

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
JUNE 3, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 3, 2008 at 8:13 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:** Eight (8).

**PRESENTATION** – New York State Department of Transportation - Ravensdale Bridge Renovation

**Mayor Kinnally:** The New York State Department of Transportation is going to renovate Ravensdale Bridge. This project has been on the boards and has been promised to the Village for a number of years. We have with us this evening Tiffany Dupree Roland A. Belay from STV, Incorporated.

**Roland A. Belay, Engineer, STV, Inc.:** There are a couple of officials from the New York DOT, if you want to introduce yourselves to the Board of Trustees as well.

**Dave Bennett, NYSDOT - Region 8:** I am the regional structures engineer. Asghar Ali is project engineer for this project.

**Mr. Belay:** STV has been retained by the State of New York to perform this study. The name of the project is replacement of Ravensdale Road over the Saw Mill River Parkway. The project is located between Clinton Avenue on the west side of Ravensdale Road, and then Saw Mill River Road on the east side. The bridge spans the Saw Mill River Parkway. The bridge was constructed in 1936, at which time there was also a railroad there which is now the local trailway. Passenger service on the railroad was abandoned in 1958, and freight was abandoned in 1980.

The roadway consists of the bridge and a concrete box culvert. It is approximately 36 feet long. The roadway on the west end of the project has steep embankments on both the north and south sides of the road. The trailway also passes under the bridge structure. The existing bridge is approximately 180 feet long and is a two-span bridge.

The state's process of inspecting bridges has determined that the bridge is deteriorating and in need of repair or replacement. Our project is assessing alternatives of improving safety

conditions for motorists and pedestrians. The state's inspection indicated that the rating is a 3.875 out of 7, 7 being a brand-new bridge. If it is over 5 the bridge is considered in good condition. If it is less than 5 it is considered deficient. A rating of 1 is serious deterioration. So the bridge is at a point that something needs to be done to it.

As you can see from the picture, concrete has been falling off the bridge. The steel members under the bridge are rusting, and the roadway is cracking and settling where it meets the bridge. The object is to provide a safe highway crossing so there are no structural deficiencies and, if there is a new structure, as a minimum it would last 30 years, minimizing any kind of maintenance repairs required for it. Whatever we do we would maintain continuous levels of service of traffic both on Ravensdale Road and on the highway underneath it.

The roadway has a substandard sight distance along it, which is something we would want to improve. The sidewalks are deteriorated and falling apart, and are three feet wide, which is considered substandard. The hand railing also is nonconforming to a normal bridge structure. The sidewalk is not continuous. It exists on the bridge, but does not go down to either Route 9 or up to Clinton Avenue.

This is a schematic of what the structure looks like. We would be replacing the bridge in kind. If it gets replaced, the bridge comes down, a new one is built in place. However, the bridge would be lower in height. I believe the original clearance under the bridge was because of the railroad underneath it, which is no longer needed. So by reducing the height you also improve the sight distance along the roadway.

We have developed three alternatives: no-build, rehabilitation, and bridge replacement. Under the no-build, there would be no structural capacity improvements. The pavement condition would have no improvements. The pedestrians would be limited to the small sidewalk. Only routine maintenance would be performed. But at some point in time the bridge would have to be rehabilitated or replaced. Looking at rehabilitation of the bridge, again, the structural capacity would not be worked upon. There would be some safety and pavement condition improvements. Some non-standard, non-conforming features would be fixed, but some would remain in place. And again, at some point in the future the bridge would have to be replaced. Rehabilitation would take about 18 months.

The third alternative has three sub-alternatives. One would be replacing the bridge exactly in the same center line where it is; one is shifting it slightly to the north; and one is slightly shifting it to the south. A new bridge would improve the structural capacity, improve safety, and eliminate the non-standard and nonconforming features. Construction also would take 18 months, during which time traffic would be maintained continuously over the bridge. The

new bridge would be wider to accommodate two lanes of traffic during construction. It would eliminate all the substandard features, and there would be a right-of-way easement on the property on the northwest corner just during construction. If the bridge is built to the north we would hold that south edge, and the bridge would be extended to the north side, so the center line would move north. This too would eliminate the nonstandard features, keep traffic traveling continuously through construction, and also provide an improvement at the intersection of Ravensdale Road with Route 9-A. It is a little more of a perpendicular intersection. Again, there would be right-of-way easements to the adjacent property.

If the bridge was replaced to the south, again doing everything the previous alternatives did, there would also be minor improvements to Route 9-A. We have not gotten into a detailed design, this is only a preliminary study, we believe there may be very minimal easements or any kind of property takings. The top illustration shows the existing bridge. The second illustration shows the bridge in the same center line but widened approximately five feet on each side. Alternative 3-B, which moves the bridge to the north side, is moving it 10 feet, making the bridge wider 10 feet to the north. The south end stays the same. Alternative 3-C is the exact opposite.

During construction traffic would travel across the bridge on the northern half. The hash marks on the right side of the bridge, that piece would be removed or demolished. In the bottom illustration the new bridge is constructed. That would be the first stage of construction. During the second stage, traffic is moved to that newly-constructed piece of bridge. You can then remove the old portion of the bridge, reconstruct it, and at the same time open up traffic. Sidewalks are maintained throughout. Once you build this piece you move the traffic back and renovate the sidewalk, which has already been built but not on the roadway itself. It was used as a road, so now you build the sidewalk and have your finished product. So by staging it this way traffic would be maintained, people could use it, pedestrians and bicyclists can cross the bridge. It is a minimum disruption to the Village.

We are doing preliminary engineering now. We are developing a draft design report and meeting with you. After this, the Village has indicated it would like us to have a public information meeting. At that time we would have display boards in more detail. After that meeting, STV would make a recommendation of the preferred alternative. If everything is in order, the state would then issue us the go-ahead to go into final design. We expect construction to begin in spring of 2010 and could be completed in 2011. It is two construction seasons. We would probably award the contract in late 2009 so the contractor could do the work, and complete it by spring, 2011.

**Trustee Goodman:** In all three alternatives, the center, the north, and the south, they will still permit traffic to travel on the bridge?

**Mr. Belay:** Yes.

**Trustee Goodman:** I live in the Ravensdale neighborhood south and west of the bridge. My neighborhood is connected to the bridge by Ravensdale Road. Currently there is no way for anybody in the Village to get to the South County Trailway. We have to drive and park at a county facility at Farragut Avenue. I was wondering if there was any way to make a pedestrian staircase off the bridge down to the South County Trailway.

**Asghar Ali, Project Engineer:** We were considering giving access to the trailway from Ravensdale Avenue. Recently I learned from Westchester County that there is a development project north on 9-A Just next to that they are providing access to the trailway.

**Trustee Goodman:** That plan is linked to a developer who has not broken ground. I have no indication as to when, or if, he is going to break ground.

**Mr. Ali:** I talked to the person responsible, and he told me he is taking care of access to the trailway in the project so we should forget about that.

**Trustee Goodman:** Is there a way for us to say not forget about it? That trailway will help his development and those residents at some future date, where your staircase would immediately, in 2011, guarantee to let all of Hastings who reside on the west side of the parkway use the trailway. So who would I have to speak to?

**Mr. Belay:** We will investigate that. That would be something the Village would maintain?

**Trustee Goodman:** I do not know. My colleagues would have to speak to it. But when I realized you were on the agenda I started digging through my files and I have these other plans.

**Mayor Kinnally:** I assume it would have to be not only a stairway, but a ramp, to be compliant with ADA.

**Trustee Goodman:** I do not know if the trailway is compliant with ADA, Lee. And let us not raise that issue.

**Mayor Kinnally:** It is a substantial issue, especially if people are going to be bringing bikes.

**Trustee Goodman:** I am asking for pedestrians. The Westchester County South County Trailway, if you look on the web site, is called a multi-purpose trail.

**Mayor Kinnally:** I understand. I am just saying it probably would be a dual use. It would be not only a staircase, but there would have to be a ramp there.

**Trustee Goodman:** Well, I do not know that. But why can't we investigate and not be precluded?

**Mayor Kinnally:** That is why I am raising it right now.

**Mr. Bennett:** We can investigate a stairway. But as the alternative for ADA, this could be done in the future. The first stage could be evaluate putting stairs at the Ravensdale Bridge. And then to accommodate ADA, in lieu of building the ramp, the access could be off of 9-A. A ramp at 20 feet high would be substantial. Then to have an access or a new parking lot, and access to the trailway probably 500 feet up the road, would not make sense.

**Trustee McLaughlin:** I fully join in what Trustee Goodman is asking you. If there is a stairway must there be a ramp?

**Mr. Bennett:** I think the difference for ADA is that we would not preclude ADA. And accommodating ADA, we could say that it would be future access. There are other accesses through the trailway for someone in a wheelchair to accommodate ADA, right?

**Trustee Goodman:** Anybody who wants to use it can drive to the Farragut Avenue parking area. There is also access and a parking area at Lawrence Avenue. There are different places along the route that are ADA compliant. But there is a big push for people who are not handicapped to walk more. And currently we are pretty much cut off by the Saw Mill River Parkway and the Saw Mill River so it would be something that would be good.

**Mr. Bennett:** We are willing to investigate that. We are asking the Village to work with us in acknowledging, or accepting, that there are other locations that ADA could be accommodated for access to the trailway.

**Trustee McLaughlin:** You mentioned access off 9-A. I occasionally walk along 9-A and it is not a place I would want my small child to be. When Ridge Hill opens, that intersection is going to be much more heavily used. I do not think we can be that sanguine about saying it is just 500 feet up the road. It is going to be just 500 feet up a much busier intersection. The other point Trustee Goodman was making is that we do not know that that development will ever happen, and if a development takes place it might not be residential. And the idea of that structure being built, the access being built, assumes that it will be built and will be residential. I would hate to have you not go along with this idea because of that.

**Mr. Bennett:** No, I am not saying that. What I am saying is that we will evaluate access with a stairway. It would be a substantial structure to build a ramp at that location down to the trailway. We are talking about ADA, not having a stairway, and eliminating access.

**Mr. Ali:** Can I answer your question about the probability of the project's development? Recently we received an IPP, Initial Project Proposal, from Westchester County. We received a copy so that means they are working on it. The manager there told me that they are providing access very close to Ravensdale so there is no need to have additional access. We were thinking of providing ramps to the trailway starting from Route 9-A, the intersection around there. We were bringing the ramp from Route 9-A, maintaining the 5% slope very close to Route 9-A, to the trailway. So it will be a very long part for access to the trailway. We had that originally in our plan, but after talking to the manager in Westchester County he sent me some maps. He said that as they are providing access very close to Ravensdale we should not take it up. After that we dropped it from our project. But we understand that some of you want access for the staircase so we will consider it, as Dave said, and after giving consideration talk in the next meeting about that.

