

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 23, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 23, 2008 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Attorney Brian Murphy, and Deputy Manager/Village Clerk Susan Maggiotto.

ABSENT: Trustee Jeremiah Quinlan, Village Manager Francis Frobela.

CITIZENS: Nine (9).

Mayor Kinnally: Trustee Quinlan is on vacation.

PROCLAMATION

The first order of business is to honor someone who has worked for our Village for 20 years who has retired, George Martin. George, welcome, nice of you to be here. George was our crossing guard at Five Corners and also in front of the school complex on Farragut. George, we have a proclamation for you, so let me read it.

WHEREAS, for the past 20 years George S. Martin has been a crossing guard in our village, the last 15 of which found him stationed in front of the Farragut school complex; and

WHEREAS, during that time, George looked after the safety of countless children on their way to and from school; and

WHEREAS, in the process, George became a friend and mentor to the students, and they returned his affection, always showing concern for his well-being; and

WHEREAS, George's involvement in our village extended to his membership in the Veterans of Foreign Wars and his active role in the Memorial Day parade; and

WHEREAS, George exemplifies what makes Hastings the special place it is, and the special people who live and work in our village; and

WHEREAS, the Mayor, the Board of Trustees, and the people of Hastings-on-Hudson salute George for his many contributions to our Village; now therefore be it

RESOLVED, that on the occasion of his retirement, I William Lee Kinnally, Jr., mayor of the Village of Hastings-on-Hudson, do hereby proclaim Wednesday, September 24, 2008 George S. Martin Day in the Village of Hastings-on-Hudson.

Mayor Kinnally: Thank you, George, for all that you have done for us, and have a very enjoyable and healthy retirement. I am sure we will see a lot of you.

Deputy Village Manager Maggiotto: Mayor, may I add that Jen Corso has done a lovely short video of George and we are going to be showing it on W-HoH after this Board meeting. Every time this Board meeting is shown, at the end of it you will see the video of George.

[RECESS 8:10 TO 8:12 P.M. FOR PUBLIC HEARING]

PRESENTATION - ARCO

Mayor Kinnally: Joe Sontchi from ARCO is here this evening. As Diggitt and I reported at the last meeting, we had a meeting with ARCO and Joe a few weeks ago at which he brought us up to date on what has been happening on the waterfront and where things stand with testing, etc. Joe indicated at that meeting that he would be happy to come and give a formal presentation to the Board of Trustees.

Joseph Sontchi, ARCO: We have been doing an extensive amount of work over the last year to try to negotiate through some of the technical issues that we have come across. I would like to give you an update on what we have found. I want to start with some of the historical perspective. What the new data has allowed us to learn is, we have a better understanding of some of the historical processes that occurred on the site and how the material was released into the environment. That is important to understand so you can better come up with a remedy to resolve the issue. [Shows map]

The PCBs are located primarily on the northwest corner of the site where PCBs were used during World War II to coat cables. The orange buildings are the buildings in which PCBs were used, and in the majority of the northwest corner you see relatively shallow contamination, meaning less than 12 feet. That is primarily because of sewers that came out of the buildings. Fans in these buildings dropped particulates on the ground. They used to use this area to store cables after they were coated. So you see a lot of drippage, a lot of

spillage, yet shallow. In this corner, however, things are significantly different. We see contamination all the way down to 35 feet. What we have learned is that this little building was the PCB mixing room. All the PCBs came in in solid form and were mixed, cut, and stored in that corner. What you are probably seeing, because we see the liquid PCBs at depth in here, is either a one-time, very large release or, over time, periodic systematic releases.

The PCB material, the liquid or the resinous materials, appears to be contained in this area. They are on land, and they are also under this riprap offshore. It appears that the material is in equilibrium and is not moving. The riprap material is much more extensive than we had previously thought. This material goes out about 100 feet and, in some places, is about 20 feet thick. So there is a lot of riprap here. As we look at the aerial photos, in the early 1920s there was a very straight corner here, almost 90 degrees. Just before World War II it was a very jagged corner, and then at the end of the war there was a nice arc and it had been repaired. It appears that a lot of riprap was put out here to stabilize that corner. Probably an ice floe damaged it, but the significant piece is that the riprap appears to be a structural element. The importance of that is, if you try to remove it you endanger the stability of that northwest corner and you could also mobilize those PCBs that are trapped underneath it.

