

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 5, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 5, 2008 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Twelve (12)

Mayor Kinnally: I want to thank everybody for all their numerous cards, calls, gifts, good greetings, prayers, etc. My last meeting here was on November 20, which was my 60th birthday. So the lesson to be learned is, do not turn 60. Raf asked me to come back. He told me that the ratings have been down, no criticism of the deputy mayors. But it is very good to be back. Eleven weeks is too long to be away. I thank everyone.

PRESENTATION - George Heitzman, NYS Department of Environmental Conservation

George Heitzman, NYSDEC: There is going to be activity on the waterfront at the Tappan Terminal site. You may know it as the Exxon Mobil and the Uhlich Color Company site. The primary reason for us to be here tonight is to bring you up to speed on what is going on. But also we are here to answer questions about the former Anaconda site. A recent development is the beginning of an investigation at a former manufactured gas plant on Washington Street in the Village. The project manager, Bill Ports, will talk about that.

We had a record of decision a little over a year ago that specified the conceptual remedy for the Tappan Terminal site. We then entered into negotiations with the responsible parties: Exxon Mobil; Chevron Chemically Corporation, the successor to the dye manufacturer at the site; and the Uhlich Color Company. They are performing some investigations before they enter into a consent order with the state to do the full remediation. Those investigations involve test pits dug by a backhoe. Any contaminated material will be taken out of the site; it is going to go through the ARCO property because that is the only safe means of exit. We had concern that if people see trucks coming out of the Anaconda site loaded with contaminated soil they were going to be afraid that there is PCB material coming out. We are here to say no, it is either petroleum-contaminated soil from the Exxon Mobil site, or dye-contaminated soil coming from the former Uhlich Color Company site.

Some of these investigations are technology testing demonstrations. We have contaminated soil in groundwater at the Tappan Terminal site; chlorobenzine is the main contaminant of

concern. We are testing various technologies to break down the chlorobenzine in place. There is going to be well drilling. They are going to be injecting some oxidants into the soil and groundwater to try to break down those chemicals in place. If it is successful, those will be incorporated in the full-scale remedy. The time frame is six to nine months of testing, after which we hope to scale up to a full-scale remedy for the site.

Recently at the former Anaconda site we did some investigations on the shoreline, looking for what we call "flowable PCB material," or NAPL, the technical term, both right along the shoreline where the bulkhead is going to go, and then also further out into the river. Those relate to the design of the bulkhead. How deep can the bulkhead go into the sands below, and also what is the alignment; do we have to move it either inboard or outboard to get around where this material has pooled so that we do not drag it further down into the clean aquifer beneath the site.

You may have seen drill rigs out there. That field work is done. We are just getting the results. We expect to have discussions in the next two to three months with ARCO about what the results mean in terms of the final design of the remedy, the bulkhead particularly.

I want to introduce Bill Ports. Bill is our project manager. He will bring you up to date on the manufactured gas plant site and any questions you have about the specifics on the Tappan Terminal site.

Bill Ports, Project Manager: There is a new project in the Village of Hastings. It is the Hastings Gas Works, a former manufactured gas plant site. This is the precursor to natural gas, where they used to take coal and produce gas that was used for heating and lighting in houses. We became aware of the location, and Con Edison has submitted to us a site characterization report. This is the first step in the process. We go out there and do some testing, soil borings, test trenching to determine if there is any contamination. Chemicals concerned are classified usually as semi-volatile organic compounds. The subclass of that is polyaromatic hydrocarbons. These were produced from coal. You can think of them as a type of coal tar.

The site was not in operation that long. They consolidated operations at another location. It may not have been in operation that long, about 20, 30 years. But we are going through the first steps. Con Edison has an approved plan to do this work. They are working on access agreements with the property owners, and we will let you know as soon as we find out additional information.

Trustee Swiderski: Where is the location again?

Mr. Ports: You can correct me, but 8, 10, and 12 Washington Avenue.

Mayor Kinnally: The dance studio.

Mr. Ports: And the large apartment building just down the street from that.

Trustee Swiderski: How do you discover something on a site that is fully occupied by buildings?

Mr. Ports: There are historical drawings called Sanborn maps, fire insurance maps. The manufactured gas plants would have insurance. Frequently because of the flammable nature the gas would catch fire, so there would be a lot of inspections. These areas are marked out, and you usually see these on these old maps. This is how we became aware of it.

Trustee Quinlan: How do you test the site?

Mr. Ports: You dig holes, and we typically bore down with a soil boring.

Trustee Swiderski: Through the basement?

Mr. Ports: We are going to do some indoor air sampling for volatiles coming into the air. We are also going to be testing outside the building. We bore down to bedrock and check for contaminants, which are fairly easy to see because of the visible nature of the waste left behind.

Mayor Kinnally: Have preliminary tests been done?

Mr. Ports: They have not started yet. I would say possibly in a month or so.

Mayor Kinnally: And notification of tenants?

Mr. Ports: They usually notify the property owners, and we tell them to notify the tenants as well.

Mayor Kinnally: Have the tenants been notified on this site?

Mr. Ports: Not yet.

Trustee Quinlan: What brought it to your attention at this point?

Mr. Heitzman: We have Con Edison under an order on consent for all their former manufactured gas plants throughout the city, and a couple on Long Island. This was one of the lower priority sites because it operated for such a short period of time, was not processed, and did not generate a lot of really nasty tars. So we got them through all their city sites, got them started, and then this site was prioritized for later in the process.

Trustee Quinlan: So you are investigating not because there is any known danger.

Mr. Heitzman: That is correct. They are under orders to investigate all of their manufactured gas plants.

Mayor Kinnally: Mark Chertok, environmental counsel to the Village, is here this evening. Mark is aware of the consent decree and what Con Ed has done in other areas.

Mr. Chertok: Actually, I think they are part of the voluntary cleanup program, if I recall.

Mr. Heitzman: That is correct.

Mr. Chertok: Rather than a consent decree, there are about 44 sites that Con Ed has agreed to investigate and characterize. As George said, they are prioritized by order of importance in terms of potential health risks and environmental concerns. I have a couple of questions. Are you going to be soil gas testing for vapors? You mentioned vapor testing at the inside, or under the slab. How are you going to do that?

Mr. Ports: There are locations inside. We met with the property owner of the dance studio and identified locations inside the building. In the apartment building, the tall one, there are a lot of dirt floors. We are going to do a soil probe. You cannot do the sub-slab, so you do a soil vapor through the dirt. The other residence, we are not doing anything at that location.