**Trustee Goodman:** I just hope we would not stand in the way of the staircase for a ramp when there are other points of access.

**Trustee Swiderski:** I do not know how much of your design work is on the intersection of Ravensdale and 9-A, and I do not know if this has necessarily been emphasized. There are two different commitments to that intersection in terms of funding pots of money. One of the commitments is this developer with money toward signaling at that intersection. Also, out of a settlement over Ridge Hill came a substantial pot of money for work on ameliorating problems at that intersection as well. If you are covering any work at that intersection, you should incorporate the fact that two different nongovernmental bodies have committed monies to helping fix signaling and traffic issues and you include that in your planning.

**Mr. Belay:** Currently we are replacing the bridge, and the roadwork involved is to accommodate that bridge, so we would not be touching the intersection. We would bring the roadway to meet the current configuration, which would allow any of those two developers to be able to do what they said they would do.

**Trustee Goodman:** One of the issues we are going to be taking up later is how to move bike traffic from the South County Trailway up to other paths or areas, including the Old Croton Aqueduct in Hastings. I know you said the bridge was going to be wider. Would that accommodate a bike lane?

**Mr. Belay:** By widening the bridge we will provide two lanes of traffic that are 12 feet wide in each direction and also a shoulder that is approximately six feet on each side of the roadway. It is not a dedicated bicycle striped lane, but the shoulder width is sufficient to allow bicyclists to travel the bridge at the same time as vehicles.

**Trustee Goodman:** The state has a big undertaking called Rails To Trails and they are trying to link up the different trailways to the railway stations, Ravensdale Road is our only point of connection to anywhere near the bike path. At this point the bikes would have to come off at Farragut Avenue and then take a stretch of 9-A, but some of the more extreme bikers already do that to get over to 9-A. So it would be helpful if you could look at that.

**Mr. Belay:** Are you asking for a dedicated paved, striped bicycle lane?

**Trustee Goodman:** Yes, if it is possible. It is certainly in keeping with what the state is trying to do, and that is Rails to Trails. That is the South County Trailway, and this is the only access route. There used to be pedestrian bridges over the Saw Mill Parkway and River from the old railway station, and that was demolished some years ago. Since that time that area has been cut off essentially. It is becoming unsafe. And thank you, Trustee McLaughlin, for connecting the dots. Because we do have Ridge Hill, and perhaps the Village should take a position with the county that a staircase further up along the road is going to be better in light of what is going to be happening with the trailway and the closeness of it to the Ridge Hill traffic that we are expecting to see at the intersection of 9-A. So forgive me for considering you a bird in the hand, but you are and I thank you for working on this. Ravensdale Bridge, for my neighborhood, is both our front door and our back door, so thank you.

**Mr. Belay:** I have a sheet that I will hand out to each of you which summarizes some of the major points. If you have any questions in the meantime you are welcome to give Mr. Ali a call. At the information meeting we can accommodate the community's questions.

**Village Manager Frobel:** We are thinking about July 10 at the Community Center.

## **APPOINTMENTS**

**Mayor Kinnally:** Following are the liaison appointments

Affordable Housing  
ARB  
Arts Council  
Beautification

Jerry Quinlan  
Lee Kinnally  
Diggitt McLaughlin  
Jerry Quinlan

Chamber of Commerce	Diggitt McLaughlin
Conservation	Peter Swiderski
Deputy Mayor	Rotating among Trustees according to seniority
Disabled	Danielle Goodman
Draper Review Board	Peter Swiderski
Economic Development	Danielle Goodman
Finance Committee	Diggitt McLaughlin and Danielle Goodman
Fire Department	Lee Kinnally
HRTW	Diggitt McLaughlin
Library Board	Lee Kinnally
LWRP	Lee Kinnally
Newsletter	Danielle Goodman
Parks and Rec	Peter Swiderski
Planning Board	Peter Swiderski
Police Commission	Lee Kinnally
Public Health	Danielle Goodman
Quadricentennial	Diggitt McLaughlin
Safety Council	Jerry Quinlan
School Board	Jerry Quinlan
Senior Council	Danielle Goodman
Village Officials'	Peter Swiderski / Diggitt McLaughlin
Youth Council	Jerry Quinlan

**Vision Plan:**

Waterfront	Lee Kinnally
Village Core	Danielle Goodman
Residential Areas	Diggitt McLaughlin
Parks, Trailways and Public Spaces	Peter Swiderski
Large Land Tracts	Jerry Quinlan

**Mayor Kinnally:** We have a number of appointments to boards and commissions. This is an incomplete list. We have not finished going through everything, and I was not able to contact everybody.

Advisory Committee for the Disabled Architectural Review	Joan Walsh, term ending April, 2011 Mitch Koch, Bennett Fradkin, terms ending April, 2011
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Economic Development	John Dougherty, Nina Cangiano, Elliott Weiner, terms ending April, 2011
Library Board of Trustees	Thom Forbes, term ending April, 2013
Parks and Recreation	Kevin Dawkins, term ending April, 2011
Planning Board	Patty Speranza, term ending April, 2013
Public Health Board	Jeffrey Dyke, term ending April, 2011
Safety Council	Joe Rodriguez, term ending April, 2011
Senior Citizen Advisory Board	Eleanor McGinagle, Jack Gavin, terms ending April, 2011
Tree Board	Dr. Fred Hubbard, Jennifer Lee, terms ending April, 2010
Village Arts Commission	Bruce Levy, term ending April, 2013
Youth Council	Pat Spana, term ending April, 2011
Zoning Board of Appeals	Mark Leaf, appointed to permanent position, David Forbes-Watkins, terms expiring April, 2013

**Mayor Kinnally:** I thank everyone for their time and effort in volunteering for our community.

### **APPROVAL OF MINUTES**

**Trustee McLaughlin:** Page 20, “Suburban” should have a capital S because the Chief was referring to a car. Page 25, Chief Sarfaty’s name is misspelled.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Regular Meeting of May 20, 2008 were approved as amended.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 82-2007-08	\$237,709.12
Multi-Fund No. 83-2007-08	\$ 533.93
Multi-Fund No. 84-2007-08	\$ 60,115.81
Multi-Fund No. 1-2008-09	\$ 21,004.20

## **PUBLIC COMMENTS**

**John Gonder, 153 James Street:** I want to tell you I paid my taxes for the first half and the second half yesterday so give me a little leeway here.

We had a great Memorial Day parade two Sundays ago. It was nice seeing the Dobbs Ferry High School band march in the Memorial Day parade. I give those students a lot of credit for giving up their Sunday. Speaking of Dobbs Ferry, I notice that they passed an ordinance on the blowers. Their law in no way prohibits electric leaf blowers, as the board believes that electric blowers cause no air pollution and are quieter than gas-powered models. The violators include the operator of the leaf blower and the owner of the property.

I think you should reconsider something about your blowers. I remember, Mr. Mayor, you broke it up into sections like the time, the months, and the days and how many. Mr. Quinlan said three or four gas ones, and you said four. I think Mr. Swiderski was the one that was adamant against electric blowers. Then a meeting goes by, and one of my favorite Trustees brings up something for people with disabilities. I was more interested in deer populations and buses and didn't think too much about it. But now I have stuff like this in my yard. It is the flower of oaks that I am surrounded by in the park, Pulver's Woods. This is blossoms from dogwoods. I have 36 Dogwoods. I like to feed the birds traveling south; they eat the red berries. I have a back injury. I have had L-5 removed. I have arthritis and muscle dystrophy. I could get a doctor's permit but I have too much pride. I would never ask for a permit to let me use an electric blower.

I met a fellow at the Memorial Day parade and he told me to use the blower as a vacuum machine. I hooked it up, and it is not that noisy. I can use that machine as a vacuum and suck it up and it works fine. Same motor, same noise. So I am saying to the Board why, if I hook it up as a vacuum cleaner, I cannot use it. But then I am thinking, I am going up on a 12- or 20-foot ladder with a bag and sucking it up rather than with just the little blower. I contacted Sears and Home Depot to find the decibel level of a pretty good-sized electric blower. None of them have it; they are supposed to get back to me.

You should reconsider about these blowers. Late April through May this stuff comes down, it gets in your driveways, it gets in your steps. I think maybe you are city slickers, and I am not using that derogatorily. I am saying that because I think you do not do this type of work. You work in the city, make a fair living, come home and have somebody else do it. Well, I have to do everything myself: homework, cooking, cleaning. And anything that makes it easier for me you should help me. The doctors are trying to keep me alive, and I think you are trying to demise me because you are making it more difficult for me to live. I hope you reconsider it.

**Mayor Kinnally:** Thank you, John. We had indicated that this is a law that will evolve, and we will revisit it periodically. It has been in effect for three weeks and, as usual, the people in our Village are not shy about expressing their opinions. I caught an earful over the weekend while I was working in my yard, slicker than I am.

**David Skolnik, 47 Hillside Avenue:** Would you once more explain to me about the crossing guard budget, and whether that item comes from the Village budget or the school budget.

**Village Manager Frobel:** It is in the Police Department budget, which is part of the Village budget.

**Mr. Skolnik:** The reason I am confused is, in reviewing the transportation workshop, I thought that it was stated the police administer the program but that it came from the school budget. But next year when we are going into the budget period, if it is something that I and other people are looking to at least promote or look at, it would be in the Village budget that it would be introduced.

Would it be possible to get the joint meeting of the Village and Board of Ed into the calendar? Is there a reason why it does not happen?

**Village Manager Frobel:** You are talking a little subcommittee that gets together twice or three times a year? Those meetings are intermittent.

**Mr. Skolnik:** I realize that, but is it not open to the public?

**Village Manager Frobel:** Yes.

**Mr. Skolnik:** So when they are scheduled I am asking whether they could be in the announcements.

**Mayor Kinnally:** Yes, to the extent that we know about we will publicize it.

**Trustee McLaughlin:** In that case, Mayor, we are having a meeting at 8 a.m. on Monday, June 16.

**Trustee Quinlan:** Correct. At the school. We do not exactly know where in the school. But David, any time you want to know when that meeting is, walk two doors down, knock on my door, and ask me and I will let you know.

**Mr. Skolnik:** This could be the last item, and I guess it is a challenge if you take it that way. I have been coming to these meetings, probably this is the third season, and I brought this up usually around the same time every year. Is it possible for the air conditioner squeak to be addressed?

**Village Manager Frobel:** We have tried repeatedly. We will try again. In fact, I was speaking to one of the engineers who was here tonight about it. He seems to think it may be a louver up there that is loose. We have tried every which way possible to correct it, but it is very frustrating for all of us and we have tried without any success.

