

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 2, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 2, 2008 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Twenty-two (22).

PRESENTATION

Mayor Kinnally: The first item on the agenda is a presentation by Westchester County of the proposed Hillside Woods railway project. Three members of the planning department are here this evening: Commissioner Jerry Mulligan, Pat Natarelli, and Anthony Zaino.

Jerry Mulligan, Commissioner, Westchester County Planning Department: We want to thank the Mayor and the Board for inviting us. I have been with the planning department for just about 30 years. I started out as a planner, worked up to associate planner, to chief planner, deputy commissioner, and then had the good fortune of being appointed commissioner about five years ago. I am here with Pat Natarelli, the head of our land use and development section. He gets involved with doing all of the land use planning, looking at capital and facilities planning for the county. Also, Anthony Zaino, who is the head of our design section, which is the section of landscape architects that do all of the community development planning and all the capital and facility planning for projects like this.

The planning department does all the environmental planning. We do affordable housing, we do a lot of the mapping. Trailways are a big part of our program. A lot of our environmental work relates to water quality. We also do all the agriculture and farm preservation. We try to cover all the bases and take into consideration all the issues. We think this project is a good example of that.

This project dates back, believe it or not, to 1989. It was at that time that Westchester County, was approached by the Village by what was then called the Save Hillside Woods Committee. The idea at the time was to help preserve the piece of your village known as the Hillside Woods property which was proposed for 36 homes or 26 homes and/or a cluster development of townhouses. There was a certain element of anti-development at the time, but it happened to coincide with the county's interest in preserving open space in lower Westchester.

In looking at the Hillside School property by itself, probably at that point in time the thinking was that it did not necessarily rise to the level of what would be considered a country-wide acquisition. When we look at properties, and we have open space criteria, we look at them from the standpoint of does this make sense from a county investment standpoint. Are the taxpayers of Westchester going to benefit, and certainly, the taxpayers, the residents of the Village of Hastings and the surrounding area.

So the property by itself we were not sure about. But we started looking further, and you can see on the map here where it shows the relationship of Hillside Woods to Hillside Park to Hillside School and the connection over to the Croton Aqueduct Trailway. We were talking, at the same time, about the county looking at the acquisition of the former Putnam right-of-way, for the possibility of developing a north-south trailway; we are almost there, about 36 miles of trailways. When we thought about that, we looked at the interconnection, and that Hillside Woods was part of a larger open space system that was somewhat unique in lower Westchester. It provided an opportunity for an interconnected open space system and for a trailway system. That, going back before my time, has been the underpinning of a lot of the county's open space policies: to look for exactly that kind of situation.

So the combination of the open space system, looking at the former Putnam right-of-way, knowing that the state had the Old Croton Aqueduct Trailway. We really did struggle to put together a proposal that we thought made a tremendous amount of sense, not just from a planning perspective, but from a country-wide perspective. It was something we felt very strongly could be supported by the County Board of Legislators.

As we always do, we bring projects of this type to the county planning board, which is made up of representatives of different parts of the country. We made the case to them. They were very enthusiastic. It was a unique situation at the time; up until then the county had pretty much gone out and bought properties by itself. It was typically a large park that would serve a more regional need. This was kind of the first time that then-county executive O'Rourke said that we need a new formula, the county's dollars can only go so far. It was really the Village at that time, and I was involved. There were bake sales going on and a tremendous groundswell of support for this. There was also interest on the part of the state. The proposal was put forth for the county to participate, to partner, in the acquisition. It was really the first time the county had done that.

So we went to the board of legislators, we acquired the property, we entered into an IMA. And then we proceeded to work with the Village to develop the trailway plan. This did not require a lot of work. It was pretty much an existing trail. Working with people like Fred Hubbard, we let the Village tell us what they wanted to do. At that time, Neil Hess was

involved, and a committee of local residents. At the same time, there was some possibility of the acquisition of the Carvel property. We were talking with Dobbs Ferry. Peggy Slavin was involved and we thought there might have been a possibility, again, of providing a connection of open spaces through this area and then having a trailway that would link the different open spaces with the school and the Old Croton Aqueduct Trail.

The Carvel property was unsure, so we were also talking with the state Department of Transportation about the Saw Mill River Parkway right-of-way and if there might be an opportunity to extend a trailway through there so we could have really what we considered to be a very important east-west link. Most of the trailways in Westchester are north-south: the South County Trailway, the Bronx River Pathway and, more recently, the RiverWalk, which we have been working on and hope to continue to work on with all the villages along the Hudson River. But it was that background that got us to the point where we had what we thought was a very viable plan.

In the time since, we have worked with the Village. Anthony Zaino has been the prime person working with the Village to modify that plan. Because what we heard, loud and clear, from the Village was that you wanted to preserve the property. You wanted to make sure that anything that was done would not harm the integrity of the property, would not do anything from an environmental standpoint. We heard that loud and clear, and were sympathetic. We struggled to make the plan as low-intensity as possible. What you are going to hear from Anthony is a description of what the plan would be right now. It is a plan that we hope to be able to move forward with.

We would like to work with the Village. We feel that we have had a wonderful relationship with the Village for many, many years. We have worked with you through the Community Development Block Grant program. Some of the streetscape work out here was designed by Anthony. We have worked with you on a number of other projects. When the Village came to the county and asked us to participate in the acquisition of a portion of the Graham Windham School, we thought that was a great idea. We also are in the process of building a parking lot here at Ravensdale Road which will facilitate access to the South County Trailway, for which we were approached by the Village.

So we feel like we have had a very productive, very positive relationship. We would like to continue with that. We feel trailways are a huge part of the county executive's program. He would love to see a really integrated, county-wide trailway system. Every certain number of years we have residents' recreation preferences surveys to find out what is the most popular form of recreation in the county. Trailways, above all, have come in, if not number one, in the top three or the top five. So hiking, biking; as we all get a little bit older, it is a little bit more appealing. This would be a hiking trail. We think it would fit in beautifully with the

Village's character and plans, and that it could also tie into a larger system that would be very appealing to the people in the Village and would provide a wonderful recreation amenity for families and kids and adults. And it would also provide some safe connections to get from the Old Aqueduct and from Broadway over to the school and that sort of thing.

Anthony Zaino, Design Director, Westchester County Planning Department: What we did was develop a plan, a very low-intensity trail. It is going to be four feet wide. Beginning at the Old Croton Aqueduct, we are going to construct a sidewalk and curb within the public right-of-way, along Chauncey Lane, along the edge of the school property, and then connect into what is Hillside Park.

We GPS-ed this trail, which is essentially your existing trailway. It is going to follow the exact same route. The intent is to rehabilitate what is currently a trail that has a lot of erosion. In some areas it is much wider. We are proposing to make it only four feet wide. For drainage we will construct some swales, some water bars, to slow the water down, and construct it so the Village maintenance will be minimal. The way it is being operated now, the water just keeps digging deeper ridges and drainage is more of a problem. It is carrying silt down the slope. So it is just to rehabilitate an existing trail, follow the existing alignment, which I believe in your trailway map is the Algonquin. It is then to move to a connection that will go on the Saw Mill River right-of-way and connect to an existing traffic light control system at Lawrence Street, and then connect into the trailway.

It is meant for pedestrian use only. There is no proposal for removal of any trees unless the tree presents a hazard. If it is dead or diseased we are going to remove it, but the intent is not to go in there with heavy machinery. It is a very small tractor and a lot of hand labor. It is to rehabilitate the existing trail. We have worked extensively with the late Fred Hubbard, your wonderful guy who helped us. We walked these trails over and over, meeting with the residents and following your lead in making this connection.

Commissioner Mulligan: I would add that to the extent that there are other things you would like us to consider doing, the Village and/or the residents, we would be happy to look at that. We really see this as a very collaborative working relationship and something that we want you to be happy with and proud and that the residents would be able to enjoy for many years to come.

Pat Natarelli, Land Use Westchester County: The county and the Village did enter into an IMA. Going back through the records and researching what transpired because I was not working for the county at that time, then-mayor MacEachron was aware of the county's intent to connect to the South County Trailway and so was the Board of Trustees and so was the committee to save the Hillside Woods property. There might be some misconception in

that the existing IMA between the county and the Village does not reference the idea of connecting to the South County Trailway but it does reference connecting to the Old Croton Trailway. That came about because the county had no need of entering into any agreement with the Village to connect to the South County Trailway because the South County Trailway was going to be purchased by the county and would connect to Hillside Woods over state property. It did not need to connect through Village property, whereas we did need Village approval to connect through Hillside Park, which was a Village park, to get down to the Old Croton Trailway. So that is why the South County Trailway is not referenced in the IMA between the county and the Village.

Trailways have been a very important recreation facility in the county. We just completed a 2007 recreation survey of residents in Westchester County and trailways came out as the number one desired facility that county residents want to see. Again, most of the trailways in Westchester County run north and south. We have the RiverWalk Trailway that we are working on with the Village of Hastings and also with all the riverfront communities, which runs north and south. There is the South County Trailway, which connects to the North County Trailway. Our Bronx River Trailway on the Bronx River Reservation also runs north and south. So we have always been looking to make those east-west connections. This property became an interest to the county because it had the potential of assisting the county in making that east-west connection. It did not rise to the level of a county acquisition outright because it did not serve a county purpose other than making that linkage.

Trustee Swiderski: I want to begin with a statement I feel is almost unfortunate that I have to make. There seems to be a perception among some people that because I have indicated support for the county's proposal that I am somehow in favor of development of the woods. That is nonsense. It is, first of all, categorically untrue; a misrepresentation of my position; a mystery to me how somebody could derive that based on the fact that I have not really said that much; and finally, for anyone who knows anything about me, absurd. For years I have been involved with trail maintenance in this village, and on two separate occasions worked to set up groups of volunteers to maintain trails, including recently an effort underway to muster volunteers to assist in the upkeep of the trails and the parks that we have.

Hillside Woods is an incredibly precious resource to this village. It is, however, not pristine wilderness. It is crisscrossed with both pathways that are heavily used as well as, I think the term is, voluntary pathways; people cut through as they try to get from one end to another in a more efficient way. And the erosion is severe. After the storm in the spring, we had erosion so severe that we won money that resulted in some attempt to fix some of it. The erosion is silting up Sugar Pond, and in areas it is deep enough that ravines are forming on some of these paths. This is not the situation in the entire woods. It is in limited portions.

And that situation happens to be on segments of the path that the county is looking to address with its effort to remediate Hillside Woods.

I would like to touch briefly on the point the county made in regard to our obligation to cooperate on its vision of an east-west connector. Indeed, there may be no reference to a South County Trailway in the agreement we signed. The lack of that statement, to me, does not preclude what is clearly an attempt to provide a connection. And I, for one, am not interested in litigating that or pursuing that in the courts because that is not the way you do business with friends.

Fifteen years ago I worked for a not-for-profit that was entirely government subsidized. We got money from a grant-making organization out of the State Department. One year we had a year where we did not get everything we wanted and the head of the organization went, through political circles, to slap the organization around to get us more money. We got it that year, and that organization is now half the size it used to be. We paid for it, in time. I left as a result, down the road. Because relations with the government were so poor as a result of that strong-arming that I learned a valuable lesson: you work with grantors and work with agencies that look to partner with you; and a reputation soured with one grantor is ultimately soured with other grantors because they hang out at the same conferences and go to same events. I am not implying it is ill will but, ultimately, if a group or a community is labeled as difficult to work with it has consequences. Those are not consequences I, as a Trustee, am interested in incurring for this village by pretending this is some sort of adversarial face-off with the county. It is not; we are looking for something that will satisfy their original intent and which will preserve the woods as we know and love it.

In thinking about this issue, I took a walk in the woods with a local resident, Lee Waczek. Lee was a Boy Scout leader for ages. He also belongs to an organization I belong to, the New York/New Jersey Trailways Conference, where he is a trainer for people who make trails and maintain them. We walked the trail with this ten page blueprint to determine whether what the county was proposing was reasonable or not. We agreed that the proposal is probably over-engineered in parts. I cannot say I want to measure whether the pathway is four feet wide or not. I think the way the path wends its way through the woods now is pretty much as it should be. I do not think it needs to be widened, I do not think it needs to be significantly further engineered. There are spots, especially near Sugar Pond, that are so heavily eroded and so prone to flood-out that an effort to remediate it in a way that would prevent further damage is a good move. I endorse that.

For the other 90% of the trailway, other than some water bars, I am prone to say please leave it as it is. I would welcome the chance to walk with the county, and with Lee and others who are familiar with trail maintenance, and try to seek a remedial approach that is minimally

invasive to the woods and addresses only those areas that have demonstrated erosion. Short of that, I do not think much more is necessary.

I am delighted to hear that the county feels it should be pedestrian-only. It should be marked at either end that way. Bicycles are deleterious to the woods. I am glad to see that the county is eager to work with us to try to come up with something that matches what we want. What we mostly want is for the woods to be the way they are. Squaring the circle between that vision and what the county is offering is actually not very much work. There are segments that need water bars, a couple of places that we could use swales, but I do not think what the county seeks will damage the ecology of the woods; in fact, it will improve it.

