

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

A **Regular Meeting** was held by the Board of Trustees on **Tuesday, July 24, 2007** at **8:10** 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. Fobel, Village Attorney Marianne Stecich, and Deputy Village Manager/Village Clerk Susan Maggiotto.

CITIZENS: Eleven (11)

APPOINTMENTS

Mayor Kinnally: The first item of business this evening is the announcement of various appointments to Boards and Commissions. These are for three-year terms, expiring in 2010, unless otherwise noted.

Advisory Committee for the Disabled- Maureen Bassman

Architectural Review Board- Ellen Hendrickx, Toby Mardis, Mitch Koch (expires 2008)

Village Arts Commission- Sheila Benedis

Assessment Review Board- Sue Smith

Conservation Commission (two year term)- Christy Pennoyer (2009)

Draper Park Review Board (two year term)- Thomas Lee (2009), Sue Smith (2009), Barbara Thompson (2009)

Economic Development Committee- Diane Adler

Board of Ethics (five year term)- Joseph DiSalvo (2012)

Parks and Recreation Commission- Carolyn Summers, Samantha Merton

Public Health Board- Jeffrey Brensilver, Randolph Cole, Eileen Quinlan

Safety Council-Timothy Hays

Senior Citizen Advisory Committee- Patricia Bloom

Tree Board (two year term)- Fred Hubbard (2009)

Youth Council- Jeff Edelman, Donna Hart (expires 2009), Julie Kuhn (expires 2009), Pat Spana (expires 2008)

Mayor Kinnally: Once again I thank everyone for agreeing to serve on the various Boards and Commissions of our Village.

APPROVAL OF MINUTES

Public Hearing of June 19, 2007 (Professional Fees)

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing of June 19, 2007 (Professional Fees) were approved as presented.

Public Hearing of June 19, 2007 (Handicapped Parking Spaces)

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Public Hearing of June 19, 2007 (Handicapped Parking Spaces) were approved as presented.

Regular Meeting of June 19, 2007

Trustee McLaughlin: On page 3, five comments up from the bottom, and also on page 9, two paragraphs above that: "9-11" is hyphenated, and I found that a little confusing when I read it. I think we just mean 911, do we not?

Mayor Kinnally: No, 9-11.

Trustee McLaughlin: Well, in the middle, Fran says we do not have the reverse 911. We are talking about both September 11th and reverse 911? Okay, thank you.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of June 19, 2007 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 5-2007-08 \$ 2,420.61
Multi-Fund No. 6-2007-08 \$514,165.74
Multi-Fund No. 8-2007-08 \$147,138.22
Multi-Fund No. 11-2007-08 \$202,578.66

PUBLIC COMMENTS

Mayor Kinnally: Public comments on items that are not on our agenda. Anyone wishing to come forward?

John Gonder, 153 James Street: I would like to thank the Board for getting a sign up on James Street by Pulver's Woods, and Mr. Frobel for the quick represent for the leash law and the pooper scooper law. A lot of my colleagues and neighbors thought that it was a very good idea and they hope everybody else will pay attention and follow it. Thank you.

Number two, I was wondering if the Board had decided if they are going to review the ordinances regarding buses, trucks, and other things on properties. We still have that bus, since Easter, up at James Street, and I would like something done. Thank you.

Mayor Kinnally: You are welcome. Jim?

Jim Metzger, 427 Warburton Avenue: I wanted to thank Trustee McLaughlin and Trustee Goodman, and especially our Village Manager, Fran Frobel. Con Ed seems to be moving very smoothly, and I think all of the time and effort that we put into setting up a volunteer system within the Village to monitor what is going on seems to be working very well. I have had no phone calls, which is a good thing because I have been involved from the citizen side of this. So I wanted to thank the Board and our Village Manager for taking care of that.

Just as a quick aside. At one of our meetings, Con Ed did mention that they have new technologies available in their cabling. It is more resistant to wind damage and trees hitting the cabling. I thought that is something perhaps the Village could look into, maybe requesting a meeting with Con Ed to discuss starting to replace some of our old lines. Thank you.

Julius Chemka, 8 Ridgedell Avenue: The Board, in the past, has received some really sharp criticism of different things that have been going on. I was one of them on the Boulanger Plaza parking. But I want to commend the Board now, the improvements that you have made since the last time I was here are great. It is a beautiful parking place now, and the people are nice and it's easy getting in and out of your car. And I want to commend the Board for following through and making sure that that parking lot is what it was supposed to

be at the beginning. Guys and gals, you did a great job. It is such a nice feeling when you drive in there. So I want to give you credit because most of the time you do not get credit.

One other thing, the Community Center. It is beautiful. I have not been in it yet, and I am looking forward to it. But with the construction fence down and the sidewalks down and the outside of it, it is gorgeous. And I want to give you credit for a beautiful community center. I am sure I saw pictures in the paper the other day of some of the inside. I am looking forward for your grand opening.

But I want to commend the Board on those two projects, and I think you did a great job on both of them. Thank you very much.

Mayor Kinnally: Thank you, Julie. Just one second. Julie talked to me earlier today, and he has asked if he could address the Board in executive session this evening on an item involving real estate. I think this is an appropriate time for us to have a motion, so I don't forget about it, for an executive session following the meeting for acquisition of property, advice of counsel, and personnel items.

EXECUTIVE SESSION

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss acquisition of property, advice of counsel, and personnel items.

PUBLIC COMMENTS (CONT.)

Sharon O'Shea, 406 Warburton Avenue: I was unable to attend the public hearing on the issue that brings me here tonight, and sent a note and thanked everybody. I think Danielle read it. But I just wanted to make the point again that, as a disabled person, I deal constantly with one bureaucracy or another. This is the only bureaucracy, and this has nothing to do with the fact that you are about to vote on the issue, but I just want to thank everybody for their efforts, especially Village Manager Frobels, to actually streamline a process and try to get it done faster and make it easier. I thank all of you for your attention to this matter as well.

It is really important to me. It is a small thing to some people, but it is a really important thing to me. Thank you very much.

Mayor Kinnally: Thank you.

Trustee Swiderski: I am tempted to move to adjourn on a high note here. We have not had it this good in awhile.

Mayor Kinnally: I know. Our time will come though. You know that.

Elissa Zazzara, 68 Southside Avenue: I noticed in the budget for this year we are scheduled to buy a new garbage truck. I was wondering where we were in that process, and if consideration to hybrid or biodiesel has been considered for the new truck as well as biodiesel for the existing trucks.

Village Manager Frobel: We are in the process of searching out the best truck to the purpose. We may look at some of those items you have spoken of. The problem is, we have a budget and some of the items you have talked about are a little more costly than the typical diesel-powered truck. But I will make note of that, and let us see what we can do.

Trustee Goodman: Can I just make a comment? I did start to look at trucks on-line, and Seattle seems to be leading the pack. I will see what I printed out. But with respect to biodiesel, there are at least two different grades of the fuel and you can use it on your regular trucks. I did not get past trying to figure out how to store it or where to get it, but the reading I did seemed to reflect that it was not any more expensive, and you can use it in your current equipment.

So maybe that would be something the Conservation Commission could also help us with because I know that they were going to look at municipal energy supplies. But there are two grades. Greenburgh had a green fair and I took some literature from the biodiesel people. I promise I will find it and give it to you, Fran.

Village Manager Frobel: Okay, thank you.

Trustee McLaughlin: Can I follow on what Danielle just said?

Mayor Kinnally: Well, this is public comment, so why don't we get through public comment and we will go on to Board discussion and comments later on.

Andy Zimmerman, 7 Ridge Street: I guess I just wanted to react to something. I believe it was in the last Board meeting when Steve Kanor was making a lot of comments about public safety in the Village. I just wanted to second what he was saying. Obviously, the Village spends a lot of money on a lot of things, including a lot of big capital improvements: the pool, the library, the parking lot, the Municipal Building. What am I leaving out? I think there was more than that. Yes, the Community Center. But I think we have to be careful about actually

spending the money to upkeep the things we have. I mean, we are thinking now about building all these new sidewalks and changing the roads around.

But we need to try to upkeep the roads that we have and the sidewalks, the crosswalks, the stop signs. I am just going to give one example. Broadway, as you know, is a pretty fast-moving street. The vegetation grows at this time of year, and it is hard to make turns onto it from Warburton Avenue and Minturn Street. Those are two places that it is very dangerous if you do not keep the weeds trimmed. I have just noticed this year, I think, on Washington they were trimmed, but they could be trimmed more. It is still hard to make a turn there. So this is the kind of thing that is really basic to people's health and safety.

These are the kind of routine things that need to be kept up with. I think things are getting better. Partly because we have, I guess, new blood here. Hopefully things will continue to get better. But still, an awful lot of times people I know will try to call in some kind of question or observation, or problem even or complaint, and they just either do not get a response, or the response is not polite, or nothing is done about whatever it is that they wanted to complain about. So a lot of times people will just give up because of that. It would just really help the Village a lot, and help the Board do its job and the people who work for the Village to do their job, if there was more. I am not saying everybody all the time. I realize that you guys had the good comments before, so I am glad that those things are happening. I realize that the citizens are listened to a lot of the time, but then I think there is still work to be done on that. So I just hope you use us as a resource when we come to you with something like the stop sign in the wrong place or something like that.

That is what I wanted to say. Thank you.

Mayor Kinnally: Anyone else?

Trustee Quinlan: Lee, just before we leave I have a public comment from Steve Kanor. He dropped some pictures off. He could not make the meeting tonight, he told me, and he dropped some pictures off at my office. They are very interesting, and he asked me to pass them out to the Board and the Village Manager. There are interesting stop signs, things like that, and I would just ask Fran, if you would, take a look at these and pass them on to Mike, and everyone else take a look at them. Because he has taken a lot of time to take those pictures, out of his day. A lot of them are very interesting and I think they will be helpful in terms of tree-trimming in front of stop signs, etc.

Village Manager Frobels: Great. Thank you.

Trustee Goodman: Mayor, I had one public comment. I need to forward you all an e-mail that I received from Sharon Friedman regarding sidewalks on Broadway. I will forward that, and I will read it at the next meeting.

And will we be permitted to speak to Mr. Zimmerman's comments about responsiveness to citizen complaints? Shall I wait until the end of the meeting?

Mayor Kinnally: Why don't we wait until Board discussion and comments and we will take that up, and Diggitt also.

RESOLUTIONS

52:07 Approval of Ridge Street Extension

Mayor Kinnally: Marianne has a status report.

Village Attorney Stecich: If the Board recalls, at the last meeting you had questions about two issues. One was the structural soundness of the wall. It was not obvious that the Village Engineer had looked at that, so I checked with him. In fact, he had not reviewed it. He had been looking only at the drainage calculations. Dolph Rottfeld's specialty is not walls. He recommended another engineer.

Anyway, I eventually sent the plans to another engineer, Charles Sells. They are doing some other work for us. I will pass out the letter here. I just got it faxed to me today. David Weiss was the engineer, and in his opinion the wall is stable. He said maintenance-wise his concern is that it was going to require a lot of maintenance. He said in terms of a wall, doing this thing is the most maintenance-free you can get. So he had absolutely no issues about it.

One issue that the letter did not address, once he faxed it to me, was when the wall is going up, will it affect the slope. I guess some creep down the slope, the Board had some concern about that. He said no, the kind of wall that was going up would not require heavy equipment; just small equipment, maybe just hand tools, and not much trenching. So he did not think it would affect the slope at all. So that was one question. I think that has been addressed in the letter I just passed out. Christina and Peter, you might want a copy of the letter, and Susan.

Then the other issue was an issue for Dolph Rottfeld, the engineer who had reviewed the drainage issues. The Board wanted him to look at the effects of a 50-year storm and a 100-year storm because the figures they had looked at were of the 25-year storm which, apparently, is the standard. So there was some back and forth between Christina and Peter's engineer and Dolph Rottfeld, and from there I will leave it to Peter. I think this is what he is going to report on, or Christina.

Peter Wolf, applicant - Ridge Street extension: Since we came here and started this process in November, I will give a very brief introduction.

We are here concerning the renovation of a two-family house at 433 Warburton Avenue. We have already received variances from the Planning Board and the Zoning Board. We have come before the Board of Trustees seeking a 66-foot extension of the actual Ridge Street, which is currently a paper street. The benefits to the community are that the structure that we intend to build will now be upgraded and conforming to current regulations. We believe that the property will upgrade the neighborhood and bring a higher tax base. We are making significant contributions in the area of traffic and parking, which anybody who lives on Warburton or Ridge Street realizes is a very serious problem.

Specifically, we are giving the Village a new, viable, cost-free turnaround. We are taking two cars off of Warburton Avenue and putting them on the property. And we are providing four new parking spaces at the end of Ridge Street. We are going to pay the construction costs for the entire project, and will maintain the private portion of the turnaround.

I also want to mention, since some of you probably do not know me and Christina, that we have a great deal of sensitivity to environmental issues. I have a post-graduate degree in environmental law, I have operated an environmental auditing company for some years, and I was chair of the Conservation Commission for more than 10 years. And during that tenure we were constantly dealing with storm water runoff issues. In fact, it was a key issue in our recommendation to decline the ShopRite project because of the runoff in Ciba-Geigy. It was a key issue that we addressed when the Village was considering Andrus. And we have been working on the new storm water requirements, which I am quite sure that many of you are familiar with. Also, Christina is becoming a green architect. By that I mean she is becoming certified as one. We intend this project to be a green project.

As far as we understand it, there were three questions in three major areas. One was the EAF. There were some questions about the short form, so we have submitted the long-form EAF. The second question was regarding the wall, which Marianne has already addressed. And the third one was questions about a 50- and 100-year storm. Even after you got your letter we got our letter from our engineer, which we will pass out. And I would like to read certain portions of it.

Mayor Kinnally: Well, if we have it I do not know if it is necessary to read it. But if you can pass it out to us.

Village Attorney Stecich: We do not have this letter, do we?

Mayor Kinnally: No, he is giving it to us now.

Mr. Wolf: I will gladly spare you reading the letter. But I think what is salient about it is that I think, to address Danielle's point about concerns about the runoff down the hill, the fact that we are putting in drywells means that currently the runoff is going down the hill. And with the drywells that we are putting in, it will be totally contained. Secondly, we had the engineer assess the 50- and 100-year storm, and it is our understanding from his letter that even a 100-year storm will only comprise less than 60% of the capacity of the system that is being installed that was originally recommended by Dolph.

So we are here once again to request the 66-foot extension of Ridge Street and the approval of the easement agreement that we previously submitted. Are there questions?

Village Attorney Stecich: I just want to clarify that the letter that Peter gave us is from their engineer; not from Dolph Rottfeld, not the Village's engineer. I am not sure what happened. The last I heard from Dolph was he wasn't satisfied, and it dealt with the 100-year storm. Now, at that point I did not know whether he had all the information that their engineer had, and I think there was going to be some communication with them during the day. I did not hear from Dolph during the day, so I do not know what his reaction is.

Mayor Kinnally: Was a copy of this sent to Dolph?

Christina Griffin, applicant - 433 Warburton Avenue: No we just received it.

Mr. Wolf: We just received it at 6:30 this evening.

Ms. Griffin: We sent it to [off-mic] last week, and he looked at it yesterday for the first time. So there has not been a lot of time to address his concern. We submitted 25-, 50-year, 100-year drainage calculations for the property, 433 Warburton, and those calculations for the extension showing that the drainage system that we have designed will take a 100-year storm. But he is under the belief that the Trustees were looking for an entire study of the street. I spoke to him, and John Meyer, our engineer, spoke to him, and he said that that is a lot to ask for. It is a long study of the existing system. But it was our understanding to look at the impact of these storms on the system that we have designed.

So our engineer came up with this letter to explain. He has looked at the drawings that I

have of the Ridge Street improvements done in 2002, and that is why it might be important to read the letter.

He is saying that:

“As per your request, we’ve provided the site drainage design and plans for the above-referenced property. The storm drainage on the property at 433 Warburton is designed for the proposed developed area due to the rainfall produced by a 100-year storm. There’s no overflow from the system to the street’s storm sewer system, as drywells are designed to provide adequate capacity alone. In addition, a trench drain was provided at the property line along Ridge Street to prevent runoff on the driveway. The existing roadway is 440 feet long,” this is the length of Ridge Street existing now, “with an additional proposed section of 66 feet, an increase of 15% of the street length area.”

“We have reviewed the plans of the Ridge Street improvement project at Westchester County, project dated June 10th, 2002. The project involved the installation of the current drainage system on Ridge Street and the asphalt pavement. As part of the project, a 15-inch diameter high-density polyethylene pipe running the length of the street was installed. Insulation of this pipe by the county for the street indicates the intent of the expansion for the storm sewer line. For a 100-year storm, our calculation of the street runoff shows there is an additional 316 cubic feet of water falling within a 24-hour period due to the road extension. The 15-inch diameter pipe extension and catchbasins used just as dead storage [note: the pipe and catchbasins are not designed factoring self-storage of water] of the volume of water are capable of carrying almost 60% of the capacity for a 100-year storm.”

He is saying that the pipes are so large in Ridge Street they can take, just if you decided to use that as storage capacity, 60% of a 100-year storm, which is never used in a calculation.

He said:

“This reduces the actual impact to the rest of the system to 125 cubic feet, a minimal amount. As a flow rate, the 15-inch diameter [HDPE] pipe is capable of carrying an enormous volume of water. It is our professional opinion that the impact, the additional 1,440 square feet of roadway, is minimal relative to the overall city storm system.”

Now, you know, even if we get this to Dolph, his understanding is the Trustees, and I asked him if he had this in writing, he said he did not, would want a report, a study, of the entire street, which is a system that was designed years ago. So that was part of the problem, and that is why we do not have a letter from Dolph tonight.

Mayor Kinnally: My understanding was that we were interested in the impact that this runoff was going to have on the extension, and whether or not the improvements to the

extension could accommodate the runoff. I do not remember asking for anything having to do with the entire street.

Ms. Griffin: I spoke to him. I think he really does believe that.

Mayor Kinnally: That is fine. I would ask my colleagues what their recollection is.

Village Attorney Stecich: Well, what I said to him was, we want the same assessment you did before. But instead of just a 25-year storm, the Board wants it of a 50-year and 100-year storm. So I never said anything about the entire street, and that was the entire conversation.

Mayor Kinnally: Peter, what is your recollection?

Trustee Swiderski: The same.

Trustee McLaughlin: As Marianne says.

Trustee Quinlan: Yes, I would agree.

Trustee Goodman: Well, now I have a question because you are sending water back. As I recall, we were sending water from the extension back into the existing street. We were sloping it so that we were going to use the old system. You know, this was my issue. You asked me, Mayor, what are your questions, the last time. And I said, well, I am not an engineer. I do not even know the right questions to ask. But I have concerns just from a common sense standpoint. And Dolph is signaling to us, I think, by his questions that probably we do need a study. But because we do not have the benefit of having an engineer here to serve us, as far as I am concerned we have turned this process into a game of recollection and lack of knowledge. I mean, if you go to Ridge Street, and you walk from the street where it ends, onto the path, there is a steep slope. And I think the answer is in these papers. Without even getting into the engineering, that if you are building on a steep slope of a certain percentage of the property, which this does, you are into the long form. And then it is kicked over to someone else like the Planning Board, with an engineer to guide them, to do the assessment, and to ask the questions.