Mr. Chertok: What I was asking about is whether there is a potential for vapors from some of the volatiles that can be associated with coal tars. Typically what you do, vapors can be, and I emphasize the words can be, trapped under, for example, a concrete slab. Frequently you drill under that slab to see if any vapors are there. If there is no slab, then you drill into the dirt and you do a probe or other kinds of tests that Bill has described to see whether there is a potential for vapors.

Mayor Kinnally: And if they do discover vapors, they vent them?

Mr. Ports: Soil vapor is a new field. Typically when you measure indoor air, if we came even into this building we would find vapors of certain compounds. That is what is usually

found. Until we get the data, we do not know what we are going to do. But I can speak from experience at other MGP sites, some that are much worse than this one. Typically we do not find, but we do go out and measure to make sure, to answer that question. That is why we get the data. But you are right. There is the potential, and that is why we sample.

Mr. Chertok: I would add so it is clear, we are involved in a number of MGP sites in the area, and I agree with Bill. From what this type of operation would be, you typically would not see large amounts of vapors because the vapors can volatilize over time as well. So it may be that there were vapors initially and they are long gone, because if there is a pathway into the air they are released into the air and are not a problem. It is only when they are entrapped within a closed structure that they become an issue.

Mayor Kinnally: What was the period of time that you believe this operation went on?

Mr. Ports: A lot of these date back to just after the Civil War. What sticks in my mind is maybe late 1860s to maybe 1890. But I will check the document and get back to you on that.

Trustee Quinlan: Maybe these gentlemen should make a presentation to the Public Health Board. We have a board which has experts in these matters, and this is something that they would like to know about and weigh in on.

Mayor Kinnally: Because it is so preliminary at this point, why do we not forward on the minutes of this presentation to them and see if they would like to talk with the DEC. But it so preliminary at this point, I do not know if it would be beneficial either to the DEC, the people in the Village or to the Health Board.

Mr. Ports: Also, the New York State Department of Health is involved. If they have any questions about this, they should call me and we could conference with the Department of Health and discuss these issues or any questions they have.

Mr. Heitzman: The Department of Health will review the data when it comes in, and they will make the decision. If the data results exceed the threshold of health concern, whether we have to put a venting system in, and whether the people in the structures are at risk of health problems. As Mark pointed out, typically with manufactured gas plant sites it does not rise to that threshold, but we are collecting the data anyway and can make that available.

Trustee Goodman: I am concerned about appropriate public notice. Somebody is going to be watching this, and tell their neighbors, and there could be misunderstanding. Perhaps we could prepare a public information leaflet.

Mr. Heitzman: What the department typically does, because in many cases these site characterizations do not result in significant findings, we find that they hauled all the tar away from these small plants and then built upon them. We do not want to get people concerned unduly until we get results back. What I would recommend is, let us take the samples, let us see if there is any tar present. And then our intention was to prepare a report, and have that available to the Village and in the repositories.

Village Manager Frobel: What was the timeline on that?

Mr. Ports: The soil vapor samples would have to be taken this heating season, between now and, let us say, the end of March. Then we would need 30 to 40 days to get the data back, and then we validate the data to make sure it is accurate. Then we provide notification. So you are probably into an April/May time frame to be released.

Mr. Heitzman: That is assuming they can work out access issues. As I understand it, Con Ed does not currently have access to enter those properties by the owners. I do not think there is an impediment; however. I think they are working out the access agreements.

Mayor Kinnally: Do you have a sense how old those building are?

Mr. Ports: I was hearing stories that during the Depression they were using it as a dance hall. It is quite interesting, and I guess the guy's grandfather had built those buildings. But I would estimate early 1900s.

Trustee Swiderski: I want to reinforce Danielle's instinct on this. We have the words investigation, gases, health. That can be misunderstood by any number of people. The material facts that this is 130 years old and that at most other sites nothing has been found can be front and center at the top of a five-bullet point notification that is posted on the front door, but if you do not post that, it is not going to pretty. It is now out of the bag.

Mr. Ports: I understand what you are saying: the unknown, people jump to conclusions.

Trustee Goodman: So you understand the sensibility, it is a dance studio and children and parents taking their children in and out. That is an extra layer of concern. Pediatric exposures and toxicities are going to be lower than adults and parents are going to be protective. The Health Board could provide your best local ally.

Trustee Swiderski: No intention of feeding anything alarmist, but there is no danger in the probing to the building. These are not explosive gases.

Mr. Ports: No, absolutely. I would be more afraid of the gasoline that we put in our cars.

Trustee Swiderski: To review what you mentioned about other sites, the experience data has been what?

Mr. Ports: Typically when we do these soil vapor evaluations at other sites they do not show results. In this one, as was pointed out, it is an older process. It is a more viscous material; there is less chance of volatilization of this material just by the nature of the process that was there. But again, we are going to get the data to answer the questions.

Trustee Swiderski: Has there been a need at any of the sites for remediation?

Mr. Heitzman: We have over 200 of these MGP sites throughout New York State. In none of them has the vapor level in structures exceeded a threshold that required a mitigation system. What typically happen is, we put in soil probes and we find vapors from the dry cleaner next door, and that requires systems to be put in. However, the MGP components do not trigger a threshold, and that is why we are pretty confident that we are not going to find a problem here. The nature of the material, the age of the structure, and the limited time that it operated. That is why it was given a low priority. We do not foresee a problem.

Trustee Swiderski: Liability here is Con Ed's?

Mr. Heitzman: That is correct.

Mayor Kinnally: Once again, communication is the key. The more information we can get the better off we will be. Assuming access is given, is this a long, drawn out process?

Mr. Heitzman: The vapor samples will come back fairly quickly because those need to be taken before April 1. It is typically a 30-day laboratory turnaround. We take another two weeks to evaluate the data, and then we get it to the owners. So May or June we should know one way or the other.

Mayor Kinnally: Again, this condition has existed, not to minimize anything, since the buildings were erected, and probably those buildings are over 100 years old.

Mr. Heitzman: And state-wide we do not see a pattern of vapor problems from these structures.

Mayor Kinnally: Does anybody have any questions on OU-1, which is the land-based portion of the remediation on the Anaconda site? OU-2?

Mr. Chertok: What is the timing of the additional investigation being done along the bulkhead, when will you have results, and when will they would be available to the Village?

Mr. Heitzman: The field work has been done both along the bulkhead and offshore in the river. We are starting to get preliminary field observation results compiled, and we are seeing cross-sections made up. The laboratory analysis still has not been completed on those. We are expecting those in maybe another 30 days. We will discuss the preliminary results with ARCO. There will be a report submitted in a 60- to 90-day time frame. Then we will make sense of how this affects the potential remedies for the sediments. That is the OU-2, the sediment remedy. We expect that late this spring and this summer we will begin discussions with stakeholders regarding the possible alternatives, or the preferred alternative, that makes sense based on the new data.

