft documents. It is attorney work product. It is not in negotiations. It is not being released at this time. But to the extent that we have any agreements, they are public documents.

**Trustee Goodman:** Have we told our attorneys we do not have the money to develop property or spend the money for property that we do not own?

**Mayor Kinnally:** Yes. Nor does the attorney anticipate spending money out of Village funds for property we do not own. That is exactly the reason for this exercise, to go to them and to say, you want our input on the siting of certain infrastructure on the waterfront, we have got to have a way of paying for it.

**Trustee Quinlan:** How did Mr. Chertok know how to create a budget? We do not know where the roads are going to be, we do not know where the sewers are going to be.

**Mayor Kinnally:** That is the purpose of the budget, to get the legal and the engineering assistance to respond to a request that ARCO made to us that we submit input so that they can start talking about where these utilities are going to be sited and that can be incorporated into the cleanup plan and into the design engineering on the cleanup with the DEC.

**Trustee Quinlan:** I am not questioning that. I do not understand how they come up with a number if we have not decided what is going to be there.

**Mayor Kinnally:** The number is for the engineering and legal services.

**Trustee Quinlan:** So this is not for the sewers and roads. I did not know that. It is almost like what we are doing for the quarry. It is a budget for outside services and ARCO is going to pick up that tab.

**Trustee Swiderski:** This initiates a process where we get the engineer. But the engineer has to respond to guidance regarding where the Village has a vision for roads or whatever. In terms of a time frame, the engineering services are to go until what point? Because that does define by which point we have to provide that guidance. That would appear to tie back to the LWRP and any indication that comes out of that process as to what vision there is for the waterfront. So is there a sense of a timeline?

**Mayor Kinnally:** There is an outside date. October or November sticks in my mind when they were here.

**Trustee Swiderski:** That is what I remember.

**Mayor Kinnally:** They were saying that they want something within a year, so we are looking at six to seven months of services, driven not necessarily by us but by them.

**Trustee Swiderski:** But does that imply that either the LWRP process needs to come to conclusion within the time frame, or that we need to come up with at least enough of a bare bones idea to provide a framework for the engineer to work with?

**Mayor Kinnally:** I think that is probably right.

**Trustee Swiderski:** Which one?

**Mayor Kinnally:** Both.

**Trustee Swiderski:** Well, that cues up some work for us, in that case, right?

**Mayor Kinnally:** Three weeks from tomorrow we are starting with the LWRP. But yes, it is somewhat time-sensitive. I am not necessarily sure that they will even be at that point, given the problems they are having with the DNAPL. That may change it, but it is probably more prudent for us to keep to that October-November deadline, and get the process moving.

**Trustee Swiderski:** Who is running the process in the Village in terms of hiring the engineer and carrying out the coordination?

**Mayor Kinnally:** We authorized Malcolm Pirnie.

**Village Manager Frobel:** The feeling was they are most familiar with the site, they have been your representative throughout.

**Trustee Swiderski:** That is fine. But I would like to see a timeline with some indication of dependencies for the LWRP process, an indication of the path as to the touch points.

**Mayor Kinnally:** It is a good point, and once we get this buttoned down I am sure we can go to Malcolm Pirnie.

**Trustee Swiderski:** May is around the corner for the LWRP first meeting, and then May to October is a wink of the eye. I am not sure the LWRP process is going to significantly work its way through in any major way in that period of time. On the other hand, I would never stare a gift horse in the eye. If this gives us an opportunity to lock up infrastructure costs ahead of time it is an obvious thing to work toward, but I worry that this deadline requires input from us that we have to factor into our schedule.

**Mayor Kinnally:** Yes, and that input will come from us after consultation with Malcolm Pirnie also. There are givens as far as siting of some things that are not going to be dependent upon us, for instance, the existing trunk line for the sanitary sewer. That is not going to be reconfigured, and some things may naturally follow that. But that is what we are hiring the engineer for. In part, some of it is going to be dependent upon what the DEC says and what ARCO responds to the DEC in that regard.

**Trustee Swiderski:** And will that happen within the time frame of this period?

**Mayor Kinnally:** That is a good question.

**Trustee Swiderski:** I do not think so.

**Mayor Kinnally:** But the timetable is ARCO's, so ARCO has some problems that they have to deal with in pushing the DEC along on this.

**Trustee Quinlan:** ARCO talked about an October deadline before we were informed of the DNAPL, the new hot spots in 52. I do want to push the process along and get it done, but I do not think we are under the gun to think about October.