Mayor Kinnally: Well, I thought we did that. And the issue is, what was the question that we asked Dolph. It seems to me that his idea of what he is supposed to do is at variance with what we had asked him to do. I do not know, and I think one way or the other we have to get this to Dolph for him to assess.

Ms. Griffin: We have submitted the drawing. I think he needs some clarification.

Mayor Kinnally: Well, fine. We will give it to him.

Mr. Wolf: I talked to him this afternoon, too.

Mayor Kinnally: But Peter, all due respect, we will get that clarification to him.

Ms. Griffin: Yes.

Mayor Kinnally: Even if it was clear in his mind what he was supposed to be doing, we could not pass on this tonight anyway because he has not reacted to this. He does not have it, and he certainly has not reacted to us.

Ms. Griffin: No. I have to say, we have put a lot of time into the engineering aspects. We have had two different storm water engineers that we have hired to look at this. We have hired a bigger, more sophisticated, firm and they spent a lot of time since our last meeting coming up with these calculations. I am confident that we have now designed the system for a 100-year storm, which is way beyond the standard of the 25-year.

Mayor Kinnally: Christina, I do not doubt for a moment that you are not confident, but we hired an engineer to give us reaction.

Ms. Griffin: No, I understand that. But I just wanted to make that statement. I know you need the letter from Dolph.

Mayor Kinnally: Sure, I think we need the letter from Dolph. And I think Marianne and Fran should probably chat briefly with him tomorrow just to get clarified what he thinks his scope of work is here and to see if what you have provided to him, and what GAL has provided to him, gives him enough information to render an opinion.

Trustee Goodman: And might I add, if he feels that storm water is backing up on the existing Ridge Street, then does that need to be studied?

Mayor Kinnally: I think he has got to give us that opinion.

Trustee Goodman: Okay, I would leave it to his discretion to protect us.

Mayor Kinnally: No, I cannot leave it to his discretion because we ...

Trustee Goodman: But I would give him, then, the leeway.

Mayor Kinnally: Well, part of it is cost, too. I do not want to just say, Here, you have a blank check, Dolph, go ahead and do that.

Trustee Goodman: No, but how do we know what he thinks. If he thinks he needs to do a bigger study in order to protect the environment, protect the integrity of the road that is being built and the wall that is being built, then he has got to look at perhaps a wider picture.

Mayor Kinnally: I agree. If that is the case, I think he has to come back to us. I just do not want to say he has the discretion to go and do it.

Trustee Goodman: No, but that is a question. He seems to be signaling. And if he feels that, in order to do a complete study, then we should do it.

Mayor Kinnally: So I think Fran and Marianne, get in touch with him and see what he needs, and see if he thinks his scope of work should go beyond what our thoughts were.

Trustee Goodman: I just had one other question. That is, on the wall we are being told it is low maintenance, flexible, etc. I think one of my questions was, what is the life expectancy?

Village Attorney Stecich: I talked to him, and he said I cannot say that. I asked him to detail that. He said he cannot. All I can tell you is this is as low-maintenance as you are going to get in a wall. This Unilock stuff is apparently flexible and low maintenance.

Mayor Kinnally: This is what we have there now.

Village Attorney Stecich: Engineers, they will only go so far. They cannot predict exactly. But I did press him on it and that was his bottom line, although it is not in the letter.

Trustee Goodman: So we are going to agree to take on a wall wherein we do not know what the life expectancy of the wall is, basically. That is what is in the easement.

Ms. Griffin: I can get you the information from our engineer, but these drawings are going to be sealed by our engineer, who has looked at the wall. I know that we have a geogrid system to reinforce that. This is not just a simple Unilock wall. Because of the height of it, it has a lot of reinforcement behind it, and we are going to have a licensed engineer giving you signed drawings. He is responsible. I think I can go to our engineer and give you an answer to that question, if you like.

Trustee Goodman: Okay. Because I am concerned we are going to be asked to agree to an easement and the easement is pretty much telling us that we are responsible for the wall, the maintenance, etc. You know we have walls in this village along the Hudson River that are collapsing and they are going to be very expensive for the owners to fix. Once they collapse they have to be studied, the soil has to be tested. It is very expensive. And I just do not want to leave a Board 10 or 20 years hence with a big expense on top of all the other things we have to maintain. That is all. I am not trying to give you a hard time, I am just very concerned about our capital improvement budget and the monies we have to lay out for things we already own. I have said that multiple times. And I am sorry if I am beating a drum, but it is a concern.

Mr. Wolf: I think there are quite a few things on the other side. I mean, you upgrade the neighborhood, you upgrade the tax base, and you make the quality of life better for the people on Warburton Avenue and on Ridge Street. So I think those are important factors.

Mayor Kinnally: Well, I think the most important factor for us to deal with tonight is to get the additional information on the engineering. My suggestion is that we pursue it with Dolph, and that we put this thing over to our next meeting, which is when? Is it the 21st? By that time, if we need anything else or if the engineers have to talk, I am going to make sure that they talk beforehand so that this is ready to proceed.

Ms. Griffin: I hope you do not mind if I say this, but I spoke to Dolph earlier today and he spoke to Peter. He says this is an enormous task to ask for, but this is what they asked for: a study of the entire street. So if you ask him, maybe if you rephrase the question: what do you recommend, rather than saying he thinks that is what you are expecting of him.

Mayor Kinnally: We will talk to him.

Trustee Quinlan: Lee, can I weigh in on this for a second? At the last meeting I voiced my concerns and I asked Peter, although I think the project has a lot of pluses. I asked him what his objections to a full environmental study was. He answered quite honestly that it was time and cost. My concerns were, you know, in general more philosophical than Danielle's. I am concerned about the environment not only of Ridge Street but of Hastings, of the state, of the county, of the country, and of the world. You know, I am concerned that my children, my grandchildren, my great-grandchildren are not going to enjoy the earth like I have been able to enjoy it. I sit here as a public official, and I am very concerned about making a negative declaration when the only reasons why I could not get a full study is because of time and money, and because of the benefits that it may help in other areas. I am sure the Chinese would tell you that they have a lot of benefits to their economics. Meanwhile, their water is being polluted, their air is being polluted. This is what concerns me.

Also, Lee, my next question is more interesting.

Mr. Wolf: Could I address that?

Trustee Quinlan: You can, please.

Mr. Wolf: This is the reason that I try to put a preface in that we are extremely environmentally sensitive and I have given a great deal of my life to environmental issues. And as those who know me know, I have been persistent on some of these issues and it is irrelevant to bring them up now. But I do have practical experience in this area, and I also said that it was time and cost. But I also said that I do not believe that it is necessary. Now, it is admittedly difficult when one is a proponent and an owner of the project to be totally objective. But as objectively as I can be, I can tell you that I do not think it is necessary.

I think that one of the key things that I have been trying to emphasize is that the condition of the property now, in comparison to what it will be, is going to be quite different because there will be less runoff, less water. And the water will be less of a problem because it will be absorbed by the drywells on the property, which is not the case now. I also believe that we came up with a system for the drainage of the extension. Dolph Rottfeld thought it would be better to do it a different way, and that is the way that we have it proposed now. So we have accepted his proposal.

Now, what has gone on here, as has been discussed, is that we believe there is a misconception as to what Dolph thinks that he was asked. But in the bigger picture, we have adhered to what he has suggested. And I want to emphasize that there is actually less water and less environmental impacts from this project, as built, as the property is today.

Trustee Quinlan: Just in a brief response, Peter. I am not saying you are wrong, but I am saying that a full environmental study would hopefully verify what you have just said. And then the Board of Trustees, as the lead agency, will not have to look back some day and say, Well, I could have done more, when the wall washes out or the water runs down the steep slope or something untoward happens that we do not know. I hope and pray that a full environmental will verify all the information that you have provided us tonight, but I still think that one is necessary.

Mayor Kinnally: Jerry, I do not understand. What would a full environmental study be?

Trustee Quinlan: I would have to see it, and then I could understand it. I am sure that the engineers would study everything in depth instead of having the applicant fill out a form and check things off.

Mayor Kinnally: But I do not know what the everything is.

Trustee Quinlan: Well, let us put it this way, Lee. I have not sat here as long as you have. Have you seen a full environmental study done on any other project in Hastings?

Mayor Kinnally: Probably on the waterfront.

Village Attorney Stecich: ShopRite.

Trustee Quinlan: Okay, so why don't you tell me what ShopRite looked like, and then I will tell you that that is what I want to see.

Mayor Kinnally: Well, ShopRite had to do with water going into the Saw Mill, it had to do with traffic. I don't know if there was noise involved. It did not come to us.

Village Attorney Stecich: Not that much at ShopRite. But just what you would do on a full environmental impact statement is, before they did it you would scope it out. And scoping it out, you would identify the issues you want them to address. If you go through a long form here, it has got a lot of things that this is going to have no effect on: on schools, on wildlife. But you would identify the issues that you think need to be studied. From the discussion of the Board, my understanding is that the two big issues are the drainage, storm water drainage, and then the other one being the structural integrity of the wall. Which is one of the things you look at in the EIS. So you would identify them and have them go study it.

Or you could do it the way the Board has been doing it right now: identify the issues and tell them to study it, have your engineer review it until you are satisfied that there are not going to be any environmental impacts. So I think you are on the right road now by having it informally identified what the two issues are. If you go through the long form a whole lot of the stuff is just going to be theoretical.

Mayor Kinnally: See, it is not a one-size-fits-all thing.

Village Attorney Stecich: ShopRite is going to involve a lot more things. You can already see that probably the traffic impacts would be positive because they are going to take cars off the street, so why would you want the traffic study. So every project is different. You could have an EIS that identifies 18 issues, like the Saw Mill Lofts. It included tons of issues

because it was the effect on schoolchildren or whatever. But this one, I think the Board has already identified what the issues are and you are making the applicants address them. So it is essentially the same thing, only in a different format.

Trustee Quinlan: That is all very interesting, and we will see what happens when we get the different studies and we have a vote.

Mayor Kinnally: If there is anything we have to identify now that they can address in the next month, I think we should identify that if we want them to look beyond the steep slope or the runoff. Because what we could do here is, each week or each meeting have another item come up. You know, I do not mean to put anybody on the spot, but I think in fairness to ourselves we have to identify what we want our people and their people to look at to satisfy ourselves so we can put this to a vote.

Mr. Wolf: Because three sessions ago I asked if anybody had any further questions or needed any more information, and the answer was no.

Mayor Kinnally: Things change, though, Peter. Just because nobody said anything at that one point does not foreclose people from pursuing something.

But going back to what I said to Jerry. It is not one-size-fits-all. Each of these is somewhat unique. Depending upon the scope of the project and the various environmental issues that would be affected, that is how you tailor the review.

Trustee Quinlan: Do we not have to decide if we want a review, and then we identify the issues? I mean, which comes first, the horse or the cart?

Mayor Kinnally: Well, we already did decide we wanted a review. To the extent that we asked them to address the runoff and the wall integrity issues, that was a review.

Trustee Quinlan: Yes, but the resolution is that the Mayor and the Board of Trustees have reviewed the long form, which I assume you filled out.

Mayor Kinnally: Well, we have it.

Trustee Quinlan: We have it. I am not sure who filled it out, but I am assuming the proponents did and have determined that there would be no negative environmental impacts. Well, I am not prepared to do that on this form.

Before we go on, I am a little bit more concerned on just another issue. I have not been sitting up here all this long, but I am interested in how the resolutions are drafted. You know, they are drafted in such a way, after I gave my concerns last time, it seems like they are predetermining almost a decision. I would like to see them say “resolved that the Mayor and the Board of Trustees have reviewed the long form and have determined that there *would* be environmental impacts,” you know, instead of the negative, and then I have to vote “no.” I would like to see the positive, and then whoever does not think about the environment has to vote “no.” So I am interested in who drafted these resolutions, and what kind of spin they are trying to put on it for us to approve the project when I have environmental concerns. Is there an answer to that question?

Mayor Kinnally: Yes, there is. I do not think anybody is trying to put a spin on it. This is a normal resolution. If the Board feels that there are environmental impacts that are negative, then the Board has to identify what those environmental impacts are. I thought we had addressed those environmental impacts. You know, we are not, at this point, satisfied that there are not negative ones because we are going back to Dolph and saying Dolph, take a look at what has been addressed in the area of water runoff and let us know. But if there are other items that are of concern to the Board, this particular long Environmental Assessment Form provides the road map to identify what those issues are so the Board then can give our professional people guidance as to what has to be pursued.

Trustee Quinlan: Okay, here is another question. I did not really get an answer to that one, but it says here, let us take number five on page three.

Trustee Goodman: Which one? Part two or part one?

Trustee Quinlan: Part one.

Trustee Goodman: And that is what I would like to know. Where are we in this process? Are we at part one, are we at part two?

Village Attorney Stecich: Well, the applicant prepares part one, and then part two is for the Board to fill out. Now, you did not have it before this meeting. This is the first time you have the part two. So at whatever point you are ready, whether it be this meeting or next meeting, you go through the part two and identify the impacts. And that is what that is. You see it is blank because that is the Board’s determination.

Trustee Quinlan: Just to go back very quickly, and we do not have to beat this to death tonight. It says: “approximate percentage of the proposed project site with slopes.”

Mayor Kinnally: Where are you?

Trustee Quinlan: Number five, page three, part one. It says: “15% or greater, 10%.” Now, assuming that is true, what about down the slope that is not part of the project? How about that big slope that goes all the way down that has nothing to do with your extension and your property? It may be true that only 10% of your project is 15% a greater slope, but downstream you have got a greater percentage of 15% or more. It goes straight down the hill.

Mr. Wolf: This is what I was trying to address.

If you go back to what we are trying to do, and the reason that we are actually here, is that this house is just totally substandard in so many ways. It is really a dilapidated fire trap. But in order to bring it up to code, you then have to expand the footprint. The minute you expand the footprint, you then get involved with the Zoning Board, the Planning Board, which we have been through, and now here. But the improvements that we are making, and this is what I am trying to stress, is that we are containing the water. That is one of the major improvements. And if we rented out the property as it is, or has been for 90 years, that water would continue to shoot down the slope, which is what your concern is. What we are doing is, when we do this entire renovation we are putting in drywells because that is what the requirement is. You cannot add to the municipal water when you do a new project. So there is actually going to be less water coming down from here, and there will be considerably less runoff down that slope than exists today. That is one of the improvements that we are doing.

Trustee Quinlan: We keep going around and around on that, and I hope you are right. But I think a full environmental study of that would, hopefully, totally agree with what you just said, instead of you telling me.

Trustee Goodman: Can I make a comment? I think one of my problems is, this is totally not what I have ever participated in with respect to SEQRA. First of all, the Village’s experts prepared timely reports, that went to the Board, the Planning Board. They got time to read it, they got time to consider it. The public came, they asked questions, and the experts were present. Never once in any of the Planning Board proceedings that I participated in as a citizen was there a monkey in the middle, or telephone calls, where the citizens and the boards were insulated from having their experts present and asking questions. So that is one issue I have. I have questions that did not get answered. You know, if the engineer that we retained to represent the Village cannot tell us how well this wall is going to hold up, well, that would be something that I would like to hear from him.

Mr. Wolf: But he was here. Your engineer was here.

Trustee Goodman: But I am just saying no, Marianne talked to the wall expert and he cannot give us an answer. So that is a problem. And yes, the engineer was here with you, but I think you got put on the agenda late and we were not even prepared to receive your project when you were on last. So forgive us for being inept or not being able to be prepared to ask all the questions we have. If I had an engineer at my disposal I could be better prepared.

What happens in all the other proceedings I have seen is first there is either a pos dec or a neg dec vote, and then there is a declaration of the lead agency. And I think, respectfully, what we should do is pos dec this and appoint the Planning Board the lead agency. They have already done the site plans, they are looking at steep slopes and walls and everything else in all these other projects, and they could take it up and probably dispose of everything very quickly.

Mr. Wolf: But we have been there already.

Trustee Goodman: But they came here for Ridge Street, and maybe this should have been first. I don't know, but now you have us, all right? And I did not participate in all those proceedings. I have done my best to try to read the minutes. You keep saying, Oh, we have to re-explain this. I am sorry, Peter, but I feel the need to protect the public and the environment, and I do not have all the information and I am just trying to look for a way of streamlining it. And to me, the form, on their face, it seems to me just reading through, which I spent a lot of time today reading through part one and part two, it looks to me like just by virtue of construction on slopes, the road, which is going to sit on a slope of greater than 15%, that that puts us into potential large impact, which means you are into part three. I mean, it is on the face of its documents.

I do not know why anyone would think that we could neg dec this, just the documents on their face. And I am not the environmental lawyer here, but I am just saying my simple reading and common sense says that we cannot neg dec this. And I would respectfully say pos dec it, send it to the Planning Board, have Dolph review what he needs to review. And then it is with people that do this all the time. Either that, or let us do it correctly. Let us have engineering reports come to us timely so we can read them. This reading of letters in the middle of the meeting, which is what happened last time, is just not acceptable. I have never seen this where this happens.

Ms. Griffin: I think it has to be up to your consultants as well to respond. I mean, when we first gave it to Dolph he was in Europe for a month. I think he really looked at it the first time yesterday. I think it would be great to have all the engineers here, our engineers and

your engineers. But it also has to be clear to them that they need to respond. Because then they can give you reports and they can give you responses to our engineer's reports. Our engineer was not available tonight, but I will make sure he is here at the next meeting. And I would like him to address your questions.

It is not that we are not trying to bring them here, but I do not think it has even been clear. I have not even talked to the structural engineer who reviewed the wall. But, you know, maybe if you could ask the consultants to come and we will bring all our engineers. There can be some kind of a dialogue. And I would be happy to do that.

Mayor Kinnally: Oh, I would hope there will be a dialogue before then because that is where the work should be done so that they can give all of us advice. Diggitt, anything on this?

Trustee McLaughlin: Well, it sounds like it is a digression here, what I am going to say. But I believe it is on target. I would like to refer you to page 14 of the June 19th minutes. We were discussing this project, and Mr. Capuano was here. And he was describing, I am not sure if it was an easement or exactly what, an arrangement on Ridge Street that he had had with the Village. Here is what he said about it: "This was something that I did with Neil, and it was a handshake over a couple of beers. We had spent a few years trying to figure out what to do with Ridge Street. And when he came to me with this idea it was like, yes, if it works out for everybody and it worked out for me and the Village." A handshake over a couple of beers is not how we should decide things like this in Hastings.