Mayor Kinnally: And those stakeholders would include the Village and there would be input from our professional staff on all the alternatives that are being explored, including capping, dredging, things of that nature?

Mr. Heitzman: Yes, and it is likely that a combination will be involved.

Mayor Kinnally: And the extension of the bulkhead, or the movement of the bulkhead, one way or the other?

Mr. Heitzman: The detailed design of the bulkhead, both the alignment with respect to the current shoreline, and the depth into the various layers beneath the site, yes, those are very much key elements.

Mayor Kinnally: If there is going to be placement of the bulkhead beyond the current configuration of the bulkhead, the owner would have to swap some of the river that is being lost for something in the locale?

Mr. Heitzman: Yes. To get the approvals necessary to do that, wetlands that are taken would have to be mitigated elsewhere on the site or close to the site.

Mayor Kinnally: Would this be discussed by the stakeholders?

Mr. Heitzman: Very much so. And the universe of stakeholders increases under that scenario. Now you have the Army Corps of Engineers, the advocacy groups for the river, the fish and wildlife people within my own department.

Mayor Kinnally: The timing of all of that, late summer?

Mr. Heitzman: This year? I will give you this year.

Trustee Quinlan: The location of the bulkhead you have not determined yet, whether it will remain where it is, or go out further in the river.

Mr. Heitzman: Correct. And the area in question is not currently bulkhead. It is currently a riprap slope. So defining where the shoreline is currently depends on the tide stage and everything else. It is not a bright line. Legally it is the high water mark on the riprap slope.

Trustee Quinlan: My understanding is that that land is landfill and it is being held in by a bulkhead.

Mr. Heitzman: Correct.

Trustee Quinlan: So there will have to be a bulkhead somewhere. When you talk about a riprap slope, are you talking about a slope from the edge of the bulkhead down into the river underwater?

Mr. Heitzman: What is currently there now is a slope of stone revetment, to be technically correct, that holds back the fill that was placed into the river. It is not a single vertical structure, but rather a hill of large stone.

Trustee Quinlan: And that is what we call a bulkhead. Will it be the same design when this is all done?

Mr. Heitzman: No. It is likely that a portion will be a vertical steel sheet pile bulkhead.

Trustee Quinlan: That is what I understood from the meeting when I was at ARCO. If it is moved out in the river, and that is something that you and ARCO have not determined yet, and the depth has not been determined yet. I understand there is some question about how much more or less it might pollute the river by going deeper or staying more shallow. So those are still on the table, and have not been decided yet. Is that right?

Mr. Heitzman: Correct.

Trustee Quinlan: If it goes out into the river a little bit, and I assume that ARCO will have to put fill in between where the land ends now and the new bulkhead begins, there is going to be some swap of mitigation land? Could you be more specific about that? Would it be another place in Hastings on the river?

Mr. Heitzman: Yes, that is the preference of the Army Corps, based on my experience. If you take river, if you create a bulkhead and fill in behind it and lose open water, you are required to create wetlands elsewhere. Usually an acre taken must be mitigated by an acre-and-a-half to 2 acres created somewhere else.

Trustee Quinlan: How would you do that if ARCO does not own any other land in Hastings besides the land it owns on the waterfront?

Mr. Heitzman: The area it owns along the waterfront is a logical place to create that.

Trustee Quinlan: So would you be creating an inlet, or some sort of lake, or both, or boat marina or something like that?

Mr. Heitzman: That is possible. Marshlands. The Corps looks at habitat value, and they would look to create waterfront that is enhanced for habitat. This is all speculation. Taking of the river is the last resort.

Trustee Quinlan: Let us go to OU-1. Are you still in the same posture with ARCO in that you have not decided exactly what the final remediation is going to be on the land?

Mr. Heitzman: The land remediation is set, and we have preliminary design documents that we have reviewed. The last issue toward moving on with that design is where the bulkhead goes. The bulkhead represents the transition between OU-1 on-site and OU-2 off-site.

Trustee Quinlan: How do Buildings 51 and 52 fit into that remediation at this point?

Mr. Heitzman: The state's remedy would allow for those buildings to remain. As you know, the Village has a consent decree that has enhanced elements of a remedy that may differ from the state's remedy. The Village's consent decree with ARCO requires remedial elements above and beyond what the state requires. Specifically, the state's remedy requires two feet of cover, some of which may be asphalt and concrete surfaces. The Village's consent decree requires five feet of cover, which must be soil or fill.

Mayor Kinnally: Clean fill.

Mr. Heitzman: And does not permit buildings to be used as remedial elements.

Mr. Chertok: I can clarify that to say it preserves the option of saving certain buildings. If those buildings were preserved, they would effectually constitute the equivalent of fill. But

the guts of the consent decree is what George has described. It is five feet of fill rather than two feet. The DEC typically allows a capping system of either clean fill, or concrete or asphalt, because it prevents exposure. The Village negotiated for additional elements, but there is not inconsistency between the remedy that the DEC has approved and the consent order remedy. That, I think, was George's main point.

Mayor Kinnally: That was part of the selling point of the consent decree, that we knew what the state standard was and we bargained for more with ARCO because of the nature and the anticipated use of the site. The state's standard is overridden by the consent decree.

Trustee Quinlan: We are in the process of developing an LWRP that we are going to send to the state. Does the DEC weigh in on that?

Mr. Heitzman: No. That is a Department of State approved document.

Village Manager Frobel: You mentioned if there is any riverfront lost, if the bulkhead has to be moved out, have you ever heard of them making improvements elsewhere off-site, in other locations, in lieu of the river?

Mr. Heitzman: I have, yes. It could be an option.

Mr. Chertok: The Corps and the DEC always look for the closest proximate area to try to mitigate, but if it is not available then you look in the closest reach of the river. Generally you look first in the Village, and if we cannot find areas in the Village it would be elsewhere.

Trustee Goodman: One more question about the moving out of the bulkhead and the mitigations, the land swap. If the worst scenario occurred, that could mean we would have less developable land. Is that correct?

Mr. Heitzman: Potentially yes, although we are talking fractions of an acre. It may not be as significant as maybe you think. And is there not a 100-foot restriction from development anyway? I think that would come into play.

Trustee Quinlan: It is 30 yards, on my understanding.

Mayor Kinnally: And by the cove it is different. But yes, there is.

Mr. Chertok: Typically you would look to have that mitigation in areas where you would not contemplate any development, or open space use, if you can help it. They tend to be fringe areas, particularly if the acreage is limited.