**Mayor Kinnally:** I will send an e-mail on that to Malcolm Pirnie.

**Ms. Travis:** What is the present cost to renovate Kinnally Cove?

**Village Manager Frobel:** All three phases are approaching \$500,000. We broke the project into three phases, trying to minimize the expense, trying to phase it in.

**Ms. Travis:** Is that in the budget now?

**Mayor Kinnally:** No, it is capital and grants.

**Ms. Travis:** Does the recent flooding have any impact on the 9-A site? I was at many meetings where they stated there would not be flooding on that site. Will this impact the Village because that is going to come back to bite us?

**Mayor Kinnally:** The Monday of the flooding I put in a call to Martin Ginsburg, and I followed up since. I have not heard back from him to find out exactly what happened.

**Trustee McLaughlin:** I went out to the site last Monday morning and evening. I did not go there on Sunday. The site goes over and then there is a drop-off. The flood waters were a couple of feet below the impermeable surface of the site. They did not come up onto it. I was surprised myself, but there you are. The site itself did stay above water, but the water at about 8:45 a.m. last Monday was within a few feet of the Saw Mill River and was within a few feet of the top surface of the site to the south and to the west.

**Ms. Travis:** What we do not know is what was in the sponge.

**Trustee McLaughlin:** We do not know what was underneath the impermeable surface, no.

**Trustee Goodman:** One slight correction, because I drove over there also on that Monday. The area that is the flood plain, which is directly behind the three big pine trees, was submerged. It went into the parking lot, and it was right behind the trees. But that is not the area they are going to build in. They never would have built in a flood plain. So the areas where the buildings were sited, yes, definitely, there was not any flooding on the property, but it was higher behind the property than I have seen it in the past. But downstream from there the river was very close to approaching 9-A.

**Trustee McLaughlin:** The intersection of 9-A and Farragut Avenue was flooded by late afternoon. To drive down from Ravensdale to Holly Place you had to be willing to drive through a flooded area. And you could not approach Holly Place from the south at all.



**Ms. Travis:** I heard you say, Mr. Mayor, that the LWRP is starting. What does that mean?

**Mayor Kinnally:** There will be a public forum on the LWRP draft. It is available for people now. There is going to be a program on it on May 16 at the high school. Phil Karmel is going to walk people through it, Meg is going to have a presentation.

**Trustee McLaughlin:** It is not available yet. We asked five or six weeks ago. It is not on the Website.

**Mayor Kinnally:** But it is going to be available. There is going to be a presentation, the beginning of public comment on the various portions. I thought it was finalized. When are we going to get it?

**Trustee McLaughlin:** We had asked for it to be put on-line weeks ago, but it is not there yet and there has not been an announcement yet of this meeting.

**Mayor Kinnally:** Oh, sure. We have talked about when it is.

**Trustee McLaughlin:** Our talking about it here is not the same as sending it out on the Village e-mail list.

**Mayor Kinnally:** Good point.

**Deputy Manager/Clerk Maggiotto:** My understanding is that the draft has been on the Website for quite a long time, and the updated one is substantially the same as the draft. So no one has to wait until the version with the updates to read it. You can get a handle on the substance of it by reading the draft. Most of the updates were of a timely nature.

**Village Manager Frobel:** That final clean copy will be on the Website by Friday, the Planner assures me. She was waiting to get any final comments from the members of that committee and the Board and any other public official who wanted to offer additional comments. That is the reason why should did not put the final copy up yet.

**Trustee McLaughlin:** But could we perhaps get something in both *The Enterprise* and maybe *The Journal News* and out to our e-mail list? People will need time to read this and think about it before they go to that first meeting.

**Mayor Kinnally:** I agree. But this draft has been out there for months.

**Trustee McLaughlin:** I know, but the updates plus the awareness of the meeting, we held off with the meeting until we would be through with the budget, past the spring holidays, and yet people in the street do not know we are having it.

**Mayor Kinnally:** It has not been kept a secret.

**Trustee McLaughlin:** It has not been kept a secret, but it has not been promoted.

**Mayor Kinnally:** All right, we will get it out there.

**Trustee Goodman:** There is an underlying economic report behind that by a Mr. Shapiro that I have not seen. Where is that and could we make that available also? The Saratoga Group study relied on another document in terms of an expert economist.