**Mr. Gonder:** If I hook up my blower to the vacuum system, am I in compliance that I can run that any time of the month, any time of the day, long as I do not meet the decibel level? Am I correct? This is a technical question and I think I am right.

**Village Manager Frobel:** I will have to give it some thought. I do not know.

**Trustee Goodman:** Can I offer something, and Marianne can interpret the law. One of the intentions of also banning the electric blowers had to do with the amount of particulate matter it was blasting into the air. By that, I mean for people with dust allergies, pollen allergies and the like, that the leaf blowers add to the particulate matter. So to the extent that this sucks in the particulate matter into a bag, we will let our lawyer. But that was my recall of our legislative history.

**Mayor Kinnally:** We will give Marianne time to look at that, and we will be back to you.

**Village Attorney Stecich:** The box that you bought it in, what does it call it?

**Mr. Gonder:** Electric blower/vacuum. I have contacted Sears, and it is a different machine.

**Mr. Skolnik:** In addressing that issue, you might want to make sure you check in terms of the micron size and what kind of filter the vacuum uses, because you could have a situation where you are blowing some of the particulates back out into the air.

### **53:08 LOCAL LAW NO. 7 OF 2008 – BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

**Mayor Kinnally:** Marianne, we put this over from last time because we had not heard from the Zoning Board. Have we received a report from the Zoning Board?

**Village Attorney Stecich:** Yes, both the Planning Board, which I talked to last time, and the Zoning Board recommended the Board's adoption of it, with a couple of changes. On page 4 of your resolution, which is Section 15, it reads: "If the Building Inspector determines that a building permit was issued in error because of incorrect, inaccurate, or incomplete information . . ." Somebody raised an issue, and it struck me that better language would be: ". . .if the Building Inspector determines that a building permit was issued in error, *or that it was issued on the basis of* incorrect, inaccurate, or incomplete information, or that the work violates the chapter. . ." I think that makes more sense because otherwise it is pretty limited.

The next change is on page 6, at the top, where it says: ". . .that is determined by the Building Inspector or the Fire Inspector to be contrary to any applicable provision of this chapter, the New York State Uniform Fire Prevention and Building Code. . ." take out the *or*, ". . .the State Energy Conservation Construction Code, *or any other applicable state or local law.*" That is throughout most of it. I just did not pick it up there.

Then there is one other one that is similar to the first one. On page 9, Section 25: "If it is determined that a certificate of completion, certificate of occupancy, or temporary certificate of occupancy was issued in error, *or on the basis of* incorrect, inaccurate, or incomplete information. . ." I do not think any of these are substantive changes.

**Mayor Kinnally:** I am going to ask the Board's indulgence that we not read this. This was the subject of a public hearing and there were no public comments. Are there any comments from the Board or the public?

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 7 of 2008 amending the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York, **With Respect to Requirements for Building Permits and Certificates of Occupancy as follows:**

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 295-99, Subsection B(1) shall be amended to read as follows (new language *in italics*; deleted language ~~stricken~~):

- B. (1) The Building Inspector shall keep a permanent record, including all pertinent maps and plans, of all building permits, *certificates of completion*, and certificates of occupancy and of all applications for building permits and certificates ~~of occupancy~~.

Section 2: Section 295-99, Subsection B(3) shall be amended to read as follows (new language *in italics*):

- B. (3) The Building Inspector shall make a monthly written report to the Village Manager and the Board of Trustees in which (s)he sets forth the number and type of building permits, *certificates of completion*, and certificates of occupancy issued and lists the status and disposition of all reported violations of this chapter.

Section 3: Section 295-100 shall be amended to read as follows (new language *in italics*):

- A. No person shall construct, reconstruct, alter, renovate, demolish, enlarge, move or remove any building or structure, or any portion of any building or structure, without a building permit, nor shall any person occupy or use any building, structure or premises, or any portion of any building, structure or premises, hereafter constructed, reconstructed, altered, renovated, demolished, enlarged, moved or removed, without a certificate of occupancy *or a certificate of completion*.
- B. Except where the Board of Appeals granted a variance pursuant to § 295-146, no building permit, *certificate of completion* or certificate of occupancy shall be issued for any building, structure or premises where the construction, reconstruction, alteration, demolition, renovation, enlargement, moving, removing, use or occupation thereof would be in violation of any of the provisions of this chapter.
- C. *No building permit, certificate of completion or certificate of occupancy shall be issued unless the proposed and completed work is in substantial conformance with the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.*
- D. No building permit, *certificate of completion* or certificate of occupancy shall be issued until the applicant has complied with all of the provisions of this chapter, including, without limitation, obtaining any approvals required by this chapter from the Planning Board, the Board of Appeals and the Board of Trustees and complying with any conditions to which those approvals are subject.

- E. Any person who fails to apply for a building permit, *certificate of completion* or certificate of occupancy as required by and in accordance with this chapter and who proceeds to construct, reconstruct, alter, renovate, demolish, enlarge, move or remove a building or structure or any part thereof, or who proceeds to occupy or use such a building or structure or a part thereof, or who proceeds to occupy or use or change the use of land, shall be in violation of this chapter.

Section 4: Section 295-101, Subsection A(2) shall be amended to read as follows (new language *in italics*; deleted language ~~stricken~~):

- A. (2) All applications for building permits shall be made to the Building Inspector in writing, with ~~five~~ *three* copies, on official forms by the fee owner of the property.

Section 5: Section 295-101 of the Zoning Code shall be amended to add the following new paragraph (3) to Subsection A:

- (3) *All applications for building permits shall be accompanied by three sets of construction plans that define the scope of the proposed work.*

Section 6: Paragraphs (3) through (7) of Section 295-101, Subsection A shall be re-designated paragraphs (4) through (8).

Section 7: Section 295-101, Subsection A(4)\* shall be amended to read as follows (new language *in italics*; deleted language ~~stricken~~):

- (4) All applications for building permits, except those for signs, shall be accompanied by ~~five~~ *three* copies of a layout or plot plan, drawn to scale, showing:

Section 8: Section 295-101, Subsection A, paragraph (4)\* (c) shall be amended to read as follows (new language *in italics*; deleted language ~~stricken~~):

- (4) (c) The exact size and locations on the lot of all existing and proposed buildings, structures ~~and~~ , alterations , *wells and septic systems.*

Section 9: Section 295-101, Subsection A, paragraph (5)\* shall be amended to read as follows (new language *in italics*; deleted language ~~stricken~~):

- (5) All applications for building permits shall be accompanied by a written statement by the applicant *demonstrating that the applicant has complied proposed work will comply* with all of the applicable rules and regulations of all governmental agencies having jurisdiction over the subject of the application, *including, but not limited to, the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.*

\* As renumbered

Section 10: Section 295-101, Subsection A, paragraph (6)\* shall be amended to read as follows (new language *in italics*; deleted language ~~stricken~~):

- (6) Applications for building permits to construct new buildings or additions to existing buildings shall be accompanied by ~~five~~ *three* copies of an accurate survey prepared by a licensed engineer or land surveyor.

Section 11: Section 295-101, Subsection B, paragraph (3) shall be amended to read as follows (new language *in italics*):

- (3) If a building permit is issued, it shall show on its face the use for which the permit is granted, any variances granted by the Board of Appeals and any conditions imposed by the Planning Board, Board of Appeals or Board of Trustees. *The building permit shall include the directive that the Building Department shall be notified immediately in the event of changes occurring during construction.*

Section 12: Section 295-101, Subsection B, paragraph (4) shall be amended to read as follows (new language *in italics*):

- (4) Upon issuance of the building permit, the Building Inspector shall return one approved copy of all submitted documents to the applicant, appropriately endorsed, and forward one approved copy to the Village Assessor. *The applicant shall maintain one set of the documents at the work site so as to be available for use by the Building Inspector.*



Section 13: Section 295-101, Subsection B shall be amended by adding the following new paragraphs (5) and (6):

- (5) *All work shall be performed in accordance with the construction documents that were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive.*
- (6) *The building permit must be visibly displayed at the work site and remain visible until the authorized work is completed.*

Section 14: Section 295-101, Subsection C(1) shall be amended to read as follows (new language *in italics*):

- (1) Subject to the provisions of Subsection C(3) below, a building permit shall automatically lapse and become null and void if construction, pursuant to the building permit, has not begun within 12 months after the issuance of the building permit or if construction is not completed within 24 months after the issuance of the building permit. Completion of construction shall mean that all conditions necessary for a certificate of occupancy *or certificate of completion* have been met

Section 15: Section 295-101 shall be amended by adding the following new paragraph:

- D. *If the Building Inspector determines that a building permit was issued in error, or was issued on the basis of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates this chapter or the Uniform Code or the Energy Code, the Building Inspector shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of this chapter, the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of this chapter, the Uniform Code and the Energy Code.*

Section 16: Subsections D and E of Section 295-101 shall be re-designated Subsections E and F.

Section 17: The following new section 295-101.1 shall be added to the Zoning Code:

**§ 295-101.1. Construction inspections.**

- A. *Work shall remain accessible and exposed until inspected and accepted by the Building Inspector, the Fire Inspector, or their designees. The permit holder shall notify the Building Inspector when any element of work described in subdivision B of this section is ready for inspection.*
  
- B. *The Building Inspector, Fire Inspector, or their designees shall inspect the following elements of the construction process where applicable:*
  - (1) *Work site prior to the issuance of a building permit;*
  - (2) *Footing and foundation;*
  - (3) *Preparation for concrete slab;*
  - (4) *Framing;*
  - (5) *Building systems, including underground and rough-in;*
  - (6) *Fire resistant construction;*
  - (7) *Fire resistant penetrations;*
  - (8) *Solid fuel burning heating appliances, chimneys, flues or gas vents;*
  - (9) *Compliance with the State Energy Conservation Construction Code; and*
  - (10) *A final inspection after all work authorized by the building permit has been completed.*
  
- C. *After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with this chapter, the New York State Uniform Fire Prevention and Building Code or the State Energy Conservation Construction Code. Work not in compliance with any applicable provision of this chapter, the Uniform Code or Energy Code*

*shall remain exposed until such work shall have been brought into compliance with all applicable provisions of such code, reinspected, and found satisfactory as completed.*

Section 18: The following new section 295-101.2 shall be added to the Zoning Code:

**§ 295-101.2. Stop work orders**

- A. *The Building Inspector and Fire Inspector are authorized to issue Stop Work Orders pursuant to this section. A Stop Work Order shall be issued to halt:*
- (1) *Any work that is determined by the Building Inspector or the Fire Inspector to be contrary to any applicable provision of this chapter, the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, or any other applicable state or local law without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work, or*
  - (2) *Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Building Inspector or Fire Inspector, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work, or*
  - (3) *Any work for which a building permit is required that is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.*
- B. *Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Building Inspector or Fire Inspector, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions that must be satisfied before work will be permitted to resume.*