Mayor Kinnally: We will move to Tappan. George, at this point Uhlich, Chevron, and Exxon Mobil are all involved in this preliminary design, or investigative stage?

Mr. Heitzman: The technical work is being funded by Exxon Mobil and Chevron. Uhlich is a party to the negotiations for the consent order, but is not participating in the technical work.

Mayor Kinnally: For payment of the technical work.

Mr. Heitzman: Correct.

Mayor Kinnally: Is the preliminary investigation going to cover all three of the properties?

Mr. Heitzman: Yes, the entire Tappan Terminal site.

Mayor Kinnally: So the fact that they are not agreeing to pay for it is not going to jeopardize the coverage of the whole site.

Mr. Heitzman: No, and they have granted access without any problems. They are waiting to see the results of the investigation before they allocate costs among themselves and enter into a consent order with the state. The pace of the technical work is going to dictate how quickly we get a consent order and get them moving.

Mayor Kinnally: Can we bring any pressure to bear to move it along?

Mr. Heitzman: They are out there now. Unless you can stop it from raining, that is about it.

Mayor Kinnally: But let us say they have the investigation, and they have all the data and they know what the options are. Then the next thing is who is going to pay for it, right?

Mr. Heitzman: Right.

Mayor Kinnally: Who determines the type and level of remediation there?

Mr. Heitzman: We determine the technical requirements for remediation, and we already have this conceptual plan in place in that record of decision. Now we need to get into the design details.

Mayor Kinnally: Do you have any preliminary timing?

Mr. Heitzman: I would say six to nine months to complete the overall investigation. At the three-month milestone we will have enough information for them to sit down and negotiate a consent order with us. To begin developing detailed plans and specifications, we are nine to 12 months away.

Mayor Kinnally: Do we have a seat at the table in the negotiations for the consent order?

Mr. Heitzman: No. It is a state enforcement issue. We did the early investigation work under state Superfund. We will seek to recover those costs against the responsible parties, and it is a state enforcement issue.

Trustee Quinlan: So what if one or more of the parties do not enter into the consent decree? Would you have to institute a lawsuit against them?

Mr. Heitzman: The other two parties have responsibility under joint several liability. They may choose to enter into a consent order and proceed without the third party. If negotiations fully break down, and no one is willing to step up, we will perform the remedy with the state Superfund.

Trustee Quinlan: And then you will go after them for the cost.

Mr. Heitzman: Correct.

Trustee Quinlan: My understanding from your initial presentation is that you have found no PCBs on the Tappan Terminal site?

Mr. Heitzman: We found very slight levels on the road that connects the two parcels, very low especially in relation to the Anaconda site next door. It is a level that requires a soil cover, but not a removal.

Trustee Quinlan: In the initial record of decision there was some discussion of finding pollutants and contaminations there that you did not even have a name for. They were called exotic contaminations?

Mr. Heitzman: Exotic is the layman's term that got picked up in the community. We know what they are but the analytical methods do not allow us to precisely define concentration of the contaminants. Part of the investigation they are doing now is with special analytical methods to precisely quantify the concentrations of those dye-related contaminants.

Trustee Quinlan: If you take the soil off that site and move it through ARCO and the Village, is there any danger?

Mr. Heitzman: No, they are not volatile. They will travel in sealed containers. There is very little risk to the community.

Mayor Kinnally: What is the volume of what you expect to go out?

Mr. Heitzman: It will be small. If they start digging test pits and realize that the scope is beyond a handful of trucks they are going to stop and put it all back in, and then proceed more comprehensively. The same principle goes for petroleum contamination. When Mobil closed that site in 1985 they took out most of the contaminated petroleum soils. However, some of our sampling shows that there are a few spots, and they will proceed the same way with respect to petroleum. As long as they have a backhoe and a truck there they will take out less than 10 truckloads.

Trustee Goodman: So it is almost like they are remediating as they are testing? If they come across it they are just going to take it out.

Mr. Heitzman: Yes. If it is a small scope, they might as well.

Trustee Quinlan: What I am most concerned about is the benzene contaminants. Could you explain about what those are and what the dangers are?

Mr. Heitzman: Benzene is a chemical in gasoline and a lot of everyday products. It is a proven human carcinogen, and it is a contaminant in petroleum. The dye-related contaminant is actually chlorobenzene, which is a solvent that is formulated from benzene with chlorine added. There is currently no exposure to it. It is in the soil and groundwater. The concern is that if there are development plans for the site, we need to get it out before anybody puts up a structure and potentially those vapors could come into a building.

Trustee Quinlan: I am concerned about the benzene being piped into the air. You talk about sparging.

Mr. Heitzman: When we sparge we sparge it through a carbon canister so that anything that comes up out of the soil and the groundwater is absorbed onto the carbon. Then the carbon is shipped off-site in solid phase. We do not permit untreated emissions from the sparge systems.

Trustee Quinlan: Are these things sticking out of the ground?

Mr. Heitzman: They could, yes.

Trustee Quinlan: How many do you expect to be there?

Mr. Heitzman: That is a design detail that is going to be worked out.

Trustee Quinlan: How long will they have to be there? I assume you have to cart them out, put new ones in, things like that. Do you have any idea about that?

Mr. Heitzman: Now you are talking about the carbon canisters?

Trustee Quinlan: Yes, that you're going to trap the benzenes and ship it out in solid form.

Mr. Heitzman: Until we start running a system it is difficult to estimate how long we have to run it. We used a five-year estimate in the record of decision. It could be three years or 10 years. We do not know until we start running it. At gasoline stations we run these all the time, and we run them all to one little shed, and it can be made development-friendly.

Trustee Quinlan: In your opinion. It does not sound too development-friendly to me, active carcinogens. But then that is just my opinion.

Mr. Heitzman: But they are being absorbed. They are not being released. They are being absorbed in carbon, in a shed.

Trustee Goodman: I know there is a record on decision and it is something that you are working towards, but is there any chance of reconsidering the soil sparging and just getting the stuff out so we can proceed more quickly with our plans?

Mr. Heitzman: I assume you mean by excavating and hauling it through the Village.

Trustee Goodman: Yes.

Mr. Heitzman: The problem with chlorobenzene, unlike PCBs, is that it is volatile. The concerns you had about trucking material through the Village, even though it would be a sealed container, now you have potential exposures. Some of the work that is being done as part of this investigation is to look at technologies that destroy it in place, introducing oxidants to try to break down the molecules permanently rather than sparging it and transferring it into carbon, and then hauling the carbon off. We hope that these tests are successful because it is a better remedy.

Trustee Swiderski: In terms of the remediation, you said it is three years to ten years?