The woods' ecology is damaged by our use as it is, un-remediated, period. I am a hiker, I am an environmentalist. It is insulting for anybody to imply anything other than that to me. And the fact is that the woods are damaged by the casual use that we engage in without erosion control. The erosion control I speak of is the sort of things you see on Catskill trails in the Adirondacks. These are natural thoroughfares that do not look engineered, but have the strategically placed water bars. It works and it looks good. That is what I am seeing, that is what I am comfortable with. I think getting to that is not as much work as we all fear, and I think the net result will actually be good for Hillside Woods.

I will say one final thing, and I have wrestled with whether I should say this story. Fred's last visit to this particular chamber was to advocate in favor of this particular effort the county is opting for. Fred was a professional, Lee is a professional. These are not people looking to harm the woods. And their vision, toning down perhaps some of the more over-engineered portions of what the county is offering, is where we should be. Thank you for the extended moment.

Trustee Quinlan: That was a nice little speech, Peter, but are we supposed to ask questions or give speeches here?

Mayor Kinnally: You can do whatever you want to do at this point. This is an opportunity for the Board to react to the proposal that the county has submitted.

Trustee Quinlan: I have some questions. I am wondering if the county is prepared to do a full SEQRA review and whether they are required to do a full SEQRA review because I do not know, and I cannot say, what the environmental impacts of this trail will be in the woods. Are you willing to do a full SEQRA review, and come back with an Environmental Impact Statement as required by the state, to let people like me know whether I might go out to the woods some day and all the birds would be gone and the rabbits and the animals that live up there?

Commissioner Mulligan: Every action the county takes, anything that we bring to the Board or any of the boards of the county, require environmental review. The planning department does the environmental review for every action the county takes, which is why I tried to make the point earlier that we are the environmental planning arm of the county. We are doing a whole range of activities. We are the ones running the flood task force. We are the ones the county executive asked to help implement the global warming action plan. We are the ones that do all of the watershed planning. We are the ones that did the watershed plan to protect the New York City water supply.

We have an expertise in the department that we take full advantage of when we develop projects. Anthony and his landscape architects are trained; that is part of their background. So yes, we will definitely do an environmental review. I cannot say it would rise to the level of doing an EIS which you, I suspect, know tends to be for projects that are much more involved, larger-development, projects. But certainly, to the extent that there are impacts that are identified that need to be addressed or mitigated in some way, we feel that we have taken that into consideration throughout the planning, during the development of the plans. So we do not anticipate a lot of those. We are happy to make modifications for both the reasons that Trustee Swiderski said, but also because if it saves us money; money is very tight. We are happy to look at that, but I do not know that there would be many other issues that we would . . .

Mr. Natarelli: You are rehabilitating an existing trailway through the woods. We are trying to prevent the erosion from continuing. This would not rise to the level of an EIS. We would certainly do an environmental review, and we have done that environmental review as we have gone through the planning process. That is how we came up with those plans.

Trustee Quinlan: I have not seen any environmental review of this project. Maybe you have not shared it with me, or maybe it is not done.

Mr. Natarelli: After we get the okay from the Village that they are happy with the plans, then we would go back to our board of legislators to request bonding. At that point we would conduct the formal environmental review, but we have done it informally as part of the process of developing the plans.

Trustee Quinlan: But I have not seen any, and it is going to be very hard for me to make a decision without seeing one. You seem so wedded to this project. Do you think you are the right people to make that environmental review, or do you think we should get an independent consult that you guys could pay for so that I can get an independent idea of what exactly this is to do?

Commissioner Mulligan: The Village certainly is welcome to bring in somebody that you feel has an expertise that might help contribute to the design or the development of the trailway. I would have to say that while we are wedded to this project, it is part of what we do. We have done every trailway project throughout the county. As I said before, we have done a lot of other projects that are far more sensitive in terms of the types of issues that we have to deal with. Biodiversity, biohabitat protection is a huge part of what we do. I do not think there would be a problem separating out our personal commitment to this or our professional commitment from what we believe to be issues.

We recognize that environmental review is a very important part of any project. We want to make sure we cover all our bases. We have been known for going perhaps a little overboard in looking at all the issues, whether they be archeological or biohabitat or water or any of that. But it has been part of the planning process from the beginning. And we had the benefit of having people like Fred and other members of the Village walk the trail. We would be happy to walk it again, and if there are other issues you would like to point out that we would need to address we would be happy to do that.

Trustee Quinlan: But would you suggest that I make a decision on this without seeing your environmental review?

Commissioner Mulligan: The Village is technically the lead agency, which means that you are in charge of moving that part of the review. We would want to sit down with you and talk more about the project, and see whether there are issues that you think either have not been addressed or need to be addressed. That would answer your questions more easily than anything we might submit to you on paper. All of the issues that were addressed as far as the design are the kinds of issues that you would bring up. We would be happy if you were part of another walk and we could point some of those out to you.

Trustee Quinlan: You are suggesting a four foot trail through the woods at the existing trail. I am also very familiar with the woods. I am up there at least two or three times a week walking the woods. You are going to do these with wood chips?

Mr. Zaino: Gravel, sub-base, filter fabric, and wood chips on top, mulch. Not just wood chips that would be easily brought away by rain. It is double-shredded wood chips, that have smaller particles and compacts, that you can walk on.

Trustee Quinlan: So all those materials, are you just going to put them on the ground or are they going to be contained in some sort of boundaries on the trail?

Mr. Zaino: We will excavate down to put down the sub-base. Then the top of the mulch is level with the top of the adjacent grades. We are going to work with existing conditions, not bring in material, but rework what is there so there is a stable pathway with stable sides. Where we encounter slopes on the side, where we have erosion coming from a hill, we will put in the water bars. We will divert water from going down the center of the trail, which has happened extensively through the system, to slow the water down. In some cases we have little culverts to go underneath it. We will do this in the most environmentally sensitive way, not to disturb existing drainage patterns. The intent is to slow down the runoff and let it go the way it is going now, but in a more managed approach.

Trustee Quinlan: You are going to dig down into the earth put however many inches that is, either 2 inches, 4 inches, 6 inches depending on the topography, and then you are going to put this sand, wood chips, whatever, four feet wide. What you do in Dobbs Ferry I have no control over, but starting where the boundary is at Hillside Woods, on the Algonquin Trail, you are going to go all the way up the path, around the vernal pond, up to where I camped and had cookouts with the Boy Scouts, down. And you are going to do it on the east side of Sugar Pond. Now you are in Hillside Park, and you go through the park, up and over the hill, and down to the corner of Fairlane and South Drive. What are you going to hold that in with? Is it going to be held in by earth on both sides?

Mr. Zaino: It is going to be worked into the existing. In some cases there is such a deep swale in the middle we will work to fill it in. It is not meant to be excavated. It is just a few inches. It might be four or six inches of gravel, and then three inches of mulch on top. It is not any extensive disturbance. We will be working with the existing grades to make it conform with the adjacent elevation so it is not up, or too deep.

Trustee Quinlan: What is going to be on the sides? Earth?

Mr. Zaino: Earth.

Mayor Kinnally: What happens to the earth that is being excavated?

Mr. Zaino: It will be placed adjacent to it. It is seeded in some cases if there is enough sunlight to have grass grow. But in some cases it will just be placed back. But we will work with the Village on whatever you want. In some areas we will do some planting where we can. But in most cases we are just trying to leave it in a natural state.

Trustee Quinlan: You are going to do this with one tractor and mostly by hand?

Mr. Zaino: I cannot say specifically what the contractor is going to do. But given the fact that we are not allowing a contractor to have right-of-way to go 20 feet wide, and given the type of work, it is going to be limited to a small tractor. Whether it is one or whether it is two, it is not going to be a huge excavator. We can put language in the bid documents to define the type of machinery.

Trustee Quinlan: So you are going to take the dirt out and spread it out into the woods, and then you are going to plant grass?

Mr. Zaino: Where we can get grass to grow, if there is enough sunlight. We will be putting in some type of erosion control, but in some cases we want to leave it in the natural state. If it is in the dense woods, and there is leaf cover, that is what we are going to try to maintain.

Trustee Quinlan: You are going to cover the dirt over the leaves and the bushes that are along the side?

Mr. Zaino: We will try to maintain the existing condition. If we can get grass to grow, we will put grass down.

Trustee Quinlan: Now let us talk about the sidewalk because that is something I am very much in favor of. There are very few people in Hastings that think the sidewalk is a bad idea, including me. This is quite an extensive sidewalk. Do you have any idea how much it will cost the county to build that sidewalk from the Aqueduct to the corner?

Mr. Zaino: Off the top of my head, no I do not. But I know the total project cost is about \$300,000.

Trustee Quinlan: I had a meeting with a local contractor and mason, a friend of mine, George Capuano. We did a study of what it would cost, including possibly retaining walls where the tennis courts are, the removal of some of the trees or going around the trees, some of the wire lines. The minimum it would cost, just to do the sidewalk, is approximately \$130,000. What would you say if I asked you to do this in pieces? What if you did the sidewalk first, because you might run out of money doing the trail? We have a good relationship with the county. I am very excited about the project that you may do on 9-A if Ginsburg ever develops his live-work project, which is a big question mark, and it was something I supported. So we do cooperate with you. How would you like to build us a sidewalk first and see where you are?

Mr. Zaino: Susan, you know me. I have been here for 22 years. I was involved with your VFW plaza, I did Warburton, I did Spring Street, I did the sidewalks. We do about \$6

million a year in sidewalks and plazas. I can guarantee you the county is going to pick up the full cost of this. These drawings are done in detail. We will get a very competitive price, and we will be within budget. In the history I have been with the county, Susan, what is my performance like?

Commissioner Mulligan: You are on the spot, Susan, but I can back Anthony up. We have a wonderful track record. We are very fortunate. We are required, it is our reputation at stake, to do very detailed cost estimates. We build all the trailways so we have a wonderful background. We have been fortunate lately in getting much better bids, but Anthony is correct. We would be happy to sit down and go over the numbers with you to make sure.

But I think it goes to your issue of phasing the project and doing just the sidewalk. When we do a project of this kind, typically any of these projects are a partnership financially. We are not asking the Village or anybody to put money into this project. We are prepared to go to the board of legislators and ask them to fund the entire project. But a big part of that is making it a continuous project. We have had a number of situations like building the county executive's Hudson RiverWalk, where we are doing it in piecemeal segments. What the board of legislators has asked us to do is very clearly show them how that is part of a larger segment. We cannot go to them with a piecemeal approach when there is an opportunity to do a segment that makes a logical connection from one point to another because they will not approve it. From a cost standpoint, we would want to do it all at the same time to achieve the best possible price.

Trustee Quinlan: You are not going to use the same people to rehabilitate the current trails, and to do the sidewalk. That is a mason job. You cannot tell me you are going to hire one contractor.

Mr. Zaino: We will bid it out, and we will go to one contractor. It is site work. I welcome the opportunity to sit down with you to go over our estimate. It will be prevailing wage rates and will be very competitive. If everything works out and we can get this project done, the way the economy is right now, my estimate is I will come in third or fourth. The contractors are very hungry for work. We can get this done, and even save money for the county and the Village. The environment is such that we can get a very good product for a very reasonable fee. But I welcome the opportunity to sit down with you and share our estimate. If you would like, I would like to see yours, too. This contractor is welcome to bid on it. It is open, competitive bidding.

Trustee Quinlan: You are going to rehabilitate existing trails. These trails exist, except for maybe the segment in Dobbs Ferry by the DPW. That does not exist, and I have no control over that. But when you get into Hastings there is currently a trail there, the old Indian trail,

the Algonquin Trail. We can debate all you want about the condition of the trails. You think the condition is terrible; I think the condition is okay. I walk them all the time. I do not think they are in such bad shape, and I do not think that after you do your rehabilitation that five years later they will not look a lot like they do now with the washouts. What is your objection of making the sidewalk now to connect to the existing trails, do whatever you want to do in Dobbs, and then we are done with it?

Mr. Zaino: Because when the county purchased this property it was not to construct a sidewalk. It was to construct a continuous trailway, that links the South County Trailway, through Hillside Woods, through Hillside Park, to the Old Croton Aqueduct.

Commissioner Mulligan: And we are really not blazing a new trail. I do not know where that came from. We are taking advantage of the existing trail.

Trustee Quinlan: No, I am saying you are *not* blazing a trail. We have the trails. The only trail we do not have is through Dobbs Ferry. I have no control over that.

Mr. Zaino: And we are not y doing anything specifically with Dobbs Ferry.

Trustee Quinlan: Well, you have got to make a trail there. There is no trail.

Commissioner Mulligan: At this point, what we are looking at is taking advantage of this existing trailway in the right-of-way of the Saw Mill River Parkway that would allow us to do a similar type of rehabilitation.

Trustee Quinlan: There is a right-of-way, but there is no trail there.

Mr. Zaino: There is actually a trail. There is a bench, the concrete segments of a bench, on the Saw Mill River Parkway.

Trustee Quinlan: I understand, but you really would not walk there. There is no trail. In Hastings we have trails.

Mr. Zaino: Okay, it is an underutilized previous trail.

Trustee Quinlan: Underutilized, but it is a trail. So you have your connector. If you just connect from Dobbs into Hastings, and build the sidewalk, you can walk from Lawrence Street to the Aqueduct. Simple.