Mayor Kinnally: Nor was it how it was decided. It is a written agreement between the Village and Mr. Capuano. As he indicated and as we, I believe, have a copy of.

Trustee McLaughlin: I am glad to hear that, but this was a statement that I found astounding. And so did people who stopped me in the street. I am glad to hear that was not how the Village did business. But I do agree with Jerry and Danielle that this is a project that may not be of great magnitude, but is complex on a couple of issues that SEQRA does address. And we probably would have saved a great deal of our own time, and of Peter and Christina's time, if we had started on the SEQRA process when we took this on instead of attempting to do it without SEQRA.

And I agree with Danielle that the business of bringing us new letters and reading them to us in the middle of the meeting and expecting us to respond to that is not a way we should be conducting business. I think that Jerry has brought up good reasons for entering into the SEQRA process. Jerry, if you would like to proceed on addressing this that way, you would have my vote.

Mayor Kinnally: So we will put this over until the 21st.

Trustee McLaughlin: Well, do we want to put this over until the 21st? Jerry, would you feel like drafting a resolution about how to approach this process?

Trustee Quinlan: Well, even though I am not happy with the negative inference it gives, we could vote on the resolutions as they are now. And that would certainly set the people out in the right direction. Because if there is no neg dec, then we go to pos dec, right?

Village Attorney Stecich: Probably, if what you want to do is enact a pos dec, you should have a motion to that effect. But just to clarify, Danielle, it cannot be the place. You guys have to do the EIS because you are the only involved agency on this. You do not have to declare yourselves lead agency because you are the only involved agency. When you are the only one who can take an action, you are the only ones that can extend it.

Trustee Goodman: Okay, sorry.

Village Attorney Stecich: No, that's okay. So you do not need to do that, and it would be you.

I just wanted to clarify it so you guys know you cannot shift it out to the Planning Board. That this board will have to do it. But Jerry, just because you vote down a neg dec does not mean you have to pos dec it. So if what you want to do, and I am not suggesting you do it, is require a pos dec, then that has to be your motion. That you pos dec it based on the fact that you found the following potential large impacts.

Mayor Kinnally: Are we ready to identify those?

Trustee Goodman: If you go to part two, page 11 of 21. It says: "Will the proposed action result in a physical change to the project site?" They say: "Any construction on slopes of 15% or greater." And we know that is, because if you go to page 3 of 21, then you are into potential large impact, which the instructions tell us that if you have one potential large impact then you are into needing part three.

Mayor Kinnally: What is page three? I don't know what, on page three, I'm looking at here, Danielle.

Trustee Goodman: Page three, number five. So there is 15% or greater on the slope. And if you go to page 11, number one, the first example says, “any construction on slopes of 15% or greater” is an example of something that has a potential large impact.

Mayor Kinnally: Well, you have to make a decision whether it is a small to moderate impact, a potential large impact, or can the impact be mitigated by project change. I do not think it is necessarily automatic, is what I am saying.

Trustee Goodman: Well, I think that puts it into the potential large impact.

Mr. Wolf: I think that is the area that exists today. The wall has to have sufficient underpinning on that area in order to contain it, and it is going to be the same type of wall that you have right now. So it is 10% of the site.

Village Attorney Stecich: It is 10% of what site? Of the street extension?

Ms. Griffin: Yes, a little bit of this [off-mic] see here is right next to it. We have shown erosion control. We have an erosion blanket. We have a dissipater that takes care of any runoff at the end of the wall. And maybe Dolph should take a look at that because we are trying to take care of any erosion that could happen because of this project.

Village Attorney Stecich: So what Danielle is saying then, it is fair to mark it as a potential large impact and have them look at that. Then, as the Mayor said, you look at the next thing: can it be mitigated.

Mayor Kinnally: And that is, I believe, what we have asked Dolph to look at: whether or not the drywells that are on the adjacent property, up on their property, not on the street, and the catchbasins that have been put in or that are designed on the site to catch whatever surface water will be on that paved site, is going to be mitigated to take that water off the road. Now, you know, I have not looked at all of it. But if I remember correctly, part of the mitigation also is curbing that is being put in on the western side of that road. So the water that is now coming off that site, although it is not an impervious surface, is going into the ground and over that cliff to the south of the Unilock that exists there now.

So just going back to the form itself, the mere fact that you may hit within certain percentages or whatever does not foreclose the next step. And that is exactly what Dolph is doing: are the measures that we are recommending sufficient to take care of that surface runoff such that we are not going to degrade the area.

So that is why I went back to your question, Jerry. What environmental issues do we want to take a look at? And those have been identified, at least so far, by this board as the critical area. What does the improvement to that extension of the road do to our ability to capture the runoff that exists there now, and is that runoff going to go over the curb and over the wall such that it will go down the hill and be worse than the situation that exists now. I do not know, and that is why we retained Dolph.

Trustee Quinlan: So what we are doing then, Lee, and correct me if I am wrong, if we pos dec it and we identify where we think there is a potential large impact, then the engineer studies those and comes back to report. So we are getting a pos dec, and really doing the same thing you are asking, but we are pos dec'ing it.

Mayor Kinnally: And I do not even know if it is necessary at this point. Because he may come back and say there is nothing here.

Trustee Quinlan: Well, what is the difference, though? What do you mean, it is not necessary?

Village Attorney Stecich: Jerry, if I could just explain what the difference is. The EIS process has all of these comment periods; it is a much longer process. Whereas if you have discrete questions, let me explain to you a different procedure that actually they have been using in a lot of municipalities. Not to get around SEQRA, because it *is* SEQRA. It is SEQRA review, but it is a less cumbersome SEQRA review than these multi-year projects. That is, fairly early on in the process, identify any potential impacts. Before you do your neg or pos dec, identify the potential impacts and have them addressed.

Let us say this was a different kind of project, and you want to see what the impact on the schools are and the impact on traffic. There is not going to be any water, wildlife, anything else. So you ask them to do a school study. You ask them to do a traffic study. At the end of the studies, if you are satisfied that the project will not have any negative impacts, and you have hearings, it is a full-on process. At the end of that, then you take your vote on whether to neg dec or pos dec it. If you think there are not going to be any impacts after the mitigation discussed in those studies, then you can neg dec it.

Now, that was a procedure that was upheld by the courts over the years, most recently in a case involving Tarrytown and Sleepy Hollow. It is actually probably better for the boards, too, because then you do not get books of reports dealing with issues that you do not really care about. Or not that you do not care about, but that are not relevant environmental issues. But you are doing the same study. You are doing the same thing. You have identified what the issues are, and you will not neg dec it until you are satisfied that there are not going to be

any impacts. The Planning Board was doing that with 10 West Main. They were doing it: they identified the impacts, and it got to the point where the applicant asked them, come on vote on the neg dec or pos dec. And they said, We cannot vote to neg dec this because you have not sufficiently mitigated the impacts that we have identified.

So you are doing the same thing. It is just procedurally less cumbersome, but you are doing the same review. You are identifying the issues, you are making them study them until they are satisfied. If you are not satisfied at the end that there are not going to be any impacts, then you say, Hey, guys, we are pos dec'ing it, keep going. Which is what the Planning Board did with 10 West Main.

Trustee Goodman: Well, what I have been concerned about from the get-go is that we have not identified everything. I mean, I walked there today before the meeting. It is a sweet area. There are wood chip paths, it is woodsy. I am sitting and I am looking at these pictures. I mean, we are paving over this area? Beauty is in the eye of the beholder, you know. And improving on what? It begs the question, I am sorry, there are questions here about wildlife. There is plenty of wildlife there. This is going to be displaced. I mean, there is woods, there is underbrush, there are trees, there might be scrub trees.

Mayor Kinnally: No, no, not on the extension.

Trustee Goodman: It is a path. I was there.

Mayor Kinnally: No, identify the area that we are talking about that is woodsy. This is the direct extension of the street.

Trustee Goodman: Yes, I walked there because I saw where the string goes. There is vegetation along there. There is absolutely vegetation. You know, it is a woodsy area, somebody has been tending to it, there is a path.

Mayor Kinnally: Let me ask you. In the street, or are you talking about the property to the left as you are facing south?

Trustee Goodman: I am talking about in the street because I saw where the line is. There is a marked line. And in order to get to the marked line you are on a wooded path and there is brush, there is vegetation, on each side. You know, you leave the street and you are walking along what looks like a recreational area that the neighborhood has been using. I could be wrong, I do not know. But certainly somebody has been taking care of it and tending to it. I am sorry I did not take pictures.

Then there are issues here about wildlife on these forms. I do not know that we have identified every question, but I would like to do a better job than what we are doing. I do not think, so far, we have done service to what needs to be done here, I am sorry.

Mayor Kinnally: All right, I think what we should do is put this over to the 21st. And in the interim the Board should identify those areas, and we should do that within the week, that we believe should be studied, and get the input from Dolph on this.

Trustee Goodman: Oh, I have one question for Christina because I could not find it. On page 3 of 21, the predominant soil type on the site is something called Charlton. What is that? I tried to look it up.

Ms. Griffin: I would have to consult our engineer.

Mr. Wolf: But it is a mixture of different types, basically. It is not just sand, it is not just clay.

Ms. Griffin: I think it is based on soil maps.

Mr. Wolf: I just would like to make one comment and a query. The comment is, I think that the point raised by Diggitt and Danielle is well-taken concerning being supplied with a letter at the meeting. I think you should have had a chance to read it and think about it.

Mayor Kinnally: And it is not the first time.

Mr. Wolf: No. We have been just badgered back and forth by basically vacation schedules of different people who just are not there. You know, you lean on them heavier, and heavier, and it is the squeaky-wheel-gets-the-oil syndrome. And then you get it an hour ahead of time. But I am very sympathetic to that because I think it is difficult. You know, I sat on the Board for a long time. It is very difficult to read something, consider, and listen to somebody else at the same time. So you know, I certainly think that is a fair comment.

And I have a query regarding something that Jerry raised. That is, I do not know whether this can be done, but maybe the resolution could be rephrased in such a way that significant environmental impacts that are identified had been mitigated.

Mayor Kinnally: Well, we are not at that point.

Mr. Wolf: I know, but I am just saying that is how the resolution could be rephrased so that on the one hand you could recognize that there are issues, but then they have been addressed

to the Board's satisfaction. I am just asking whether the resolution should be redrafted. Thank you.

Mayor Kinnally: You have a comment?

Marilyn Meese, 44 Ridge Street: I live with my daughter. I have been intimately involved with Ridge Street for three years. I know everybody on the street. They all know the amount of work that we all, and Fred Hubbard and Community Tree and others, have done on that area, which we understood would be connected to the quarry road and then to Hubbard's.

But I am not here to talk about that. And I am not going to talk about the environmental impact, though I would like very much to show each of you the amount of soil. A quarter of that area that was the extension of the street, went right down that steep hill when the two gentlemen built their back yard and swimming pool. Both Fred Hubbard and Deven Sharma came and they saw that. They saw the erosion that happened from above, and this was not anything that will be of the scale you see here. I would be very happy to show, this soil is covered over by Japanese knotweed. The impact was so great that all kinds of poppies and native wild things that were growing there are gone. Talk about the environment, there are animals there of all kinds, and birds. It was supposed to be a place for the children and families of Westchester to enjoy. We also approached the fire inspector, who said that we could have a picnic table.

I am not here to talk about that. What I want to say is that nobody has addressed the congestion. This is a tiny, narrow street, with a history of tragedy in the fire because the fire trucks and the garbage trucks cannot even get through. And in the winter, when it snows and a plow goes through, you cannot drive through that. On the end of the street as it is now the garbage trucks cannot turn around. And from having read the minutes, not the last meeting but the minutes before, it stated that the turnaround that they are proposing, whereas in square feet might be larger, is definitely much more difficult to turn around in than the current one. I could show where that is.

But it is always congested on that street. And four more spots, two of which I thought were supposed to be for that luxury condo they are building and they got an easement to have it off the street, even if all four of them are there that is a drop in the bucket for wrecking a street. And I do not think that anybody who looks there will feel that it is safe now if any kind of evacuation needs to occur. If it is lengthened like that at that end, at the south of Ridge Street, it is going to be worse. I think two meetings ago, because the minutes of the last one were not on the Website, had talked about talking with the Police Department and the Fire Department and the Department of Public Works. If there is a car parked at that first curve as you go in where there is a striped area, which happens often, the delivery trucks, UPS and

FedEx and another one, they cannot get by. The garbage trucks have to stand there until someone moves it.

It is a very crowded street, and as it is now it is not really safe to walk, though people would like to make it a walking street so close to town. We have been talking on the street. I know that one of them, Katrine Barth could not come because of T'shahov. Isabel and Manuel were planning to be here, but there was an emergency. There are 16 people who live there and know what it is like. We would be so happy if we could take some time to show everyone here; show them what we have done, and what our hopes are, and what the damage to that hill would be, going down carefully. I mean, it is really a horrible thing.

So I hope that people will listen very carefully to what Mr. Quinlan has said. Mr. Hubbard said that he had spoken with Mr. Frobel and with Ms. Griffin about this and that he is strongly against it environmentally. But I think the main thing is public safety and the congestion on that little street. For four parking spots, which could be somewhere else, to stick them on that little street is very, very sad without looking at it much more carefully. Thank you.

Mayor Kinnally: Anyone else?

Cindy Travis, 427 Warburton Avenue: I am not sure if anybody is going to like what I have to say, but I am very horrified that I have been sitting at every single meeting that Peter and Christina have had, and the fact that they are asked to go back again and wait on a project. As a homeowner, I am thinking that really it is impossible for homeowners to come before any of these boards and get their ...

Mayor Kinnally: Well, one of the reasons they have to wait is that they did not get the engineering information to us so that our engineer can give us the information we are looking for.

Ms. Travis: I am not talking about this specific thing with the letter. I was at the Planning Board meetings originally, and I am shocked that they did not say to do all these reviews, then, as opposed to waiting until it came before you. I do not think it is fair on all levels. I think the boards before should have had a much better idea what they would be asking of this project, knowing that Ridge Street would be asked to be extended. They should have known that there would be environmental impact and should have asked for it eight months ago.

So I am just saying, whether this is part of the comprehensive plan process that has to get done, I think for homeowners to have to go through six to eight months of being asked for new things every time, they should know what it is going to be ahead of time. It should be

handed to them as a list. The first board should know what they are getting into. I just think that there is a bigger problem here. I do not think anybody is going to like what I am saying, but I just think somebody has got to get this process more organized from all the boards', starting with the very first one they hit. It should not be unfair to homeowners to be waiting this long to find out what happens.

Mayor Kinnally: Thank you. Anyone else?

John Wazeta, Washington & Ridge Streets: I am a property owner on Washington and Ridge Streets. Just one note about parking, which is a nuance about Ridge Street parking as compared to parking availabilities in other areas in the Village. Free parking in your four spaces in the Ridge Street area is not the bonanza that it could be in other parts of the Village. It is a secluded street. People get the feeling that they could leave their cars there, these parking spaces, for months at a time. Quite often, nonresidents come in and use the parking area. They are there for a day or two. Quite often, repair work on their automobile is done. The car is moved out, somebody else from a family, not necessarily from Hastings, comes in and uses it, etc. So I think in looking at this as being a parking bonanza, I think sometimes free parking in various areas of the Village presents more problems that it solves, number one.

Number two, Ridge Street is a very secluded, very pedestrian street. We are going to have people using access to Warburton Avenue homes via Ridge Street. I am not sure that is a very good precedent to use for a zoning or a planning board. We add two cars to a street that is already in danger of becoming overcrowded with cars, I think this four-parking area idea is not necessarily the best one for the Village

On the other hand, I think in a positive sense, any development that is modest or appropriate to the area, and that relieves property tax burden, is certainly something to be applauded. I certainly like the idea of a better parking turnaround because the one that is there is not accessible, nor usable. Thank you.

Mr. Zimmerman: Well, I guess basically I am here to, on balance, say that I am in favor of what Christina and Peter are trying to do here. I have several interests in this. For one thing, my wife works for Christina. For another thing, the building that we live in was one of the ones that she was the architect for on the street. There are six new units that have been built in the last decade or so that are on the street. I think most people who would go down the street and look at it would agree that they have been an improvement to the street. I think, hopefully, most people in the neighborhood would think so.

I think that some of the things that they are giving to the community are real benefits here, including the turnaround. The turnaround in Mr. Capuano's property has never worked. It is not big enough. Especially, every day, there are trucks from UPS, from FedEx, from DHL, from the post office. I guess somebody gets a lot of deliveries on our street, but at any rate they are there all the time and they do not turn around down there because the turnaround is not big enough and is usually cluttered with whatever. So what they do is, they turn around in the driveways of the people who live on the street. I know the people across the street from us have already had to rebuild their curbs because of these trucks turning around in their driveway. And the buildings were just built a couple of years ago. So it is just not a sustainable situation as far as the turnaround. Now, I do not know whether Marilyn is correct that the proposed turnaround is big enough or not, but I sure hope it is because when they build it we want to try to encourage people to use it. Okay, well, I will leave it there with the turnaround.

Also, as far as the parking goes, again, I guess I have to say that I really do think we need more parking. In general, I think it is a problem throughout the downtown area of the Village. Where you call the Village, the area west of Broadway, both north of the Warburton Avenue bridge and south of it, there is just not enough parking for not only the businesses but the residents. I heard Danielle's comments at the last meeting about this, where she was saying, and I am paraphrasing, I cannot say exactly what she said, that we need a pedestrian-friendly Village and if we build more parking then more cars will come. I just feel like I need to explain. I feel like maybe some people do not understand what a problem, I would say almost the number one problem, it is for people that live in our part of town. That we do not have enough places to park. That whole area of town was built before people even had cars. It was not designed for cars. When it was built, people who lived in town worked in town, mainly at the factories to the waterfront. They would walk to work, and they would do all their shopping in town, too. Now none of that stuff is true anymore. People drive to their jobs. In a lot of cases they use their vehicles to get to their jobs, including people on Ridge Street. I think a couple of them, at least, are landscapers and they park their trucks in the street because they have nowhere else to put them. And also just to do shopping. I do know people who do not have cars who manage to do all right, but certainly it might be okay for, let us say, young single people. But if you are older, if you have kids, if you are disabled it is hard to get along without a car in Hastings.

It may be hard to understand for people who live up on the hill and they may have a garage and have a driveway and have on-street, unrestricted parking on their street. You know, try to understand what it would be like to get along with no car. I know a lot of people in this village have two or three cars in their family. But for people who live in the Village it is hard to get along. Even if you only have one car for your family it is hard to find a place to put it. I have lived on Ridge Street for 15 years now. I lived in another place on what was

Ridge Street before I moved into the one I am in now which, luckily, now has parking. But I did not have parking before, and I would have to park way far away.

Mayor Kinnally: Andy, I think we are getting a little far afield.

Mr. Zimmerman: I am just trying to explain. When we were discussing this at the last session, to what Trustee Goodman had to say about it, I just thought that should be brought to her, to all of your, attentions.