Mr. Heitzman: The operation of a sparge system, potentially yes.

Trustee Swiderski: The on-site, immediate remediation that they might do as they are testing could theoretically shorten that?

Mr. Heitzman: No, because the contaminants are different that they would be pulling out. They are pulling out the dye-stained and petroleum-stained soils. The chlorobenzene is in a much wider area and would not be dug out.

Trustee Swiderski: That spot remediation that they might do, I assume there is some sort of verification that would occur on your end?

Mr. Heitzman: Yes. We require post excavation sampling and analysis to show that what is left behind is safe.

Trustee Swiderski: And that analysis is done by an independent body.

Mr. Heitzman: A certified laboratory, yes.

Trustee Quinlan: When you say a Superfund site, does this have anything to do with the brownfields law in the state?

Mr. Heitzman: The brownfields law does not apply to the site. The Superfund law is a separate element of site cleanup law. However, some of the soil cleanup guidelines that are in the brownfields law will be considered in the evaluation of this cleanup. Let me explain. The brownfields law cleanup numbers are new numbers based on the state of the art for health exposure scenarios, and they are better than the numbers we used when we wrote the RODs. We will look at those for certain contaminants because they represent the state of the art in public health.

Trustee Quinlan: It is not your decision but do you not think it would be wiser to have the new, state of the art rules and regulations applying to this site than the old?

Mr. Heitzman: Yes. And I have to draw the distinction between applying, which is a legal definition, and consider where it fits into the law. The law allows us to consider them; it does not require us to apply them. But they make sense, and I think we will use them.

Trustee Quinlan: I understand that there is some debate about changing the rules in the brownfields law at the state level. Is that going to spill over to the Superfund?

Mr. Heitzman: No, that is strictly with respect to the brownfields cleanup program.

Trustee Quinlan: Will that have any effect on the DEC's decision of whether to apply the state of the art applications to the Superfund?

Mr. Heitzman: Unfortunately, we have also been sued over the state of the art soil cleanup numbers, and the outcome of that lawsuit may affect the specific numbers.

Trustee Quinlan: I understand from that lawsuit that they say the state of the art is not strong enough. They are looking for stronger, more extensive cleanups. Is that what your understanding of the suit is about?

Mr. Heitzman: It is a lot complex than that, but to put it in simple terms, yes.

Trustee Quinlan: Is it going to affect us, or not?

Mr. Heitzman: We have the old numbers in the ROD that are applicable that we fall back on. Whether or not the new numbers change may or may not affect the outcome.

Trustee Quinlan: But my concern as a Village Trustee is are we going to use the old? It seems to be more minimal than maximum of the new.

Mr. Heitzman: The old and new numbers for the contaminants of concern at this site are not that far apart, if at all. The other thing is, the new numbers allow you to look at the use of the property. You will have one set of numbers for a residential exposure, you will have a higher set of numbers for an industrial or commercial exposure. The Superfund law does not allow us to do that. We are cleaning this site up to pre-disposal conditions, so in a sense the old numbers that we are using are more strict than specifically the commercial/industrial numbers that are in the new law.

Trustee Quinlan: Are they strict enough to have residential in this site?

Mr. Heitzman: Pre-disposal? Yes.

Mayor Kinnally: George, keep us posted, especially on the MGP. If we are going to post anything we will give you a copy. There will be a lot of questions from people in the area.

Mr. Heitzman: I would ask to let us get the data back before we jump to any conclusions.

Mayor Kinnally: It has been there for over 100 years. We would have some experience if there were problems there at this point, not to minimize the potential danger.

Mr. Chertok: I would suggest if the Village is going to prepare something, they run it by the DEC to make sure there are no technical problems with what has been said.

Trustee Swiderski: That needs to be fast because the word of this will be out there soon.

Mr. Chertok: If there is a concern about the immediacy I suggest you prepare a single half-page description, and have it ready if you believe you need it. The DEC has probably 50 fact sheets on MGP sites that describe the history of MGP sites and the issues. You can get one of those, and then tailor it to this site, particularly its age and limited operation in terms of time. I would be curious to know if you could trace from Sanborns when those buildings were first erected versus the time frame of the operations. If there was a period of time between the cessation of those operations and there was no pavement on that site, then the likelihood of volatiles is diminished, because there is a period of time in which they would have volatilized into the air.

Mr. Heitzman: Given the slope of that site and where the bedrock is, I would not be surprised if they removed all traces of that operation before they built any buildings.

APPROVAL OF MINUTES

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of January 8, 2008 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing of January 15, 2008 were approved as presented.

Mayor Kinnally: I believe Diggitt has already given us some changes that have been incorporated. Other than those, any comments, additions, or deletions?

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of January 15, 2008 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Executive Session of January 15, 2008 were approved as presented.

APPROVAL OF WARRANTS

Multi-Fund No. 50-2007-08	\$427,952.30
Multi-Fund No. 51-2007-08	\$ 35.00
Multi-Fund No. 52-2007-08	\$106,926.66
Multi-Fund No. 53-2007-08	\$ 17,453.08
Multi-Fund No. 54-2007-08	\$ 15,530.54
Multi-Fund No. 55-2007-08	\$ 96,406.31

EXECUTIVE SESSION

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel items.

PUBLIC COMMENTS

John Gonder, 153 James Street: It has been about a year since I talked to you about the deer population in the Village. Last President's Day there were six deer in my yard and six over the wall. That was a new record for my area around Pulver's Woods and James Street. All over the Village the deer are too many, and I was wondering what your committee is doing, if they ever report back. I hear in a local paper that somebody is shooting them with a bow and arrows. That is not too good, but we have to do something about the deer population. They destroy a lot of our land, our woods, and they hurt people with carrying ticks and diseases. And also automobile accidents. I wish you would get your committee together and report back to the community. We should have to do something. Every two years the deer population doubles, and I can see it.

Mayor Kinnally: John, you raise a good point. We will reach out to the committee and see if they have an interim report for us, and also see what the Town of Greenburgh is doing with their committee and if we can get an interim report from them.

Mr. Gonder: I appreciate that. I still represent 10 families on James Street. That bus is still there. It has got a new license plate. It goes on the street occasionally. There must be a law in New York State that you cannot have a vehicle registered in Florida for over three years and not go back to Florida. Also, it still is a bus. It was made as a bus, it is a bus. And I

wish you would do something about it. Mr. Mayor, when you were recuperating you probably looked across the street at an apartment, and maybe there was a bus there. I think it would make you furious. For the last three years I see a bus every day, 10 times, 15 times a day. It is not right, and you should do something about it. You people can build community centers, parks, and other things, but you cannot get rid of a damn bus.