As we move to the present, the current remedy, for OU-1 at least, talks about having a sheet pile wall along the edge. The significant issue there is actually two issues. Number one, if you drive the sheet pile deep enough to give it stability you drive it into the basal sand, which creates the potential to drag all this material down and contaminate the groundwater aquifer. If you move the sheet pile wall out slightly you cannot drive it because of all the riprap that is there. If you move it even further out, you are now 100 feet offshore, which creates a whole other set of issues because you now have to fill beyond it and create a large berm to stabilize the wall.

What this data is telling us is that there needs to be a creative way to think about integrating the OU-1 and OU-2 remedies. It provides us with an opportunity to think of how we can move this process forward and look at the site holistically. My concern continues to be that if we continue to treat OU-1 and OU-2 on different tracks we are going to continue to run into technical problems as we move down the road that are going to drag this process out. Regardless of what we do out here, it continues to be our focus that it has to be safe for the community and for the workers, technically sound, and environmentally protective.

The DEC is currently on track. We are hoping to issue a PRAP [Proposed Remedial Action Plan] by the end of the year. We have been explaining this information to them, having conversation with them, and trying to work through what an integrated remedy would look like and how we move that process forward.

Mayor Kinnally: And you are in discussions with the DEC about the remedy?

Mr. Sontchi: Correct.

Mayor Kinnally: And discussions, I would assume, are ongoing inside the DEC with Fish & Wildlife.

Mr. Sontchi: I would assume so as well, yes.

Trustee Goodman: Some of my concern might be historic, but the consent decree was signed somewhere in November, 2003. It is now 2008. I frequently get asked about it, because the economic picture is worsening. The longer this property is not a tax-producing entity for the Village, the county, the state, and the federal government, there are concerns. The public somehow has the impression that the Board of Trustees has slowed up the process or is not doing enough to move along the process. From what I understand, the Village has been forthcoming in doing all it needs to for ARCO and the DEC. Is there something more we could do, or should be doing, to help move the process along?

Mr. Sontchi: As we continue discussions with the DEC this fall, if issues do come up I will be sure I engage you folks.

Trustee McLaughlin: What issues might they be?

Mr. Sontchi: Location of the wall, what this remedy looks like, how we integrate OU-1 and OU-2. You have a site with an environmental issue. What has been done, and it is done on Superfund sites all over, when they made the designation OU-1/OU-2 they literally deeded restricted a line through it. So now you have a singular environmental issue: an offshore piece and an onshore component that start moving on different tracks. People begin to think about how to resolve OU-1, not considering the impact on OU-2, and that is how these technical issues begin to pop up.

Trustee McLaughlin: So the distinction between OU-1 and OU-2 started out as bureaucratic, or artificially imposed on us by the New York State DEC.

Mr. Sontchi: The term “operable” unit under CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund] can be defined in a number of ways. It can be geographic, it can be based on media-soil groundwater, it can be based on if it is as easy to move one piece along as another. So regulators have a broad ability to influence how they define things.

Trustee McLaughlin: I understand why they did it in the first place, but it now seems that that bureaucratic line drawn is almost functioning as a physical wall.

Mr. Sontchi: And that is why we are beginning the discussions with the DEC; we need to look at this holistically and have an integrated remedy so we do not get too much further along on OU-1 and then come to hurdles. The OU-1 remedy got to the 50% design stage and they started looking at all the impacts to the river, and that is where it stopped. They were trying to catch the river piece up to it. If you look at them holistically and say how do we solve the entire problem rather than just pieces at a time, I think that is where the answer lies.

Mayor Kinnally: The Village's position in this is as an interested party, stakeholder, etc. But, and this is from my historical perspective, because of the need for the DEC to have discussion internally as far as reconciling the interests of Fish & Wildlife people and the rank and file at the DEC, we will have to await what they are proposing. But the DEC, I know, is sifting through a lot of this and looking at the results of the testing. I am correct that the testing is completed now?

Mr. Sontchi: It is completed.