So therefore, I think to have the four parking spaces it is really great to see if the Village would make a decision that would allow more parking. Because most of the decisions that have been made, that the Village has made, have brought about less parking, making it harder for people to park. So I think that is a really positive thing. Now, I am not in favor of the wall falling down or anything like that. Certainly, I hope that is all addressed and that the engineers come up with a good solution for that.

In terms of the paper street, I appreciate the work that Fred and Marilyn and the volunteers did in there. But I have to say, it is a little bit of a dirt road. To me, if that little bit was paved you would still have the part in back of it, which I believe is private property belonging to Larry Young, if I am not mistaken. I actually would like to see that converted into something. Right now it is, unofficially, we can go down there and sit. To me, it would be nice as a playground or some kind of open space or parkland. Because I do not think it is buildable as a house in there and it is not doing any good to Mr. Young, as far as I can tell. He is just paying taxes. I have not actually talked to him about it, so I do not know. But, you know, that would still be there if you paved over this little bit of paper street. You would still have that whole area in back of it. So I guess I would not see any great loss from that, and I would see more of a benefit from it as someone who lives on Ridge Street.

Mayor Kinnally: Thank you. Anything else on this? Peter, let me just see if we can roll this over. We are going to deal with it on another night. I think we are going to put it on for the 21st, assuming that we get the technical information that we need. I think we should move on. We have a very, very big agenda here tonight, and a number of executive session items. I do not want to miss my train in the morning.

Trustee Quinlan: Before we move, do you want us to fill out this long form with our concerns and hand them into the Village?

Mayor Kinnally: I think you should. Because in fairness, as it was pointed out, if we want more things to be addressed we have got to identify those items to be addressed.

Trustee Quinlan: I agree.

Mayor Kinnally: That is not necessarily saying everything is going to be addressed, but some of the things. Remember that we are just talking about the extension. That is all we are talking about here. We are not talking about the property itself.

Trustee McLaughlin: Mayor, when would you like our questions?

Mayor Kinnally: A week.

Trustee McLaughlin: A week from now you would like them, and then what will happen?

Mayor Kinnally: I think Marianne and Fran are going to have to sit down and take a look at it.

Village Attorney Stecich: I am going to be gone next week so if there is any way to do it by Thursday that would be good, if that is possible. Otherwise we will be kicked off.

Trustee Quinlan: Okay, I can hand mine in tonight. If I could just get a copy of it, Susan, I will hand it to you tonight. I am filling it out now as we speak.

Mayor Kinnally: You have it in front of you.

Trustee Quinlan: Yes, I know. I am filling it out. It is filled out. I just need a copy.

Trustee McLaughlin: Attempting to spare Peter and Christina yet another fruitless visit then, exactly what will happen? We submit our questions, Marianne and Fran will draft the letter that goes to Dolph Rottfeld?

Mayor Kinnally: No, no.

Village Attorney Stecich: Christina and Peter would have to address them. Let us say there were some tree issue and you want Fred Hubbard to look at it, you would have Fred Hubbard look at it. Fran and I can figure out who would be the right person to review the issue.

Trustee McLaughlin: Okay. What I just want to make sure is to get clear now what is going to happen in the next month so that when Peter and Christina return something will happen that will wind up this process.

Mayor Kinnally: Well, I agree. I think we have to take a look at some of what the Board is identifying, and then we should collectively see what that is, and then decide what, if anything, to do with it. Because we have to take a look at a budget here, and we have to see whether or not what we are looking for fits within the scope of what they are looking to do also. Remember, the action that they are asking us for is an easement on that piece of property. We are not dealing with the property that belongs to them.

Mr. Wolf: Just to clarify it, the problem is that Dolph needs to have an expressed scope of work.

Mayor Kinnally: Peter, we understand. We said that we will deal with Dolph. That, I do not think there is any dispute of.

Village Attorney Stecich: And just to clarify one thing. The easement was for the turnaround. It is the extension of Ridge Street and the Village taking over the street. So there are a whole lot of other issues if it is your street and you are in charge of maintenance.

Trustee Goodman: I do have one question for Marianne. Should I call you? Because question 14 deals with subdivision six, NYCRR-617, critical environmental area. I tried to look that up and I could not find it.

Village Attorney Stecich: Yes, there are certain designated CEAs. I am not sure. I do not think this is in it, but Angie would know that. You can call me, that's fine. You all have my numbers in the office. Just call me in the office.

Mayor Kinnally: What are they talking about? Wetlands, things of that nature?

Village Attorney Stecich: CEA. The Hudson is a critical environmental area. There are just certain environmental areas, but I do not think this is one. But I would have to check with Angie because she knows how far from the Hudson it is.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski resolution 52:07-Approval of Ridge Street Extension was tabled for the August 21, 2007 meeting.

The following Resolution was duly tabled upon roll call vote:

52:07 RIDGE STREET EXTENSION

RESOLVED: that the Mayor and Board of Trustees approve the application of Christina Griffin and Peter Wolf for improvements to Ridge Street as shown on

plans dated 5/23/07, and be it further

RESOLVED: that the Mayor and Board of Trustees approve the easement agreement for a turnaround as attached, and be it further

RESOLVED: that the Mayor and Board of Trustees have reviewed the long form EAF for the improvements to Ridge Street and have determined that there would be no negative environmental impacts, and be it further

RESOLVED: that the Mayor and Board of Trustees issue a negative declaration for the improvements to Ridge Street.

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	

54:07 Authorization to Bid – Kinnally Cove Improvements

Village Manager Frobel: Tonight we are looking for Board approval to go out to bid for construction of certain improvements to Kinnally Cove. I think I have kept you pretty much closely informed throughout this process, both in my oral presentation on occasion at these meetings and in written memoranda.

The project has taken a little longer than I think we all would have liked. Since the Village acquired the property back in 2002, you had a citizens advisory board patient that worked back in 2004-2005 and came up with some recommendations. We selected an engineering firm to assist us in this project. I think everyone has done a wonderful job to get us this far. What has taken a little longer than perhaps I expected was some of the necessary permitting, but we have talked about that. I know we are at a point now where I am looking for your permission to go out to bid for the project.

There are really two aspects: the scope of the project, which we should focus on tonight because we want to make sure you understand in sufficient terms what the project is going to look like at completion; and the financing. The financing, although certainly very critical to us, I believe we have our financing in order, provided the prices come in at a price that is affordable. As you know, although we sought permits for the entire project, which was wise, we realize we probably have to divide the project into two phases. The overarching

responsibility that we set out to accomplish was, obviously, develop a safe, scenic access to the river both for fishermen and for the person who wants to launch a non-motorized watercraft. I think we have accomplished that. There has been some discussion on how to get to the water, but I think the DEC made that decision for us in their rejection of what was that floating launch.

With me tonight is Jay Reichgott. Jay is the chief in the marine division of McLaren. Fortunately, he was the lead engineer on the project from the beginning, I think or close to.

Jay Reichgott, marine engineer - McLaren Engineering: Close to.

Village Manager Frobel: He certainly has been very much familiar with the project. I have asked him to join you tonight to just go over the project. Angie has prepared for us memoranda which really is not new. It summarizes the project to date. But what is new in this, and we can spend a little bit of time on this, is the schedule. Because we are at a point now, and it took us a little longer than we might have liked to tell you, is how we expect, if you approve tonight is to go forward on the bidding, how long it will take, to get us to a point where we can actually begin some construction.

So with those comments, Jay, I know you and Angie prepared a site map of it, if you want to just talk a little bit about the various phases.

Trustee Quinlan: Fran, just before he starts, only because I came into this late and this is the first time we have really discussed it since I became a Trustee over a year ago, my understanding is that there were three phases to this project. Is that correct?

Village Manager Frobel: Yes.

Trustee Quinlan: And tonight this presentation will be on all three phases, or phase one?

Village Manager Frobel: We have combined phase one and two because, in all likelihood, it is going to be the same contractor. Really, once you are in the water doing this kind of work I think we are better served to have it go out as one project. Now, we are going to bid it in such a way that you are going to be able to pick and choose on the projects. For example, you are going to hear a little bit about the boardwalk we want to build; the beach restoration; and the shoreline stabilization. We are going to talk a little bit about the launch and the concrete platform that we have got to build. Again, that is what I alluded to about the floating dock.

So you are going to have some choices to make, and you are going to have to decide whether or not you feel one of the critical parts is access to the water. I mean, you may decide, when the prices come in, all we can really do is stabilize the shoreline. We can build that boardwalk along River Street so that people can at least see the cove. And maybe in the next round, when we get some more grants or we have some more cash, we can go back and do, say, the launch. That is what we are going to have to decide: when we bid it. But we are not going to know that yet. In this memo I have just given you are some pretty good cost estimates. But until you actually go out and find out, and Jay has the expertise to tell us if those are pretty good estimates, we will not know for certain.

Mayor Kinnally: So we will not make the decision tonight. We will just give him authorization to go out to bid all three components. And then the decision comes when we get the bid packages back and we see what the bad news is.

Village Manager Frobels: Right.

Trustee Quinlan: That helps me clarify it, Lee. Because I see that the floating dock is under three, and you said we were only going to consider one and two?

Mayor Kinnally: No. He assumes the same contractor will do one and two, right?

Village Manager Frobels: That is my hope.

Trustee Quinlan: So let us just take for example, and these are questions out of ignorance because I know the prior Board dealt with this in great detail and this is the first time we are dealing with it, the floating dock is under number 3 in terms of what you gave me.

Village Manager Frobels: There is not a floating dock.

Mr. Reichgott: Ladies and gentlemen, perhaps if I ...

Trustee Quinlan: There is no floating dock? What is this in here?

Village Attorney Stecich: This is the new thing we passed out.

Mr. Reichgott: Perhaps if I walk through the history of the project a little bit, it might answer some of these questions. And then, of course, we can move from there if that works for everyone.

Village Manager Frobels: I think that would be fine, if you want to spend some time with it.

Mr. Reichgott: Okay, first let me introduce myself. I am the chief of marine engineering for McLaren Engineering. We are based in West Nyack. If you go across the bridge, turn your eyes away from that mall, you will see my office on the top of the hill.

When we were brought in to do the project originally it was in three phases. The first phase was to deal with the east side of the cove: to clean it up, to install a boardwalk, and generally make it more accessible to the public. The second phase was to clean up the south side of the cove, deal with removing some of the debris of the old steel hull out of the water and clean up the shoreline there. And then the third phase was to make major shoreline improvements to the north side of the cove, which include the construction of a pocket marsh, tidal marsh; the installation of a floating kayak launch with a ramp that would service that at tide level; and the construction of a wave break to help protect the marsh and the kayakers from wakes and large waves off the river.

As the project developed and we went to the Army Corps of Engineers and the DEC, there were some modifications requested by the regulating agencies. We have come up with the new and approved plan. And when I say approved, this is approved by the regulating agencies. You, of course, have the final say on what you want to build and construct. But we have gotten permits for all of these components. Now, that eastern edge remains the same. It is still a cleaning up of the shoreline, a restoration of the riprap and shoreline protection, and the construction of a boardwalk. The south side is similar. There is a restoration of the existing beach area, restoration of some of the riprap and shore protection. It was decided by the planners and the Manager that it was best to leave the hull. And the Army Corps seemed accepting of this, with the idea that it will be filled with clean fill and then landscaped on top and preserved as an architectural and landscape element and a sort of homage to the industrial heritage of the Village.

The marsh is not shown on this drawing because this is the plan for the first phase of work. So it has been left off for clarity, but the intention is still to construct a marsh. Both the DEC and the Army Corps are very excited about that sort of restoration. The wave break has been modified to meet the needs of the Army Corps' concerns about precedent. It has not been re-titled as a wake deflector, but it still serves the same purpose. To meet their requirements for fish passage it has been made from a single wall into a pair of overlapping walls, which from a hydrological standpoint still serve the same function but allow more passage of fish, which is the concern of the Army Corps and the DEC.

The DEC didn't like the floating dock. And their concern was, given the shallow water in the cove at low tides, the dock would be sitting on the bottom. They were concerned about the impacts on the riverine sediments and the organisms that live there by having them

bopped on the head by a 20-foot dock twice a day. With discussions with them, we came up with a solution that we feel is viable for the needs of someone who is going to try to bring a kayak or canoe down, which is to be able to get to the water at a reasonable height and still meet their needs for having 18 inches of clearance off the bottom. What we have proposed, and what they accepted, was essentially a fixed dock with a ramp so that at low tide the end of the ramp is approximately a foot above the water, which is a comfortable launching height for a kayak or a canoe. Then as the tide comes up the ramp is submerged, but there are always points along the length of the ramp where a kayaker or a canoeist can find a spot that is comfortably close to the water to put their vessel down and get into it.

Mayor Kinnally: One of the concerns of having a submerged ramp is the slipperiness of it and the safety of people who will be getting in and out of the kayaks because it will be subject to submersion.

Mr. Reichgott: There will definitely be some marine growth on it. It will be constructed from pressure-treated lumber, which will help to reduce growth on it. We could go with non-pressure treated; you will just be doing more maintenance. Our intention is to use rough-sawn lumber, which has a fair amount of texture to it and, as part of the definition, put some soft score lines in it so it will have some tooth and grip.

There is a certain, I guess, acceptance of risk that needs to happen for someone who is going to be launching a vessel off of a ramp. I mean, the intention is that these are people who are engaging in a physically demanding activity. And while there will be some slipperiness to this, having an even surface at a uniform slope down into the water is safer than scrambling over the rocks of the shoreline or launching off of an unimproved surface. We have included, and it does not show in this plan but I have other sections that if anyone is interested we can go into more detail of our proposal, the intention is, to provide a railing along one side of this ramped area to help provide a handrail, if you will, to grab onto in case you do start to slip or feel uncomfortable.

Now, the DEC and the Army Corps have permitted all of these improvements, including the marsh. The permit does not require you to make all the improvements; it gives you the opportunity to. We have worked with the Planner and with the Manager to come up with some phasing of the project. It has changed from being three phases to being two phases, and those phases have adjusted in scope. So phase 1 will be the land-side improvements, the shoreline stabilization, the restoration of the beach, the addressing of the hull and the filling. And what has also been included in that is the kayak launch and the wave deflector. That was included because of some of the requests of the people who are providing funding through grants.

Our idea of what phase 1 should be is, of course, merely a suggestion. It is up to you guys, at the end of the day, to decide what portions of the project you want to engage at what schedule. It leaves the final phase mostly to be the construction of the marsh, which is a fairly substantial investment in time and money to make that a successful project. We came up with some expected costs for the various components that we have provided to Angie, and she has provided to you. Those are based on our best understanding of the current costs for doing this sort of construction in this area, based on work worth and prices we have gotten south of here in the New York City area, as well as in Haverstraw, where we are currently doing work, in Piermont, and in Tarrytown. So we have a fairly good idea of the costs of these various construction items. You will see that there is some contingency put in for escalation and additional costs because that is always necessary.

I guess I am done, so if you have questions I would be happy to entertain them.

Trustee Swiderski: I have a question about the diagram. What is that black line there in the dead center of the water? What is that?

Mr. Reichgott: That represents the existing stone groin that is still there, and the intention is to leave that in place.

Trustee Goodman: I have a question. Is this diagram available in smaller scale for us, and is your presentation written anywhere summary-wise: phase 1, phase 2? What the project is now versus what it was.

Mr. Reichgott: The current phasing and scope has been written down, and Angie has it and can provide it to you or I can provide additional detail. Probably the best way to do that is route your questions through Fran or Angie just so that I am answering one set of questions. The changes in scope have been documented in the meeting minutes and in sort of project documentation, which they can make available. Or I could, of course, provide a summary if that is something that you guys would like us to engage in.

Mayor Kinnally: No, I think we have plenty of historical material that could serve as background.

Mr. Reichgott: And, of course, if you want to do it more informally I would be happy to sit down and discuss the project with you as a group, or individuals.

Mayor Kinnally: Fran, timing of the bid package here?

Village Manager Frobel: Well, our hope is that we could have this go out to bid as early as August and come back to you with a recommendation in October, and then have construction begin October-November, at least the first phase of it. It will take several months, obviously, but that would be our goal: to come back to you with a recommendation to move forward as early as October. That gives us September to get it out to bid.

Now, Jay does know there are some contractors out there that would probably be interested in this. These specs do have to be looked at by the state. They are the principal grant-funding agency, so they need to pass judgment on it.

Mayor Kinnally: What is the timing of their turning that around?

Village Manager Frobel: They should turn around quickly. We have kept them very closely informed. They are concerned because this grant, as you know, we keep extending. It does expire in December of this year, although I am certain we could probably roll it again. I hope, at least, we are showing progress. But they are very familiar with it. We have met with them and explained it to them face-to-face. So there is nothing new here.

Trustee Goodman: I have a question, just a simple down and dirty. What is the out-of-pocket expense here for the Village?

Village Manager Frobel: There should not be anything from the general taxpayer. We can count some in-kind work on the part of Angie's time, my time. Our DPW crew has already done some work on-site, which is in-kind.

But we have recommended you look at the Hudson River Trust. That is the fund that has been set up in a tripartite agreement with the Riverkeeper, the Village, and ARCO. We have been in communication with them as far back as probably a year ago, informing them about our intent. And we do have a tentative okay from those two agencies, ARCO and the Riverkeeper, to expend the money in this fashion. So in answer to your question, it should not cost the general taxpayer anything.

Trustee Goodman: Okay, and how much is in the trust?

Village Manager Frobel: It is \$1.6 million.

Trustee Goodman: Minus the marsh, which would, I guess, be phase 3. How much of that trust is Kinnally Cove going to dip into?

Mayor Kinnally: It depends on the bids.

Village Manager Frobel: It depends on the bids, but it could be upwards to \$500,000 or more.

Trustee Swiderski: If we do everything.

Village Manager Frobel: Phase 1 could be upwards to...

Trustee Quinlan: Does it not say here \$386,585? It's on page 2: "The cost estimate is \$541,585; total grants are \$155,000." These are estimates. "Local funds for construction, \$386,585. Is that what that reads?"

Village Manager Frobel: Yes.

Trustee Quinlan: So that would be the answer to phase 1, I think, in terms of estimates.

Village Manager Frobel: No, it is more than that, though. Because the way we have developed the estimates there is mobilization, there is rental of a barge that has to go out and do it. So there are other costs, plus contingencies. Is that a good number? What should it be?

Village Planner Witkowski: Yes. Well, the contingencies are shown in the second part of that column on page 2. That listed it out for phase 1 and phase 2.

Trustee Quinlan: So the total is \$529,634?

Trustee Goodman: Plus \$177,000.

Mr. Reichgott: Our total estimate of construction costs for what we are calling phase 1, which is the shoreline improvements, the kayak launch, and the wave fence, including contingencies for both design and construction, including overhead and profit for the contractors, including mobilization and a small factor in the contingency for escalation, is about \$1.1 million total cost.

Trustee Goodman: That is phase 1 and phase 2.