Commissioner Mulligan: The point is, we want to do a project that we can be proud of, that you can be proud of, that is safe, attractive, and easy to walk. And we think by doing a piece of it, doing the sidewalk and leaving the trail with some of the conditions that are out there now, we agree with some of the earlier comments that there are probably sections, and we are happy to look at modifying sections, that do not need additional attention. From the standpoint of safety, but also long-term maintenance, if we do not stabilize those and provide for proper stormwater management it will wash out. And then you will come back and will be complaining to us, and we do not want to have that happen.

Trustee Quinlan: Do you have the money right now in your planning department bank account to build this project, or do you have to go somewhere and ask for it?

Commissioner Mulligan: We would need to go to the board of legislators and submit legislation which would include a bond act. The bond act would be submitted to the full board. The board would then refer it to one or more committees, typically the budget committee and, in this case, probably the environment committee. We then meet with them. The Village has the opportunity to come to those meetings to talk about it with the legislators. We make our presentation to them, they ask questions. I can assure, whether it is legislator Abinanti or any of the other legislators, they are extremely diligent and very conscientious in their role and ask a lot of pretty tough questions. We are asked to make the case. If we can make the case, and we have been very fortunate we have never had a trailway project turned down by them, we think we would be able to do that. Then it gets referred back by those committees to the full board. If they approve it, that allows us to go forward with the project.

Trustee Quinlan: And what is your cost estimate of this project?

Mr. Zaino: About \$320,000.

Trustee Quinlan: And you are going to sit here and guarantee there are going to be no cost overruns.

Mr. Zaino: Absolutely.

Commissioner Mulligan: Again, we have been very fortunate, at least in the time that I have been involved with Anthony. None of his estimates have ever been at all off. In fact, we have been very good at getting much better bids.

Mr. Zaino: Just recently, Susan, we did some stormwater improvements for the 422 Warburton affordable housing project. I think the budget I estimated was \$315,000. And the low bidder was what?

Village Clerk Maggiotto: Low twos.

Mr. Zaino: It was \$235,000. And not only did we do what we estimated in the project, but I was able to convince the county that we could do additional sidewalk improvements in that corridor to save the Village some money. I have been doing this a long time and I feel very comfortable. I can only go to the well once to get the bonding approved, and I make sure that the product will be constructed within that budget.

Commissioner Mulligan: If anything, we are accused of being overly conscientious.

Trustee Quinlan: That is good to know. You say that there is not going to be any bike traffic because you are going to put up signs. Do you expect us to go around and make citizens arrests if we see bikes there? I bike the South County Trailway very frequently. Not only am I a hiker, I am a biker. I would guesstimate that over 50% of the South County Trailway is used by bikers. What is going to prevent these bikers from coming into our woods? It is not going to be our police department, because we do not have the manpower. It is not going to be the county police, I would assume, unless you want to hire park rangers. The bottom line is that if anybody wants to leave the South County Trailway and bike on your beautifully maintained, four foot trail, heavily packed with gravel and this stuff that will not wash away in the rain, and bike all over our woods, no one is going to stop them. What are you going to do to stop them?

Commissioner Mulligan: Ultimately, the operation, maintenance, and management of this park and of this trailway is the responsibility of the Village. That is the case with almost every agreement we have entered into whenever we have acquired open space or entered into an IMA with a municipality. Ultimately, enforcement is in your control. We are not in a position, from an operating budget, to offer to do anything more in terms of hiring or having county police go in there. We do not believe that the trailway, the way it is designed and the way it would be built, would be conducive to bike riding. But could we guarantee that nobody on a bicycle will ever use it? No, of course not.

Mr. Natarelli: They could be riding in there now. So who is policing that now?

Trustee Quinlan: There is not much bike traffic in there.

Mr. Natarelli: But there is some, so somebody must be policing it now.

Trustee Quinlan: No, nobody is policing it.

Mr. Natarelli: It is in the IMA that it is the Village's responsibility.

Trustee Quinlan: No, I understand that. What is not in the IMA is the fact that we have an obligation to make a connector between either the Putnam railroad, when the IMA was formed, or the South County Trailway. Everyone can talk about private conversations they had with each other at the time or make up what the intent was, but as a lawyer I look at the agreement. And the agreement indicates that there is absolutely no obligation from the Village to approve this plan from a legal point of view.

Mr. Zaino: Could we respond to that?

Trustee Quinlan: Here in a second you will. Because my next question is, I got an email from, just give me a chance to find it...

Commissioner Mulligan: Perhaps while you are looking, I could say that we would prefer not to get into an issue of whether it does or does not say this. We are not lawyers, we do not want to get legal. We believe, and there is a whole pattern of correspondence back and forth between the Village, the original Save the Hillside Woods Committee, the local committee, letters that went back and forth between the county and the Village, and other related correspondence, all pretty much documenting the intent of making that east-west connection. As Pat explained before, the fact that the IMA did not specifically call that out did not appear to be necessary. We continue to believe this is a partnership among friends and among people that we have worked with for many, many years. We would like to continue it without getting involved with a lot of the nuances or specific legal issues about what we are or are not allowed to do. We think it is a real opportunity to work with the Village to do a really great project.

Trustee Quinlan: I agree with you on that. I was looking for this email, where it appeared to me that Mr. Zaino indicated to our Village Manager in a report, that you wanted a resolution of this matter by year's end or you were going to seek restitution of the funds paid towards acquisition of the property.

Commissioner Mulligan: We did not say that. We have been asked by the county executive and by the deputy county executive to bring closure to the project. We have a tremendous number of projects on our plate. We feel personally committed to this because we think it is a great project and has been in the pipeline for nearly 20 years. For those of you who know the deputy county executive you know that he does not like us to spend our

time on things that are not going to go anywhere. So he has asked us to bring some closure to this. And, quite honestly, we asked him if we could make the extra effort because we felt so strongly that this was something we did not want to miss. We would like to work with the Village to come to a resolution and move it forward. And now is a great time to do that.

Trustee Quinlan: You are categorically denying that anyone from your planning department told the Village that you planned to seek restitution of the funds towards acquisition of the property.

Mr. Zaino: I would like to see that memo.

Trustee Quinlan: No, you do not have to see the memo. I am asking you a question.

Commissioner Mulligan: I do not believe that we have said that. No, I do not believe that we have.

Mayor Kinnally: Jerry if you have it, and Anthony can take a look at it, he can respond. I mean, this is not hiding anything.

Trustee Quinlan: I am not hiding anything, I am just asking a question. If he is denying that he . . .

Commissioner Mulligan: I am not aware of any such statement, no. But yes, we did say that we would like to bring some closure to this by the end of the year.

Trustee Quinlan: I am done. Thanks, Lee.

Mr. Natarelli: If we could go back in time to the beginning of this whole process, I went through our files to try and create a trail here of what transpired over the years with the acquisition of the Hillside Woods property. I have here a letter from then-mayor MacEachron to Lynn Oliva, who was with the Westchester County planning department, and it is dated November 17, 1989. At that point, the Mayor was thanking Lynn for coming out and taking a look at the Hillside Woods property. She makes the comment in the letter: The linkage between the Aqueduct and the Putnam can be formalized via a number of routes, one of which is an alternative route that could be created along the Saw Mill River right-of-way by a foot bridge or other easterly portion of Children's Village property up to Lawrence Street. There also is a letter in our files from the Committee to Preserve Hillside Woods. The chairperson was Sue Smith, and she was writing to then-commissioner Eshweiller of the planning department. She says: In combination with Village and school open land, this property, meaning the Hillside Woods, creates an east-west link between the Aqueduct and

Saw Mill Putnam right-of-way, as the maps indicate. So again, it was known by the Village administration at that time that that was the county's intent, to acquire the property. The reason the county was acquiring the property was that we saw it as a linkage between the South County Trailway, which we were in the process of acquiring back in the late '80s, and the Old Croton Trailway.

Commissioner Mulligan: I think Pat's point is that it was not just the county saying that. It was the combined intent, we believe, of both the Village and the county.

Trustee Goodman: I am not a warlike person, and I have to take umbrage with my colleague who seemed to be indicating that we were looking to have a legal duel with you. But since I am a lawyer, and I like to put the cards right on the table and I do not mince words, I would like to know not just the environmental impacts of my action, but potentially legal. Because it is out there. There are emails flying around this village; there is one going to *The Enterprise*, which says this board is going to place the public in jeopardy if we turn down this project. So in following up on my colleague's question, I would like to know if you going to refer this to your legal department if I do not vote for this project? I would like to know the legal ramifications of what I do.

Commissioner Mulligan: I do not think we are in a position to comment on the legal ramifications. What I said before, and it is all I can tell you now, is that we have advised the county executive and the deputy county executive that we were coming here tonight and that we would report back to them after this meeting how the discussion went and to what extent the project can move forward.

Trustee Goodman: Just like Hansel and Gretel following the trail of bread crumbs. I was not here, or if I was here in the Village I was not active. I was not on the Committee to Save Hillside Woods and I did not attend the meetings. So I did my homework and tried to go back through the old minutes to see what the public was told. Letters go back and forth between municipal entities that are not shared with the public. You have referenced a letter from Mayor MacEachron, you have referenced a letter from Sue Smith. Which, by the way, that was a reconvened committee because, as I understand it, there was an initial citizens committee and then it got taken over and turned into a different format. So there were, I think, two different committees that were operating.

I went to the minutes because I wanted to understand what the public was told at a public meeting about this connector, and I could not find reference to it. But the thing I did see is that then-Trustee Kinnally, in the late 1980s was the one that sought out help from the county. I saw a reference to that. I also saw the vote that was taken by the community to give up the money to buy the woods. I was looking to see if the public was aware that when

they were accepting the county's help that they were potentially signing on to this cross-through. I found no reference.

What did interest me is that the vote took place, and the public signed on the dotted line with the money, before the IMA was signed or executed. Then I saw some Trustees had questions about the IMA, but there was not any reference to that in the minutes. Then suddenly the IMA was signed. I notice that you spent public funds to do this study, and I know that you got a grant from Greenway. You told Greenway that there was public support, and there were supposedly letters attached to the grant application, which was March, 2000. I see a letter from the village administrator in Dobbs Ferry saying they thought it was a wonderful idea, but I do not see any letter from Hastings. Was that not attached? If so, I would like to see it because that would show something.

Commissioner Mulligan: We would have to go back and look in the file. Typically the county's approach when we do any project is ground-up. We rely on the Village. We see the Village, we see any municipality, as both a partner and a client. And we depend on them to do the kind of outreach that you would typically do to the residents of the village. The way in which we have the most direct contact with residents of the village is through formation of a committee. We typically rely on the municipality to decide who in the village should be a member of that committee. My recollection is that is what we did: we relied on the then-administration of the Village to pick people in the community that they felt were both knowledgeable and willing to participate in whatever decisions were being made. Without splitting hairs, we felt it was very well understood.

Trustee Goodman: I am trying to explain to you why probably some people are going to say they did not understand this was happening. If that was the general understanding, then I would have to take a certain position. In your documents on the Web site you say that this was a trail that was already mapped. Then I tried to understand how did that happen. The reference I see is that the Planning Board mapped out the trail in a document, the vision plan or some version of the vision plan. It was a recommended trail. On that same map were approved trails. So my question to you is, and perhaps to the Village administration, where is the resolution of the Village Board that adopted the Planning Board's recommendations? I cannot find that either. There were a series of new trails recommended, and I do not see a Village Board resolution for that. But it could be just my research is inadequate.

Mr. Natarelli: I believe the vision plan was the Village's vision plan.

Trustee Goodman: I do not think that was anything that the Trustees adopted, but I could be wrong. We are in the process of doing a comprehensive plan to address that deficiency,

but I do not think it was anything that the Trustees adopted. It could be that someone is going to produce a document the Trustees signed on to. I do not have it.

Mayor Kinnally: Danielle, Marianne just chatted with me about this and she used the word “agonized.” There was, I believe, a lengthy discussion among the members of the Board as to whether or not the Village Board should approve or adopt the vision plan.

Village Attorney Stecich: It did not adopt it.

Mayor Kinnally: No, I think we may have approved it without adopting it.

Planning Board Chairperson Speranza: “Endorse.”

Mayor Kinnally: It went back and forth but, certainly, it was not the case that the Village Board did not look at it and react to it. But endorse, maybe that was it.

Trustee Goodman: Somebody will have to explain to me what that means.

Mayor Kinnally: I am not so sure you will ever get a consensus on what that means.

Trustee Goodman: I concluded, when I looked at all these documents, that the Village Board had not actually approved the trail. I know you are wedded to this project but in these economic times there is a long list of things that I would love for the county to do for Hastings. One thing would be to help pay for the hook and ladder because the county is going to take over, a multi-story building on 9-A. They are taking a piece of property off the tax rolls, and our fire service services that district. That \$300,000 could pay for part of the \$900,000 hook and ladder that the county is not going to be paying for. I have a long list of other stuff that is equally important. I am not sure, on the list of priorities, how this fits in. But I will leave that to the county government, who some say should be disbanded.

Commissioner Mulligan: When the county looks at doing projects there are certain parameters that we have to abide by. Among those is the fact that there has to be a county purpose. So as much as we may appreciate, and be sympathetic to, what you might need for the hook and ladder or for other things that are more on the operating side, we would not necessarily be in that position. The question came up before about the process when we go to the board of legislators and submit legislation; part of that is getting a bond act from the bond counsel. The bond counsel will only approve that, and give us a bond act, if we can demonstrate that there is a county purpose. Part of the county purpose here is to help implement the county-wide trailway system and to follow through on the commitment we made when we acquired the property.