**Ms. Travis:** What about the comprehensive plan? Is that funded?

**Mayor Kinnally:** There is no money in the budget for the comprehensive plan at this point.

**Ms. Travis:** Why?

**Village Manager Frobel:** When we put the budget together we did not know exactly what it would cost. But there is money in the budget for special studies throughout the year, and I see that as a project that will come before the Board for consideration during the next fiscal year. We carry a contingency for those unexpected expenses. But already the community has received some grants to help in that expense.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Miscellaneous**

**Mayor Kinnally:** We have received a report on the comprehensive plan process from the committee that was designated in the summer. This will be on the Website. It is a comprehensive overview of the elements of the process in other communities: Nyack, Coventry in Rhode Island, Croton, Dobbs Ferry, Irvington, Roslyn. It is what we were looking for. It gives us guidance as to what other communities have done, how they have structured the committee, what the interplay has been between the existing studies and the comprehensive plan committee, the size, diversity, structure of the comprehensive plan committee.

I commend the committee for coming forward with what we were looking for. It is going to be a great assistance to the community. We will probably talk about it on May 15. We are going to digest it, see what we want to do, and give some thought to how to structure the committee and populate the committee.

**Trustee Goodman:** Will we be inviting the hard-working members of this committee to the meeting on the 15<sup>th</sup>?

**Mayor Kinnally:** Everybody in the community is invited. If it is not next week it will be the 15<sup>th</sup>, I am sure.

**Trustee McLaughlin:** I would be able to discuss it next week if the agenda allows it.

**Trustee Quinlan:** I would like to commend the committee. It is a fantastic report, and I am astounded by the people in Hastings. This committee, the quarry committee, the preservation committee: the work that people do to create these reports on their own time is awesome. I want to commend them, and all the other committees that do hard work.

**Trustee Swiderski:** I agree. We pay consultants and often do not get quality equal to what our own volunteer committees produce. This does what I was hoping it would do, paint a way forward based on other communities' experience. That is what we wanted, asked for, need, and will use.

**Mayor Kinnally:** It is very good.

**Trustee Goodman:** The other good thing it does is give a step by step progression.

**Trustee Quinlan:** Here is a flier for the summer night workshop for the Hastings Youth Council. I met with Donna Hart, the chairman, and we talked about the summer program. This is a great program, a three week summer workshop for teenagers and people going into high school. It is another example of our volunteers doing a great job.

## **2. Trailway Trust Fund**

**Village Manager Frobel:** The Village has been very successful in getting grants to maintain our trails, and through the use of volunteers we have been able to keep the trails in good shape. Those trails are a real asset to the community. Fred Hubbard and Bruce Bolger came to me with a plan, in keeping with our philosophy of being self reliant, of establishing a trust fund dedicated to trail maintenance and development. The hope is that if you approve this concept, someday there would be monies that they could draw upon to match these grants so that we didn't have to come back to the taxpayers to contribute from their property tax.

We believe there is a segment in the community that cannot physically pick up litter and groom the trails, but would be happy to make a financial contribution. We will need some legal help to set this up, but they wanted an opportunity to introduce you to that notion.

**Fred Hubbard, Village Naturalist:** This is a statement on the proposal to establish a fund for trailway rehabilitation and maintenance. The Village of Hastings-on-Hudson has the finest trailways, foot paths, parks, recreation areas of any town in the River Towns. Some of these are in good condition and only require a modest amount of maintenance. Others, however, are eroded, overly used, overrun by phantom trails, threatened by invasive weeds, blocked by fallen limbs and vines, and littered with trash. Surveys of these conditions were made in 2001, 2005, and 2006 in conjunction with preparation of the award-winning Hastings trailway map, and now revision.

Resources of the Village, however, are limited for handling rehabilitation and maintaining priority areas. Even with the Adopt-A-Trail program, made up of about 30 volunteers, the situation in some areas requires special efforts to maintain and rehabilitate them. A proposal for short- and long-term rehabilitation and maintenance has been developed by a frequent user of the trails and discussed with the Village Manager. I would like to introduce Bruce Bolger, who originally conceived of such a proposal.

**Bruce Bolger:** This is a slightly bigger idea than just redoing our trails. I am going to divide it into two ideas, and neither requires money from the Village. I agree with what you said about the people. I have lived here for 22 years.

We believe that Fred has developed a really special asset. We have created travel guides for Fodor's of short walks around the world. We have four different editions, and Irvington is featured in this one. I can tell you from a personal standpoint, having traveled in multiple countries, this is a very rich asset. It is an asset not only for our community, but for people who enjoy getting out of the city and experiencing a village life and experiencing history and having food in a nice restaurant with a view or maybe having a little wine or a picnic. We are located right near New York City and we are the only community, the River Towns, like it in Westchester. Scarsdale does not have this, Larchmont does not have this. When you link up the Aqueduct with the trails connecting through Dobbs Ferry and Irvington and Hillside Woods and Rowley's Bridge trail, you can avoid any private property.