Mr. Reichgott: Phase 1 and phase 2, correct.

Trustee Quinlan: It is \$1.1 million?

Mr. Reichgott: Well, \$1.14 million in round numbers. Now, those numbers are reflected in the documents that Angie and Fran have provided to you. They have broken the contingency and the mobilization costs out to it. It is sort of smeared over the page. I do not think they were trying to hide anything. I believe it is the typography of getting it to fit on the page more than anything else.

Village Planner Witkowski: And the contingencies were calculated, or estimated, on the basis of the total phase.

Trustee Goodman: You know, I want to just stop you for a minute. I find this very confusing, so I apologize. What is a contingency? I am sure the average taxpayer would like to know that question, too.

Village Manager Frobel: An unexpected occurrence, something that was unforeseen, some condition in the field that no one could envision. For example, the Community Center is a good example. We encountered the contaminated soil. For that, we relied on our contingency.

Mayor Kinnally: And rock.

Village Manager Frobel: And we encountered more rock than we anticipated. So it is that unexpected event that is out there.

Trustee Quinlan: Fran, let us just look at what you handed out tonight, the memo dated July 22nd. I am just trying to understand it. For phase 1 the cost estimate is \$541,585, and the contingency for phase 1 is \$529,634. So should we add those two together to get the \$1.1 million? I am talking only about phase 1 right now.

Mr. Reichgott: Right, I understand. If you look at phase 1, the \$541,585 is the base costs for the various components: construction of the wave deflector, kayak ramp, etc.

Trustee Quinlan: Everything is listed in phase 1.

Village Planner Witkowski: Right.

Trustee Quinlan: The kayak, concrete, hull fill, riprap, boardwalk, beach restoration.

Mr. Reichgott: Correct. Now, the lower right-hand corner where it says contingencies, the PH-1, the phase 1, the only two items that I would call contingency on that are the two

bottom lines: the construction and the design contingency, both which were estimated at 10%, which is a fairly tight number. The other items are the costs to perform the work.

Trustee Quinlan: Right. So those are hard costs.

Mr. Reichgott: Yes.

Trustee Quinlan: That is good to know, but my question is, you add up the two together really?

Mr. Reichgott: You add \$541,000 and \$529,000 and you come out with \$1.3 million and change.

Trustee Quinlan: Whatever, yes. And the total grants are \$155,000. So the rest is going to come out of the Riverkeeper fund, if we so approve?

Mr. Reichgott: I am going to deflect that question.

Trustee Quinlan: But what I am suspecting is, these numbers are high. For example, the contingency is higher than I would anticipate, but we do not know. And we do not know if the mobilization is, in fact, 15% of the project. We do not know. We are just looking at these numbers that you provided me. So let us just say it is a \$1.1 million, right?

Trustee Goodman: Out of the fund?

Trustee Quinlan: Out of the fund, right?

Mr. Reichgott: If you chose to do all those items.

Trustee Quinlan: Yes, I am just looking at them. I did not dream them up.

Trustee Goodman: Here is my other concern, and question. Did we not already commit some of that trust fund to paying off lawyers and engineers to look at infrastructure?

Mayor Kinnally: No.

Trustee Goodman: Where did that money come from?

Mayor Kinnally: From ARCO.

Trustee Goodman: All right, so that came from ARCO. But what I am concerned about is, if we deplete this trust fund in such a way that we spend it all on the cove, then what is going to fund, say, we want to hire some more experts for the LWRP. Where does that money come from?

Mayor Kinnally: For the LWRP?

Trustee Goodman: Yes.

Village Manager Frobel: Not from that source.

Mayor Kinnally: I do not think it would come from that fund.

Trustee Quinlan: Well, it could.

Mayor Kinnally: It could if ARCO and the Riverkeeper allowed it. But I am not so sure it would come within the four corners of what is anticipated in that fund and in the settlement.

Village Manager Frobel: The fund is pretty clear where it says: “any project must improve public access, use, or enjoyment of the Hudson River, or improve the ecology of the Hudson River.” And it goes on: “Such projects might include, but are not limited to, acquisition or improvements of open space, creation of walking or hiking trails along the Hudson, construction of boat launches or ramps, creation of habitat for the Hudson River Valley, wildlife, the improvement of creation of wetlands, and/or restoration of indigenous fauna along the Hudson River.”

So it is pretty specific in what it can be spent on, and it is not legal fees. That is why the Riverkeeper was the first one we went to, to make sure they would be fine with this project. And, I am happy to say, they were. And then we asked ARCO, and they were supportive of it as well.

Mayor Kinnally: Let me go back to the issue of the attorney’s fees or engineering fees. You know, when we went to ARCO and we got the latest apportionment of money it was with the understanding that there might be a reopener, that we be able to go back to them again.

Trustee McLaughlin: I believe we ascertained at some earlier meeting that money from this fund could not be used, for instance, for the quarry because the quarry is outside the area.

Mayor Kinnally: That is right.

Trustee McLaughlin: But since the Saw Mill River is a tributary of the Hudson, could this money be used for habitat along the Saw Mill?

Mayor Kinnally: I think there is an argument that could be made, but I would not be in favor of it because it really has to do with the Hudson River.

Trustee McLaughlin: All right. But in other words, it could be argued that the money could be used for improvements along the Saw Mill. But that is really the only...

Mayor Kinnally: I guess what I am saying is, it could be argued. I would not argue it.

Trustee McLaughlin: I understand that, but we are talking about what the Board might decide and what the Riverkeeper might decide. So that is arguable, but nothing else is. I mean, we cannot use it for our parks, we cannot use it for sidewalks.

Mayor Kinnally: Right. We could use it for our parks if it was a waterfront park.

Trustee McLaughlin: If it was a waterfront park, right, but we could not improve Hillside Woods.

Mayor Kinnally: Exactly.

Trustee McLaughlin: So in other words, that money has relatively few uses other than this.

Mayor Kinnally: That is right.

Trustee Goodman: I just thought somehow some of this was going to survive over the years, and that we were going to use it for the parks for the waterfront, making us less dependent upon developer money. You know, everybody is saying, Oh, we have to get developers involved because we need big parks to be built. And here you have money that could sit and earn interest and be used for that. That is all. That is my only concern.

But I have to say this. I went and had my sandwich in Kinnally Cove, sitting on the wall, before I came here. And I have to thank the Mayor because I think that he did a lot of work over the years to negotiate for that property. It was glorious. People were sitting on the beach tonight, and I am so happy that we have it and that we are here to discuss this project. I think we have to find a way to move on this because it is wonderful. My one question about the boardwalk along the east, since I saw people sitting on the beach is, is that going to prevent people from getting to the beach?

Mr. Reichgott: No, not at all. The beach serves a southerly part, at least the part of the beach that is accessible at high tide. The intention is to clean up and restore the shoreline protection, the riprap there. Right now there is an awful lot of construction debris and old pieces of sidewalk. The intention is to clean that up, re-grade it, and replace it with clean stone and a more aesthetically pleasing and effective riprap.

And then the boardwalk will be on-grade, or on areas where the grade dips it will be on an elevation to keep it flat. So it will be on trestles. What it will provide is a more secure pedestrian path around the shoreline, but as it stands now there will still be plenty of locations where you'll simply be able to walk from the grass, across the boardwalk to the shoreline, and then step down the riprap. It should not provide any obstruction to getting to the shoreline area.

Mayor Kinnally: The boardwalk would be west of the riprap. Is that correct?

Mr. Reichgott: East. West of the riprap is the river.

Mayor Kinnally: East of the riprap, yes.

Trustee McLaughlin: Since you are not going to scramble down over the riprap, how are you going to get from the boardwalk to the beach?

Mr. Reichgott: The beach where you can easily access it is to the south, which is actually a gravel path. That will pretty much be maintained at the current condition, albeit cleaned up and less poison ivy and things like that.

Trustee McLaughlin: I have some small concerns I would like to voice. Of all the purposes for the work that we are doing here, it strikes me that use of the water by kayakers and canoeists is really important. I have gone to look at some of those ramps. At Scenic Hudson Park in Irvington there is a kayak launching ramp that runs south from the park. It is made of extremely rough concrete, and it has striations made like so along the ramp. It is covered with slime and it is very slippery.

I believe at the Yonkers Canoe Club there is a ramp that is made of wood. I have no doubt that it started out as rough wood because who built and maintains Yonkers Canoe Club are the canoeists themselves. That rough-wood ramp is green with slime no matter how they clean it off. They cleaned it off, and I saw it about six weeks ago. It had been cleaned off six weeks before that, and it was quite green. If I had been wearing boat shoes I would have gone sailing into the water on my backside.

I am concerned about this ramp because the slime is not something to just blow off and say it can be slippery. The slime is really a significant factor. I cannot imagine what you could build that ramp with that the substance of the ramp will overcome the slime. Since that ramp is going to lead off a park, I could imagine people who are not canoeists or kayakers just walking down that ramp and really taking a header. To tell you the truth, as a person who uses the water, I do take exception to your comment that people who are kayakers in effect know they are doing something dangerous and so this is part of the cost of doing it. I know, in effect, when I step into my car and go out onto the New York roadway I am doing something dangerous, but I would not be happy if the roadway were filled with oil and I fell under the next car to come by. I would not count that as a part of the cost of driving a car. I do not see why kayakers and canoeists should take the risks that that ramp creates.

I realize this is not your design. This comes to us from the Corps of Engineers. But I am curious as to why they do not want us to have a floating dock. A floating dock is always dry except when it rains.

Mr. Reichgott: In the first place, let me apologize for my personal feelings about kayaking and canoeing. I have grown up in canoes since I was about knee-high, and my personal feeling is that every beach or jetty is a kayak launch. So I apologize if my excitement for the sport has colored my commentary.

It was the DEC who protested the floating ramp, and the reason was there is only about 2 feet of water in the cove at low tide. Any float would have about a foot of freeboard, and about 6 to 9 inches of draught. Which means that at mean low tide the bottom of the float would be somewhere between 6 or less inches above the bottom, and at extreme low times it would be sitting on the bottom.

Trustee McLaughlin: So in other words, their objection is not against floating docks qua floating docks. It is a floating dock at that precise site.

Mr. Reichgott: Exactly. It is your floating dock that is the problem, and not floating docks as a class.

Trustee McLaughlin: Well, how can we get around the hazards that are presented, not just to kayakers but to people who are in the park? I honestly do not think that a handrail down one side of a kayaking ramp that is going to be covered with slime is going to do the job, and I anticipate problems from people who are Sunday users of the park.

Mr. Reichgott: I can think of a couple of things, and I am doing this off the cuff so I apologize. It is certainly possible to put a gate at the top of the ramp so that casual users, strollers, people who are not paying attention to where they are going cannot simply wander down the ramp; so that there needs to be an active decision to go down the ramp.

Trustee McLaughlin: But you know that on a Saturday night that decision is going to be made.

Mr. Reichgott: Yes. I guess there is a certain question of personal responsibility and contributory negligence to anything like this, and I think that would be what the gate is to provide.

We could also look to having something in a more aggressive surface such as transverse cleats or duck boards or something like that, that would provide a greater grip surface. That starts to run into issues with what is acceptable to the ADA requirements for a ramp, which specifically preclude something like that. And the intention here is, although the question of ADA compliance is not completely germane, we have attempted to keep this at an ADA-compliant slope of 1 on 12, although we do not have any intermediate landings, and prevented those sorts of obstructions and tripping issues that the ADA prevents on ramps. This is most definitely not an optimal solution. We would have much rather seen a floating dock and a ramp. What we were able to come up with was a construct that provided access to the water at all tide levels with a relatively grippable surface.

Now, if the issue is marine growth, then perhaps maintenance is an answer to that, and cleaning. That maintenance never works in a public park. No one has any money to do maintenance. I understand that. I do not really have a better solution right now to that. We will work long and hard to try to come up with one.

Trustee McLaughlin: If I can go on here, since the problem with the ramp or the dock, if it were located at that site, has to do with what happens when the tide goes out, why is it put there and not several feet further out into the river; for instance, where the walls are?

Mr. Reichgott: The bottom breaks to about 3 foot where the walls are. The problem is, if you get too much further out you stop having the protection of the cove from the currents. Since the idea is to have a launch into the calm water of the cove as opposed to the relatively rough and fast-moving river, it does not really function.

Trustee McLaughlin: Then going back to the beach, in Dobbs Ferry canoeists and kayakers use the beach as the place from which they launch. It is messy, but it works. Can we improve the beach in any way? If the beach, for instance, is a part of an earlier phase, and

we will wait to do the later phase, can we improve the beach in such a way that it is more easily used for launching?

Mayor Kinnally: You know, we had looked at this. And the problem is, at low tide you will be up to your shins in mud. We cannot dredge. When you say "improve," that is a dirty word to the Corps and to the DEC.

Trustee McLaughlin: Oh, believe me I know. The Corps has brought us all those wonderful destroyed beaches along the Atlantic coast.

Mayor Kinnally: But we cannot dredge, and the only way we can deal with this is, we were trying to avoid...

Trustee McLaughlin: I had not realized that dredging was a synonym for improving. When I said improving, I meant is there anything that we can do to make the beach higher? I know in the past Mayor Chemka has said we should just back up a truck and dump some loads of sand. I do not know if that is really feasible, or if that is useful, or if that will simply wash away.

Mr. Reichgott: Unfortunately dumping sand is considered filling the river, and is not a viable option to the Corps or the DEC. The issue is, this heavy dotted line here is pretty much the line at low water where the bottom is exposed. That is the low tide line.

Trustee McLaughlin: That is the low tide line, and yet we are building the ramp all the way past that, and it is still going to sit on the bottom if it is a floating ramp.

Mr. Reichgott: It is a very flat surface. If I may, if I bring the drawing closer, in the light dashed lines are the bottom contours.

Trustee McLaughlin: Oh, I see.

Mr. Reichgott: You can see that this line here at the end of the groin is about the 2-foot depth line, and a foot of change over that distance approximately, depending on whether we have had a storm or not. The nature of the cove is such that it is a very still piece of water in the river. So when the sediments come in, they settle out and this has not been dredged in long enough that this is a stable and natural bottom. So the beach is certainly an excellent kayak launch at high tide. At low tide, there is a large distance of gushy mud to traverse. Again, where I grew up that is how, leading canoe trips and canoeing in Maine and on the Bay of Fundy, you just get used to having your legs be brown from the knees down. But not everyone is willing to become that engaged with nature when they go out to go canoeing.

Trustee Goodman: I have a point to respond to Diggitt. If you speak to Jim Stadler, about two years ago he spoke with both the DEC and, I think, the Army Corps and found out that we could, in fact, dredge. He sent that information to Mr. Gomes. This is when the citizens were actually involved, before the engineers and architects got involved. He sent that information to the Village. I think there was an issue about where to get rid of what you dredged up. It would basically be clean fill. There was the thought that perhaps it was something ARCO could use after the cleanup. But I think his suggestion died somewhere in transit. It made sense to me. It was a low-cost option to launch canoes from the beach. And I will have to speak to Mr. Stadler to find out exactly when he sent this information in to the Village, but he reminded me of it.

Mr. Reichgott: I can tell you that dredging will cost somewhere between \$75 and \$150 a cubic yard of material to dispose of, and that goes to how contaminated it is.

Trustee Goodman: I think that the cove was tested, and it is not contaminated. And if it is contaminated, then that should throw our project into questionable territory. Because why would we want to be putting people near any of this.

Mr. Reichgott: There are degrees of contamination, and contaminants locked in the benthic sediments and are not necessarily a problem for people who are using the water or the shoreline, if they are not clamming or otherwise ingesting them, to address that question. But also the question of contamination and disposal is different from a dredging standpoint than, necessarily, a health standpoint. And if we do go to a dredging solution, it certainly may be possible. We would have to go back to the Corps. We would have to go back to the DEC. I would suggest that would be something like at least another nine months to a year to get that sort of modification to the permit approved. But we could do it, or we could try.

You would also be looking at needing to provide yourself with funds for maintenance dredging in the future. The hull that is here has got a draught of something like 8 feet, is my guess, looking at it. That originally came in and had 2 or 3 or 4 feet of water underneath it. I am not sure how long that thing has been there, but in the last 70 years there has been 9 feet of sediment. Over in Haverstraw they get about 18 inches of sedimentation a year that they have to dredge out to keep the harbor open. Further down the river, down at the cruise ship piers, they dredge every two years and they take 6 feet of mud to 10 feet of mud out of there.

So dredging could be an option. I am not suggesting it is not. But you are looking at a large first cost and ongoing maintenance to keep that open.

Trustee Goodman: No, no, I am not looking for any maintenance. But we will talk to Jim and find out where he got his information from.

Mr. Reichgott: And I must say that with my involvement, I was not involved with the project from the very beginning. In the project I have had over the last several years we have never seen any suggestion that dredging would be an option. I would be happy to look at it. Other than that I cannot really comment to it.

Mayor Kinnally: I had discussions with the DEC, and they were not overly optimistic about dredging. I know one of the problems that they said is the ultimate disposal. And they were saying something like this: it would have to be disposed of, I will not say the immediate area, but close by. But this is a number of years ago. I never talked to the Corps, but I did talk to some people at the DEC and they were not doing cartwheels over it.

Mr. Reichgott: Right. And I can say with our experience with the Corps in the last several years, they have become less and less interested in dredging solutions. They have been less and less interested in anything involving any sort of construct over the water at all. The fish seem to be winning in this round.

Mayor Kinnally: And this is one of the problems. That we have to wait so long for getting a PRAP on OU-2 because of the intramural disputes in the DEC between fish and wildlife and the other parts of the DEC. It is a battle that has been waged, and has raged, for quite a while.

Trustee McLaughlin: I am sorry to keep you all here so late, but I have been waiting to discuss this for months. I am also concerned about the marsh, and I want to preface my concern by saying that when I was president of the Beczak Center and the state DEC asked us what we would do if we had at least \$100,000, my choice was to build a marsh. And, in fact, Beczak did that. I am a strong advocate of marshes, and I have been since I was a little girl. But I have found that the Beczak experience has not been very good. Building it was difficult. It has been rebuilt twice. The most recent executive director of the Beczak Center would have gotten rid of the marsh if she could have. I guess it is going to have to be rebuilt yet again.

I am reminded that if Mother Nature had wanted a marsh to be there, there would be a marsh there. And I wonder about the wisdom of building something that will cost us to build, will cost us to maintain, and must be artificially protected; all in the name of protecting wildlife. I wonder if we would not just be better off leaving that corner of the cove alone than trying to build something artificial and continue to maintain it. It borders a park that is a very nice park. It is not like we need, I never thought I would say this, additional trees or greenery

right in that area. What Mother Nature wants to have there is riprap and water and sludge, and the odd kayak or two.