The county executive and the deputy county executive have drilled home to us the importance of being as frugal and fiscally wise as possible. We are not looking to do anything more than we have to. But as Anthony said, this is a good time to do it. Oddly enough, in bad economic times projects like these are good to do. And in the big picture, \$300,000 is not a huge undertaking for the county. And we think it will get a lot more bang for the buck for the size of the project.

Trustee Goodman: Well, \$300,000 is a big undertaking to me and to this Village. I looked at the master bicycle plan and pedestrian plan, and I know it is a tri-county plan. We are trying to connect two areas. The South County Trailway is 50/50 bike and pedestrian. And the Old Croton Aqueduct is 50/50 bike and pedestrian. So I am wondering why you would take the \$300,000 to exclude the bicyclists. We have a real interest in this village in bicyclists, so why are we not looking together for a route that can move cyclists and pedestrians and hikers for that \$300,000?

Ginsburg is building that connector that is supposed to be on 9-A. The state came here because they have to redo Ravensdale Bridge. I asked them, begged them, and I do not think we ever followed up on it, why could we not get a staircase down for pedestrians and possibly some sort of bike ramp. They said we cannot do that because the county is doing this project on 9-A and they have the funding all lined up and it is pretty much a done deal. So you could do something like that with the state: save money, help with the staircase and a bike ramp, take the cyclists up Ravensdale Road, improve that, and make it an urban trail. You could hook in our side streets to the Aqueduct and you have that. I have the information from your Web site. Some of your trails are on roadways.

Commissioner Mulligan: The county-wide trailway system was done by us with our department of transportation and our parks department. And, as you note, it was a tri-county plan. We took a very comprehensive look at wherever there were opportunities to develop different types of trails. The type of trail that is developed is very much dictated by existing conditions, by the character of the land it goes through. Even the county RiverWalk, which would be 50 miles of trailway, will vary depending on the conditions from an urban, hard-surface, paved type of trailway in the City of Yonkers up to the Town of Cortland, where you get into much more rural, hiking trails going up steep slopes and that sort of thing. So the character and the type of trailway that was dictated here was a very low-intensity, passive, environmentally-friendly hiking trail.

We have concentrated on the development of the North and South County Trailway, which will provide 36 continuous miles of bicycling. The Bronx River Pathway, we are struggling to do the same thing. The other major east-west trailway that we are working on is actually a

paved one, but it is in an area that is much more urbanized, and that is between the Bronx River Pathway and the Grasslands campus in the Mount Pleasant/White Plains area. We are looking to make that a bikeway because it serves not only the college and the campus, but there are a number of corporate parks that we believe will provide an alternate means of transportation in that corridor. But this absolutely did not lend itself to that. If there are other opportunities, as you are suggesting, for more urban, paved bicycle paths in the Village we would be happy to talk about those. I do not know that it lends itself to this.

Trustee Goodman: So then you are not willing to come off this plan. That is what I am hearing from you.

Mr. Zaino: The county provided funds to the Village to acquire this property to construct a hiking trail. That was the intent.

Commissioner Mulligan: We would like to follow through on that.

Mr. Zaino: We are pursuing, with the state grant, to build a small parking lot at Ravensdale and Saw Mill River Parkway to provide some parking there that would then connect to the South County Trailway, making a connection. And we will be working with the state to see if we can get them to at least put in some kind of safe, shared road condition which is good for bicycles. You would not want to put a pedestrian on a road. It is not within standards. You want a separation of some type. We can work with the Village on doing the bicycle connection on Ravensdale.

Commissioner Mulligan: Not either/or.

Mr. Zaino: Right. This is for the pedestrian connection.

Trustee Goodman: I have a few questions about the environment. One concern has to do with the old Algonquin Trail. If you look at our trailway map, you will see that it courses through a marshland and streams are there. That part of the trailway proposal actually is questionable in terms of its environmental impact. I also had a question about the timing for the trail-building and whether you had considered any of the birds that nest in Hillside Woods. We have 158 species which either migrate or nest there. The thrush have repeatedly been brought up as nesting birds. There are several nests that return yearly. When do you plan to start and when does this finish, and will you accommodate things like bird nesting, and did you think about that? I cannot believe there is only going to be one tractor. This is a mile-plus worth of trail. Where are you going to store the materials? How much disruption is there going to be to park users while you are building this? And the vernal pond. There

are fairy shrimp there and spring peepers, and you are going to build a four foot wide trail adjacent to a vernal pond, one of the remaining vernal ponds south of 287.

Mr. Zaino: We are rehabilitating an existing trail. We are not building a new one.

Trustee Goodman: But you are putting wood chips on there. The little peepers can just hop across the ground now. You are going to put up a barrier.

Commissioner Mulligan: We have on our staff a number of environmental planners. We have a certified wetlands scientist. We have designed and completed 25 restoration projects. A huge part of our program is to do the restoration-sensitive environmental planning that you are talking about. We have the benefit of expertise on staff to address all those issues. If, from a timing standpoint, you anticipate an issue relating to the wildlife that we have not addressed, and that is something you want us to consider, we are happy to take whatever information you have available. But again, we do not necessarily see that as a major impediment. We would like the trailway to move forward in the spring, which would be the ideal time for construction.

Trustee Goodman: And the worst time for the birds.

Mr. Zaino: We will move it to the summer or the fall. We can work with the Village. That is why we are here.

Trustee Goodman: Well, it is not you. You are going to send in some outside contractor who we are going to have really no control over. One last thing: your plans call for the removal of tree stumps and debris and underbrush.

Mr. Zaino: If it is in the alignment of the pathway, yes, but we are not looking to clean up the woods.

Commissioner Mulligan: We are looking to do what we feel is appropriate and necessary to provide for a safe hiking trail. If there is debris that needs to be removed as part of that project, we would certainly want to do that.

Mr. Zaino: I welcome the opportunity to walk through the trail, and the plans, with any member of the Board or the public.

Commissioner Mulligan: With every member of the Board, and public.

Mr. Zaino: And modify the plans as deemed necessary.

Trustee McLaughlin: Is there any place in the county you can send us to see a sample of this kind of pathway, preferably a place that was done a couple of years ago so we can see how it has held up?

Mr. Zaino: It is a unique project.

Commissioner Mulligan: No, but most likely in one of the parks. Once the trailways are built, if it is in a county facility and it is managed by the county, it is taken over by the parks department. We can certainly find out from them. We have worked with Teatown on a number of projects. We have worked with a number of the environmental entities.

Trustee McLaughlin: For instance, if I went to Teatown, could I assume that any path I walk on is the kind of path you are prescribing here?

Commissioner Mulligan: We will talk to the director of Teatown and identify segments that we think might be the most similar in character. Teatown is an 850-acre facility and they have a very extensive railway system, but we can certainly see.

Trustee McLaughlin: Then let us try something that is closer so more people can go have a look at it.

Commissioner Mulligan: We will attempt to identify something, sure.

Trustee McLaughlin: In terms of the quality of the county work, you were talking about work the county has done in the Village and how extensively you have worked in the Village other than on the drainage system for the affordable housing. This is not a what-have-you-done-for-me-lately question, but I am curious. What have you done for us?

Mr. Zaino: Through the community development block grant, which funnels federal HUD dollars through the county to the villages, we designed and supervised the construction of your VFW plaza, your sidewalks on Main Street, portions of Warburton, down Spring Street in front of your building all the way down to the train station, and all the way to Washington.

Mayor Kinnally: Up Washington s far as Ridge.

Trustee McLaughlin: That is interesting. Are those county roads?

Mr. Zaino: No. They are through the community development block grants. We prepared the drawings for the Village at no charge, provided you with grant money, whatever they

wrote in their application. Typically the Village is very good and requests, say, a 50/50 grant application. We have an IMA with the Village. We provide you with the drawings, the Village bids it, we assist in the construction. We monitor, we do not supervise. The Village Building Inspector usually does the supervision day-to-day, but we come out when needed and make surprise visits, make sure that the work is being done consistent with the plans. We approve all the payments and do quality control in terms of the design.

Mayor Kinnally: It also included the curbing in those areas and the entrance to all of Ridge Street, that curbing and the drainage and the paving.

Trustee McLaughlin: On Chauncey Lane, the last time we talked about it here we were not sure where the boundary lay between Village property and school board property. Presumably you have surveyed this, so can you tell us if building a sidewalk, will Chauncey Lane become narrower because of the sidewalk you propose.

Mr. Zaino: We have some base survey information, but we will confirm. It is in the public right-of-way along the edge of the road. It is only a four foot sidewalk that will have a retaining wall and a railing where it gets really steep along that area.

Trustee McLaughlin: We did not know where the public right-of-way is. We do not know if there is Village-owned land between the edge of the road, or if the school district land comes right up there.

Commissioner Mulligan: We would be happy to work with you to confirm that and lock it down.

Trustee McLaughlin: But you do not know offhand now.

Commissioner Mulligan: No, we have it in our survey, but we have to confirm it.

Mr. Zaino: We would get some stake-outs of the existing property line based on metes and bounds descriptions to confirm it, but we do have a base survey that shows we are within the public right-of-way.

Mayor Kinnally: I would also think that if there are issues of school property in that area that we could work with the school to talk about easements so we could get the sidewalk.

Trustee McLaughlin: Okay. Because I would not want to see Chauncey Lane get narrower.

Mayor Kinnally: I do not think they are talking about moving the curbing inward. They are saying they are going to do it within the confines of what it is now.

Mr. Zaino: At the edge of the pavement, that is where you construct a curb and then the four foot sidewalk.

Trustee McLaughlin: I am sorry that we do not have anybody here tonight from Audubon because I know that both Jane Alexander and Michael Boknik, who are representatives both of local Audubon and the state board, spoke out against your old plan. Removing cyclists from the use that you propose would make it more palatable to them, but I wish we could hear from Audubon and other groups of naturalists about their take on this.

Commissioner Mulligan: If they have some input they would like to provide we would be happy to meet with them, happy to hear from them.

Trustee McLaughlin: As an elected official in a village in Westchester County, I am concerned about this. None of the three of you are lawyers, but you are talking to us about contract language. Then you back off and say you are not lawyers so you cannot discuss it. We received an email today from people who are concerned that if we do not go along with your idea you will make us repay the cost. Jerry, you were not sure if that was Mr. Zaino's words or where those words came from. But they do appear to be out circulating in the public as something that the county has said it will do to us. I am sure that trustees in any village in the county who hear that they must agree with the county's proposal or the county will back out of an agreement would be unhappy to hear that. But you are not lawyers so you cannot speak to it.

I just want to address one thing about the language of the IMA and the Putnam Line. Back in the 1930s a Nebraska lady named Willa Cather died. She was an author, and her books were very dramatic books. Her Nebraska lawyer wrote her will so that her work could not be adapted for the length of copyright for any kind of dramatic medium. They listed all the mediums existing at that time, and then they said, or any other medium to be invented. A Nebraska lawyer drew that up 70 years ago, and the president of Houghton Mifflin used to have it right inside his drawer so he could read it. They were her literary executors

I am baffled by the idea that you think New York lawyers in the 1990s would overlook the existence of the Old Putnam Trailway if they really wanted to include it. It could have been included by category if not by name. The intermunicipal agreement could have said it would connect with other county trailways as they were built, but the language of the IMA did not do that.

Commissioner Mulligan: As Pat said, it was our understanding that the purpose of the IMA was to codify what we believed we needed to do, above and beyond the fact that we had jointly acquired the property and already had, by virtue of the agreement to buy the property, the ability and the right to develop the trailway. The fact that we did not expressly say connect to the trailway, we did not see a need for that. It was really to go through Hillside.

Trustee McLaughlin: But you did expressly say the Old Croton Aqueduct. You did not speak of trailways in general.

Mr. Natarelli: Because in order for the trailway to get to the Old Croton Aqueduct it had to cross over Village property, and we would need the Village's approval to cross over that. That is what the IMA gave us: the approval to cross through Hillside Park. Going the other direction, going to the east to get back to South County Trailway, which we were in the process of purchasing at the time, we did not have to cross over any property owned by the Village. So it was not necessary to say in there that we had to show that we were connected to the South County Trailway. That is why it was stated in there that we were going to the Old Croton Trailway: we had to pass over your property to get to that.

This is an article that was in *The Enterprise* newspaper dated September 3, 1993, which says the county is interested in Hillside Woods because it would link the state-owned Old Croton Aqueduct and the county-owned Putnam right-of-way trail which is parallel to the Saw Mill River Parkway. In doing so, a 250-acre woodland would be created.

Trustee McLaughlin: I think it is very interesting what *The Enterprise* said, but last I heard that does not bind us. The contract we signed binds us. And it does not state that by category or by name.

Mr. Natarelli: Right. But it does not preclude it, either. It does not say you are not to connect to the South County Trailway either.

Trustee McLaughlin: No, it absolutely does not. But what I am concerned about is the issue of our being forced to pay you back \$1 million-some because we choose not to have this connector on the grounds that we are not going along with the contract, with the language of a contract, that does not exist.

Mr. Natarelli: That is not our decision to make. That is a policy decision.