- C. *The Building Inspector or Fire Inspector shall cause the Stop Work Order, or a copy thereof, to be served personally or by certified mail on the owner of the affected property, the permit holder, or the person responsible for the work at the job site. The Building Inspector or Fire Inspector shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.*
- D. *Upon the issuance of a Stop Work Order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work that is the subject of the Stop Work Order.*
- E. *The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in Subdivision A of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under this chapter or under any other applicable local law or New York State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.*

Section 19: The section title for § 295-102 shall be amended to read as follows (new language *in italics*):

**§ 295-102. Certificates of occupancy; *certificates of completion*.**

Section 20: Section 295-102, Subsection E is re-designated as Subsection A and amended to read as follows (new language *in italics*):

- A. *Requirement of certificate of occupancy or certificate of completion; effect.*

- (1) A certificate of occupancy shall be deemed to authorize, and is required for, initial, continued and changed occupancy and use of the building, structure or land to which it applies.
- (2) *A certificate of occupancy or a certificate of completion shall be required for any work that is the subject of a building permit.*
- (3) The certificate of occupancy *or certificate of completion* shall continue in effect as long as the building, structure or land, and the use thereof, remain in full compliance with this chapter; with the requirements and conditions of any site plan approvals, variances and special use permits; and with all the other applicable laws, including, without limitation, any applicable building, plumbing and electrical codes.
- (4) Upon the service of notice by the Building Inspector that any building, structure or land, or any use thereof, violates the provisions of this chapter or any other applicable law, *including the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code*, the certificate of occupancy *or certificate of completion* for that building, structure, land or use shall immediately become null and void.

Section 21: Section 295-102, Subsections A through D shall be re-designated Subsections B through E.

Section 22: Section 295-102, Subsection B (as renumbered) shall be amended to read as follows (new language *in italics*):

- B. Applications. All applications for certificates of occupancy *and certificates of completion* shall comply with the requirements of *this chapter*, the New York State Uniform Fire Prevention and Building Code, *and the State Energy Conservation Construction Code*, and shall be made in writing on official Village forms and shall be filed with the Village Manager, and shall be accompanied by a fee in an amount set by the Board of Trustees pursuant to § 295-152 of this chapter.

Section 23: Section 295-102, Subsection C (as renumbered) shall be amended to read as follows (new language *in italics*):

- (1) Within 10 business days after an application for a certificate of occupancy *or certificate of completion* has been filed, the Building Inspector shall make all inspections necessary to ensure that the building, structure, premises or use for which the certificate is sought complies with this chapter, *the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and all other applicable chapters of the Hastings-on-Hudson Code.*
- (2) Within five business days after the Building Inspector has completed those inspections, the Village Manager shall either issue the certificate of occupancy *or certificate of completion* or deny the application and shall forthwith notify the applicant in writing, of the Village Manager's decision. That notification shall either be delivered personally or sent by certified mail, return receipt requested, or any other method of delivery providing proof of delivery.
- (3) If the application is denied, the Village Manager shall state, in writing, the reasons for the denial.
- (4) If the certificate of occupancy *or certificate of completion* is issued, it shall state that the building, structure or premises, or the relevant part thereof, and the proposed use thereof are in complete conformity with this chapter, *the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and all other applicable laws the enforcement of which the Village is charged with.*

Section 24: Section 295-102, Subsection E (as renumbered) shall be amended to read as follows (new language *in italics*):

- D. Temporary certificates. Under such rules and regulations as may be established by the Board of Trustees, a temporary certificate of occupancy may be issued by the Village Manager for part of a building for a stated period, not to exceed six months, except as provided in § 295-51 above. *In no event, however, shall a temporary certificate of occupancy be issued unless the Building Inspector determines: (1) that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely; (2) that any fire protection equipment that has been installed is operational; and (3)*

*that all required means of egress from the building or structure have been provided.*

Section 25: Section 295-102 shall be amended by adding the following new subsection:

*F. If it is determined that a certificate of completion, certificate of occupancy or temporary of certificate of occupancy was issued in error or on the basis of incorrect, inaccurate or incomplete information, or for any other reason, and if the relevant deficiencies are not corrected to the satisfaction of the Building Inspector within such period of time as shall be specified by the Village Manager, the Village Manager shall revoke or suspend such certificate.*

Section 26: All provisions of the Village Code that are inconsistent with this local law are hereby repealed.

Section 27: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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

**57:08 APPROVAL OF LEASE AGREEMENT WITH MetroPCS NEW YORK, LLC**

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign a lease agreement with MetroPCS New York, LLC for a term of five years for use of 7 Maple Avenue for wireless communications, subject to final approval of the application before the Planning Board.

**Village Manager Frobel:** I brought this matter to the Board's attention a few weeks ago. At that time you instructed us to go back and iron out some final details with the vendor. We are at a point now where those suggested changes have been incorporated into the agreement and we are looking for your authorization to proceed. They still have to go before the Planning Board. Rather than have them go to that expense and time without at least an intent

from the Board to move forward would be foolish on their part, and that is where we are at this evening. Marianne, do you want to highlight your suggested changes?

**Village Attorney Stecich:** The Board should understand it is essentially a 25-year lease; it is a five year lease with four automatic extensions. It is not like at the end of one year you could say no, but there are certain reasons you can opt out of it if you need it for municipal purposes. We had a lot back and forth over the last few weeks with the lease agreement. MetroPCS was generally pretty agreeable. The draft lease you had, though, is not the final. I just got the final today because we were still negotiating. Let me pass out, which I just got about 6 o'clock today, Exhibit B. You are leasing them space on the roof to put up what is shown on Exhibit B. A lot of what is on there is already there. The significant thing is the second page because that shows what it is going to look like from the side. The new things are indicated as proposed with an arrow.

**Mayor Kinnally:** This is the view from the north.

**Village Attorney Stecich:** One of the things that I insisted on was that if there is any interference with police or fire antennas they have to stop. I said if it is not fixed in 48 hours; you have to give them a reasonable amount of time. There was a provision that made the Village responsible that there not be interference from other carriers. I said we cannot be responsible for that. We can say that any future carriers not interfere, but we cannot be responsible because the Village could be liable for any losses suffered because of the interference. So we got those out.

The specific changes are in several places where they talk about changes being able to be made upon written approval of landlord. We had inserted "*and subject to Planning Board approval*" so it was clear they need Planning Board approval for everything. There was something that any modification cannot exceed the weight of the original installation, which was language we insisted be put in there. I also added "*or height*"; that the weight or height cannot be any different. Any change would have to be approved by the Planning Board and the Board of Trustees.

On the insurance provision, paragraph 7, we had some difference between standard requirements. I would just suggest that Susan run this provision by our risk manager to make sure it is okay. I am sure it is fine because it looks like enough insurance. One provision that I did not speak with her about is this change because I got this very late today, but it has got to be in and I do not think they will disagree, that if insurance is not maintained, the lease can be terminated immediately. We cannot run the risk of having anything up there that is not insured.



In Section 8, on the interference, as I mentioned we insisted that the language come out that the landlord will cause such interference to cease within 24 hours, and recognize that there could be interference by police and fire.

This is the last change, on 17. They have to remove the facilities if they are not going to use them; if they are going to give up the lease. This was language we insisted be put in. Then I had another provision added that if they do terminate the lease they not only have the obligation to remove it, but they have the obligation to continue paying rent until it is off. There is also a bond to make sure it is off.

Those are all changes they will agree to. Even if the Board approves the lease tonight they still need Planning Board approval, and that is one of the conditions of the lease. So if they do not get Planning Board approval the lease will not go through.

**Trustee McLaughlin:** I am questioning that we are entering into a 25-year contract.

**Village Manager Frobel:** May I clarify that. It is a five-year term. It is renewable four times, for five years, and you have a 90-day notice not to renew. As I indicated in my first memo it is a 25-year deal, but you have 90 days to notify them that you are not going to renew it.

**Village Attorney Stecich:** No, Fran: unless the tenant notifies the landlord.

**Mayor Kinnally:** The tenant. It is not us.

**Village Manager Frobel:** Oh, it was my understanding it is us to offer the 90-day notice.

**Village Attorney Stecich:** *“Upon the same terms and conditions, unless the tenant notifies the landlord of the intention not to renew.”*

**Trustee McLaughlin:** So we are stuck with them for 25 years?

**Mayor Kinnally:** Was that not your understanding?

**Village Manager Frobel:** That was not my understanding.

**Mayor Kinnally:** We have to go back to the drawing board if that is the case because it is clear: it is their option, not our option.

**Village Manager Frobel:** Yes, it has to be both ways, and that was my understanding when I reported it.

**Village Attorney Stecich:** Does the Board want to approve it subject to their agreeing to that?

**Trustee Quinlan:** I do not.

**Mayor Kinnally:** I think it is a pretty substantial item.

**Village Manager Frobel:** I clearly understood a 90-day notice.

**Mayor Kinnally:** It also puts a little pressure on them. Is that all right? We will table this to our next meeting.

#### **58:08 SALE OF EXCESS VEHICLES**

**Village Manager Frobel:** A few meetings ago we sought your approval to dispose of three vehicles. We received two bids; one bidder wanted to buy two of them. We think the prices are fairly reasonable to what their value is. The '93 Chevy is not roadworthy. The other two vehicles will require some extensive repairs to make them safe. So we are recommending that we be allowed to move forward and dispose of those as requested.

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 approve for sale by sealed public bids received on May 28, 2008 the following excess Village vehicles:

1993 Chevrolet Caprice Joel Cornell	\$300.00
1998 Ford Crown Victoria Liberty Motors, Jersey City, NJ	\$413.99
200 Ford Crown Victoria Liberty Motors, Jersey City, NJ	\$656.99

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

### **59:08 AUTHORIZATION TO SELL EXCESS VEHICLES**

**Village Manager Frobel:** These are two vehicles that the Village owns. One is the emergency van, a 1990 international class bus acquired in 2001. It was purchased with the notion that it would be a mobile command center. It has been used a few times since we bought it at a price of \$35,000, but there is quite a debate among the fire chiefs as to whether or not we should retain it. It sits in the garage and is not being used. There appears to be a market for it, but the price that was offered seemed low. I am asking permission to see if we should at least determine if we can sell it and get some value out of it. Otherwise it is going to sit there and rust and dry out because it is not used. I am uncertain as to whether or not we should, but I am asking permission to test the water. The one offer we have had for it, and Chief Bannon has been trying to solicit some proposals, was \$9,000, which is unfortunate on a \$35,000 vehicle. But again, it is a 1990 vehicle so it is getting pretty old already.