Mayor Kinnally: We have reported on this before. We had discussions with the police chief and with the Village attorney. There are a number of things that make us all furious. I do not make light of it, I do not diminish it. But we have to work within certain guidelines. We have looked to see if a remedy is available. We have been told by the people who we retain to give us this advice that we do not have a remedy available for this.

Mr. Gonder: You cannot change an ordinance?

Mayor Kinnally: Part of this has to do with the state because it is a registered motor vehicle. I would not want to wade into that thicket because the Village attorney and the police chief are the ones who have the expertise. But again, we monitor the situation. If there is anything that we can do, believe me we will do it.

Jackie Lhoumeau, 157 Southside Avenue: In discussions about the leaf blower law, we talked about the decibel reader. There is a decibel reader in the Building Department, but the police are not trained to use it. I hope in our new budget we could allow the police to become trained.

Mayor Kinnally: We could always allow the police to do that, and if it is a question of enforcement we will deal with the enforcement.

Ms. Lhoumeau: And whether they might need their own reader.

Mayor Kinnally: Then they will tell us. We are in budget review right now.

Ms. Lhoumeau: Right. So I was hoping that might be something that could go forward.

I wanted to comment on the new lights on the Municipal Building. Although they make the building look wonderful, they are extremely bright. The apartments across the street all have their bedrooms in the front. You might not know that, but all the water pipes are in the back. It is just very bright. Is there any chance that maybe after midnight they could be motion-activated so they were not on all night long. They are also extremely high. They are 30 feet up instead of eight feet up, so there is a lot of light coming out of there.

My third thing is about Fulton Park. This past fall Fulton Park had some tree trimming done, but in addition to the tree trimming a lot of the bushes were taken out along the south face of the park if you look up from the train station, and also along the southeast face. I now see the train station light as well, and it used to all be bushes and green stuff. Was this deliberately done? Once upon a time we had a whole bed of tulips there in a whole rainbow pattern. This was the late '80s, it was very pretty. I did not know if this was a plan because we are going to be redoing the park at some point. It just looked like the whole thing was...

Mayor Kinnally: Fran can answer that.

Village Manager Frobel: We did take down all the bushes. They were viewed to be some invasive vines and some things that needed to come out to improve that vista so people could see into the city. That was all done by design. Further plans, we do not have any for improvements to the site.

Ms. Lhoumeau: Right. I look at this every day. It is right across the street from me. Like you want to get rid of the ailanthus trees and the Norway maples, but the forsythias only get so high. They do not get high enough to block the view. I did not understand why they were taken out.

Village Manager Frobel: I do not know if they distinguished, I really do not know.

Ms. Lhoumeau: Because it looked like just everything was taken out instead of a concerted effort to take out the things you want to take out and leave the things you want to keep. And it leads to erosion and loss of habitat for the birds and all the other critters that use that park.

Village Manager Frobel: Well, we have no additional plans for improvements there, no.

Ms. Lhoumeau: Is it our Department of Parks and Recreation that is in charge of that? Should they talk with the Conservation Commission before they do something like that?

Village Manager Frobel: It was through the library. The library was interested in cleaning up that property, and we did. We trimmed all the trees beginning at this end of the parking lot all the way around to the front. It was at the direction and the desire of the library to have that cleaned up, and we did.

Ms. Lhoumeau: How well thought out was it vis-à-vis what the important plants were?

Village Manager Frobel: I really do not know the level of discussion on that. I just know they were cutting back some of the weeds and the brushes they felt were invasive and needed

to be taken out. I do not know if they tried to distinguish between any plants in there that were desirable to keep.

Mayor Kinnally: Fran, were they ripped out or were they cut down?

Village Manager Frobel: They were trimmed. They were cut back.

Mayor Kinnally: If forsythia is there it will be back.

Ms. Lhoumeau: I have my fingers crossed. But even the mulberry tree is half the size it used to be. It is a very important tree for the juvenile birds that live in the park. That is where they first meet in the spring. I am concerned that we, of course, cut back things we need to, but not just raze things that should be there, and that we keep a good habitat.

Village Manager Frobel: It was myself, the library director, and Fred Hubbard were the ones that decided what needed to be cut back. But we did not call in other people for their advice.

Trustee Quinlan: I know what Jackie is saying about the lights. When I first saw the lights on the Municipal Building I was like, whoa, those are pretty bright, you know, if I lived in those apartments on Spring Street and Southside. In my neighborhood the houses are very close, and even though we have curtains if someone's light is on at 5 o'clock in the morning I can see that light come through our curtains. It is very simple because we are neighborly and we can discuss it among each other. I was wondering if there is anything we could do to maybe decrease the wattage of the lights. They are very, very bright.

Village Manager Frobel: They were designed by Deven because the front needed illumination. It was very dark and shadowy. There was at one time, you may know, a spotlight that was up there that shown out and down. It was very ineffective. We used energy efficient bulbs. They are on a ballast. They cannot be rapidly turned on and off with walking in front of it. They have got to stay on or they are off.

Trustee Quinlan: I understand the motion problem, but I am concerned about the people who live in those apartments.

Village Manager Frobel: The police would like it on. We have cameras on the front of the building, and you could not make out any distinguishing features of anyone walking in the front of the building.

Mayor Kinnally: We also had somebody fall.

Village Manager Frobel: We did have, and I did not want to run the risk of anyone else tripping there.

Trustee Swiderski: But after midnight, or before midnight, the time frame proposed?

Mayor Kinnally: It was somebody who works for the Village who was working at the time. And it could happen after midnight.

Village Manager Frobel: There are on a timer.

Trustee Swiderski: When do they go off?

Village Manager Frobel: At daylight, 5 a.m., or maybe 6:30.

Trustee Swiderski: Defeats the purpose.

Village Manager Frobel: I will speak with Deven, but they were all specified in what was viewed to be necessary to properly illuminate the patio area, the plaza.

Ms. Lhoumeau: Can I ask why they were put all the way up at the top.

Village Manager Frobel: There was no other place to fix them. I did not want them on a chain, hanging down.

Ms. Lhoumeau: How about things on the columns, like eight feet up pointing down? It seems like there are some other options.

Village Manager Frobel: I relied on an architect to design it for us.

Trustee Quinlan: The only thing I understand, and I am not getting much support on this, I appreciate the need for lights and cameras. But if I had an apartment on Southside or Spring Street, and those were outside my window, I would think that the government is not being responsive to my needs as a resident and a citizen. So that is all I can say, Jackie. We will see what happens.