Commissioner Mulligan: I am not aware of any of us having said anything to that effect. I made the point that we are not lawyers and did not come here thinking this was a legal issue. We are here to see if there is an opportunity to move forward in a collaborative way with the

Village: to work with you, to go out, to modify the plans if necessary, if appropriate; and that we see it as a win-win for the Village and for the county. If there are issues beyond that, we can bring those back to the county executive. But at this point, our commitment to the county executive and the deputy county executive is that we met with you, made every effort to move this project forward, and to report back on what the Village's reaction is and, hopefully, your willingness to move forward.

Mayor Kinnally: I am going to start with the right side of the room in the first row and continue on that side of the room until everybody has been heard. I would ask anyone coming up to please give your name and address for the record and address all comments to the chair.

Maureen Ribiero, 22 Kent Avenue: When I go to Hillside Woods, I would not want to be standing on five feet of asphalt. The trails are pretty good as they are, and I do not see the need to connect it up. It would be tempting to use vehicles and just take it in a different direction from the wildlife that is there.

Mayor Kinnally: None of these trails are going to be paved.

Mr. Zaino: Other than the sidewalk on Chauncey.

Ms. Ribiero: What would the trails be like then?

Mr. Zaino: Wood mulch.

Mayor Kinnally: The under part is gravel, the top is going to be mulch.

Ms. Ribiero: And how wide would they be?

Commissioner Mulligan: Four feet. It was at the request of the Village that we modified those plans, and to do it in a way that would make it the least intensive, most environmentally friendly; the closest possible to what would be considered an existing, natural trailway but, at the same time, stabilizing the soil and make it safe for pedestrians to use.

Ms. Ribiero: So they would have to bring in big trucks to do that?

Commissioner Mulligan: No. Our expectation is that we would not have any large trucks; there would be some small trucks and some hand digging. But we are not giving anybody permission to use a bulldozer. We are only going to remove tree stumps and debris as

necessary, do the excavation needed to do the gravel and wet mulch, and some regrading as required.

Mark Leaf, 73 Euclid Avenue: I represent a divided family. I am in favor of modest stabilization of the trails, and my wife is opposed. I guess it is because we use the trails in different ways. I want to focus on one point, and that is the bicycle point. I think it would be a real disaster to have bicycle traffic through the woods. And while it is easy to oppose bicycle traffic by putting up a sign, we need more than that. If we are going to do this project a couple of things are important. One is that in addition to a sign that there be bike racks to park your bike so people who access by coming down the South County Trailway are able to get off their bikes, leave them safely, and then get back to them later when they return. There should be some kind of access-blocking device, a gate, a turnstile, something to make it more difficult. Obviously not impossible; people carry bikes over turnstiles all the time. But if we make it more difficult, you might prevent the attractive nuisance of it. You need to provide an alternative bicycle access from the South County Trailway to the Aqueduct. That could be done over the existing roadway, where the bicycles and cars share the roadway. That should be fairly inexpensive, little more than signs and road painting and, perhaps, some ramps to get up to existing roads.

But with those caveats, I see a lot of favorable advantages to stabilizing the trail. I walk the trails regularly, two or three times a week. They are heavily eroded, particularly by Sugar Pond. To the extent it is possible to stabilize in the most eroded place, without over-engineering the rest of the trail, particularly being sensitive around the vernal pond, I think the project could open the woods up to more people who will enjoy it, which is the purpose of a public open space, without interfering with the use for which it is currently enjoyed by our neighbors.

Lisa Eggerl Litvin, 98 Villard Avenue: I have been looking at the Westchester hike and bike trail map. What I see makes me very nervous about this trail. I am concerned, as some other people have voiced, about bikes through Hillside Woods. No matter how much signage we have we are going to dramatically increase the number of bikes through Hillside Woods. What this map shows me, if it is current and it may not be, is that the South County Trailway ends. I cannot even tell if it is where Hastings is. It looks like it ends slightly below Jackson. So if a biker is riding south on the South County Trailway, and wants to continue his or her bike ride, he or she can go through our woods and then go through Chauncey and then go to the Aqueduct and have a nice long bike ride. There is not really an incentive not to do that. On this map there is a proposed continuance of the South County Trailway which lines up with the Aqueduct in Yonkers. It does show that the Aqueduct has a large east-west connection, about double the length of the east-west connection you are talking about here in Hastings.

Commissioner Mulligan: On the South County Trailway we are currently designing a 2.1 mile section that remains to be developed on the south end of the county. That is in Yonkers, and it is from Tuckahoe south to Dunwoodie.

Ms. Litvin: Then can we utilize that east-west access rather than pull bikes through our Hillside Woods.

Mr. Natarelli: Without seeing that map I cannot tell. It might be a bit dated because right now the South County Trailway is paved all the way from Tuckahoe Road in Yonkers to Route 119 in Elmsford.

Mayor Kinnally: It must extend from our border at least another two miles.

Mr. Natarelli: Easily down to Tuckahoe Road.

Ms. Litvin: Does it extend to where it crosses with the Aqueduct?

Mr. Natarelli: No, there is a break. That is what Jerry was talking about. There is a two mile break from Tuckahoe Road down to the Dunwoodie Golf Course. Then it picks up again from Dunwoodie Course all the way to the Bronx border. The Old Croton Trailway goes through our Tibbitts Brook Park. They cross at that point. So yes, you could switch over there. The only other place where you cannot switch over now, but what we are proposing to do, the other bike trailway that we are proposing that would be east-west would be in the Eastview area at the border of Mount Pleasant and the Town of Greenburgh. That would connect the Old Croton Trailway in Tarrytown, up around the old Marymount College, and go east across Grasslands Road by the Westchester County Grasslands Reservation, by Westchester Community College, and then connect over to the Bronx River Parkway Reservation. Right now the only place the two trailways cross is down in Yonkers.

Ms. Litvin: Again, assuming that is a possible connection, I still do not believe the value of an east-west connection at the level of Hastings is more important than preserving our woods. I do not believe that bikers will get off their bikes, and we are going to be ultimately causing more harm than good.

Susan Cassell, 60 Lefurgy Avenue: I have lived in Hastings since 1984, but recently I retired and have been using the woods almost every day in the good weather. I think the trails are wonderful. There is some erosion in certain parts, but I am not exactly a hugely fit person and I am able to go on all the trails. It is beautiful. I use them all the time. And I think it would be a real distraction to have wood chips or anything like that. I think it is a

natural beauty. When I want to go on a trail I go on the Aqueduct Trail for walks. I just think it is a huge waste of money, in this major crisis we are having now in this country, to spend this money when you could spend it on libraries or other things.

Mary Jean Madigan, 26 Mt. Hope Boulevard: Hearing all this makes me think that maybe even though you claim that you have walked over every bit of trail you really do not know the trail well. That is because there is no one-size-fits-all. To propose a four foot wide path with swales for the whole mile-and-a-half of trail is simply pointless. Because in places the trail is wide enough because of foot traffic to allow two trucks to pass. In other areas, on the Algonquin Trail, it is very narrow and rocky, but not all that eroded, where hikers do still walk it and love it and have access to it. You do not need four feet. So you are really proposing a one-size-fits-all. And one little tractor. I cannot imagine having one little tractor go down the Algonquin without destroying it.

This is the intermunicipal agreement. It says right here that Hastings takes the lead in an environmental study. It is contractually our obligation to do that. And yet what we are hearing you say is that you have already consulted with all of the people from Westchester County who are experts so we do not need that. I think we *do* need that before we do anything.

Commissioner Mulligan: I do not know that we said that. What I think we said was that the alignment of the trailway, the character of the trailway, was pretty much dictated by the Village. We worked closely. I have not been on the trailway recently, but we have had several members of the staff go out there and walk every inch, every foot, of the trailway. So I think we have a pretty good idea of what the trailway is about. If there are areas where it might be, in the words of the Trustee, over-engineered, we are happy to look at that. But I do not think there is anything we are proposing to do that in any way decimates it. I do not think it is either/or: the trailway, or preserving the open space. We see this as an enhancement to the open space, and we would like to preserve, protect, and make it more attractive for people to use the trailway.

Mr. Zaino: The plans do not show a continuous swale. The only area we are swaling is where it needs it, where there is a drainage problem. So the entrance where the proposed sidewalk ends by the field is very steep there. There are some problems, some water logs. I would say 90% of the trailway will not have a swale and will not have water logs.

Ms. Madigan: So you will not be doing anything on those portions of the trail.

Mr. Zaino: Portions of it we will be essentially just putting down a stabilized walking path.

Ms. Madigan: What are the areas, for example? Between the tennis courts and Sugar Pond?

Mr. Zaino: The Village wanted to go in front of it. We are building a retaining wall and a sidewalk in front of the tennis courts, landscaping in front of the tennis courts, and coming around. We are not going on the backside anymore, as per the Village's direction. And it is in the plans. It is where the parking lot is.

Ms. Madigan: But going up to Sugar Pond, it would be between the tennis courts and the school?

Mr. Zaino: Yes. It is the existing trailway.

Ms. Madigan: So what would you do there?

Commissioner Mulligan: The suggestion of going back out and walking the trail with the Trustees and with the residents is probably the best way for us to answer a lot of these questions. What we have shown on the plans and what we are trying to convey to you tonight is that we have attempted to modify them in every way possible to make it as low-intensity as possible. It was really in response to the Village. If there are other ways in which we can modify it further we would be happy to hear what they are. The best way is to go out there.

Ms. Madigan: There has already been some remedial work done in the area of Sugar Pond by parties unknown. And what about the geology of the park? There are so many rock outcrops. Have you talked to a geologist? Do you know what you are getting into when you start excavating? Will you have to blast rock?

Mr. Zaino: The intent is to do low impact. We are excavating four inches down, that is where the gravel base is, and then three inches for the mulch. But we will take the soil that we are excavating and even it out. We will not be blasting, we will not be bringing jackhammers in there. This is a trailway restoration. It is a rehabilitation of an existing trailway.

Ms. Madigan: By only where it needs it, not in the Algonquin area.

Mr. Zaino: I am not familiar with the terminology. That alignment was done with the GPS. We walked with Village people. That alignment shoots information to a satellite that then logs it and digitizes it. That is the exact route based on the existing trail.

Ms. Madigan: But what I am trying to say is, a good part of that route really is not amenable to what you are suggesting without engineering it and over-engineering it.

Commissioner Mulligan: The point is, what we are saying is it is not one-size-fits-all. We are reacting, responding to the conditions that are out there, and attempting to make improvements where necessary. If we do not need to, we are happy to keep it.

Ms. Madigan: I hear what you are saying. What about the liability issue? That is in the intermunicipal agreement, too. Hastings would then be liable for anything that happened to anybody.

Commissioner Mulligan: The day the property was acquired the Village assumed responsibility and liability.

Ms. Madigan: But if you make the connector between South County Trailway and the Old Croton Aqueduct, if you build it, they will come. And if they come it will exponentially increase the possibility of our being liable if anybody gets hurt.

Commissioner Mulligan: We believe the improvements will make the trail that much safer for the people that use it, whether it be people in the Village or from Dobbs Ferry or surrounding communities. The reality is that every project we have done, for the most part, ends up serving the people that live in the immediate area. It is part of a larger system. We did buy the property with county taxpayer dollars, so it is intended to provide a benefit for people beyond the community.

Ms. Madigan: But people can come here anyway.

Commissioner Mulligan: Right. People do now, sure.

Ms. Madigan: Absolutely. And people who like to hike do come from all over.

Commissioner Mulligan: And we would like to make it that much more attractive, that much more user-friendly for people to use.

Ms. Madigan: They come from Ardsley, they come from Yonkers. We see them every day, those of us who walk there often.

Commissioner Mulligan: I am glad to hear that, because that is the underpinning of why the county felt it was important to participate in the acquisition.

Ms. Madigan: I cannot see people who are real hikers wanting to walk down the South County Trailway, which is paved, with bikes and then cross over a very busy highway in order to access our mile-and-a-half of Hillside Woods, which they can do anyway by parking anywhere on our streets or going to our parking lot in the schools or at the tennis courts.

Mayor Kinnally: I do not think anybody is disagreeing with you. I do not think the impact is going to be that great, to be honest with you. I cannot imagine somebody coming off the South County trail on a bike and wanting to get up into those woods, especially as steep as it is when you come off the Carvel property, with a bike for the pleasure of riding up and down stone outcroppings.

Ms. Madigan: No, but they can go the other way. That is my final point.

Mayor Kinnally: They can do it now, and they are doing it.

Ms. Madigan: They are. And my concern is bikes, but also all-terrain vehicles. In the winter the woods increasingly are torn up by them. They come in from Children's Village, they come in from the Hillside School parking lot. And if we open up a route for them to come in, across the highway near the Carvel, it is going to be that much worse. And it will be up to us to keep them out, to pay for it, to maintain it. Thank you.

Faith Evans, 42 Darwin Avenue: I have been living here since 1969. For the last 20 years I am in the woods twice a day, five out of seven days a week. It seems to me that the IMA is an important legal document. I have three lawyers I know of sitting in front of me, and at least one of them signed it, I believe. It was a legal document according to the people who worked so hard to raise two-thirds of the money to buy the woods. The county contributed one-third. So I think that is an important fact that people ought to bear in mind. The county cannot take it back. They can ask us for the million dollars back, or whatever one-third was, but they cannot take it back.