One proposal is just let us maintain our trails. Fred has come up with an estimate of no more than \$3,000 to \$5,000 a year to maintain and keep up the trails, and to provide our map for the local residents. The first thing we would do is create the Hastings trailway fund. It would be easier for us if the Village held the bank account. We do not want to have to create a foundation. We will raise the money for it independently. We would like to ask for a small matching fund, maybe \$2,000 a year. I have already spoken to the local media. They will be very happy to support this and get the word out. Fred has built up a wonderful group of volunteers who may not always be able to get out and help, but if they need to pull out a checkbook they can do it.

The second issue. As I explained to you, myself and a partner who is an editor at *USA Today*, publish a series of travel guides called *Fodor's Short Escapes*. We are going to be putting these on the Internet. This consists of walks that encompass history and villages and the countryside, that also include places to eat that are romantic or special, that include maybe interesting museums, historical sites that might take you to a ruin. We have talked with the Village of Irvington about creating a River Towns itinerary, which would be exclusive to Westchester. We want no money from the Village. But we think you should be aware of it, and there might be some ways that you could slightly help us without money.

We would feature this on a Website. There would be prescribed walking tours done by Adam Hart that would not intrude on anybody's private property. We have a lot of experience. Irvington was in this guidebook, Guilford, Connecticut was in this guidebook, and many other communities. We have never received one complaint of being overrun by mobs of crazy tourists. This attracts an upscale type of traveler who tends to love history, who likes to shop the history shops, the art shops. This could be very good for our downtown and make us a little tourism destination. Not a big one, but a little one.

We will fund it solely through sponsorships and we will donate money back to the trailways fund. We would give a percent of the revenue, we are thinking about 5%, in any community that we select to feature. We have 25 in the greater New York area and 25 in New England. We will also work with the Village Historical Society, again to make sure that we do not infringe upon people's property rights. We do not want money from you, but if we have the endorsement of the Village, if we have the endorsement of the local Chambers of Commerce, this makes it easier to go to local sponsors.

This is a separate matter from the first. I want to make that very clear. One has no contingency on the other. As a private citizen, Adam Hart and I and others wanted to help Fred maintain his vision. But we wanted to acquaint you with the second idea. You do not have to do a thing, but we if we have the support of the Village we are going to give back money to the trailway fund to maintain what we believe to be a special part of our heritage.

**Trustee Swiderski:** It sounds like a classic win-win. The first idea is the one I am focusing on. If that is a legal possibility, I would be interested in hearing more about it. The goal of \$3,000 to \$5,000 a year, if you are assuming 4% interest and preserving capital, means a fund ultimately of \$100,000, which is not inconsequential, assuming you are not digging into capital. So it is ambitious.

**Mr. Bolger:** Our first goal is simply to get \$3,000 to \$5,000 a year going. This was Fran's idea of developing a trust fund. It is a terrific idea, but the original concept was just to get a bank account, that when we publicize this we could put the money into it that was associated with the Village. The idea of creating a \$100,000 trust fund would be the long-term goal. But I do not want to wait until then because our trails will fall into disrepair if we wait.

**Trustee Quinlan:** Fran, or Lee, is it possible to set up a Village bank account?

**Mayor Kinnally:** We have a Village betterment fund now, so it is a variation on that.

**Village Attorney Stecich:** I have to check that the Village can hold money in a bank account that is being funded. I will look into that.

**Village Manager Frobel:** We knew that would be an issue. We have to research it legally, but that is the next step, Jerry, as I understand it.

**Trustee Quinlan:** And once we get that answer from you we can decide how to proceed in terms of a resolution?

**Village Manager Frobel:** That is what I envision. We could agree to have it on a future agenda, once we are ready.

**Trustee Goodman:** It is a wonderful idea. And thank you because it relieves me of my money concerns. I am a trail volunteer with Fred, and he is an asset to the Village and all of his wonderful ideas and work with the various groups.

The second point is music to my ears. We have an economic development committee. This is perfect. One of the people on the committee has a background, and works in, the tourism area. This would be great. It is another way of bringing foot traffic into the Village. If it is workable we should try to see what we can do and perhaps let the economic development committee work on this aspect.

**Mr. Bolger:** You raised a very good point. These walks are designed to bring travelers to the Village. The trail starts in the Village and lets off at the train, so it is designed specifically for that.

**Trustee McLaughlin:** I think this is a thrilling idea. When my husband and I, 22 years ago, came to Hastings to consider living here I saw the Aqueduct and could not believe my eyes that a pathway like that ran right through the middle of the Village. That sold me on Hastings about 60%. It took a bunch of other things to do the rest, but the Aqueduct was a biggie. In the first place where we lived, there was a trailway in the back yard. The second place where we lived, we had a trailway in our side yard and we re-landscaped our yard to make it clear that the trailway was welcome, to extend across our property and out our driveway. We have long talked about a more walkable Hastings, and that is one of the things that trailways do. However, I do have questions. Would it not be better for you to be a 501(c)(3) organization?