The second issue is the ambulance. You approved purchase of a new ambulance. Our thought initially was to trade in the old one. We were told by the successful bidder we would be better off selling it outright. We have received one verbal offer of \$3,500 for it, and on the trade-in we would get about \$3,000. But even that is a question because, in my opinion, that may be a better mobile command center than the bus.

I am asking for approval to see if there are some takers, if there is a reasonable amount of money we could acquire for disposal of these two vehicles. But I may come back and tell you that in further conversation with the chiefs maybe we should retain them a little longer and see if there is some functional purpose where we can use them.

**Mayor Kinnally:** Giving you flexibility.

**Village Manager Frobel:** That is what I am looking for. If someone came in with a price that was so wonderful for that bus that we felt we could put more money into the ambulance and make it more practical as a command center, that may make some sense. If we get a very low price of, say, \$9,000 for it we may wish to keep it a little longer and see if it serves some purpose. It is very big and bulky. It does not lend itself to going up some of the

narrow streets in the Village. It is a vehicle that can be parked at Village hall if we needed to or some use like that, but I am really up in the air about it.

**Trustee Goodman:** The Citizen Corps last week had a meeting, and we had Lisa Hale from Westchester County who is part of the emergency response team. I think she might have expressed some interest. Do you know if we have reached out to the county office of emergency management to see if they might want to take it off our hands?

**Village Manager Frobel:** I do not know the extent of what Chief Bannon has tried to do. I know he has talked to other chiefs and placed an informal notice in one of their publications, but I do not know if he has contacted them.

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 declare the following as excess vehicles and authorize the Village Manager to sell same by public bid:

1990 International Mobile Instructional Unit

1989 Ford Ambulance

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

### **60:08 APPROVAL OF NON-UNION PERSONNEL SALARIES**

**Mayor Kinnally:** I asked that this be taken off the agenda and be the subject of an executive session on personnel immediately following our meeting this evening.

### **EXECUTIVE SESSION**

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

### **61:08 SUMMER MEETING DATES**

**Mayor Kinnally:** Traditionally the Board has scaled back the number of meetings that it has in July and August for a number of reasons. First, we have conflicting vacation schedules, and certainly in the month of August there are not too many people around in our Village. But some colleagues have asked that we reconsider this.

**Trustee Goodman:** I am not in favor of meeting once per month in the summer. I voted for it last year, with great personal reservations not shared because I had no experience and just relied on what has become custom and practice. I thought, in hindsight, it was not wise to do that. The public's business does not take a vacation. I think we had two extremely unwieldy and long meetings in July and August that would have been better done if spread out. If we were all caught up and up to date I might feel differently. But we have the LWRP, that has been pending. We have a long to-do list, and even if you looked at the last five summers that is 10 meetings and it makes me wonder if the LWRP would have been passed.

I have a long list of loose ends. The lack of a waterfront strategy for Exxon Mobil. Last year at this time we were wrestling with Con Ed, and there is a need for a tree law. There are infrastructure issues: should we or should we not purchase a new hook and ladder; should we or should we not look for ways to fund it other than the taxpayer. There are outstanding issues with the Conservation Commission. We asked them to look into pesticides; we have not done that yet. They have asked us whether or not we want to sign on to ICLEI – Local Governments for Sustainability; we have not looked at that. Budget going forward, cost-bearing measures. Floodplain, something I asked: that we look at the special protection measures we could have passed which would give people better flood rates. Parking plan workshops. I would like to propose that we discuss some way of handling conflict resolution. There are outstanding personnel issues. Also Parks and Rec, the quarry. Where do we stand on that?

**Trustee Quinlan:** I agree with Danielle. We can keep to our regular schedule. And if people have to miss a meeting because they are on vacation, and we have a quorum, the business can continue.

**Trustee Swiderski:** I will be on vacation in July for a couple of weeks, and days throughout the summer, as will a lot of people. A number of the items raised are ones that require public input. Between missing Board members, and a public that is not able to attend in the same numbers that they might do if those issues are raised outside of the summer, it leads me to

wonder if it is prudent or wise, because we effectively shut out those who take time off in the summer, and I do not know if that is fair.

Somehow the Boards have, over 50 or 60 years, managed to get by with a meeting a month in the summer. I do not know if I am eager to break the tradition, especially given that summer schedules mean a lot of people will not be able to attend these meetings. It may be for that very reason that we were cut back to once a month.

**Trustee McLaughlin:** My summer plans are up in the air right now. I will be gone at the end of June so I am not sure I will miss any meetings so far, but that is really beside the point. If I had a list of unfinished business it would at least be as long as Danielle's, and I felt last year that we were not well served by sticking with tradition and having only one meeting a month. I agree with Danielle that the meetings we did have were unwieldy. We had stuff piled up in September; I think in October we were still dealing with stuff that we could have dealt with during the summer.

I would rather miss a meeting myself than wind up with the kind of surplus business we had carrying us into October. I do not think the public is well served by that gap. I also think that this year, and the next several months, we may face some kind of economic crisis and I would like us to be prepared to address it. I cannot even think what might happen, but the fact that we do not know what might happen means that we should be prepared to come in and discuss things in public just in case.

**Mayor Kinnally:** Any time there is a matter of urgency we can always have a special meeting, and we have done that in the past to cover a number of issues. But if the sense of the Board is that we plow ahead and have a full slate of meetings, we will be not be at full staff but we will soldier on. Our schedule would be July 1 and 15, and August 5 and 19.

**Trustee McLaughlin:** And then is there a three-week gap before our first meeting in September?

**Mayor Kinnally:** Yes, because we usually, tradition holding, do not have it the day after Labor Day, for a number of reasons.

**Trustee McLaughlin:** Which would be the better way to handle that gap before Labor Day? Have a longer gap in early August or in late August? I guess it does not really matter.

**Mayor Kinnally:** I do not think it matters. The attendance is going to be slim during that period of time, especially in the month of August. So there is no reason to have a resolution

because we will continue with our meeting schedule of the first and third Tuesdays of the month, subject also to availability if we need special meetings.

## **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** The Kinnally Cove project is nearing completion. The remaining item is installation of a guard rail. Just a question of some fabrication to get the contractor out, but he will be out here very shortly and then we will be complete. We have ordered some picnic tables and some items to be placed in the park area of the cove.

I met with Mr. Tanzman today to discuss the planned parking for those residents traveling to the Farmers' Market by vehicle who are disabled. Although he is reserving final judgment, he seemed satisfied with the proposal we have now put forth: that is, to allow two parking spaces on the paved area in the parking lot for those disabled residents. Mr. Tanzman will be here Saturday morning to see it first-hand, and then he will give his final opinion. I came away from the meeting with the feeling that we have satisfied his observations about the need to make that very clear and accessible for those disabled participants. He had some helpful suggestions in terms of parking and the flow of the traffic there. So it was a very profitable meeting.

We need some reaction from the Trustees for the list of streets to be part of our paving program. We are participating with the Town of Greenburgh, trying to join with them and other communities to bid that package. But we have narrowed a list of streets that we think are good candidates. They are only estimates. We have measured and listed, but we are trying to put together a list that would spend the money we received from the state under the CHIPS program and our own contribution from some borrowing money. I will circulate that and get some reaction from the Trustees this week.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Update on the Waterfront**

**Mayor Kinnally:** We are still awaiting a report on the testing that is being done. I do not know, have you seen anyone in the river, Fran?

**Village Manager Frobel:** I have not.

**Trustee Goodman:** Mr. Mayor, I did see a rig.

**Mayor Kinnally:** In the river? Working? Okay, good.

**Trustee Goodman:** It was just before the Memorial Day holiday and it was more towards the southern end of ARCO's property as opposed to the north corner, but I think they were testing fields all along there.

**Mayor Kinnally:** Joe Sontchi is coming to town. Peter and I are meeting with him on a number of issues, and that is one of the items that he is supposed to report on. They have had good weather, and I hope they have been getting in there to do some testing and we can move this thing along.

We have to consider having a dedication at the cove. When everything is finished, and we get the rails and the picnic benches in, we will do that.

**Trustee Goodman:** I do have a request, and that would be the next time Joe comes to town that you start to rotate us into the meetings. It is appropriate for everybody to get a learning curve, and so far I have not been to any of the meetings.

**Mayor Kinnally:** It is a good point. One of the things that Peter and I had talked about last time is being followed up this time, but we are more than happy to bring people in. Peter has been the only one who has met with Joe up to this point.

**Trustee Quinlan:** The meeting I attended down in the city, was Joe at that meeting?

**Mayor Kinnally:** I do not think Joe was there. I think it was Dave Kalet. This is before Joe.

**Trustee Quinlan:** There were about 10 or 15 people at that meeting. I did not know if he was on the list or not. I cannot remember. Danielle did make a good point. I attended a meeting and I learned a lot. Peter is going to the meeting tomorrow night, and I am sure he will learn a lot. Diggitt and Danielle would enjoy it and learn. It is very interesting and important.

**Trustee Goodman:** I read a piece in the paper this week having to do with Exxon Mobil. The original company was Standard Oil, the Rockefellers. There is a portion of Rockefeller shareholders who are decedents of John D. who are environmentalists, 66 of them to be exact. They are pushing the company to become more green. I would suggest that we start to think about the south end. We have been focusing on ARCO because there is a cleanup in place and a responsible party. But this article took pains to point out that Exxon's total sale



last year exceeded \$404 billion, so I think they can afford to clean up the waterfront in a more expeditious fashion.

We are sitting here holding the bag, and I hope that one of the things we take up sooner rather than later is to figure out a strategy to put pressure on both the state and on Exxon to get moving. Our residents expect it, they deserve it, and they want to see us doing more than we have been doing. I hope we start to talk about it, read the documents in the library, and figure it out.

**Trustee McLaughlin:** There was also article on an ARCO cleanup in the West. Part of the article dealt with ARCO's cleanups in general, their budget and so on. I am not sure we have ever mentioned up here the fact that ARCO does not exist except as a subsidiary of BP specifically for remediation. There is no other purpose to ARCO's existence now except to remediate its old sites. People in the community have talked about approaching BP for one thing or another having to do with environmental issues, and it appears that BP does not pay attention to ARCO. It was not responsible for the pollution and, except for the fact that ARCO is its subsidiary, it is not engaged. It does not consider itself engaged with Hastings-on-Hudson. I am wondering, given the visibility of our village and the site, if we should not be somewhat more public than we are in publicizing what is happening in Hastings.

**Mayor Kinnally:** Publicizing to BP?

**Trustee McLaughlin:** Publicizing it to the world so that BP knows we are here. It would be more useful to us for BP to know we are here than for people in a somewhat dead subsidiary to know that we are here.