Ms. Lhoumeau: Thank you. There are also two lights on the front of the extension of the library that at the time when we talked about the library extension they were going to be motion-activated lights. They are on all night into our bedrooms as well. It would be great if they were motion-activated. Not many people are walking there, at least after midnight.

Trustee Goodman: Can I say one thing in support of Jackie as well? There are a lot of studies about light pollution. It is bad for the birds. Cities have been moving to decrease their lights. It is an environmental problem, too. I know we have to balance the risks of safety, but maybe there is a way.

Trustee Swiderski: It is also running the lights all night long. That is also an expense.

Village Manager Frobel: They were viewed to be energy-efficient. I will take a look at all these items, but I cannot promise.

Trustee Goodman: About what Jackie mentioned with the hillside and the park, one of the issues that the leaf blower controversy has raised is the need for best management practices in our parks. This would be specifically something not so much related to how many leaves we are leaving behind in the park, but just another aspect of looking at our practices. Perhaps if we had guidelines for areas that were habitats for birds, we are an urban place and there is beginning to be less and less habitat. If we had best management practices, when the library called and said we need this or that done we would have a benchmark for everyone to be guided by. And perhaps a subcommittee of parks and recs, or a conservation committee, or some combination could consult, go look, help Mr. Hubbard out. That might be just something we could think about.

Village Manager Frobel: Yes, he has been my resource. He is one I turn to. I do not think the cutting was as dire as it might be depicted. There were sumac there. I remember distinctly some of the invasive shrubs that were growing that needed to be trimmed back. Our intent was not to take down anything of value, certainly, but give an opportunity for people to enjoy that park and the view of the vista.

Trustee Goodman: Is there any chance to bring back the hillside of tulips, which was stunning?

Mayor Kinnally: I will tell you how the hillside of tulips got there. Tim Downey said that he was going to maintain the hill in return for putting up a sign saying Tim Downey had maintained the hill. It was installed, everything was planted, and it went the way of many other things. Interest was lost, the sign went to oblivion as did the tulips. So that is the problem. It would be a very nice volunteer project for people if they want to take it on.

Ms. Lhoumeau: One of the ideas would be when the company is there doing the cutting could there be some supervision, because it looked like overkill to me.

Mayor Kinnally: I believe there was supervision. Fred Hubbard was involved, and we said get rid of the invasive plants.

Village Manager Frobel: We trimmed a lot of trees, and there were some pines that were dead. We have gotten a lot of compliments on the improvement, by the way.

Ms. Lhoumeau: One of the issues is erosion, though, and we have a lot of trouble with erosion on the southeast part. Part of the reason the big maple is dying is that the erosion took place after the Southside project went through because nothing would grow on the steep slope. So I am worried about the steep slope now to the south, as well as the east.

Village Manager Frobel: All right, we will keep an eye on that.

10:08 RETURN OF ACCOUNT AND AFFIDAVIT

Mayor Kinnally: We have the return of account and affidavit as of January 1 and February 1. As usual, our realization rate is quite high. And the majority of these are people who do not have mortgages and their taxes are not escrowed, and they forget to pay. So if you take a look at the full amount that is outstanding compared to what our entire budgeted amount for taxes is, it is quite low.

Trustee Quinlan: Do we send them out another notice to remind them?

Village Clerk Maggiotto: Around the middle of January we send reminder notices. At the beginning of the month we had 187 delinquents for \$321,000 outstanding. As of today we are down to 65 delinquent properties for \$111,000. People are quite responsive to the letters.

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

RESOLVED: that the Mayor and Board of Trustees certify and approve the Return of Account and Affidavit as attached for the Village 2007-08 tax roll.

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	

11:08 APPOINTMENT OF ELECTION INSPECTORS - DEMOCRATIC

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

RESOLVED: that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 18, 2008 as Democratic Inspectors: Laura Gardner, Karen Jacobs, Viola Kepcher, Agnes Matzura, Cynthia Travis, John Russo, and alternate Elizabeth Waczek.

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	

12:08 APPOINTMENT OF ELECTION INSPECTORS - REPUBLICAN

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 appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 18, 2008 as Republican Inspectors: Roberta Bennett, Jan Gustafson, Timothy Hays, Eleanor McGinigle, and Jean Hornbostel.

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: I would have liked to have reported that we have started work on the cove. We have not yet. I met with the contractor last week and went over some reporting requirements in terms of wages and compliance with the state and county regulations. I met with him again today. We hope to be underway this week. He is hoping for a stretch of good weather.

I am going to have a letter going out to the community offering some clarification on our recycling program. There will be no program changing for the residents of the Village. Simply, it is an effort on the part of the county to step up compliance. We have very good compliance in the Village and, as pointed out, both the Village and Dobbs Ferry have long had a history of being able to recycle gray paper. That will not change. We are asking for voluntary compliance. We have a bit of an advantage in that the driver/collector who goes to your home for the trash typically also picks up recyclables. So he will have a mental note as to whether or not the home is generating some cardboard or some newspapers or aluminum. If not, then we will be contacting those homeowners offering educational information to bring about compliance. It is very much part of our responsibility to bring about an even higher level of recycling effort, but no change in our policy or programs; simply a stepped up effort to convince those that are not recycling to participate in the program.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We had a long discussion about what is going on there. Fran has talked about the cove. I have nothing else to add to. Anybody else want to talk about the waterfront?

Trustee Goodman: I have one question. The status of the trust fund, the monies that ARCO was putting into a fund for engineering and attorney's fees. I thought we were going to have a resolution.

Mayor Kinnally: I will contact Mark and get that so we can get that funded.

2. Update on the Comprehensive Plan Committee

Trustee Quinlan: The last meeting of the Comprehensive Plan Committee was very interesting. There was a presentation of about one hour by the Hudson River Valley Greenway. The Hudson River Valley Greenway Community Council helps local

communities enhance local land use planning, balances economic development and resource protection objectives, and creates voluntary regional planning concepts, which include comprehensive planning.

The Comprehensive Plan Committee plans to continue its involvement with this state agency. There is the possibility of grants. There are educational possibilities and planning possibilities. It was an extremely interesting and informative, and very helpful in our comprehensive planning. That is a very positive development, especially that they have an expertise in the creation of comprehensive plans. They know about all the different comprehensive plans that have been created throughout the state, which are quite a few, and they have access to them. So that is good news.

This past Saturday approximately 15 students from the Hunter College project took an extensive tour of the community and were met and greeted by various Trustees and members of the comprehensive plan steering committee, and had lunch in our community center. The Village provided the bus. That can only benefit their understanding of Hastings, and the good and free work they are going to do in helping us develop the comprehensive plan.