The intent of the IMA, which was considered an important legal document by all the people who worked so very hard to save the woods at the time, was to leave it the way it was. The only change that was authorized by the IMA, as I am sure you will remember, Lee, was to improve it, to save it from erosion. Now, the deal here is that in order to save it from erosion one time, and this is sort of a glacial park, it is always going to be in a state of deterioration as soon as the weather goes bad. I have been walking it for a long time and I know that. In order to do that one time, which will not last, you want us to open up our park to bikes and off-track vehicles.

They will come, they have already been coming, and there is nothing going to stop them. I do not want to get into the fact that when we asked for an environmental impact statement you said we know how to do this, we are good at this. It is a nice thought, but it does not really take it all down.

Commissioner Mulligan: I think it is a little bit of a misstatement, but I appreciate what you are saying.

Ms. Evans: You understand. I want to speak now for the inhabitants of the woods who cannot be here tonight. We have a lot of deer, wild turkey a couple hundred different kinds of birds. We are a way station for the birds going south and going north. They also nest here. You have not spoken with Audubon yet, but I have. I work very hard with a group of people to prevent development on a part of the property that, of course, the animals do not know it is not Hastings. It happened to be in Dobbs Ferry. We occasionally have coyotes. We have fox. We also have a lot of vegetation. Vegetation cannot speak for itself either. But they all live here. They were here before us.

Part of what we are here on this Earth to protect are the other creatures that cannot protect themselves. The Audubon people told me that if you guys come in and start opening up the land so that many, many more people and bicycles come in, this is going to severely and adversely affect the nesting sites of many birds. I know that all of us here who are environmentalists care about that. I particularly care about that. We have people coming in from all over. Our park is used heavily. Your interest in our park begins and ends with connecting to the Putnam Trail. That is why you are here. You are not here because you want to do something nice for us. Because you could do that nice thing without doing the Putnam Trail connection.

So you are here to connect us to the Putnam Trail, and I am here to tell you that it will damage our woods. If you put in the four foot wide mulching stuff you are going to damage the vernal pond. I do not say this out of my own knowledge. Because though I am an environmentalist in a sense, I do not have that kind of specific knowledge. But I do understand the leaching, I was informed by people who do know that the leaching from these paths would destroy the vernal pond. Is the vernal pond that important when somebody might have an opportunity to ride his bike through the woods? Maybe that is more important, and that is certainly a point of view. But it is not mine because I am speaking for the vernal pond, who also was unable to be here tonight, and the little shrimp that live there which defines it as a vernal pond.

Commissioner Mulligan: If I could just make one point, and I think it is important for people to understand. This is an important project to us. We would like to work with the

Village to do it. It is part of a larger open space plan. The preservation of open space, the preservation of passive parkland, the preservation of the natural environment and the natural resources, are critical. As of this year the county will have spent, south of 287, if you take into account Taxter Ridge 200 acres, Glenville Woods, the former Unification Church, the Westwood property, Irvington, Greenburgh . . . twenty-million dollars to preserve all of that land as passive open space: not developed, not constructed. It is to preserve and protect the wildlife that live there and to have the opportunity for people like you and everybody else that lives in Westchester to enjoy the trailways.

Ms. Evans: Are you telling me that I am going to tell the turkeys they should take a walk over there?

Commissioner Mulligan: I am suggesting that this is part of a larger open space system and that we, the county, have gone to great lengths, and you as taxpayers have spent a tremendous amount of money, to try to preserve and protect what you are referring to.

Ms. Evans: You understand that my position is that I am trying to protect what is here. I understand you are spending money over there. I also understand that the county does not gift. Because the county is spending all of our tax dollars. So this is the county's plan and the county is offering to do this really nice thing, but the price of it is too high because it involves inviting in the bicyclists. And they will come. We will not be able to keep them out.

Jim Metzger, 427 Warburton Avenue: I want to know how many times does the Village have to let you know that we are not interested in this plan before you will stop coming back. The reason I ask that question, and you will excuse me for being a little abrupt, Mr. Zaino hosted a meeting. I believe it was two years ago. We probably had somewhere between 50 and 60 people in the Orr Room at the library. To be fair, there were a few people that were in favor of this plan. The overwhelming, majority felt that this was a bad idea then. It is a bad idea now. Interestingly, the cost of this project has not gone up in two years, which makes me question your process for putting numbers together. At the end of that meeting, county legislator Abinanti showed up. He was pretty upset because he was supposed to be informed of that meeting but he was not. So that led me to question what was going on here. And he ended that meeting, and I paraphrase, if the citizens of Hastings do not want this to happen it is not going to happen. And I want to know what, in the last two years, changed that. You can tell things are getting a little heated here tonight because we feel so deeply and so strongly about the quality of the woods as they exist and not your idealized version of what they could be. We see bad things happening; you see wonderfulness. Mr. Zaino said, you think you can stop this from happening? And our question to him was, are you threatening us? You can look at the videotape and check that out. So when you say your

interest is our interest I question that premise. Mr. Mayor, can you tell us when they will stop coming back after the Village repeatedly has stood up and asked them not to do this plan. Last time they were here . . .

Mayor Kinnally: I am going to answer your question. The Village Board has not had a final vote on this. This is part of a process. They are a stakeholder, they are an owner. They are coming back here with a plan. They are coming to us to express the changes that are made in the plan and an interest in working with the community in coming up with something that is reasonable and acceptable.

Mr. Metzger: Let me address the process. Last time they showed up with some sketches that we pointed out were not drawn correctly. They were out of scale. We all agree with that. Now they are showing up with a 60% progress print. As an architect, let me tell you what that means. The next time they show up it will be a 90% progress print. Who is paying for this? We have a governor in this state who is telling us we are cutting back on school funding, we are cutting back on Medicare. What else are we cutting back on to put a trail in the woods that nobody here wants?

If we agree it is not going to get much use, a) why are we doing it, and; b) the people that are coming down the South County Trailway, if they are not on bikes, and if you know anybody that mountain bikes this is a holiday waiting to happen. If you ride a mountain bike, let us say you are walking, you are coming down the South County Trailway. Hey, look, there is a path into Hillside Woods. It is going to get me over to the Aqueduct. How do you get back to where you started from? Most paths actually start and end at a parking area. If you go to I have been to Teatown, it is beautiful. There is no mulch, or if there is it is very minimal. You get to start somewhere, you can wind your way however many dozens of acres there are, and you end up back at your car. When you start at the Old Croton Aqueduct, to start on the other side and get to the other side of the woods, where do you go from there? Most hikers do not like to go from point A to point B and then follow the same path back. I think this is unnecessary. I do not think we need to spend the money. And again, I question why we keep spending so many hours of our time on a project that nobody seems to want.

Cyndy Travis, 427 Warburton Avenue: I have made graphics and signage for a living for 20-something years, and I can tell you there is no sign you could ever post that would keep bikers out. You could string a chain across bollards and they would go around it. So that is ill-studied if you say a sign is going to keep bikers out. Any wide path that is at least as wide as what I am standing in front of is going to invite bikers in. If it was this narrow maybe you would have less, and I think that is sort of what the trail is now. It is just a natural, foot-borne path. That is what the trail was meant to be. When I go hiking in many places I do not look for the wide, paved, mulched areas unless I am with friends with baby strollers.

People keep bringing it up and you do not seem to respond enough to the fact that this state has no money, the city has no money, the federal government has no money. We do not have the money. It is being borrowed or written up in bonds or however else you want to call it. So I do not understand how even if you go back and they have to write legislation, how you can ask taxpayers that are losing their jobs and losing their homes that we really need to spend this. I understand how it is hard to have worked so hard on these projects and then be told to shelve it. But you need to listen to the fact that there is no money. As a taxpayer I will say please do not spend my tax dollars because county money is my money.

Thom Forbes, 4 Ridgedell Avenue: I thought a lot of good ideas came out tonight. I came with an open mind. What I heard from the county was that they wanted to rehabilitate the existing trails, they wanted to follow our lead, they wanted a collaborative working relationship. It would behoove us to pay attention to that. It would behoove us to take a walk with them in the woods, as Trustees, as citizens, and listen to what they have to say. I have been to a lot of meetings in this room over the years at which a lot of people are very vocal. I do not think they necessarily represent the majority of what the Village feels. I do not think there has been any mandate to tell the county not to come back. I think that they are very open-minded. We ought to pay attention to what they have to say, walk the trails with them, see where it is over-engineered, see where it is not over-engineered, make suggestions, take into consideration the problems with the bikes, and try to come up with a solution so that the trails are restored and usable by the citizens not only of our village but of the county. We are not an entity unto ourselves. We use other county property; people from the county should be able to come here and use trails that are passable, usable, and ecologically sound.

Tom Donohoe, 19 Maple Avenue: I have been here for an age, since 1963. I am fully in favor of this project, and commend you gentlemen for your professional attitude. The notion is almost like Henny Penny that we will be inundated by bicyclists. The fact of the matter, mulch is not very friendly to bicycles. If they wish to take the tortuous trails, so be it. I do not think that is a real problem. I think, having looked at the plans, they are excellent. They have been done with great care and with great sensitivity to the environment.

Ken Tuccillo, 14 Edgewood Avenue: I would like to second what was said before about everything that was said two years ago. I am surprised that we have to revisit this again after the long history of the struggle with this. I, for one, appreciate what your agency does. I use the trails a lot, I bike on the trails, and we owe you a debt of gratitude for a lot of the work that you have done. Not so in this case. Everybody has said a lot about this, and I would like to join in a lot of the comments that were made. But I have been focusing, since I also am a lawyer, the intermunicipal agreement. I have communicated with Larry Schwartz about it, and I have given him a letter which details the legal basis for an argument that there is no

legal right to do this. I think that would stand up in court. I think he is running that by some people now. I do not know whether that has happened yet, but I think there would be a real legal problem for the county and I would not want to see it get to that. The idea of having a resolution to this by the end of the year is a very good one. I would like to see a resolution where the county decides not to do this connection. It is not the rehabilitation of the trail that is the problem. It is the connection to the Putnam right-of-way. If that is taken out of the equation a lot of people in this town would be perfectly happy to talk to you about doing some renovations. But that is a deal-breaker. You cannot have a connection to the Putnam county trailway. And if that is going to be the county's position they are going to be facing a tremendous amount of opposition for a very long period of time. I would not want to see it get to the courts. I do not know where this business about restitution comes from. I would like to clear that up, if anybody knows exactly where that came from. That would be a terrible position to take, and it would create strife between the county and Hastings which nobody wants.

Ellen Hendrickx, 136 Circle Drive: Your intentions certainly are good. But I live at 136 Circle Drive. Hillside Woods is also my backyard, so I have some personal concerns also. I came here with an open mind. But I do have concerns. I have concerns that we have a catch-22 here, where you have stated that you have done your own environmental impact studies and feel quite assured, but are not willing to share that with us, and that it is up to us to engage someone to do an environmental impact study. There has been a lot of talk about how everyone is suffering financially, including our village. We pay a lot of taxes to begin with so I am concerned about that. I wonder if you will make those results of your studies available to us so that we can assess it; not just a walk through the woods, which I appreciate. If I can, I would like to go.

Commissioner Mulligan: Environmental impact statement is a term of art. And typically it is associated with major projects that involve significant impacts. When we do an environmental review, what I was trying to say before, if I did not convey it properly, was that all of the considerations, whether they be existing topography, wetlands, vernal pond, or otherwise are factored into the design process. So to the extent we were able to take them into account, plan, and design the trailway in a way that minimized the amount of disruption, the environmental review that we would do as part of the process for getting this project approved would acknowledge all that. If there were other issues that you, that Audubon, that somebody else feels have not been identified and that need to be addressed we would want to know what those are, and we would be more than happy to take those into consideration. But we are hiding anything from you. It is not that we have a document out there. It was actually part of the overall process for developing the design for the trailway.

Ms. Hendrickx: I understand that. Can you share with us your environmental review so we can understand? How can we share with you other things that we are concerned about if we do not know what you have already taken into consideration?

Commissioner Mulligan: The environmental review it is a procedural issue. When we go to the board with legislation we do the SEQRA on that particular action. In this case, Pat, you were saying that the agreement calls for the Village to be the lead agency. We do not have a document that we refer to as the environmental impact statement or the environmental review. There were environmental issues that were identified by the Village on the walk-through as we developed the design plans. All of those issues were factored into the plan itself.

Ms. Hendrickx: Yes, but I do not see the reason why someone could not take the time to do some sort of assessment, or evaluation, so we can have something to see, touch, read, feel. That would be very helpful. I am also concerned about cost. You had stated that there would be low maintenance. But I do not believe that. I know, for instance, that the vernal pond as it is my backyard and I do frequent the woods, floods part of the trail one to three times a year. So then that is the responsibility of Hastings, I assume, to maintain that. I was out there and Fred Hubbard gave us a bunch of wood chips, which still sits at the foot of the trail at the end of Chestnut where it dead ends by the woods. I dutifully shoveled them with my neighbor, Carolyn Summers. They promptly washed into the stream. I know that this is a different kind of mulch and gravel. Nonetheless, there was a real impact. It really blocked the stream. With the vernal pond flooding, I do not know what kind of damage that will cause and what kind of maintenance that it will engender. So I would like to have some sense of that.