**Mayor Kinnally:** Sure. What would you suggest?

**Trustee McLaughlin:** Just off-hand? Why do we not talk about it some other time. But I would like to get it on the record that it is something we would discuss.

**Mayor Kinnally:** Okay, sure. Earlier this evening somebody mentioned Ridge Hill and the committee and the pot of money. I spoke with Mike McElroy the other day, and Mike is extremely frustrated that nothing is happening. They have not done anything to move things along. The project rolls on and it does not seem that any of the stakeholders are putting pressure to move this thing forward.

**Trustee Goodman:** Is this the fund of money that has a time assigned to it? Mary Jane Shimsky was pretty adamant that we try to stay on top of this. If there is not a plan in place by a certain time the money would revert to the developer.

**Mayor Kinnally:** That could be. Mary Jane is a member of the committee. We can get r Mike here at one of our meetings and they can give us a status report.

**Trustee Goodman:** I think Mary Jane perhaps withdrew from the committee once she started her position with Assemblyman Brodsky.

**Trustee Swiderski:** She is no longer on it.

**Mayor Kinnally:** If that is the case I have never been notified of that. As far as I know she is still part of it. But if she is not, ask her to give me or Fran a call.

**Trustee McLaughlin:** Could we agree to put this on the agenda for our next meeting?

**Mayor Kinnally:** Sure.

## **2. Update on the Comprehensive Plan Committee**

**Trustee Quinlan:** The Comprehensive Plan Committee has received copies of the Hunter College student project comprehensive plan and the Hastings community survey comments, and both documents are in the library and on the Village web site. The small meetings that are coming up: on June 5 at 7:30 at the Uniontown fire station. The meetings last one hour or less. You discuss the issues and gather any questions or thoughts you have with certain members of the Comprehensive Plan Committee. June 5 at the Farmers' Market, and I urge you to come if you are at the Farmers' Market and participate in the comprehensive planning process. There is no time; it is at the Farmers' Market sometime while it is open. Sunday, June 8, 1:30 to 2:30 at the library in the Barnes Room. The focus of that meeting is on seniors. And there is a community planning meeting, which is a big meeting, at the Community Center, 7:30 to 9:00 on June 18.

## **3. Hillside Woods County Trail Proposal**

**Mayor Kinnally:** Let me preface this by saying I was under the impression that the county was going to be handing out some information sheets for us tonight which would give us a better view of what their current proposal is. I spoke to Jerry Mulligan last week, and then Anthony Zaino called the Village and said he was coming by to bring something along so we would have it.

What they have given us is going to be familiar to people. It is the same thing they used awhile ago. I am not sure exactly where they are, if they have made any substantive changes

to it. I am frustrated. I did speak today to county legislator Abinanti about this, and he was going to try to see where things were. We had a meeting recently: Jerry, Fran, Susan, and Ray Gomes; and Anthony Zaino, Jerry Mulligan and Pat Natarelli from the county planning department They had indicated that they had scaled the project back. I am not sure that the scale-back was after that community meeting.

The purpose tonight was to get a sense from the Board of Trustees what they want to do. Do they want to reengage the county and see what the county has? When I spoke to Jerry Mulligan last week, and Jerry is the head of the planning department at the county, I had, without doing it justice, I am sorry, Diggitt, expressed to him an alternative that had been suggested by you: that there could be access via the Ravensdale Bridge through our Village into the Croton Aqueduct. Without knowing the particulars, he said he will consider alternatives here. They have not said it is our way or the highway, so I think there may be something beneficial to be gained by the Village discussing with them the current status of their proposal and also whether or not they would be receptive to variations on the theme.

Having that backdrop, does the Board was to discuss the general concept of it tonight?

**Trustee McLaughlin:** Mayor, exactly what is the general concept? Because I have heard rumors, and only rumors, that the plan that we disliked so much two years ago . . .

**Mayor Kinnally:** No, this Board has never discussed the plan.

**Trustee McLaughlin:** I thought that two years ago we did.

**Mayor Kinnally:** No. We had a presentation, but we never discussed it.

**Trustee McLaughlin:** The rumor that I had heard was that they wanted to do something different this time, but I have not heard what different is.

**Mayor Kinnally:** Well, that is the problem. I believe the project has been scaled down somewhat. That they still want to blaze trails, that they want to do some shoring up and erosion control; I do not know the extent of it. I do not know if they are talking about using logs, if they are talking about using aggregate, if they are talking about using wood chips, and what they are going to do about blazing the trails. I do not know that looking at that map is going to do it, either. It seems to me it is the same thing we had in the first presentation. Is it modified from the first time? It is? Okay.

But I also do not know if they have rethought it, or the extent to which the connection with the South County Trailway has been designed. That actually does not connect to Hastings. It

is a connection from outside. It would come up across Lawrence and then to the east of the new Dobbs Ferry DPW, and then I do not know where it goes from there. So I do not know. I am disappointed and frustrated.

**Trustee Goodman:** I did some research, and there is an update from the county as of 2007. They have a list of the three kinds of trails they are looking at, a summary of existing and proposed Westchester County trail facilities. There are three types: off-road, multipurpose paths, which is what the Hastings Woods Trail is listed as; and then the hiking trails only; and then road corridor routes. So they are looking at three kinds of entities here, and why we have to be a multipurpose use path . . .

**Mayor Kinnally:** How do they define that?

**Trustee Goodman:** That is multi-use, so it is bikes and hiking as opposed to hiking trails only where bikes cannot go.

**Mayor Kinnally:** Well, that sounds like what happens now though. We have a multipurpose trail now.

**Village Manager Frobel:** I met with Anthony Zaino this afternoon, very briefly. He was on his way to another meeting. He dropped off that map. Anthony is one of the senior planners in the design section with the county. He was present at our meeting, Jerry, you recall. He was also with me two and a half years ago when we held that meeting over the library. That is the same map we had that night explaining the project to the public. I can walk you through it, but I am not sure that is my responsibility in the sense that I can fully interpret what the county has in mind. I can tell you they are very aware of a very sensitive part of the trail, or the park. The woods that it will go through would be a more rustic trail. They continue to want to build the sidewalk with a retaining wall along Reynolds Field, and make some very minimum improvements on those sections that are subject to erosion using water bars and some natural materials. What they would simply like to do is come back here and make that presentation to the Board and get your reaction.

**Trustee McLaughlin:** I thought they were going to be here tonight.

**Village Manager Frobel:** No, this was to be your opportunity to tell us whether you are inclined to invite them to come. I did call them, at Jerry's suggestion, and ask them if they would like to be here this evening. Their schedule did not allow it, but it was not intended to be their meeting. This is the first step. They want to know from the Board would they be invited to come here and make a presentation to you.

**Trustee McLaughlin:** I thought we had dealt with that already and said yes.

**Mayor Kinnally:** No, we never discussed it at the Board here. This Board has never talked about the Hillside Woods Trail. The last meeting that was held in Hastings on this was the public forum in the library.

**Trustee McLaughlin:** Yes, but you have polled us in the last week or so to ask if we were interested individually, and I said yes and I believe Trustee Quinlan did.

**Mayor Kinnally:** That we discuss it, yes, but the county would not come at this point. The county wants to get a better sense, I guess. It is hard to understand exactly what they want.

**Trustee McLaughlin:** If it is exactly the same project that was so unpopular two years ago I assume it would be unpopular now. It certainly would be with me. But if they have changes, I would like to hear what the changes are. I do not want to hear rumors.

**Mayor Kinnally:** Well, let me see if I can break it down into thirds. I will go from west to east. What is the Board's feeling on the county's construction of sidewalks along Chauncey and Reynolds Field, which would hook up with our trail that comes across Fairlane?

**Trustee Quinlan:** So that is the trail that goes through Hillside Park, comes down to the intersection of South Avenue and Fairlane. They are proposing a sidewalk going along Reynolds Field, around the corner, and hooking up to the Old Croton Aqueduct.

**Mayor Kinnally:** Yes.

**Trustee Quinlan:** When I was at the meeting with you it was my impression that there were no changes to this plan. We can go through this, but I have a problem with discussing a plan that they are not even willing to show up and tell us what it is.

**Mayor Kinnally:** It is not that they are not willing to show up. I think they want to get a sense from us, and that is what I am trying to get. If we can just stick with the components we will work our way through it, and we will have a better idea of how to approach the county.

**Trustee Quinlan:** I am in favor of sidewalks and I would not be against that sidewalk. What bothers me is that the total of the whole grant is \$300,000.

**Mayor Kinnally:** No, that was . . .

**Trustee Quinlan:** Do not say no. I was at the meeting, and Fran asked what is the size of the grant. They said it is the same, \$300,000. Fran, is that an accurate description of what they said at the meeting?

**Village Manager Frobel:** That is what they had set aside. That was the budget for this project, at least at that time.

**Mayor Kinnally:** But I am not so sure that that is the budget right now.

**Trustee Quinlan:** But we do not know.

**Mayor Kinnally:** We do not know, but it does not matter.

**Trustee Quinlan:** Well, it does matter. Let me finish.

**Trustee McLaughlin:** It actually does because \$300,000 would just about cover that sidewalk.

**Trustee Quinlan:** It would not even cover it.

**Mayor Kinnally:** That is why I want to keep it in components. If the county has said that we are going to build that sidewalk, and it costs them more then \$300,000, they have to find the additional money. That is why if we are in consensus on different components our bargaining position with the county is much better. So I am going to assume that the budget is going to have to expand to accommodate what the county is selling to us. Let us assume, that there are sufficient funds for the county to build this sidewalk. Do we want that sidewalk built?

**Trustee McLaughlin:** When there was public discussion of this two years ago, I recall quite a few people, parents of young children who use Reynolds Field, coming in to say that in their view, as people who park along there, it is unsafe to park, pull a stroller out, pull a child out of restraints and so on. When I moved here 22 years ago I was doing just that and I thought it was really unsafe. So users of that end of Reynolds Field would absolutely applaud having a safer thing along there. I also remember that some people in the neighborhood were not so keen on it.

**Trustee Goodman:** If someone is offering me something for free I always have to figure, can I afford to maintain it. So first of all, whose property is the sidewalk on? Is that the school district or the Village? If it is the school district they need to be part of this conversation. I will also point out that the trail that is drawn here, and there, does run a

shade into the school district property, and they have never been patched into this conversation. There is their boundary. That goes over the boundary. Would it be our sidewalk to maintain after it is built? Who shovels it, who takes care of the ice and snow liability? Are there trees there?

**Mayor Kinnally:** The school owns Reynolds Field. The question is, who owns the sidewalk. You have the right-of-way, the extension of the right-of-way. I do not know if we own our sidewalks in front of our homes. I know we have responsibility for maintaining the sidewalk and keeping it free. So I do not know.