I was one of the people who participated in having lunch with the master's students from Hunter College who come to by way of Richard Bass, who is their teacher. We are very fortunate to have Mr. Bass on the committee in addition to everyone else. He is bringing us a bright, motivated, interesting, and eclectic group of students to our village to help out with this program.

3. Proposed Fee Schedule Revisions

Village Manager Frobel: We are in the midst of developing our operating budget for next year. As part of that, in my budget manual each department head is tasked with the responsibility of seeking out items that are worth consideration for fee revision. Some of these have not been looked at in a number of years. Susan also has responsibility, under her performance evaluation, to look at all the fees and put them together in a manner to present to the Board of Trustees. What is before you now is a chart that she has put together on the fees we collect, and we have highlighted those that we would like you to consider for introduction for amendment.

Village Clerk Maggiotto: The first category is the Village Clerk fees. The peddler and vendor license fees have been in place since 1970. We do have not too many of these. They are always surprised when they come in and only have to pay \$30 a year. It is hardly worth our time to collect it. It seemed like an opportunity to put these at a respectable level.

Dumpsters, scaffolding, and sidewalk opening permits have been, as long as anybody can remember, \$25. Again, it is a time-consuming process, and it seemed fair to raise those fees to \$50. Dishonored checks is an amount that the state sets. It was raised awhile ago, and we are now allowed to collect \$20, but only if you approve it. Street opening permits are the street openings that Con Ed and the water company do. The existing fee has been, since 1973, \$25 per street opening. We are suggesting raising it to \$200 per street opening.

Mayor Kinnally: May I suggest that the restoration deposit be increased appreciably. Because one of the problems that we have, and you can see it along Warburton Avenue, Villard, Mount Hope. When they come in and they open up the street it is not done right, and we are stuck with the potholes and stuck with dealing with it.

Village Clerk Maggiotto: That restoration deposit is collected from people other than the utilities.

Village Manager Frobel: Right. Those are homeowners. The utilities have a bond that we can call if we are dissatisfied with their work. And that is set by state law. It is a great amount, a large amount.

Village Clerk Maggiotto: A letter in lieu is what people receive if their structures predate certificates of occupancy. They need some statement from the Building Department that their structure conforms as much as can be determined after the fact. So we issue these letters in lieu. Now, when we charge for a copy of a C of O we charge \$25, but the only charge we can charge for a copy is 25 cents, again under state law. So we thought we would just conform that with the C of O copy and make it \$25.

As you recall, when we passed the floodplain development law last fall we put in the permit fee for \$250, and we need to do the same thing for our stormwater management law which followed that. We thought we would just keep those the same for simplicity.

On the next, under subdivision, our code requires us to impose a preliminary subdivision fee and we never have done that. Also, these are both the recommendations from our planning director. A lot line adjustment, at the present time, is charged \$1,000 under subdivision but many cases a lot line adjustment is just not that extensive.

Village Attorney Stecich: We do not permit lot line adjustments. Maybe you want to call it minor subdivision; you do not want anybody thinking you can just come in and get a lot line adjustment. Just call it minor subdivision, and it serves the same purpose.

The last one is fingerprinting. Presently our police department fingerprints for Village residents and school department staff. They have been called upon more and more as requirements become greater for fingerprints. Lieutenant Bloomer wrote a memo to you in which he told you the overtime rate of the detectives. Much of the fingerprinting is done on court night when they are working overtime. Presently it is free. It seemed fair to charge a fee for this, since it does take quite a bit of time. He is recommending a \$20 fee.

The next step would be to call for a resolution a public hearing because fees are adopted by resolution after a public hearing.

Village Manager Frobel: None of these will generate much money. The building department is working on one which is going to take more discussion among the Board. We picked these because we needed to set the stormwater management permit fee. And I said while you are doing that why do we not consider some others that are minor in nature and let us get those up to where they should be. That is why we did not want to set a whole evening aside for a work session. That may follow, but these are very innocuous.

Mayor Kinnally: Do we want a work session on this?

Trustee Quinlan: I do not see the need for a work session on these. I would like to call for a public hearing. In my opinion they seem fair. They have not been changed in 25 years.

Trustee Swiderski: Reasonable, I agree.

PUBLIC HEARING

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski with a voice vote of all in favor, a Public Hearing was scheduled for January 19, 2008 at 8:00 p.m. to amend the fee schedule.

Mayor Kinnally: Any other Board discussion and comments?

Trustee Swiderski: This Thursday we are having the first in about four months a meeting of the Village Officials Committee. This is the first meeting since new members have joined the Town board has changed. I have watched a couple of their meetings; the tenor has changed and there is a proactive and positive attitude. However, taxes in the unincorporated half of Greenburgh are going up 25%. That has been met with shock and dismay, and an interest in a number of vocal citizens to find opportunities where they can push expenses onto the shared budget so their taxes would go down and ours, concurrently, would go up.

So unfortunately, while we have a friendlier board, we still have a need for the VOC to continue to exist. We will be meeting to discuss how to react to some of the proposals before the Town board, and to figure out a strategy moving forward so that it minimizes the impact on the villages in terms of time commitments, but ensures that we are present at these meetings and making our voice clear on the issue of pushing expenses off onto the villages.

Trustee Goodman: I just want to thank Peter for serving on the VOC and for keeping us so well informed. Thanks.

Mayor Kinnally: Yes, it certainly is a positive thing for all of us. And the other communities have pitched in as well.

David Skolnik, 47 Hillside Avenue: I realize this is out of order, but is it possible for me to speak?

Mayor Kinnally: We had public comment already.

Mr. Skolnik: I understand that. Can I explain why I did not speak at that time?

Mayor Kinnally: What do you want to talk about?

Mr. Skolnik: The reason I refrained from speaking during public comments was because I thought that my question might have been answered by the Village Manager's comments, and it was not. I simply wanted to know whether a report from the Safety Council had reached the Board as yet.

Mayor Kinnally: Yes.

Mr. Skolnik: Is there some response at some point the Board would be making in any form? It is not on the agenda.

Mayor Kinnally: No, it is not on the agenda. We have the report. We usually act on recommendations from the Safety Council if those recommendations are for us to do something positive. The report from the Safety Council was that we not do anything in this instance.

Mr. Skolnik: Correct.

Mayor Kinnally: We have the report. I will await reaction from my board on the report if they want to do anything.

Mr. Skolnik: That clarifies what my next steps would be in dealing with the issue. But I needed to understand the procedure.

Mayor Kinnally: Do you have a copy of that report?

Mr. Skolnik: No, I did not get one.

Mayor Kinnally: Come in and we will give you a copy. We would be happy to.

Village Manager Frobel: I will see that he gets one.

ADJOURNMENT

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