Steve Shea, 60 Chestnut Drive: I am speaking for my wife Kathy, who also lives at 60 Chestnut. You guys have done unbelievably great things for the county over the years. We use the trailways all the time. We ride our bikes, we hike, we are out a lot. We live right across the street from Ellen, so the woods is also our backyard and we walk in the woods a lot. We feel that the fundamental issue here is that even though you have done a lot of great things, this is not a great thing. This is going to fundamentally change the nature of the woods. When we all had the bake sales and we bought the woods, and you helped us, it was to keep the woods the way they are, not to radically change them. And this really will. My second point is, the stock market has crashed, the world has changed since you guys put this plan together. It is not a world in which you are going to float a \$300,000 bond to put mulch on trails in Hillside Woods when we are laying off teachers and nurses and closing the Dobbs Ferry hospital. As a taxpayer, to hear my county government threatening my town's government, and my town's government arguing who is going to pay the maintenance here, even if it were a great idea, as a taxpayer, it would not be a priority for us, as important as it

is. So I think this is a bad idea, even though I think you are great people and have done a lot of great work. It would be really great to resolve this, and accept the fact that your big plan is good, but this part of it is not.

Lin Osborn, 17 Villard Avenue: I am really grateful that you have come here in order to say that you want to help us preserve our open space. Everybody in this room wants the woods to remain open space. You brought up a number of interesting documents from 1993 and perhaps before, from Mayor MacEachron and from Sue Smith and from *The Enterprise*, stating that the reason you want to assist us in acquiring this property is because there will be a good connection. But nowhere in any of those documents that you quoted did it say, and then we are going to improve it and then we are going to put in a trail and then we are going to put in chips and then we are going to connect a bicycle road to another bicycle road. Nowhere in any of those documents or in any of the conversations that I recall from that time was there any talk about subsequent major improvements.

I do not do it anymore, but I have done trail maintenance in the Adirondacks. You made a statement where you said 90% of this trail will not be improved at all. I can tell you that far more than 10% of this trail needs at least terracing. This is a really eroded trail. If you are going to improve it for a hiker, 10% improvement is probably not enough. I would really like to see, documented, what parts of this trail are you going to do what to. And swales, not enough; this needs terracing and boxing-out. If you really want to improve it for a hiker swales are not going to do it. The Village does not improve the woods at all. The Village does not do a whole lot of stuff in the woods. There is a guy that from Dobbs Ferry that when a tree falls across the trail he brings his saw and cuts it up into pieces so we can roll it off the trail. The Village does not prevent kids from drinking in there, or having sex, or smoking dope, or whatever else they do up there. If the Village cannot keep people from drinking up there, how are they going to keep bicyclists from going from one bike trail to another bike trail? It is not going to happen. And the Village is not going to take on the role of maintaining or enforcing this trail. They do not do it now, and they are not going to do it in the future. So if you do, indeed, improve this trail to some degree, and the Village continues to do the maintenance as they have been doing the maintenance, which I am not complaining about, I like the woods the way they are, it is okay, we will roll the rocks and trees off the trail, it is okay. The Village is not going to fix it. You have a lovely place where you have improved it, and a tree falls down, that is it; it is going to wreck it. So you can improve it, and it will stay improved for a number of years, but it eventually will deteriorate. And probably within a decade it is going to be similar to the way it is because the places that need improvement are stream beds. The trail is a stream bed in the springtime. It is not just that it is a little rocky; it is that it is a sluice.

I am also interested in knowing who will bear the liability here. If we do an improvement, it seems to me that we incur further liability by inviting more people in. But also we have improved it; we are saying this is a safer trail, this is a better trail. So therefore, if there is a problem on it I would think that our liability increases. I am also amazed that you feel that everybody knew that you wanted to improve the trail. As Jerry said, it is not in the document as he reads it. I am a medical auditor and a fraud investigator, and what we go by is that if it is not in the document it did not happen. So if you did not put it in the document, regardless of what the agreement was in the room, it really did not happen. Lastly, if we engage in any improvements here, do we need to abide by anything in the ADA?

Mr. Zaino: Wherever physically feasible the railway will become accessible. But there are some areas where the topography does not allow for it, and we are not going to construct ramps. We want to keep it to a minimum so we are going to do it where possible, but there will be areas where it is too steep. And when I said that 90% of it will not need significant work, we are only doing improvements to the swales where needed. In certain parts it will get some rehabilitation, but not extensive. The intent is to do the improvements throughout the entire length. Some areas need it, like you said, more than others.

Commissioner Mulligan: Mayor, a number of people have made reference to the economy and to the dire situation that we all find ourselves in: county government, state government, local government. I can assure you that the county executive, the deputy county executive, and the board of legislators are extremely sensitive to that. I realize that may sound hollow, but the reality is the county's capital program has been significantly cut back. There were a tremendous number of projects that were either eliminated or put on hold or just completely knocked out of the box. The county executive and the board of legislators consider open space, protection of water quality, protection of the environment to be one of their top priorities. They feel, we feel, a responsibility to the residents of the county that open space, trailways, recreational amenities, and similar types of things are part of the quality of life that ultimately are why people moved here, why they live here, why they work here. And that indirectly they do, in fact, contribute to the economic health of the county by virtue of maintaining and preserving what most people think is so special about Westchester. So I do not want to underestimate the element of economics or the responsibility we feel about spending money in the most cost-efficient way. But the county executive, the board of legislators, have identified open space preservation and trailways as one of those few areas where they are willing to, and feel a responsibility to, try to maintain that as a commitment to the county residents. That is why they this feel this project could, should, be considered to move forward.

Trustee Goodman: I am trying to understand how the design environmentally accommodated the vernal pond. If you could just tell me what page that is on, I will just study it on my own. I see Sugar Pond, but I do not see the vernal pond.

Mr. Zaino: I believe it is on page 5 of 12. It says existing wetland area.

Trustee Goodman: I was wondering what you did to the design to accommodate the environmental concerns.

Mr. Zaino: We realigned the pathway to give additional distance from the pond. You can see the original line went kind of straight. It is pulling it a little bit away. We installed some turf to minimize the erosion, and we are protecting an existing 20-inch caliper tree. So it is really just moving it further away to not get so close to the vernal pond.

Trustee Goodman: And do you know if that distance comports with best management practices for trail-building near the vernal pond? I think such documents exist.

Commissioner Mulligan: We created a lot of the documents, best management practices.. We are also responsible for the county's compliance with stormwater management practices, MS-4, etc.,. So I would suggest that yes, it does, but we will make a point of double-checking to see if there is any other specific BMP that might relate to that. The best way to answer so many of these questions is to have a site visit. If there is an opportunity for us to meet with the Village Trustees and the residents, we would be happy to do that.

Mayor Kinnally: Absolutely. Let us see what we can set up in the next couple of weeks, weather permitting and schedules permitting.

Trustee Goodman: There was plan A, which came a few years ago, two or three years ago, and now this is plan B. So how are they different?

Mr. Zaino: The original plan called for an eight foot wide asphalt path. I think the scars on my back are just beginning to heal, but some of them kind of broke open this evening. I can understand your passion. It is your park, and I can understand that. I do not take anything personal. So we listened to the Village and we scaled it back to four feet. That is what the Village told us. And I am going to say this again: I welcome the opportunity to walk this project with the Village residents, Trustees, whoever to see if I am missing something. You people live this park every day, I do not. I have been out here many times, my staff have been out here working with Village staff, addressing the concerns that have been identified. If there is something that needs to change, we are willing to work with the Village to make those changes.

Trustee Goodman: I want to make a statement about Sugar Pond. A lot of people are putting stock into the fact that if we fix the erosion the trails are somehow responsible for the problem in Sugar Pond. We did a study some years ago, another project shelved for money. Sugar Pond's troubles actually come from the stream and the development from upstream. So if anybody thinks that fixing the trails around Sugar Pond is going to do the trick, you are wrong. It needs to be dredged and something needs to be done to keep the silt from coming down. The stream is right here on the diagram. That is the primary culprit.

Trustee McLaughlin: I am glad Danielle made that point about the silting up of Sugar Pond, because that has been blamed on the trails and it is the development. Upstream gardens and so on, fertilizer from them, goes into the pond and that is another one of the problems. The only things I wanted today to do were to get a date where we can go for a walk, and remind you to provide us as soon as you can places where we can examine pathways like the ones you are prescribing for us. As I said, preferably ones that have been around a couple years.

Commissioner Mulligan: We will work with the Mayor to do that.

Trustee Swiderski: I wanted to revisit one issue, and I was surprised and embarrassed that it took until Ellen Hendrickx, the last speaker, to bring it up about the cost of maintenance on our end and the effort involved. There is one recurring theme. When I said in the beginning what I look at with water bars is what I see in the Adirondacks and that is it, within that I implied, and I will make explicit now, the gravel sub-base, the wood chips, you do not see that in the Adirondacks or the Catskills. I do not think it is necessary. It is a recurring theme. Jerry explicitly talked about the design of the trailway; Mark Leaf referred to it, Susan, Lisa. There was a repeated theme here that over-engineering the surface is not terribly welcome. I know, visually, you want something that flows and you can point to as the project. There are ways to do that with blazes or other mechanisms that will lead people through the woods but leave the surface intact in a way that will require less maintenance out of us. I have joined on those totally fruitless and pointless spreading of chips several times until I realized there was no use to it. Regardless of how that mulch is packed down or what the format is, it is going to wash away within the first year. A mile-and-a-half of mulch is beyond volunteers' capacity to spread. Ultimately it is volunteers who are going to maintain these trails, so the sort of improvements we are looking for are the sort of improvements that volunteers maintain in the Catskills and in the Adirondacks. These are not professionally maintained trails. If something is to occur in these woods that I would be comfortable with, it would have to be with an eye toward the likely methods of maintenance, which is that Thom Forbes and everybody on the Trail Committee who will go in there with a shovel and fix it themselves. That is just the reality we live with here.

Commissioner Mulligan: We are happy to re-look at that.

Trustee Goodman: I want to follow up with Peter because they have to understand what they are asking us to do. I also am a trail volunteer and I have also spread wood chips, and there is a pretty narrow window when you can do that. You cannot do it in the summer because it is exhausting, and in the fall the leaves are falling. So you only have an opportunity in the spring, and there are not enough of us to handle a mile. I am in charge, my neighbors and I, of Dan Rile Park. We stopped with the wood chips because Dan Rile is part of this same land mass. It has been separated by housing tracts, but it is a glacial forest. The paths are actually water courses, and the chips wash down. So after three years running of watching our chips wash into the storm sewers, into the Fenwick area, we said we are not doing this again. Now to ask people to go a mile into the woods, I cannot imagine how we would even get the chips to where they need to go in a big pile without disrupting the environment. It is just going to be impossible, so please do not ask us to do that.

Commissioner Mulligan: We are happy to re-look. I do not know how many times I can say that: we are happy to reconsider that.

Mayor Kinnally: I thank everyone for coming out tonight and for all the comments that have been made here and elsewhere. I think if anything comes out of these meetings it is that projects such as this are met with a healthy skepticism, not necessarily just for the projects themselves, but there is a skepticism of government and doing too much, never too little, until there is a problem. I feel that there is a problem in the woods. The issue is how extensive is the solution going to be.

I am glad somebody mentioned Sugar Pond. I have not heard that people have said the problem with Sugar Pond is because of the trailways through there. Ponds by their very nature silt up and have to be dredged. We have been talking doing something with Sugar Pond for the last 20-plus years because there is a problem there. There are problems upstream and downstream, and in the pond itself. So this is not a cure-all for that problem.

If anything has come out of these meetings it is a desire by the county to come to a resolution of this that is within the scope, that preserves what we have here. I do not think anybody wants to see improvements in the woods change the woods or strap us with anything onerous in the future from a labor and maintenance standpoint, a cost standpoint. The Village now has the responsibility for maintaining the trail, such as it is. And we, in large part, rely upon the good deeds of our neighbors to try to maintain the trails and follow the example that has been set by Fred Hubbard and his merry band of men and women who have carried on what he has started here. And also Dave Walrath, all of these people. Hastings has really been an

incubator for the trail projects in the county. A lot of people in the county look to us to see what we have done to formalize, and informalize, the trails that we have here.

A lot has been said about the IMA, and I do not want to get into a legal discussion about what is in the IMA. People can read it. As with many documents, they read what they want to read and interpret what they want to interpret. But I have said in the past, and this is nothing new, that my understanding at the time, and the intent at the time that the county partnered with the Village and the state to acquire this along with the people in the community who got this under way in trying to acquire it when there was a threat of development, was that this was not going to be an isolated park and that this was part of the trailway system: the necklace, if you will, that the county is putting together for what they wanted to do.

There is no question it specifically says in the IMA that there is access through Hillside Park, and to and from Hillside Woods, in the Croton Trailways State Park, including without limitation the development of trails. That is what it says. This will be fought out long after I am gone from the Board and probably gone from this good earth, but in good conscience I cannot say that my understanding and the understanding of the Board of Trustees and Neil and the other people in the administration was that the county was doing this out of the goodness of its heart to the exclusion of an incorporation in a trailway network that existed at that time and that was anticipated to exist in the future. I will work with the county in coming up with a day that people can do this. We only have three weekends before Christmas. Let us see what we can do to do this. The county would like to have a resolution of this by the end of the year. I had mentioned to the commissioner that I think that may be pushing it somewhat. But if everyone wants to dig in here and see if we can get to the bottom of it in that time frame, that is fine. If no, maybe in the beginning of January.