Mr. Reichgott: Some more odd than others. But to address that question, we were asked to study feasibility and, for want of a better word, the structural concerns of creating a marsh, which we did. We engaged HDR, who is not here, obviously, tonight who has done this in the past, and put forth a plan for the construction of the marsh and the planting, the necessary protections, the two years of careful nurturing to get it to stick. I was in at least one meeting here where some questions about longevity were raised, and some answers were given. I cannot speak to the question of whether or not it is a good decision to put a marsh there or not. That goes to more, I think, the feeling of this body and what your philosophy for how to use the space is.

We have the technical ability to create a new marsh there. With proper nurturing we can probably get it to stick there. There are certainly a number of environmental factors that could lead to its demise. And with that comes the need to replant it if you want to keep fighting for a marsh. Whether that is a good decision about how to spend your limited funds, and obviously everyone's funds are limited, is something I cannot answer. That is not an engineering question.

Mayor Kinnally: There was also a very strong advocate for this in the DEC. I think that has been part of not the solution, but the problem, here. The DEC has lobbied strong and hard for this.

Mr. Reichgott: Certainly part of the process, and part of as the project progressed, when there were questions about the marsh or the kayak launch or a number of the components, and what was going to be constructed here. Part of the reason that everything was proposed to the DEC and the Army Corps, I think from some people's point of view, was a sort of hope that there would be some fiat where they said, You can't do that. Either fortunately or unfortunately, depending on which way you wanted to look at that process, the DEC and the Army Corps looked at all this stuff and, with the exception of reef falls on the wave fence, said, We love this project; we want to see all these things here.

Now, of course it is not their money and they will not help you pay for it or upkeep it or do all the rest of it. But there was no fiat from on high one way or another for all those things. And one of the reasons that you guys get the name plaques and the big chairs is, you have to make the tough decisions.

Village Planner Witkowski: Diggitt, I met with someone from the DEC, Chuck Nader, initially, before we even went out to find an engineer to work on this project, because there

was a question about whether to do the tidal marsh or not. He thought that it probably would not be approved by the DEC. So I said to Neil Hess, Well, why don't we just let the DEC decide whether we can do a tidal marsh or not because we had to get the project going. And then as it turned out, they do like the project.

But we do have the \$50,000 grant for the aquatic habitat. Now, I talked to the grants person that is handling that, and she said that it does not have to be for the tidal marsh. It has to be for an aquatic habitat. So if we get to something water-related, then...

Trustee McLaughlin: But can you not argue that riprap is an aquatic habitat?

Village Planner Witkowski: Let me finish. That is one of the reasons we had it in the final phase. Because obviously, because of it being a sensitive area, we want it to be done after everything else is done so it is not disturbed. But if it turns out that people decide that they really do not want to do it, that money can be used towards some other kind of landscaping treatment in that area.

Trustee Swiderski: I just want to note that we are at item number two in resolutions out of 10, so out of mercy to all of us I will keep this short and to what, actually, the agenda item here is, which is approving the process of going out for bid. I just want to ask a specific question on that. When we ask for a bid, will the bid include what is in green on this section: the temporary work barge, general conditions, mobilization, overhead profit, and contingencies? Will we expect to see that the bid that comes back includes those areas?

Mr. Reichgott: Yes, I would expect that. Those are the costs of the equipment and processes needed to actually construct the items.

Trustee Swiderski: And that is all part of the bidding process. This is not overhead we are putting on the side.

Mr. Reichgott: Correct.

Trustee Swiderski: So we will find out if this is not too generous in some way; if mobilization perhaps is not 15%, but 10% with one contractor. And whether indeed it is whatever, \$1.1 million in the first phase and whatever it is on the second phase.

Mr. Reichgott: Well, you will find out for the first phase. I do not think the intention is to go out to bid for both phases at this point.

Trustee Swiderski: So this is the first phase. And with the full intention of actually shutting down further discussion, we do not have to talk about the individual items now. Because ultimately we are going to go back with the bid we receive and, at that point, treat it as a Chinese menu and select from that what we want, and the contractors will know that, yes?

Mr. Reichgott: That depends on how your contracting people structure the request for a proposal in the final bid. What you will ask for is the costs to create a number of items, and then you will be able to pick and choose on the ones that you want.

Trustee Quinlan: And to the alternates.

Mr. Reichgott: Right.

Trustee Swiderski: Again, that bidding process will naturally lump the pieces here that need to occur together? I am assuming you cannot do a ramp without a wave deflector, there is some sort of lumping together of these categories, and that the contract process would incorporate that. So if there are groupings, the contractors will know that and will bid accordingly. So we can unscramble it later and just choose appropriately, right?

Village Manager Frobel: You will be restricted as to what can really be a deduct. I would envision bidding the whole package, and then telling them, What would the price be to deduct the boardwalk, What would be a deduct for the wave deflector and the kayak ramp and the concrete platform. Because that is the package as I envision it. I do not think you can build those without that wave deflector.

Mr. Reichgott: The intention of the wave deflector is to provide protection for the people using the kayak ramp, so that when they bring one of those oil barges up the river you do not suddenly have a 4-foot wave clocking you.

Trustee Swiderski: Then I think I know enough.

Mr. Reichgott: I would offer the one caveat that there is going to be a certain base cost.

Trustee Swiderski: Always.

Mr. Reichgott: The sum of the pieces will be less than if you wanted to do each of them individually.

Trustee Swiderski: Right. And finally, a compliment to you: slick is not used as a pejorative here, it is a pleasure to have somebody who makes this stuff clear. I wish some of the earlier consultants were as clear on this as you are. It is nice to hear you talk. Some of the previous consultants left me lacking of understanding, so you have pulled this all together nicely.

Mr. Reichgott: Thank you. Let me give you my card. You can call my boss and tell him I did a good job.

Trustee Quinlan: Just briefly, since we are dealing with the bid process now I just want to be clear. We are going to put out to bid only phase 1 at this time, and not phase 2? Is that correct?

Village Planner Witkowski: Yes.

Trustee Quinlan: And just some things to think about. First of all, Diggitt, I could not agree with you more about the tidal marsh.

Trustee Swiderski: Me, too.

Trustee Quinlan: If Mother Nature wanted a tidal marsh there She would have put one there.

Trustee Quinlan: And I am concerned. I wish we could have a floating dock because I think most kayakers would much prefer to get into their boat without getting into the water. That is the preferable way, and you say you are a kayaker. But since we cannot, we are not going to go there. If the DEC is not going to approve it, then we have to forget it.

What about on your map here, just briefly, is there a let-down area at the top of the ramp where people can put down their kayaks? At the very top of the ramp, at the head of the ramp, is there a lay-down or staging area, and how big is it on that map?

Mr. Reichgott: There is a platform here. We are showing it as being about 20 feet by 10 feet. It is a concrete slab, basically.

Trustee Quinlan: And you are an expert kayaker, you did kayaking. Would that be a lay-down, or a preparation area, for launching?

Mr. Reichgott: Certainly: 20 by 10 you could certainly put a boat down. Just to set the record straight, I believe that anybody that sits in a boat is a little odd. I am a canoeist, I

kneel and use only one blade. I hope I have not just put myself out of a job, but beyond the platform here there is also the lawn behind and the flat surface of the bank.

Trustee Quinlan: Okay, that is good to know. The only other thing I just throw out there, and we will deal with it in the future, is it is a great idea. Kinnally Cove should be developed and be a beautiful thing for all the Villagers to use. But the parking down there is a problem now, and the increased usage of Kinnally Cove I do not know what we are going to do about the parking. You go down there on Friday nights, and the weekends, and there is no place to park. I do not know how people are going to carry their boats in from the commuter lot.

So that is just something to throw out there. It is going to be used, it should be used, it is going to be beautiful. But we have to figure out some of our parking problems down there.

Mayor Kinnally: Anything else from the Board? Open it up for the public? Any comments?

Mr. Chemka: I will not take too much time. This has been one of the projects I have been into all along. In order to get to the kayak ramp, do you have to carry your kayaks and canoes on the property going to the park? In other words, do you have to carry your canoe and kayak all along here?

Mr. Reichgott: Yes, certainly.

Mr. Chemka: And the people will be backing their cars in there to unload?

Mr. Reichgott: Our understanding is that they will not be bringing cars in. That cars will be restricted to River Street. But then yes, people would need to carry their...

Mr. Chemka: They would have to carry their kayaks and canoes all the way over here, and then through the park, and then down onto the ramp.

Mr. Reichgott: Yes, that is our understanding. Correct.

Mr. Chemka: That is quite a walk.

Number two, you say when it is high tide the platform will be underwater.

Mr. Reichgott: Well, it is a ramp. So portions of it will be underwater.

Mr. Chemka: Right, the ramp. But where the kayak sits, you said there would be something down at the bottom where they could put their feet on in order to get onto the ramp?

Mr. Reichgott: No, sir. The idea is that because it is a ramp there will always be some point along wherever the level of the tide is where you will be able to walk down so that your toes would be in the water. Or if you wanted to set your kayak in the water and be able to climb into it, you would be further up the ramp and step off the side.

Mr. Chemka: So this is a ramp, and then a handrail.

Mr. Reichgott: Yes, sir.

Mr. Chemka: And what is to prevent all the children from going down through there when there are no kayakers?

Mr. Reichgott: I think that question was raised already. One answer is to put some sort of gate up. And the other answer is, like any piece of riverfront property, whether it is constructed or natural, children need to be guided and contained. I have got some of my own and I have the same issues. I know what that sounds like.

Mr. Chemka: One other important question. If you do phase 1, what is it going to cost the Village?

Village Manager Frobel: It could be upwards to \$1 million.

Mr. Chemka: What would it cost the Village? Actually, that is the bottom line.

Village Manager Frobel: It would not cost the taxpayers. It is coming from a trust fund that has been established by ARCO. That money would be used to match the grants that we have received. So it is grants and money from this trust fund.

Mr. Chemka: So it will not cost the Village anything.

Village Manager Frobel: Not out of your general taxes, no sir.

Mr. Chemka: One other thing. You going to build a nice walkway here, is that right?

Mr. Reichgott: Yes, sir.

Mr. Chemka: Why would you start here and go here when there is nothing out here to look at? Why build that at all? You have got the road right there now, and you walk along the road to look out there. I could see it, if the tide comes up high enough, you might be able to sit in your chair there and fish. But at low tide, forget it. You could not throw the weight out there at all.

But these are the two things. As long as it does not cost the Village anything, my personal feeling now is to just clean it up ourselves the way it is, get rid of all the garbage down there. And then in the meantime get a little bit more feeling on where we want to put the kayak and the other ramps. I do not believe the kayaks should be into the park, and I do not believe the runway should be into the park where the kids will go down. Thank you.

Mr. Metzger: I would like to suggest that everybody on the Board and everybody watching pick up a copy of John McPhee's *Control of Nature*. It discusses four areas around the world where people have tried to make Mother Nature back up. It does not work. The Army Corps of Engineers is, we all know, pretty notoriously bad at making suggestions that work. That is my little rant about this.

As a practical suggestion, I could not agree with Trustee McLaughlin more. I go to Maine pretty much every summer. There is a ramp that we occasionally use. If it gets even remotely damp, when the fog rolls in, you cannot even see it. When it is dry, all of a sudden it comes up. And I will tell you, I am a very careful kayaker. Been kayaking for about 20 years. You hit that slippery spot, you are down on your back. We are looking at a major liability.

I want to have access to the river. I would love to be able to drop my kayak in. My suggestion is, is that ramp going to be anchored in the river at some point, down at the bottom, to keep it from drifting side-to-side?

Mr. Reichgott: Yes, it is actually going to be a fixed pier. So it will be pile-supported, with bents.

Mr. Metzger: So my question is, if we are going to have a fixed pier down there, why do we not have a stop that prevents a floating dock from going closer than 6 inches to the river bottom? See, even if the tide drops lower than that it will just support the floating dock.

Mr. Reichgott: We suggested that idea to the DEC, who is the one who had the concern about the floating dock. And they said, That's great, make sure that you have at least 2 feet under the dock at low tide, which is too far.

Mr. Metzger: I understand that. I guess my question to the DEC would be, if you prevent a dock from hitting the river bottom with a positive stop, what difference does it make if it is 6 inches or 2 feet. I am not suggesting you necessarily have that answer.

Mr. Reichgott: I do not have an answer for anything the DEC says. They immediately went to their guideline that says any fixed structure has to be at least 18 inches above the bottom. And then obviously you need some structure above that to be the dock, and now you are talking about approximately 3 feet between the top of the dock and the water at low tide. That is nonfunctional as a kayak or canoe launch.

Mr. Metzger: Absolutely. Okay, thank you.

Mayor Kinnally: Anyone else? Yes.

Ms. Zazzara: A couple of things that Trustee Quinlan said. One, it is going to be beautiful. I think it is beautiful now; the improvements sound great. Making nature do what we want it to do, I am a little dubious of.

The other issue, parking, bike riding. I rode my bike down there Saturday and Friday evening. It is a madhouse, with the valet parkers going back and forth. If we want to invite kayakers to come down with their cars, I hate to bring up the parking issue, but where are they going to park. So if those issues have not been addressed in this whole plan, I think they sort of have to go hand-in-hand if we want to make those developments. Thanks.

Mayor Kinnally: Anyone else? Board?

Trustee McLaughlin: Obviously, all we are doing tonight is approving the resolution authorizing to go ahead and put this out for bids. But I would like to put on record the question of easier access for insuring parking. Easier access because that is a long distance to carry a canoe or a kayak.

Somehow, finding the wherewithal to raise the question again with the DEC about this business of the floating dock. What I would dread is spending more than a million dollars on this project and then winding up with a gate around the ramp that is locked all the time because it is such a hazard that we do not want people to use it. I very much fear that this slime can be so bad that we would wind up in a lawsuit, and a future Board would make that decision. I would like us to ask ourselves to explore this further because I cannot believe this is the last word on it.

Mayor Kinnally: Oh, it will not be the last word on it.

Trustee Goodman: Liability insurance?

Mayor Kinnally: We have it.

Trustee Goodman: But does this cover water issues? I, too, am concerned about the whole slime business.

Village Manager Frobel: We have insurance for the park now.

Trustee Goodman: Yes, but you are putting a ramp right near a playground. I mean, there is a playground yards away from this.

Village Manager Frobel: Well, it is to be a fishing pier, too. It's to be used for folks that want to go out and fish so it is going to be open during those evening hours.

Trustee Goodman: Well, then, I guess we better have a pretty stringent maintenance schedule for it, that is all.

Mayor Kinnally: I am scared to death about the dock slime. It is a real problem. The problem of kids having access to the river is there now, and we have that liability. But the slipperiness, I have talked at length with Ted Mason about this and a number of others. The DEC is proposing a solution, that just does not make any sense.

Trustee McLaughlin: Exactly.

Trustee Goodman: Yes, it is unfortunate.

Trustee Swiderski: I have to ask one question. I hate to do it. The landscaping, benches, and walkways: why is that phase 2? Why would that not be phase 1? That is kind of what suddenly makes this amenity amenable. Why do we have that in phase 2? I understand putting off the tidal marsh, but in the end the prettifying of this so it is visually attractive and usable, with benches, why put that off?

Village Planner Witkowski: Because the landscaping, at this point, could not be done until the spring anyway. The way the estimates were done, it is like street furniture. That is part of the landscaping.

Mr. Reichgott: I would only add that you, of course, can adjust the phasing. If you want to put the benches into phase 1, just move that line item and adjust the total at the bottom.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to receive bids for improvements to Kinnally Cove.

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	

Trustee Goodman: Mayor, could I suggest that we take the handicapped parking before the professional fees, to give reasonable accommodation to a handicapped person that was sitting here. We are not going to need any discussion, probably, for this.

56:07 ADOPTION OF LOCAL LAW NO. 3 OF 2007 – HANDICAPPED PARKING SPACES

Mayor Kinnally: We have had a public hearing on this, much discussion, and I open it up to the Board for any further discussion. Anybody have anything? Any public comment?

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 3 of 2007 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic to designate certain handicapped parking spaces as follows:

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 282-27, in its entirety, of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows:

§ 282-27. Handicapped parking.

The following areas of the Village of Hastings-on-Hudson are hereby designated as places for parking for handicapped persons, as provided for in Vehicle and Traffic Law § 1203-c, and parking in said areas by other persons is hereby prohibited:

- A. In front of 37 Edison Avenue.
- B. In front of 20 Maple Avenue.
- C. On Whitman Street, across from St. Matthew School.
- D. In front of 586 Warburton Avenue.
- E. In front of 5 Rose Street.
- F. In front of 181 Rosedale Avenue.
- G. In front of 568 Warburton Avenue.
- H. Opposite 15 William Street.
- I. In front of 15 Marble Terrace.
- J. In front of 22A Main Street.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

55:07 ADOPTION OF LOCAL LAW NO. 2 OF 2007 – PROFESSIONAL FEES

Village Manager Frobel: Likewise, you have had your public hearing and some discussion on this. This suggested amendment to the local law came from our review that we felt, for ease of operation, we would add the Building Inspector and the Village Manager in those cases where we felt specialized services might be required during a review of an application.

Mayor Kinnally: All right. We had a couple of comments. I believe some of the comments have been incorporated into the language. Any comments from the Board on this?

Trustee Goodman: I had issues with this. One, process-wise, this was never a formal item for Board discussion. It came originally from an e-mail. I asked questions like should this not be a discussion item. I am not inclined to pass this as written. It is overly broad. I think it will increase the cost of building. Was this prompted by a need? If so, what, and why? Does this have anything to do within steep slopes, the Metro-North right-of-way, or other problems?

I would suggest that this proposed law be rewritten, and the changes I would like to see is that the Village Manager and Building Inspector may, at their discretion, refer the application to the Planning Board with a request that the applicant set up the escrow account. I am all for that. I am all for us getting engineering, planning, legal, technical, and environmental advice. But this law has nothing built into it, I do not think, that gives the homeowner or the builder a means of appeal. I think the Planning Board already is well suited, or the Zoning Board if the matter is in front of them, to order escrows, etc. So those are my thoughts. That is how I would have approached it.

Village Attorney Stecich: Just a couple of comments because I did not see these questions before, and I am not sure I will address all of them. Is there any need for it? Yes, there is a real bad need for it. Because right now, if any application is before the Planning Board for site plan review or steep slope review or whatever, and it is usually the Planning Board, that can direct that the money be put in an escrow account. Sometimes this board has done it. We just did it with the extension of the Ridge Street application because we needed engineering fees.

There are, however, actions in the Village that never come before one of the boards. One-family and two-family houses, if they need a variance they do. But I do not think in all the years I have represented the Zoning Board they have ever had to hire an expert, other than on maybe the cell tower. So if you have something on a one-family house that has some really difficult drainage questions the Building Inspector needs engineering help. Or we often get applications that require an inordinate amount of legal work, and then the legal fees

should be paid for. Not usually on one- and two-family legal, but yes the need has come up, and it is going to come up a lot more. Because under the law that I assume you are going to schedule a public hearing for, on flood management and storm water management, there is no way that the Building Inspector, or even if you had a staff engineer, could handle all of it. It would require referral to an engineer.