**Trustee Goodman:** Before we say yes to that component there are a bunch of questions that need to be answered. If we do not have jurisdiction over the sidewalk we are not going to assume the responsibility for shoveling it. And we have other sidewalks to take care of so I am not anxious to take on another one without a thorough fleshing-out.

**Mayor Kinnally:** Let us assume the school said we would be very happy to get a sidewalk there and asked if we were on board. What would you think?

**Trustee Goodman:** I am not anxious to look at it in terms of components. But when you put this question to me I asked for this to be put on the agenda not as consideration of the Hillside Woods path, but as an agenda item to find an alternative for the county to look at.

**Mayor Kinnally:** No, I thought the alternative for the county to look at was access for bikes. That is what I thought the alternative was. The galvanizing force behind this is the county's investment in Hillside Woods.

**Trustee Goodman:** But there is an intermunicipal agreement that, in my reading of it, does not give the county the right to do this.

**Trustee Quinlan:** I am in favor of the sidewalk if that was the only thing they were going to build.

**Mayor Kinnally:** That is the first question.

**Trustee Quinlan:** I am for walkability, I am for sidewalks, and I do not care who takes care of it. If the school does not take care of it, then the Village should take care of it. So I am in favor of the sidewalk. As to the second question that Danielle brought up, it is important that we put to rest the myth that the county and the Village of Hastings agreed to connect what was then called the Old Putnam Rail to the Old Croton Aqueduct through Hillside Woods in the memo of understanding dated 12/30/93. I reviewed it, and the only agreement made

regarding the trail connect can be found on paragraph 12, page 6. I would like to read it to you: *“The Village will provide access through Hillside Par, to and from Hillside Woods and the Croton Trailway State Park, including, without limitation, the development of trails.”* Nowhere is the Putnam Rail Trail, which it was then called, or the South County Trailway, as it now called, mentioned in this agreement. So that myth is gone.

**Mayor Kinnally:** I have asked the Board just to talk about the sidewalk and not to get into the other thing right now because we will never move beyond getting a consensus on the various components. You are right, we will deal with that. But if I can hear from the rest of the Board on the issue of sidewalks, and then we will move on, let us go from west to east.

**Trustee McLaughlin:** Lee, I am curious if the county is going to be willing to entertain segmenting this project.

**Mayor Kinnally:** I do not know if the county is willing to segment it. The county has indicated a willingness to discuss alternatives with us.

**Trustee McLaughlin:** But alternatives to what?

**Mayor Kinnally:** I do not know. We have not formulated the alternatives yet. That is all I can say, and it was not a lengthy conversation with Jerry Mulligan. He said, we will do what we can, we are here to try to work with the communities in which we have an investment in these trailways.

**Trustee McLaughlin:** But there are two different questions on the table. One of them addresses a Lawrence Street connector through an unspoiled part of Hillside Woods, ostensibly to connect with the Aqueduct. The other is simply to discuss any way of connecting the South County Trailway to the Aqueduct. They are very different questions.

**Mayor Kinnally:** No, there is no question about that. I think we are in agreement on that.

**Trustee Goodman:** I agree with Jerry. I am not trying to be anti-sidewalk. I just think your approach of breaking this into components is not the way to go here. Because ultimately the next component you get to, which is Hillside Woods itself, has the same questions. I have the same questions about it as the sidewalk.

**Mayor Kinnally:** Then let us open it up and have a free-for-all. But I do not know how we are going to get the resolution. Let me jump in here and address the issue of the IMA. Jerry, I agree with you. There is absolutely no mention in the IMA of a connection with the South County Trailway. And I think the county will be the first to admit that they do not understand



why it was not in there. Because the contemporaneous documents at the time that came out of the County Executive's office, and some contemporary press reports, indicate that this was part and parcel of the county's comprehensive plan for looking at connecting trailways. My experience and my recollection at the time was that it was a component of what the county was looking at. They said we have this investment in the South County Trailway, and they were looking at the North County Trailway at that point. It was not Jerry at that point. It may have been Lynn Oliva and Andy O'Rourke, talking about the county being interested in working with the communities in building trailways.

So you are right. There is no way that we the county can say to us it is in the IMA. For me, I cannot say to the county there was never an indication or a component when you came in to invest in Hillside Woods that did not anticipate that this would be part of a connector system, with whatever properties or whatever greenspace existed, or would be acquired in the future in the Village of Hastings-on-Hudson. I cannot sit here, whether it is popular or not, as a participant and an advocate at that time, who lobbied County Executive Andy O'Rourke in his office to get this money, who dealt with the county board of legislators and the planning department, it was always in my expectation that there would be some kind of linkage among all of these trails.

I know what the documents say, but in my heart I also know what the understanding, explicit or implicit, was. That the county was not necessarily just doing this out of the goodness of their heart. That it was part of an overall plan that the county had to create this trailway system, this greenspace, and everything we have in place at the present time. To the same thing, that now they are talking about having this pathway along the Hudson River, too, and Rowley's Trail would be part of it etc., it is an evolving, organic thing. But from my approach, and the way that I worked with the county executive in getting this money, it was, if not explicit, implicit. The contemporaneous documents or press releases or stories in the *Times* and in *The Enterprise* indicate that the connector vision was there at the time.

**Trustee Quinlan:** What appears in the newspapers is a lot of times very inaccurate. I have read about my cases in the newspaper and did not even recognize them. So what appears in the newspaper is something that we cannot rely on. As to your memory, I know you have a good memory and I am not doubting that you discussed it. But unfortunately, what some people's intentions and some people's memories are, and some people that are not in office and some people that are in office, and some people that remember and some people do not remember, really do not trump the actual agreement, which has your signature on it, notarized. And as the acting commissioners, let us see who did sign this for the county; the acting commissioner. I have to believe, and I think in any court of law you would agree with me, that this written document would trump anybody's so-called recollection. And it is not contained in here. If it was the intention of the parties to have that as a binding reason for the

county to give us one-third of the purchase price it certainly should have been. So I think I, and the courts, would interpret that it is not in here. This is a contract, this is an agreement. If it is not in here it is not enforceable. Thank you very much for your recollection, but I am sorry there is nothing you can do about it. Would you disagree with that?

**Mayor Kinnally:** I am not looking at it as a lawyer. I am look at it as a public official who had a responsibility on the part of the Village to act in good faith with the county. My recollection and my conscience is all I can go on here. There is also a draft press release from the county executive's office that talks about the same thing. It may be that the judge would agree with you. But in good conscience I cannot sit here, as a responsible public official who was part of the effort to get this money to acquire this property, and say I am going to go against what my recollection of the events and the inducements were, and fall back on language in an IMA. I just think that I have to answer to something, and part of what I have to answer to is what I believe was the issue at the time and what was a good faith approach by the Village and the county to solving a problem that this Village had, and that was the reality of the development of Hillside Woods.

We all scurried around and talked to a lot of people and spent a lot of time trying to put together a package, and the package was put together. The question now is whether or not the Village, the current Village leadership, wants to approach it in a different fashion. I will tell you, as somebody who was part of the process back then, who was part of the Village leadership at that point, it is not my recollection. You can make a decision, but what is in that document is not going to trump what I know in my heart was an approach the Village had at that point.

There are different decision-makers here and I am not saying anyone is right or wrong, but you do not have to go into a court of law. I am just telling you that my recollection is that it was anticipated. It may not have been properly drafted, but it was certainly anticipated at the time. That this would not be an island unto itself, but that there was a selfish, if you will, or a political reason on the part of the county to come to our aid, that is, because it was another piece of the puzzle that the county could put together to construct this access point in this continuous trail. Really not a continuous trail: anybody who is coming off the South County Trailway with their kids on bikes is not going to go up through Hillside Woods to go careening through the woods on mountain bikes.

But it is part of a continuous thread that the county was putting together. Recollections may be different, but I am telling you it is not that I will not listen, but I was there at the creation. I know what was going on, and I cannot look the county in the eye and say to them, come on guys, you did not put it in the agreement, therefore I am going to take the stand of saying stay out of our Hillside Woods. Because, as the county said, it is their Hillside Woods, too.

**Trustee Quinlan:** Hillside Woods is open to everyone. It is open to all residents. I meet people from Dobbs Ferry and Ardsley there all the time so it is not an island unto itself. There is access to it, I think that is important.

But just to change the subject again, one of the things I would like to see from the county, other than exactly what do they plan to do and how much money do they have to do it, is a full Environmental Impact Statement. We have between 50 and 100 acres of woods there, and that woods is not only inhabited by human beings, but is inhabited by many important creatures: birds and all kinds of animals, the vernal pond, Sugar Pond, old forest, new forest. It is a treasure beyond belief. Before we consider anything to do there, the county has to do a full Environmental Impact Statement to show what effects the trails, whatever they may be, big question mark, would have on that. We have some experts that walk there, and we know that development of the trails will fragmentize the woods, and very fragile animal life and bird life, and it will never be the same perhaps.

I am suggesting, before they come to us and give us whatever plan they may or may not have, they do a full Environmental Impact Statement and show us what exact effects it will have on our woods. Then we will consider their proposal. I am not prepared to consider that proposal until I see what effect it is going to have on the plants, the animals, and everything else that comes in contact with the environment.

**Trustee Goodman:** I have the list of birds from Hillside Woods that has been promulgated by the Audubon Society. There are at least 158 species in the count that I found on the Internet. I am sorry I did not bring the minutes, but this matter did come before this Board. After the trail workshop the matter came back and it was tabled after discussion and after there was public hearing and citizen input. That was in 2006, I believe. Some of the people in the audience, and myself at the time, sent a letter off to the state. I do not have the original, but I have a copy. The state was asking about open space. We sent this to remind the state to how precious Hillside Woods is. One of the owners of this woods is the state. It is not just the county and the Village; it is the state. One of the proponents of doing nothing or very little with the woods is an avid environmentalist and one of the park commissioners, Jane Alexander, who lives in Dobbs Ferry and uses the woods. I would say yes to the environmental study. I would urge us to look at every other alternative to route this around the woods. Let us be helpful to the county. That is why I advocated to the state to put the stairway in.

**Mayor Kinnally:** To route what around the woods?

**Trustee Goodman:** To route the Rails to Trails initiative, which this is all part of. You can connect the South County Trailway to the Old Croton Aqueduct without trooping through the woods. There is a route through Hearst Street, there is the option of Ravensdale Bridge. If they build the overpass through the old railway up through Cliff Street there is a route.