**Mr. Bolger:** Well, we are already a business, unfortunately. We have a business in Irvington, a publishing company.

**Trustee McLaughlin:** But that is part two.

**Mr. Bolger:** Oh, part one, thank you. That is for the Village to determine. I would rather focus on our efforts on raising money and not hiring lawyers and having to create yet another institution.

**Trustee McLaughlin:** The thing about another institution would be that if I make a donation to it, it is tax deductible. If I make a donation to whatever account the Village sets up it is not deductible.

**Mr. Bolger:** You raise a very good point and I cannot argue with that. All I wanted to say is that what we wanted to avoid, Fred and I, if I create a 501(c)(3) for this I have to go out, hire a lawyer, file taxes on it. I am on the board of a Hastings 501(c)(3), and there would be a \$2,000 tax bill every year if we set up a foundation. It could be that much. You have to file taxes as a 501(c)(3), you have to hire an accountant, we have to have a board of directors, we have to have trustees. Fred and I just want to fix the trails. So that is the problem. We would take your good counsel as to the best way to do it, but we do not want to create a bureaucratic nightmare.

**Trustee McLaughlin:** Okay, but there is no reason that a year or two down the line when we have more money that we would not consider doing this. I am not sure that if you have a 501(c)(3) organization your board of directors has to meet once a year. And I do not believe New York State specifies how many you have to have.

**Mr. Bolger:** You are quite right, but our focus was to raise the money.

**Trustee McLaughlin:** I understand in the short term why it might not be desirable, but in the long term it would be desirable and would be possible to make that shift, yes?

**Mr. Bolger:** Oh, of course.

**Mayor Kinnally:** The idea is great. All these suggestions are wonderful to tap into the enthusiasm and get some funds to sustain Fred's work. Is there a dissenting word here? I do not think so. I would like to see more information on the second phase, but on the first phase, go out and collect all you can.

**Mr. Bolger:** All we would need, then, would be for you to figure out where we can put the money.

**Mayor Kinnally:** Marianne will see what we can do here, and we will take care of it.

**Mr. Bolger:** On the second issue, would we be able to speak with someone in the economic development committee, or how would we proceed on that?

**Mayor Kinnally:** I do not know if the EDC at this point is ready for that. Do you have a written proposal?

**Mr. Hubbard:** Yes, I do.

**Mayor Kinnally:** If you could provide us with a written proposal it would be helpful.

**Trustee Quinlan:** Lee, can I suggest that when you make the appointments for liaisons to the various committees, maybe the Trustee that is appointed as liaison to the EDC could meet with them and discuss this and see where they go from there.

**Mayor Kinnally:** Sure, absolutely.

### **3. Other**

**Trustee McLaughlin:** When I was driving around the Village to see the different flooded places, I noticed people doing things that I thought were dangerous. I wondered if we could ask the Safety Council to draw up some guidelines about how to behave around a flood.



Among the things I saw were people in waders out walking in places where they could not see their feet. If you cannot see where your feet are, you do not know but a manhole cover might have floated off, something like that. I saw pre-kindergarten, unsupervised children playing along the flooding by the parkway, and people obviously not understanding that there are currents in the parkway when it is flooded like that. We could bring to residents' attention that we cannot treat that water carelessly and that we should perhaps have some Village guidelines.

We have talked about having the Conservation Commission develop a green agenda. We have mentioned that perhaps we need people with other skills on the Conservation Commission. I am not clear that we have a full membership on the Conservation Commission, and wonder if we should be looking for people who specifically have energy, or green-related, skills and if we need to be reformulating the mission of the Conservation Commission in order to achieve that. We have not asked people lately if they are interested in being members of Village boards and commissions. It might be time to bring that up.

**Mayor Kinnally:** Jerry reminded me that I have not read the liaison list of appointments yet. I have not finished it, and I will have it next week.

**Trustee Goodman:** Our neighborhood, Ravensdale, like some others, was flooded significantly. One of the things that kept us afloat was the DPW and the fire department coming with pumps. They worked for many, many hours. If they were not present they were calling people to make sure that they were okay. We are very fortunate for that group of volunteers because people's properties were threatened by the water and we are very lucky to have them.

### **EXECUTIVE SESSION**

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel, appointments to boards and commissions, and announced a session with counsel to discuss various legal items, including real estate contracts.

### **ADJOURNMENT**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:45 p.m.