Now, would it affect steep slopes? Yes, but with steep slopes it is actually not all that much of an issue because steep slopes applications have to come before the Planning Board, and the Planning Board can direct that the applicant pay an escrow amount for professional fees. About your point about referring it to the Planning Board, the reason you cannot do that is, the Planning Board can only take actions over matters it has jurisdiction over. The Planning Board has limited jurisdiction, and they have jurisdiction over steep slope applications, over site plan review, over subdivision review. They are not going to have it over storm water management, over the flood management. There was a house that was a real problem, kind of near the Saw Mill River. There were pretty significant engineering issues involved, and we did not have an engineer.

Trustee Goodman: Well, we cannot give the Planning Board jurisdiction by law, by this law, making them the body that...

Village Attorney Stecich: The state village law lays out the authority a planning board could have. I suppose you could. You could use your super session authority to do it. But the other problem with doing it, Danielle, is the Planning Board meets once a month and their agenda goes out about two weeks before. So you could easily have a six-week lag. I hope that addresses your questions.

Village Manager Frobel: I was just going to add that I have seen examples where the Building Inspector probably would have turned to an outside engineer for some advice after having talked with me, but realizing he does not have a fund to turn to and does not feel it is appropriate to use our monies for that kind of a matter. And I just see that it would be worthwhile to have an outside set of eyes, a professional, to come in and give him some help.

And we know the fees. I do not think there is any danger of abuse. I think the homeowner would realize that this is the cost of building a home or making the addition, to protect their interests and ours. I just do not see how there would be any danger. Is your fear that we would charge too much, or it would be too expensive?

Trustee Goodman: No, I look to the future. We are passing a law where you and Deven will not be here, we will not be here. Other people coming up to administer this law might not be of your caliber. So I just felt that there should be some other way of monitoring this.

Village Manager Frobel: I guess the safeguard could be a review of any of my actions by the Board. I think any citizen could come by any decision I have made administratively before you to say, We think that it should not take this engineer three hours, at this rate, to review this plan. When we meet with the homeowner and the engineer we would have to tell them, This is what we are looking at, give us an estimate of how long you might take. And I have got to tell you, if it is a very expensive project then all the more we would need some outside help because it becomes that much more complicated than an hour or two hours of staff work.

Trustee Quinlan: Fran, that gets to my point. I have no problem with the law, but I would like to take out the Building Inspector. As a practical matter, and I think you would agree, you can, and probably do, talk to Deven on a daily basis. If he had an issue and he felt that something was important, then he could come to you and you could decide whether to approve it or not. I think that takes some of the discretionary powers out of the Building Inspector who, really, the Board of Trustees has no power over. We are not the Building Inspector's boss, *you* are.

So I have no problem with the law, but I would like to just expand it to include you. Because then if someone felt that he was being treated unfairly he could come to a Trustee and a Trustee could go to you. And that is my only objection.

Trustee Swiderski: Jerry, what you meant was not expand it to the Village Manager. Because the law does cover the Village Manager. What you meant was that...

Trustee Quinlan: Oh, it does already?

Village Attorney Stecich: No, it doesn't.

Trustee Swiderski: But disable the Building Inspector per se, right?

Trustee Quinlan: No, I would just take out "or the Building Inspector."

Trustee Swiderski: Right. That is what I mean.

Trustee Quinlan: That is the only thing I would omit. And again, as a practical matter, I do not see how that really would delay any decision. It would just make the decisions made by the Village Manager more accommodating or more responsible to the Villagers because the Villagers could then come to their elected officials and we could then go to the Village Manager. I am not finding the right word. "Accountability," I guess, something like that.

Trustee Swiderski: And Jerry, I think you are spot on.

Mayor Kinnally: One thing. The last thing you want to do is to be inviting people coming to us to complain about something that is within the discretion of the Manager. I understand the wisdom of putting the Building Inspector in there, but I do have a problem taking the Building Inspector out. This is something within his discretion. I am fine with that, but I do not think we should say to the people, Look, if you have got a problem with this you come to us and we will fix it. I do not want to invite that.

Trustee Quinlan: No, I am not saying that, Lee. But I would say to the people, You have a problem, you come to me and I will listen. I may not fix it, I may not agree with it, but I will certainly listen.

Mayor Kinnally: Sure, yes. Fran, can you live with that?

Village Manager Frobel: Sure. We will try, see how it works. We will know in short order whether it is fair.

Mayor Kinnally: So as read, deleting the Building Inspector from section one and three.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 2 of 2007 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 223 Professional Fees as follows:

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 223-1 of the Code of the Village of Hastings-on-Hudson is hereby amended as follows:

The Board of Trustees, the Planning Board, the Zoning Board of Appeals, or the Village Manager, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental, or other professionals as the referring board or official

deems reasonably necessary to enable it to review the application as required by law.

Section 2: Section 223-2(A) of the Code of the Village of Hastings-on-Hudson is hereby amended as follows:

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

Section 3: Section 223-2(C) of the Code of the Village of Hastings-on-Hudson is hereby amended as follows:

The Board of Trustees, Planning Board, Zoning Board of Appeals, or Village Manager shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

Section 4: Section 223-2(D) of the Code of the Village of Hastings-on-Hudson is hereby amended as follows:

If such account is not replenished within 30 days after the applicant is notified in writing, of the requirement for such additional deposit, the reviewing Board or official may suspend its review of the application.

Section 5: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

57:07 AWARD OF BID STREET RESURFACING

Village Manager Frobel: This is our annual road resurfacing program. Michael developed the specifications for us. We had circulated a list of the proposed streets to the Board earlier in the year. We had three bidders. We are recommending the low bidder for the project. We have had experience with this firm before. In fact, they were the contractor last year.

We are looking to start as soon as possible. We will call the contractor tomorrow, if this is approved, to begin the work. We are obviously very sensitive to having it done and striped around the area of the school, the Mount Hope Boulevard area, the School Street area. I called the superintendent of schools a week ago. He has not yet had a chance to call me back. But I wanted to let him know what we are doing, to find out from him if he would like to make any changes to the line-striping and parking arrangement. So we are hoping to coordinate that aspect of this job with him.

Mayor Kinnally: Any comments from the Board? From the public?

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

WHEREAS, sealed bids for the 2007 street resurfacing program were opened on July 17, 2007, and

WHEREAS, three bids were received and Core Contracting of NY LLC was the lowest bidder, now therefore be it

RESOLVED: that the Mayor and Board of Trustees award the bid for street resurfacing to Core Contracting NY LLC, Mt. Vernon, New York as follows:

TOP:	\$70.00/Ton
MILLING:	\$3.20/sq. yd.
MANHOLES:	\$420.00 each

for a cost of \$259,544.95 to be paid from bond proceeds and general fund monies.

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

Trustee Swiderski: I have a question to the Village Manager on the resurfacing. This is strictly instinctive, but my gut is that over the years we seem to be doing less with that money. In terms of how much we have left and what is left to be resurfaced, do you have a sense for how this is playing out, when we are going to run out of money? Do you have any sense?

Village Manager Frobel: And part of the comments you heard earlier this evening was the deterioration of our curbs. Mike could come with projects just doing curbs some summer rather than resurfacing. But I do not know if there is another mile of roads that have to be done, or two. I have got to figure that out, but I imagine another year or two of continuation of this kind of a program.

Trustee Swiderski: And then we are through the \$1 million? What did we allocate for it originally?

Village Manager Frobel: I think it was \$1 million originally. Oh, \$2 million.

Mayor Kinnally: If history teaches us anything, this is an ongoing project.

Trustee Swiderski: I understand that. It just feels like we had that for a 10-year period, and I do not think it is going to come close to that.

Village Manager Frobel: Well, you may be coming around again to do the streets. Because what you are doing here, as I know you know, is resurfacing. You are not dealing with the underlayment, where you have got the poor drainage and the poor base, and the potholes come back after a number of years. So this truly is a Band-Aid. I mean, to do a street right you are talking about reconstruction, and removing rocks and bringing in the drainage ditch you need. So if we are going to continue, we will continue to do this kind of a maintenance program that could go on for a long time.

Trustee Goodman: I just had one quick question. There are so many recreational grants, are there not infrastructure grants?

Village Manager Frobel: Part of this is the money you receive each year under the CHIPS program. So there is money that you are receiving for this. It is not only the money you

have borrowed, the \$200,000, but you are scheduled to receive upwards of \$95,271.34 under this CHIPS program, which is a State of New York program. That is how your money is going a little further, so that is a grant

58:07 APPROVAL OF AGREEMENT – POLICE ACADEMY INSTRUCTOR TRAINING

Village Manager Frobel: This is something we believe is new. It is something the County's requiring. Periodically, our policemen, not very frequently but on occasion, would go to the Academy as instructors. What this does is formalize that relationship where our placement is still our employees instructing young cadets at the Academy for no charge and no fee, as our policemen. But we would be protected. If, for some reason, there were to be a lawsuit that resulted from the classes or the training that he offered to someone that resulted in some kind of legal action we would have dome protection.

This runs until March 20, 2012. There is a provision in there for termination. It really is part of this mutual relationship we have with the County. They train our young recruits at no charge, and we are able to share with them our expertise. Interesting, there are no full-time staff at the Academy. The Academy is made up of teachers from other departments, chiefly large departments. They go up and train the young police recruits.

Mayor Kinnally: Any comments from the Board on this? Public?

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Intermunicipal Agreement as attached with Westchester County Department of Public Safety regarding Police Academy Instructor Training.

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	

59:07 INTERFUND TRANSFERS FISCAL YEAR 2006-07

Village Manager Frobel: The independent auditors have completed their field work. They finished their work, now they are back in the office completing the audit. What this is, is the result of their field work. It is time to make those adjustments, to balance out the various expenditure accounts. No real surprises to me as I began to go through them with the auditors.

The budget, as you know, is a plan. Different things occur during the course of that 12-month period. Some accounts have gone over for a variety of reasons, and we can talk about that. And, of course, we have the revenues that were to the good that will balance this out. On balance I think the department heads did a good job in managing their budgets. Any of these transfers during the course of the year were brought to my attention as they were occurring. As I said, I think they did a good job in managing the budget to have us end up in the situation where the changes before you tonight are pretty minimal in nature.

Mayor Kinnally: Thank you. Any comments or questions from the Board on this? From the public?

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 authorize the Deputy Village Treasurer to make the following interfund transfers for FY 2006-07:

BUDGET ACCOUNT	ACCOUNT NAME	TO ACCOUNT	FROM ACCOUNT
A1110499	JUSTICE COURT	8,782.00	
A1230472	VILLAGE MANAGER	15,051.00	
A1325464	TREASURER	5,961.00	
A1410481	VILLAGE CLERK	9,942.00	
A1420464	SPECIAL COUNSEL	53,507.00	
A1420476	LEGAL SERVICES	25,000.00	
A1650210	CENTRAL COMMUNICATIONS	3,292.00	
A19104	UNALLOCATED INSURANCE	19,722.00	
A19204	MUNICIPAL ASSOC DUES	1,700.00	
A19824	NEWSLETTER	888.00	
A3150100	JAIL	620.00	
A3310416	STREET SIGNS	285.00	

A3412414	FIRE DEPARTMENT PROJECTS	11,337.00	
A3413457	HYDRANT RENTAL	10,261.00	
A5010100	PUBLIC WORKS ADMINISTRATION	1,741.00	
A5132414	CENTRAL GARAGE	36,888.00	
A5142415	SNOW REMOVAL	15,111.00	
A5182432	STREET LIGHTING	18,511.00	
A8140458	STORM SEWERS	3,975.00	
A8170453	STREET CLEANING	4,195.00	
A8560452	SHADE TREES	39,344.00	
A4020100	REGISTRAR	9.00	
A6326464	YOUTH EMPLOYMENT	72.00	
A8010464	ZONING	2,391.00	
A7020104	RECREATION ADMINISTRATION	8,000.00	
A7311100	DAY CAMP	14,386.00	
A19804	PROV ALLOW UNCOLL TAXES		20,000.00
A19904	CONTINGENCY		149,000.00
A90158	NYS EMPLOYEE RETIREMENT		94,500.00
A5110100	STREET MAINTENANCE		47,471.00
		310,971.00	310,971.00

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	

Trustee Swiderski: Mayor, a point of interest on my part. Are you legally obligated to read that entire list in dollar sums into the record, or can it simply be stated that a list exists and will be entered into the minutes? I am just curious.

Mayor Kinnally: It could, but it is the only time the people really know what it is.

Trustee Swiderski: It cannot be made part of the minutes in some way?

Mayor Kinnally: I guess it could.

Trustee Swiderski: It is a charming tradition. It is just sometimes these things go on for pages, and I am always stunned that you read them.

Mayor Kinnally: Stunned is not the word I use.

Trustee Swiderski: I was wondering if it is tradition or law.

Mayor Kinnally: I do not know, but it is the first time people see it. For instance, the next one is a similar list. I think we should tell people what everybody is making. But be that as it may, that can always be improved on.

60:07 APPROVAL OF NON-UNION PERSONNEL SALARIES

Mayor Kinnally: This is a list that has been proposed by the Manager and submitted to the Board of Trustees. When we meet in executive session on personnel items, especially in the springtime, it generally is to review these and get the input from the Manager and give him our input also. This is the recommendation, and I will turn it over to the Manager.

Village Manager Frobel: Just as you said, Mayor, I have reviewed this with the Trustees. Traditionally at this time you consider cost-of-living increases for non-unionized personnel. As you are aware, our highway workers are receiving a 3.5% increase; policemen a 4% increase. We have a bargain for those increases. These people are your non-unionized personnel.

I have recommended a 3.5% increase for all positions with the exception of four, four full-time, that I believe have taken on either added responsibilities or have expanded their expertise and skills to a point that I think they are deserving of a higher than cost-of-living increase. I am recommending a 4% increase in those cases. I have also recommended for the part-time personnel, your two full-time permanent employees, your Deputy Building Inspector and your Fire Inspector, a flat increase for them which translates into a 5% increase. That is where it rests.

Mayor Kinnally: Any comments or questions from the Board on this? From the public?

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 establish the following salaries for non-union personnel effective June 1, 2007:

Chief of Police	\$142,407
Superintendent of Public Works	\$103,190
Deputy Manager/Village Clerk	\$ 90,983
Superintendent of Parks & Recreation	\$ 92,840
Director of Youth Services	\$ 80,246
Planning Director	\$ 79,115
Technology Director	\$ 59,055
Secretary to Village Manager	\$ 56,420
Building Department Office Assistant	\$ 54,977
Payroll/Personnel Clerk	\$ 48,369
Court Clerk	\$ 38,939
Assistant Court Clerk	\$ 26,447
Recreation Supervisor	\$ 53,174
Recreation Assistant	\$ 36,511
Recreation Assistant	\$ 33,567
Youth Advocate	\$ 47,017
Building Inspector	\$ 96,462
Administrative Assistant	\$ 33,120
Building Maintenance	\$ 34,155
Assistant Cable TV Director	\$ 31,050

Part-Time Personnel

Deputy Building Inspector	\$19,756
Fire Inspector	\$17,006
Senior Outreach	\$17,653
Youth Employment	\$17,115
Meter Repair	\$12.42/hr
Parking Enforcement Officer (2)	\$12.42/hr
Intermediate Clerk	\$15.93/hr
Clerk	\$12.70/hr
Bookkeeper (Finance Office)	\$16.15/hr

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

61:07 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 4
STORMWATER MANAGEMENT

Village Manager Frobel: Susan, is this the add-on to the agenda this evening, or is this the one Marianne has been working on?

Village Attorney Stecich: This is the one I did.

Village Manager Frobel: Would you respond to that?

Village Attorney Stecich: What you have here is, unfortunately I think, a really very long law on storm water management and the legal connections to the municipal storm water sewer system. It is two articles. The first article imposes regulations governing construction and post-construction storm water runoff. Essentially, the goal of the regulations is to retain or absorb storm water on developed sites wherever possible, with the quality of runoff remaining the same after the development.

Now, this law is required of all municipalities by the federal government and by the New York State Department of Environmental Conservation, and it has to be in place by the end of this year. The draft I gave you is based on a couple of model laws I received from Mike Ritchie, who is the consulting engineer for a consortium of 16 municipalities that the Village is part of. For the most part, the models have to be enacted in the same terms, not necessarily the same exact words but the same terms. I modified the model in several respects to make it conform to other Hastings laws. I reviewed these modifications with Mike Ritchie and he said they were fine.

You do not have a lot of discretion. There are, however, a couple of things that you do have discretion on. New York State establishes the minimum requirements, and the Village has no discretion to reduce those requirements. The Village can, however, increase the requirements. This is really relevant in one respect. The state requires that the storm water management plans be prepared for every land disturbance equal or greater to 1 acre. Now, for Hastings there are not that many 1-acre land disturbances, so it would not cover very much. The state recommends that municipalities may want to reduce it to as much as 5,000 square feet. So if there is any activity that could affect 5,000 square feet you would have to go through this process, which I have to say is a really very cumbersome process. Angie and I had a phone conversation with Mike Ritchie to ask him what he thought would be appropriate for Hastings. I think most of the Rivertowns are in this consortium. He recommended the threshold to be 10,000 square feet, so that is what I included in the draft. It can be changed upward or downward, whatever the Board wants. I just set it at 10,000.

Trustee Swiderski: What is an acre?

Village Attorney Stecich: An acre is a little more than 40,000 square feet. This is about a quarter of an acre.

And then the other issue the Board has to consider is who will be the enforcement officer, the storm water management officer. According to the state, it has to be a Village person. It cannot be a consultant. What they say is that the storm water management officer would likely be the code enforcement officer or the Village engineer, which we do not have. But what you could do is designate whomever you are going to designate, whether it be the Superintendent of Public Works or the Building Inspector, and then that person could delegate the review responsibility to a consultant, using escrow fees under the professional fees law. So rather than establish a fixed fee for this review, I think it is a much better idea to have the money put in escrow because some of them could cost a lot.

So those are really the two issues that you have some discretion on. The law is there, and then we could answer any questions.

Mayor Kinnally: So the purpose of this resolution is to set a public hearing on it for our next meeting on the 21st.

Village Attorney Stecich: You know, it occurred to me you may also want to refer it to the Planning Board. I don't know whether the Board would want the Planning Board to look at it. There is not the same rush on this one. The other law you are going to have has to be passed by September 28th; this one you have until the end of the year.

Mayor Kinnally: Okay, let us deal with the resolution first, and then we will deal with the Planning Board.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, August 21, 2007 at 8:00 p.m. to consider the advisability of adopting Proposed Local law No. 4 Stormwater Management, Erosion, and Water Pollution Control.

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	

62:07 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 5 FLOOD DAMAGE PREVENTION

Village Attorney Stecich: This is another mandatory law. This one the Village is required to adopt by September 28th. That is so the Village can continue to participate in the National Flood Insurance program, which is a federal program that enables property owners in participating communities to purchase flood insurance. The federal government has entered into an agreement with the Village that if it adopts and enforces a floodplain management law to reduce future flood risks in flood hazard areas the federal government will make flood insurance available to property owners who request it and, presumably, pay for it.