But as everyone said, how many more times is the county going to come back to this. I do not know. It is really incumbent on the Village Board now. We have got a wealth of information and an invitation to get more information, to work together with the Village and with the county in coming up with a game plan that may get us to a point where the Village Board can vote on this one way or the other.

Trustee McLaughlin: With what has just been said about the nature of the paths, do I understand that you are going to come up now with an alternate for the paths, since you brought up the fact that as they are proposed they would be hard for volunteers to maintain? And you indicated some understanding of that, of our need for paths that are more easily maintained by volunteers.

Commissioner Mulligan: What I was trying to say is, if there are alternative treatments, if there are design alternatives, that you want us to reconsider or re-look at that we are happy to have that discussion with you, with the Village, and see if there are ways that will reduce the impact or long-term maintenance responsibilities.

Commissioner Mulligan: Thank you very much. We realize it was a long evening, and we appreciate all the time on the part of the Board.

Mayor Kinnally: Thank you for staying with us and for being open to our suggestions.

APPROVAL OF WARRANTS

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

Multi-Fund No. 41-2008-09 \$\$39,356.48

PUBLIC COMMENTS

Mayor Kinnally: Public comments on items not otherwise on the agenda, taking into consideration the hour before us.

John Gonder, 153 James Street: I will pass until the next meeting.

109:08 INTERMUNICIPAL AGREEMENT FOR ACCESS TO COUNTY CLERK'S OFFICE RECORDS

Village Manager Frobel: This is a relationship we have with the county. We have a computer at Village Hall that is accessible to the public with which they can access land evidence records and legal records. It is no cost to the Village, as indicated. We recommend that the Board consider renewing this relationship.

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 authorize the Village Manager to execute the Memorandum of Understanding as attached with Westchester County to obtain remote access to the Westchester County Land and Legal Records Public Viewing System at no cost for a period of one year terminating December

31, 2009, with the County Clerk's option to extend the License for four additional one-year periods on the same terms and conditions.

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	

110:08 INTERMUNICIPAL AGREEMENT WITH COUNTY FOR ACCESS TO TELECOMMUNICATIONS SERVICES

Village Manager Frobel: This is a renewal, as indicated in the resolution, of an award of a contract that the county negotiated on behalf of several municipalities to provide telephone services to the Village. Although I do not have the full document that goes back to 2000, this is something that, again, we have been participating with. We feel it is a very favorable rate. It afforded us the opportunity to negotiate with a company with the strength of joining with other communities. We are pleased with the relationship with Cablevision in providing this service and we would like to see this be allowed to continue.

Mayor Kinnally: Subject to further review by the Village Attorney concerning the underlying agreement, that would be my understanding of the resolution.

On MOTION of Trustee Quinlan, SECONDED by Trustee 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 execute the agreement as attached with Westchester County for access to telecommunications services through the network provided to the County under an agreement with Cablevision Lightpath, Inc .for a five year period commencing January 1, 2006 subject to review of Village Attorney of the underlying agreement

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	

111:08 INTERFUND TRANSFERS FISCAL YEAR 2007-08

Mayor Kinnally: There is a supplemental item on the agenda this evening. This is the interfund transfers for the fiscal year 2007 - 2008 following the audit by our auditors. The manager can discuss this. This would be a movement of funds into these various accounts.

Village Manager Frobel: As of May 31 it is traditional, usually it is over the summer months, we ask you to make a series of budgetary transfers. What this action will do is bring our budget in balance. This is pursuant to the auditor's request. The audit is nearly complete. With these transfers it will be complete. Most of the items I talked about during our budget development either during the spring or over the summer months. Some of the accounts that did get in trouble should not have been a surprise in terms of winter maintenance, for example, electricity, fuel, some of the larger items. I am pleased to report that the budget will be in balance. The department heads manage their budgets very well to bring this in line. It is always unfortunate that we have to make transfers among accounts. But remembering a budget is a budget, it is a plan of action that you expect will occur over the course of 12 months. Often times you are adopting it months before the beginning of your fiscal year. Things change, but on balance I think we did very well in terms of managing the budget and just requiring these changes within your operating budget. This, does not affect revenues and does not affect the tax rate. This is simply moving the expenditure line items among the various accounts.

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 authorize the Deputy Village Treasurer to make the following budgetary interfund transfers for FY 2007-08:

Account	Description	To	From
To cover overexpended line items per board resolution			
A1010464	BOARD OF TRUSTEES - OTHER SERVICES	336.00	
A1020472	MAYOR - TRAVEL	100.00	
A1110478	VILLAGE JUSTICE COURT - JUORS FEES	15,262.00	
A1230470	MANAGER - MEMBERSHIP	10,521.00	
A1325464	TREASURER - AUDIT SERVICES	7,719.00	
A1410481	VILLAGE CLERK - REP SUPPLIES	11,794.00	
A1420464	SPECIAL COUNSEL	35,116.00	
A1440464	ENGINEER - OTHER SERVICES	3,369.00	
A1650431	CENTRAL COMMUNICATIONS & TECH - COMMUNICATION	15,492.00	
A19104	UNALLOCATED INSURANCE	31,504.00	
A3150479	JAIL - PRISONER FOOD	276.00	
A3310416	STREET SIGNS	3,921.00	
A4020100	REGISTAR	6.00	
A4210479	YOUTH SERVICES - PROGRAM SUPPLIES	22,991.00	
A5132414	CENTRAL GARAGE - GAS & OIL	42,557.00	
A5142415	SNOW REMOVAL - SUPPLIES	40,500.00	
A5182432	STREET LIGHTING - LIGHT AND POWER	20,668.00	
A6326464	YOUTH EMPLOYMENT CONTRACTUAL	72.00	
A7145432	COMMUNITY CENTER - LIGHT & POWER	13,045.00	
A7310415	AFTER SCHOOL PROGRAM - SUPPLIES	2,905.00	
A7311420	DAY CAMP - SUPPLIES	9,926.00	
A7320464	ATHLETICS - OTHER SERVICES	5,241.00	
A7510464	HISTORIAN - OTHER SERVICES	835.00	
A8140458	SANITARY SEWERS - MAINTENACE OF SEWERS	8,625.00	
A8560452	SHADE TREES - TREE SERVICE	1,497.00	
A90158	NYS EMPLOYEE RETIREMENT	39,668.00	
A90308	SOCIAL SECURITY	14,660.00	
A19704	E T P A		5,000.00
A19804	PROV ALLOW UNCOLL TAXES		5,000.00
A19825	EMPLOYEE TUITION PROGRAM		5,000.00
A19904	CONTINGENCY		108,628.00
A3412464	FIRE DEPT PROJECTS - OTHER SERVICES		44,620.00
A5110100	STREET MAINTENANCE - PERSONAL SERVICES		95,435.00
A7020105	RECREATION ADMINISTRATION - SEASONAL LABORERS		13,620.00
A7110464	PARKS - OTHER SERVICES		6,160.00
A7140102	COMMUNITY RECREATION - SEASONAL EMPLOYEES		11,370.00
A8160100	REFUSE AND GARBAGE - PERSONAL SERVICES		28,509.00
A8170100	STREET CLEANING - PERSONAL SERVICES		780.00
A90408	WORKERS COMP		17,274.00
A90608	HEALTH INS.		17,210.00

Total

358,606.00

358,606.00

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Tomorrow will be the parking lot lottery. We are poised to distribute 164 permits. We had 204 persons apply for permits, so we are over by about 40. Those that are over the number available will be offered a space at River Street. We hope we can accommodate everyone. We will notify everyone by email how they made out.

I have made arrangements with the veterans of the VFW Post to have a very brief ceremony Saturday, December 6 at 10 a.m. at the VFW plaza. They will have a chaplain there, and a little speaking program. This is for the sign because the sign will physically be up.

Trustee Goodman: Why is not the American Legion included also? They are veterans.

Village Manager Frobel: I do not know.

Trustee Goodman: They were not here, we did not reach out. Maybe I do not understand the internal politics, but some of the people that I know as veterans are part of that organization. I do not think an invitation was extended. So perhaps we have to do that.

Village Manager Frobel: I think I did not understand the relationship between the two posts either until that evening, when I noticed they were not there. I will call and invite them.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I have no update. Anybody else?

Trustee Goodman: Work session, LWRP. I am hoping we are going to talk about scheduling something.

Mayor Kinnally: Yes. Danielle has worked up a proposed agenda, and Marianne was taking a look at it. There is just one thing. I had spoken with the chair of the LWRP, who has been shepherding this thing through, and he cannot attend next week. I do not know how much we are going to be able to accomplish in Phil's absence.

Trustee Goodman: Phil has been before the Board. We can look at the minutes where he explained the procedure two years ago. I think it is time to tackle the subject. It is our turn, and any questions we have for him, we are going to need more than one session, of course. I think we should forge ahead. So I would vote to proceed even if Phil cannot be with us. We have to make policy decisions, we have to read the document, and we have to wrap our heads around it. I do not see any way to get around doing the work. It is intellectual work, and it has to be done. Marianne can answer questions, Fran can answer questions, Angie could be here to answer questions.

Trustee Quinlan: As I read Danielle's excellent presentation of an agenda, it is going to take at least three meetings, if we are lucky. I prefer to schedule it on the 9th.

Trustee Swiderski: I will go with the rest of the Board. I have not particularly strong feeling. I think there is a lot of work to be done here anyway. And if we generate a lot of questions for him the meeting will be shorter and we will know better.

Mayor Kinnally: So we have a work session next Tuesday night at 8 p.m..

3. Police Department Interview Procedures

Mayor Kinnally: The Police Chief is effective February 16, 2009. His last day of work is going to be January 16, 2009 because he has accrued vacation and he is going to take it. The list for the position is out, and the Chief has requested that we start our interview process as soon as possible, with an eye on having a decision made before he leaves active service on January 16, or as soon as possible before that. Because his experience was, and my experience was, that having the opportunity of having the current chief, even though he is on vacation he probably will be around, as a resource for the incoming chief in that interim period was quite beneficial. We could perhaps have interviews on January 7. There will be three candidates. And then depending upon who is chosen as chief, if there is a vacancy in the department we will have to fill vacancies, promote people from within or from a list. There will be a ripple effect with vacancies in the department that we will have to fill.

We probably need a couple of hours in the interview process for the chief. That is what has to be done first. So we might want to do it sometime this month. Generally we have the police commission be part of it, and we have to see their availability and the Chief's availability and also the availability of the candidates. So I would say let us take a look, if possible, at either the 10th or the 17th.

Village Manager Frobel: I have the list. I got the list electronically sent to me from the county just today, which is why I was not able to write up anything in my comments.

Trustee McLaughlin: It sounds like we could do it on the 10th.

Mayor Kinnally: So let us see what we can do. I will reach out to the Chief. Fran and I can do that tomorrow.

Trustee McLaughlin: Do I understand that our second meeting in March will be on a Wednesday because of the election?

Mayor Kinnally: No, we have not decided that yet. We can have the meeting on the 17th. There is a question as to whether or not we even need to have a meeting to certify the returns, although we generally do. So we might have a meeting on March 17 and 18, but that is for us to discuss as time goes on.

4. Other

Trustee Swiderski: VOC meeting next Thursday, December 11, discussing other opportunities for joint bids and possible areas for joint savings and pending current litigation.

Mayor Kinnally: The oral argument is coming up. It is this month, and we will update everybody on that.

Trustee Quinlan: Regarding the CPC, Susan contacted Greenway about the interviews for the consultant scheduled for December 8. There is a little discussion about whether they should be open or not. They are looking for Board direction. It turns out that Greenway is not an issue. They are saying that we can decide anything we want to decide. There are three opinions. One is have them open, and anybody can come and ask questions besides the executive search committee. The other one, which I am in favor of, is that the public can be invited and sit in if they want to. They cannot participate in the interview itself, but they can follow up with written questions. And the third one would just be to close the whole thing.

Trustee Swiderski: What Jerry proposes seems sensible to me. Passive observance by outside participants but no direct questions, followed up after the fact by written questions.

Trustee McLaughlin: Sounds fine.

Trustee Goodman: I agree with that middle of the road. And it is not unlike anything I have seen this board do with expert consultants in other areas. The public was welcome to come. They could not participate, but they could submit questions.

Mayor Kinnally: I agree that it can be open. There should not be any participation in the questioning of the experts. I agree with Jerry on that. I am not so sure about the follow-up questions by the public, and requiring written answers by the candidates.

Trustee Goodman: Why do we not say if the public has a question they can submit it to the Comprehensive Plan Committee and, in their discretion, if they feel it is a question they want to ask, they can adopt the question. Endorse the question.

Mayor Kinnally: That is fine.

Trustee Quinlan: That is good, and I did not mean written response. I meant written questions by anybody who shows up, and then a response by the interviewees.

Mr. Metzger: The CPC has always been open to questions from the public. You can reach us via email, the Village Web site. Every month a different member of the committee is responsible for answering questions. So this would be an extension of that process.

Trustee McLaughlin: Tree and menorah lighting. When are they?

Mayor Kinnally: The tree lighting is December 12 at 7:30 p.m., and the menorah lighting is December 24 at 7:00 p.m..

Village Technology Assistant Corso: Is the CPC meeting on December 8 being filmed?

Trustee Quinlan: My understanding is that the public is invited to watch the proceedings, but it is not going to be filmed.

ADJOURNMENT

On MOTION of Trustee McLaughlin, SECONDED by Trustee Quinlan with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:15 p.m.