**Mayor Kinnally:** The county has not said no, as I indicated earlier.

**Trustee Goodman:** Then we should be prepared to give them a full proposal on what the other alternatives are.

**Mayor Kinnally:** But because the Board did not want to discuss my components, let me throw this in. Forget for a moment the connection with the South County Trailway. The issue also is the erosion remediation and the trailblazing. What do people feel about that, working from west to east? That has nothing at all to do with whether or not it is connected to the South County Trailway. That has everything to do with the county wanting to maintain the trails and counteract some of the erosion. Everybody agrees there has been erosion up there, natural scouring or whatever. The county wants to do something. I do not know what that something is. But whether we route traffic around, through, up, over, or under you are still going to have the issue of the county addressing the erosion factors.

**Trustee Goodman:** As a citizen I had two questions for the county on its original proposal, and I will be asking these if they come before us on this proposal. That is, what are the best management practices to maintain the trail, and what is the cost. They had zero answer the last go-round. I would like to remind us that Hillside as it is, all the erosion and whatnot, is very heavily used. There are people using it and enjoying it. And there are a lot of other things that we have committed to that are not cleaned up, that are not being used, like the quarry. So when we break this down into individual components, like you are suggesting, this is why I am having difficulty, Mayor. I do not think in compartments. I look at the big picture. I am looking ten years down the road, when the quarry has been developed and Hillside Woods is developed.

**Mayor Kinnally:** Hillside Woods is not going to be developed.

**Trustee Goodman:** Not developed, but a new trail system put in, and now some Board is sitting here not knowing how to maintain it, not being able to maintain it. So we have to be wise about that. We have other facilities that are underutilized or not built.

**Mayor Kinnally:** But we have a responsibility under the IMA to maintain Hillside Woods today.

**Trustee Swiderski:** I do not doubt your recollection, and I am not a lawyer and I am not interested in thinking about what would happen if this landed in the courts because that is not a productive ending for this discussion. Ultimately the county gave generously, and I am going to assume with some sort of expectation that they get something in return. And I am going to assume that is why they are here. They have come back to try and get some return on their investment.

I am not inclined to reject their proposal without first hearing it in its new form, if there is a new form. If what they are looking for is are we interested in having them come before us and speak I think everybody here is certainly willing to accommodate the county to come here and have them speak. That does not mean we accept their proposal, but it can be the initiation of a discussion. The county does not just have \$1.3 million in the past; the county is a resource we will have to come to in the future, and might want to come to. In thinking through this issue, ultimately good relations cannot be a small component in how we think this through. It may turn out that in reasoned discussions with the county we may come up with something that reasoning people can agree with here on the Board and at the county that will not be dramatic, that will not be offensive, that may not even go through Hillside Woods.

But all we have to do tonight is simply, as a group, agree to start that discussion. And at least that heads us off in the direction of acknowledging that the county has an interest, that we are responsible co-owners of a property that want to have a discussion about what might or might not happen there, and see where that goes. We can all say let us hear, instead of a wrinkled antique of a document from two years ago, if they have any changes to that. Or an announcement that they are flexible ultimately, then let us hear it. If they are willing to say we will settle for blazes on the trees and a couple of log bars on the steepest parts of the trail so it does not erode so badly, we may as a group decide okay, that is not bad, you get a sidewalk out of it. If they insist on something that is open to bikes, and the community at large does not want that, then the discussion continues. But I would suggest we just wrap it up tonight on this topic, and say let us invite the county and see where we go.

**Trustee Goodman:** Perhaps they could be asked to address our concerns about costs and ownership of the sidewalk so we are not wasting time. You know, there is judicial economy. This was already here in 2006 and tabled.

**Trustee Swiderski:** Absolutely, and anyone can read the minutes from tonight and recognize that if it is that again, word for word, there is no great enthusiasm, to put it mildly. But on the other hand, if it is that because they were so traumatized and do not feel like going through the effort to prepare a whole bunch of new stuff because they are afraid it will be shot down so why bother, but are still interested in talking, then let us start discussion and

see where they are willing to go. Once we get something that we are all in agreement is not crazy, do a proper study on it, and if it is necessary at this point an Environmental Impact Statement, and move on with this.

**Trustee McLaughlin:** When we talk about the county's interest in the park there is an undertone that the county's interest in the park must be some form of development or artificial treatment. Westchester County calls itself the Golden Apple and boasts about all of its resources. Hillside Woods, as it is this very moment, is a good resource for Westchester County. It is something Westchester County can brag that it has. And if Westchester County government wants to change the nature of Hillside Woods I do believe we have solid ground to stand on if we say just the way it is right now it is good for you as a county.

My other point is that I do not think we have a position, as a Board or as a Village, on forest maintenance. There are different views of how to maintain a forest. For instance, if a tree falls what do you do. Do you dig up the root, do you remove the tree, do you use the tree as rain bars, or do you leave it where it fell. There are different philosophies, and I do not believe we have ever arrived at one. I do not remember that we have ever had a municipal conversation on it, and perhaps this is something the Conservation Commission should be addressing. If we are going to decide how to maintain all of our woodlands, or how to recommend to Westchester County that Hillside be maintained, we should have a ground other than simply the way that we four or five people feel about going out on the woods on Sunday.

**Trustee Goodman:** I would add Parks and Rec and the Tree Board.

**Mayor Kinnally:** Let me talk about Parks and Rec because I spoke to Kevin Dawkins today in connection with his reappointment. He said they would like to have a walk-through with county planning to see what they want to do, and maybe we can have a collective walk-through. I will combine that in a message to county planning. Either I or Fran will do it.

**Trustee Quinlan:** am always willing to listen to any proposal by the county to improve village life in Hastings. But it would be prudent to ask them to put their proposal in writing so we can see it in black and white. Then after we see their written proposal, we can determine whether it is economic for our time and our effort and our energy to invite them in to discuss it. I am afraid they are going to come here and it is not going to be as clear as it would be in black and white.

**Trustee McLaughlin:** Last summer one of our problems with those long meetings we had was that we had an applicant who, on a couple of occasions, came in with information we were supposed to take in right on the spot. We cannot work that way.

**Mayor Kinnally:** So we will have them.

**Trustee Quinlan:** Are we going to get a written proposal before they come in?

**Mayor Kinnally:** I do not know. We will have to ask them.

**Village Manager Frobel:** The only danger with that is that it becomes inflexible. That becomes like the minimum. I would think they would want to hear your comment before they would commit totally to their vision of the work. I could just see that as a danger. Once it is in writing it becomes, well, that is what the county wants to propose. And I got the impression they want to be fluid on this.

**Trustee Swiderski:** They could say that in the memo.

**Trustee Quinlan:** Yes, they can say it in the memo. That is a very good point, Peter. They can say here is our proposal at this point, but we are fluid, we are flexible.

**Mayor Kinnally:** And can I send that same message to them? That we are fluid and flexible? You see, we are partners. It sounds like they are a supplicant or an applicant coming before us to do something. They are partners, and they are saying to us, we would like to enhance. I am not buying into everything they are talking about, but it is how the message is sent. We have to say to them, and that is why I was trying to elicit a consensus on where we were on different things, because they are going to say, Lee, give me a sense of where your Board is before we invest more time, and give us a sense of what we can anticipate when we come. I have got a pretty good idea of the latter, but the former I have still got to grapple with.

**Trustee McLaughlin:** Mayor, it is interesting that you use the word “enhance” because there are all kinds of ways of interpreting the word enhanced. There are people who might view enhancing Hillside Woods as laying down asphalt and having neon lights running along the edge of it.

**Mayor Kinnally:** But nobody said that, so let us not make it . . .

**Trustee McLaughlin:** Nobody said that, no. But whatever they call enhancing, if we had a dialogue in the Village on how we believe forests should be maintained we would know more than we currently do about what the Village wants in Hillside Woods. If we ask them to make a proposal we still do not know where we are coming from as a municipality.

**Mayor Kinnally:** Then we will have to develop that.

**Trustee McLaughlin:** Yes, I think we do need to do that.

**Mayor Kinnally:** But we cannot do it in a vacuum. We owe it to the county to at least get them in here to see if we can have a two-way discussion.

**Trustee Quinlan:** Lee, to answer your question, can our message be we are fluid and flexible. Of course we are. We are always fluid and flexible.

**Trustee Goodman:** We are fluid, we are flexible, but we are fiscal conservatives and we would like to know . . .

**Mayor Kinnally:** They are not asking us for any money at this point.

**Trustee Goodman:** But they are asking us for money because they are going to give us something and are going to want us to maintain it. So we want to know . . .

**Mayor Kinnally:** No, they do not want us to maintain it. We have agreed to maintain it. If you look at the IMA that Jerry brought it says we have to maintain it.

**Trustee Goodman:** That is right. I know it says that, and that is why I am concerned about it. That would be factored into what we . . .

**Trustee Swiderski:** Again, this is jumping ahead.

**Mayor Kinnally:** Yes, it is.

**Trustee Swiderski:** We may land up on something like the rebars you see on the trails of the Catskills or the Adirondacks that are maintained by volunteers on a periodic basis. If we are talking about something naturalistic and straightforward like that, Boy Scouts do that. So we are jumping way ahead to a point where we are supposing that it is expensive to maintain. I went through a ridiculous episode once in Hillside Woods where we actually chipped a small portion of it. The first rain and it all washed away. It was pointless.

**Trustee Goodman:** I have done the same thing at Dan Rile Park, and that is why I am so vehement about maintenance.



**Trustee Swiderski:** Do you see we are in accord about something that can get its way back to the county? That we are not interested in high maintenance, so here is one part of the message?

**Mayor Kinnally:** Interesting you mentioned volunteers. Fred Hubbard was here earlier. When I talked to Fred today he told me that he had seven or eight people from the school come down to work on the trailway system. He said it was just fabulous. Not only were they energetic and could do a lot of work at that age, but they took a lot away from the experience. They are invested now in the trail. They may not have known it was there, but it is part of them now, which is good. And that outreach to the school is good, and we can do the same thing.

**Trustee Quinlan:** I am adamant about before the county comes in here and talks to us I want something to study to see what their proposal is.

**Mayor Kinnally:** I heard you, we will get it in writing. It would facility everything before the county comes.

#### **4. Other**

**Trustee McLaughlin:** Both of Hastings High School's academic challenge A and B teams have qualified for the national finals. They will both compete in Chicago on June 7 through the 9. The A team is composed of seniors Julia Wetherell, Julie Polonsky, Takua Sawoka, Allison Elkin, and Sally Howe. The B team, and they are not A and B team because A is better, that is just a way to distinguish between two teams, is seniors Nina Grossman and Ross Nyber and freshman John Paradise, Ben Lerner and Jessie Lieman Sifry. There are 14 additional team members on the C and D teams. The coaches are Mr. McGinnis and Mr. Konig. Hastings has been in the final four nationwide for the past two years, so I am pleased that once again Hastings kids have shown up like that. I hope they come back from Chicago with more great news for us.

#### **ADJOURNMENT**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:35 p.m.