This was, again, based almost entirely on a model that was provided by the New York State Department of Environmental Conservation. Again, very little room for discretion in the drafting of this law. In fact, the instructions from the DEC said any changes you make have to be approved by them. So the couple of modifications I made, again to make it harmonize with other Hastings laws, I did run past them and they were fine.

I guess the two questions on this one that the Board might want to consider is who is a local administrator under the law. I talked with Fran, and on Fran's recommendation I designated the Building Inspector as the local administrator on this. This is not going to affect as many properties. It is just properties in the flood hazard area. And then the other question is which body would grant waivers for the requirements of the law. I made it the Zoning Board of Appeals because that was the body that granted waivers under the existing law, although I do not think there was ever a waiver application before them. But the Board might want to consider whether the Planning Board might be the more appropriate board to grant waivers.

And then the other thing you might want to look at is the fines and penalties. The draft law has fines that seem so low that they would hardly be...

Trustee Goodman: A deterrent.

Village Attorney Stecich: Right, to be a deterrent. You might want to look at the fines and see if you want them higher, maybe more like what is in the storm water management plan.

Mayor Kinnally: Any comments or questions from the Board on this?

Trustee McLaughlin: Actually, I am just thinking now, this law must be passed by September 28th?

Mayor Kinnally: Yes.

Trustee McLaughlin: I am just thinking about our August 21st meeting and what we have on the agenda. Do we anticipate that these two public laws, number 4 and number 5, are going to provoke much discussion at the hearing? Because I am thinking, if we do anticipate that perhaps we should move the hearing for number 4 to a September meeting.

Mayor Kinnally: It is hard to say.

Trustee McLaughlin: On August 21st we will be taking up Peter and Christina's project, although one hopes our questions will be answered. We will be having one public hearing. It will be our only meeting in August. I am just wondering. We know we are going to have an executive session on the comprehensive plan that night. I am just thinking about scheduling. Does anybody else have any thoughts on that?

Mayor Kinnally: Look at tonight as a very light night. Let us put it on and see what happens.

Trustee McLaughlin: Everybody just note, *he* said that.

Trustee Goodman: On the storm water management, I had a list of questions which I was not going to take up. And I also have some phone calls out because I was looking at this carefully. Can I reserve my questions on both of these things until August?

Trustee Quinlan: Well, even after August, right?

Mayor Kinnally: We are not going to vote on it on the 21st.

Trustee Goodman: You know, I have a real issue with not discussing laws we are going to pass until they are upon us. It is irksome.

Mayor Kinnally: Go ahead and discuss it.

Trustee Goodman: No, I do not want to lengthen it. And I have calls out that I made.

Mayor Kinnally: We have never said no to anybody discussing things.

Trustee Goodman: No, I had calls out that I made that I do not have answers to. So in August, I will bring my questions then.

Mayor Kinnally: You can discuss it, but at the public hearing it will be input from the public.

Trustee Goodman: That is what I am saying. When will I be able to ask my questions?

Mayor Kinnally: At the regular Board meeting when we finish the public hearing.

Trustee Goodman: In August.

Mayor Kinnally: Yes, sure. All right, anything else on this?

Mr. Metzger: The hour is late. I will make this brief. I have a question. We are discussing a law. You are asking for public input on the 21st. But the public has absolutely no idea what this law is asking them to do. So to come in and sit in a meeting cold, be hit with what is, arguably, a very complex law without knowing what implications are does not give the public enough time to do any sort of research and address those questions.

Mayor Kinnally: We will post it.

Mr. Metzger: All right, that is what I am asking for. Thank you.

Trustee McLaughlin: Excuse me. Could we not only post it, but perhaps could we send out an announcement on the Village e-mail list in the next couple of days saying that this will be on and posting them so that anybody who is interested in following up has ample time to do it?

Mayor Kinnally: Sure.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, August 21, 2007 at 8:00 p.m. to consider the advisability of adopting Proposed Local law No. 5 Flood Damage Prevention.

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	

**63:07 WATER QUALITY IMPROVEMENT PROJECTS AND
NONAGRICULTURAL NONPOINT SOURCE PROJECTS**

Village Manager Frobel: Mr. Hess executed this back in 2003. The Village joined with other municipalities to participate with the county in an effort to provide educational materials to residents on water quality and non-point source projects. The county has finally realized that we should have a formal resolution affirming your participation in this program, and that is what is before you tonight. It is a grant the county received from the DEC. It was a \$400,000 grant. Our part is \$1,500 of in-kind contributions to make this program work. So it is kind of the technical administrative banner.

Mayor Kinnally: Just tidying up some things?

Village Manager Frobel: Yes. Any comments from the Board? From the public?

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

WHEREAS, the Village of Hastings-on-Hudson, herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public

interest and benefit under this law to enter into a contract therewith,
now therefore be it

RESOLVED: by the Mayor and Board of Trustees

1. That Francis A. Frobel, Village Manager, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to work with and through the County of Westchester as the lead party to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project through allowable in-kind services and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this resolution be prepared and sent to the Westchester County Department of Planning; and
4. That this resolution take effect immediately.

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

1. Storm Damage Reimbursement

Village Manager Frobel: Three very brief items. I have informed the Board that as a result of that spring storm back in April of this year the Village took an aggressive posture with

FEMA in pursuing reimbursement for some damages to various Village property and infrastructure, really through Mike's efforts. Mike has done a wonderful job in pulling all this data together for me and working with two really top-notch professionals, Rick Hill from FEMA, he is on loan from the State from Colorado, he works for FEMA; and Sherry Herd, who works for the New York State Emergency Management Office. They have really done a great job for the Village in helping us get through all the paperwork and forms.

I am pleased to report that it looks like we could be expecting to receive upwards to \$8,000 for repairs to our trail system, specifically the Hillside Woods damage that occurred as a result of that storm in the spring. On Southside we had a collapsed culvert and some storm water improvements. We could be looking at receiving upwards to \$41,000 storm-related damage. We had catchbasins and debris cleaning and removal throughout the Village. That could be upwards to \$2,300. Our firemen who worked over that same period of time, though they are volunteers, the cost to use our equipment is reimbursed upwards to \$3,000. And various roadside erosion washouts, again at various diverse locations, upwards to \$15,000.

So that totals out to about \$65,000 we could be expecting to receive from FEMA and the State. As you recall, the federal government could reimburse up to 75%, and the State pick up the remaining 25%.

The remaining big item, which we do not have a figure on yet and we are still working on, is for the collapsed stairs near the Graham School. There is a series of concrete steps leading from Warburton up to the Aqueduct onto the school which was damaged during that storm, a massive erosion problem and really a complete demolition of those stairs. And that is a likely candidate for receiving some money as well.

Some needed repairs and some money that we hope to be receiving from the federal government through their efforts so I will keep you informed as we progress.

Mayor Kinnally: Very good.

Trustee McLaughlin: How come we are getting money for the Graham stairs? Are they on Village property?

Village Manager Frobel: Village property. I just use it as a landmark. It is from Warburton up to the Aqueduct onto Graham. But it is that portion of the stairs.

Trustee McLaughlin: Oh, I know the stairs. It is quite spectacular how they have fallen in.

Village Manager Frobel: Oh, God, it is awful. And it would cost a fortune. I had Susan contact the Office of Historic Preservation to determine whether or not we had any other obligations to put it back into exactly the way they looked. That will not be a problem. We will look to restore them in something less than the original appearance, which would be just cost-prohibitive. But we will get some stairs that will lead back from the roadway to the trail.

Mayor Kinnally: So they will be functional.

Village Manager Frobel: Yes.

2. Con Ed Tree Trimming

Village Manager Frobel: The second item, the Con Edison tree-trimming program, to my way of thinking, is moving along smoothly. They have had some bad weather, so we have not made as much progress as they would have liked. Our Village arborist, as you know, met with our volunteers. We filmed it; it has appeared on WHOH. We have gotten some very good response from his little program that he offers, a little primer on the program. I have called him out here, the arborist, on a couple of occasions for some consultations. Our volunteers are out there helping. The calls that I have received have been just general questions about the extent of the work, wanting to meet with the Con Ed arborist on-site before any tree trimming were to occur; and calls like, Please come back, we have got some additional work that we would like to see and we are not on that list.

So far it has been well-received. Con Ed is still actively going door-to-door seeking permission from homeowners whose trees are on private property. They have been working in the Tompkins Avenue area. They will be onto Jordan Avenue probably tomorrow, and then Crossbar. So there is quite a bit of work in that neighborhood for the next few days, as a look ahead.

3. Community Center Update

Village Manager Frobel: As you know, Parks and Recreation is moving in Thursday and Friday. We expect to have the building open to the general public on Monday. Bill Finkeldey, I do not think, will have a lot of his equipment in there by Monday, but Parks and Recreation will be operational at the facility. We still are awaiting some furnishings so we do not have everything there yet, but we are very close to taking occupancy.

Mayor Kinnally: Thank you, and we are all anxious to have operations commence in the Community Center. As people have probably seen from the newspapers, we took a tour and

it is a remarkable, outstanding building, and I think the Village is going to be very proud of it. And it is going to be quite a functional building for us and afford us a heck of a lot more flexibility than we have at the present time. I think it is a project that has improved life here in the Village quite a bit, and I think it is going to serve a very, very large population of people, which is great.

Trustee Goodman: Back to Fran's point one, I want to thank him so much. I know he had to hustle very fast. There were FEMA deadlines and data that had to be collected and gotten in. And because he and Mike worked so hard and efficiently we got money for infrastructure by virtue of Mother Nature and FEMA. It is too bad we had damage, but we got money and I think it will go a long way to addressing some people's concerns about those areas. So thank you.

Village Manager Frobel: Thanks.

Trustee McLaughlin: I was curious. I have been telling people who are members of local groups that they can contact the Village about use of the Community Center. I wonder if you would make a statement about who is entitled to use it for free and who they can contact to do that, and also if there is any space we will be renting.

Village Manager Frobel: Let me refer that to Ray.

Trustee McLaughlin: Okay, because I think it would be nice to have it stated publicly really soon.

Village Manager Frobel: In fact, when I spoke with Ray today about how I wanted to announce today that the building should be available next week he cautioned me that he wants to fine tune some of those rules and regulations and make sure they are very clear and understandable. So let me get something to you this week, perhaps in the weekly report, okay?

Trustee Swiderski: He has draft regulations on that?

Village Manager Frobel: They have rules and regulations now, and I think he just wanted to look at them to see if there was any modification he may be recommending, say, to his commission, for consideration. That is how I understand it.

Mayor Kinnally: All right? I thank you, Fran. I thank everybody who had anything to do with that building. It is going to be a remarkable building.

BOARD DISCUSSION AND COMMENTS

1. County Legacy Grant Program

Mayor Kinnally: I asked that this be put on. This has to do with the county coming, giving us grants for recreational fields. Fran has reached out to County Parks for more information. They have not gotten back to him. It is understandable because the Empire Games begin tomorrow and they have been otherwise engaged. So I think what we will do is roll this over until the 21st and see if we can get more information on it.

2. Update on the Waterfront

Mayor Kinnally: Before we go to request to purchase Village property, just an update on the waterfront, which usually is here.

I have not heard from ARCO. Fred Yaeger told Fran yesterday that the fellow who is taking over the project would be calling me. I have not heard from him, but I did speak with George Heitzman recently. George told me that the project that ARCO has undertaken for the summer, and that is the additional testing in the northwest corner and in the adjacent river area for the DNAPL, has been delayed. It is now scheduled to begin on the 30th of the month. So they should be on-site both on the land and in the river over that period of time. I believe it will take about six weeks to complete. I expressed my concern that it is dragging on. He said that the collection of data is not going to be a lengthy process because the dailies are what they get; they do not need anything to really analyze what they pull up in the core samples. They know what they are looking for. If it is the DNAPL, they will see it right away.

So they expect to have a report in the fall. I have other timetables. I am not quite comfortable saying what they are because I am not sure that I am right. But we are looking at getting a report from the DEC, I believe, later in the year for the beginning of 2008 on this so we can move forward with the PRAP and with the public hearing and get a ROD, and follow through and finalize on the design plan and the various drawings for the remediation both on land and in the water.

3. Request to Purchase Village Property - Paper Street at 162 Warburton Avenue

Village Manager Frobel: This came in and I am not even that familiar with it. Susan, would you?

Village Clerk Maggiotto: The owner of this property bought it recently. It was Ms. Vickery's house on Warburton Avenue. You have the survey that he brought in. The property has always been bisected by this paper street, Glen Drive, that goes up to the Aqueduct. He included some pictures. He would like to purchase the paper street. One of his main reasons for it is that the driveway that goes out onto Warburton is not paved and he said that it just washes down into the street. He would like to own it and pave it up to his garage, and then keep the rest green as it is now.

So I told him that the process was to present it to you, and then I assume you would refer it to the Planning Board, first of all, to see if there is any public use for the property because it does go up to the Aqueduct. Although he says that nobody uses it as a throughway at all, this is not one of the places that has been a public easement through the years. But that probably should be explored. So this is just the very first step in a long process.

Mayor Kinnally: The material that they gave us certainly is helpful. And I guess I would encourage the Board to go down and take a look at the property, and to especially see the property as it comes off the Aqueduct at that point because that is the area of greatest impact.

So we will look at that, and then put it on for discussion at a later time, okay?

4. Miscellaneous

Mayor Kinnally: Any other Board discussion and comments?

Trustee Quinlan: Just quickly, I have a second request to have the Village Manager and the Recreation Director consider a reduced pool pass for the volunteer fire and ambulance corps. I would hope that if you deem it appropriate, and I think it is definitely worthwhile for everything they do for us, that it could go into effect next year.

Village Manager Frobel: It was referred to the commission, and they will have a recommendation coming to us at your next meeting.

Trustee Quinlan: Thanks, Fran.

Village Manager Frobel: So it was on their agenda. They talked about it.

Mayor Kinnally: Anyone else?

Trustee Goodman: This harkens back to Mr. Zimmerman's comment. I think we have all heard at one time or another by e-mail, on the street, or at this meeting that citizens at times feel their complaints or their issues are not being handled either efficiently or responsively. I would suggest, on the heels of tonight's passing raises and not having objective data all the time, that politeness and responsiveness be a job evaluation point. We are a public service group; that citizens be instructed to, if they feel that they are not being handled in the way that they feel they should, write, call, or send an e-mail to the Board of Trustees. Not to Village Hall because that is very chilling to talk to the people about their behavior to whom they feel, you know, it is just not. The buck stops here, we give the raises, and if someone consistently has remarks about their responsiveness, I have been told by some people, that they have been told, Well, I'm too busy. That cannot be, and I think that this should be a part of the job description.

And it is something that next year when raises come up, or the next time raises come up, I will be asking for that data. I think it is important. There has got to be a tone and a tenor, and people are paying high taxes. The public is demanding, I know. Sometimes people want things immediately, but the customer is always right even when they are not. And I do not want to hear this kind of stuff. It pains me. And people look at the salaries, I am telling you. They look at the budget, they look at the salaries, and they talk to us on the train platform and other places. They feel that they are entitled to, you know, if you are busy fine, but it is like, I will get to you Wednesday or Friday or whenever it might be.

Trustee McLaughlin: May I follow up on that? I did not realize Danielle was going to mention this. I have been a Trustee less than a year-and-a-half, but I have lived in Hastings nearly 21 years. I know what it is like to go to Village Hall and say something, and get a response that starts with, You people. I agree, Danielle, it is a really chilling experience.

It can be difficult, I am sure, to deal with the public and hear the same questions over and over, or the same comments over and over, or the same complaints over and over. But often, the person who is making the same complaint you have heard 20 times, it is the first time they have made it. For them to be addressed as You people is really, I do not think, acceptable and I am glad you brought that up. I must say I agree with you.

Mayor Kinnally: All right. Anything else from the Board?
I have one other thing, and this an update on cable TV. We had a meeting about two weeks ago with Cablevision. I know there is a lot of frustration out there as to why we have not gotten a franchise agreement.

Trustee Quinlan: Are you talking about Verizon?

Mayor Kinnally: I am talking about both. We have met with Cablevision also and with Verizon. I have said this before and I will continue to say it, it takes two to tango and the cable providers have not been totally receptive to a number of our concerns. I thought significant progress was made at the Cablevision meeting but, you know, they go back and say they are going to look at things and consider things, and then they come back and say we have considered it and we adhere to our prior decision. So, you know, it may be one step forward and two steps back.

So we are moving. I received an e-mail today from John Figliozzi. He is our liaison, if you will, from the New York State Public Service Commission. He is a great resource. He is at the point now where he really is mediating a number of the items that are in dispute between us and Verizon. He had a number of suggestions today. I have not talked to the committee about the suggestions but I think we are closing the gap.

You know, to me it is interesting. Cablevision is operating on a temporary agreement, if you will, but Verizon is nowhere to be found and they have not been all that anxious to move. Part of it is a cat-and-mouse game to see who is going to sign first with the Village. One week one does, and the next that one does not want to sign first. Yonkers has been in negotiations with Cablevision, and Cablevision would much rather finalize its agreement with Yonkers because the base is so much higher. So we are at the mercy, in part, of their scheduling, but I do hope by our meeting in September to have some positive word that we can move forward with this and finally get a franchise agreement in place for both of them. That will expand service.

Part of what we are talking about is providing service to the school district outside the borders of the Village so that the local programming will be available to them. This is causing a problem. Part of it also is, in the changing environment of deregulation and franchise agreements, that looking five years down the road the entire architecture of how these things are structured undoubtedly will change. So the idea of having the PEG payments and some of the other franchise fees that we have been receiving may not be available in years to come. And we want to make sure that when we negotiate these payments now, if there is a change in the law that the cable service providers will not take advantage of that change in the law and leave us without this revenue stream. So a good part of the discussion is making sure that we have a guaranteed revenue stream and are not susceptible to either Congress or the State legislature in changing the landscape on this and pulling the rug out from under us as far as the PEG payments and the franchise fees.

Okay, that is all I have under Board discussion and comments. Anything else from the Board? I was remiss before when former Mayor Chemka was here to wish him a happy 80th birthday.

If there is nothing further coming before the Board, I would like to adjourn in memory of Shirley Kesner. Shirley worked downstairs with Susan in the Clerk's office for a number of years. She was a unique individual who had first-hand interaction with the public, a long-time Hastings resident who worked to within a couple of months of her death. You know, the outpouring of support and affection by the people on the staff here certainly was reassuring to me, and certainly of great comfort to the family. Shirley looked at the staff here in the Village as much her family as her blood relatives. I certainly was proud of the way that this staff looked after Shirley, treated her as family, and respected and encouraged her in working all these years.

So I would like to have a moment of silence, and adjourn in her memory.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 12:05 a.m.