Mayor Kinnally: Both OU-1 and OU-2, it is complete.

Mr. Sontchi: For the purposes of developing a PRAP, yes. And I say it that way because when they get to the remedial design stage there will be additional work.

Mayor Kinnally: Because of where they want to put certain things.

Mr. Sontchi: Exactly, but the work is primarily geotechnical at that point: how do you build it and how do you design it.

Mayor Kinnally: And it is defining it, refining it?

Mr. Sontchi: It will look at the constraints around how you build something. So you will be doing soil testing as opposed to chemical testing.

Trustee Swiderski: You say that a PRAP will be prepared this year and it is the latter half of September. I realize it is asking you to speak ahead of the release of a PRAP, but are you able to say anything on some of the thoughts about a unified solution? I would imagine that it is well along the way if you want to have something ready by the end of the year. And can you speak about the process beyond the PRAP, give us some sense of how the schedule you see is unfolding.

Mr. Sontchi: The DEC will issue the PRAP. We will provide them with input, called a feasibility study. We will give them a range of options to consider, some of the technical insight, and they will use that information, or not use that information, and develop a PRAP. Once the PRAP is issued, they will go through a public comment period and then issue a ROD [Record of Understanding]. My understanding, talking with the DEC, is that they were hoping to have a ROD issued by March because they normally have a three-month window in between. Then it is up to us to begin the design phase. The ROD will speak to the number of days we have to prepare a remedial design plan and will spell out some other terms. The next step will be to collect more information on how we design it. One of the things that we have talked about with the DEC is shortening the design phase of the project. There is a lot of latitude on how this happens, but on some sites you will go through three different sections of design, where you submit a preliminary 35- or 40% design, then go to a 60% or 75% design into a 95%, and then to 100%. The conversation that we have had is, can we shorten that process to go right to a 75%, and give you more information up front?

Trustee Goodman: I am trying to mesh what is in the consent decree with this process. On page nine there are alternatives. Alternative one says if the DEC selects remedy one, then you dig seven feet. It has to do with PCBs that are seven feet below, etc. There are five alternatives. So are we there, have we been there, is this done?

Mayor Kinnally: We are not there yet.

Trustee Goodman: So when will this be done? Is that the ROD?

Mayor Kinnally: Probably after the ROD, because in speaking with Mark Chertok, and maybe even Joe, we have more data at this point that may have to be revisited.

Trustee Goodman: You mean renegotiated?

Mayor Kinnally: Everybody may have to take another look and see whether or not it fits within the engineering data that we have at this point, and part of it is the feasibility.

Mr. Sontchi: You talked about the excavation, seven to nine feet. Actually, nine feet was the selected remedy in this area. To be able to dig to that depth you need to put the wall along the shoreline. That is where the issue came in. If you put the wall in, the only way to get it to stand up is to drive it deep enough into the sand because the silt does not have any stability. That is why I talked about the importance of integrating these remedies so we can avoid some of the technical issues down the road.

Mayor Kinnally: Much of the bulkhead is done in the south end and has been done for a number of years. It is not done in the north end because of a number of these issues.

Trustee Goodman: So the riprap poses a further problem to the bulkhead?

Mr. Sontchi: The riprap does because if you try to move the bulkhead offshore you cannot go through it. And then you have the DNAPL onshore, so if you go through it you are going to drag that stuff down. That is the challenge, how you engineer around that.

Trustee McLaughlin: You have said the riprap goes offshore as long as 100 feet. Is the riprap on the map shown proportionately?

Mr. Sontchi: Yes, it is.

Trustee McLaughlin: So what you are now saying is that if this were the path followed, the retaining wall would have to be built out beyond that riprap, and then there would have to be something built outside that.

Mr. Sontchi: That is correct.

Trustee McLaughlin: To support the wall while you work inside.

Mr. Sontchi: And to support the wall permanently, yes.

Trustee McLaughlin: It would be permanent. So in other words you would not only have to do all that work out of the river, but you would have to then provide a mitigation somewhere else along the river for all the displaced river space.

Mr. Sontchi: That is correct.

Mayor Kinnally: That is part of the debate with Fish & Wildlife.

Trustee McLaughlin: I thought it was established square yard by square yard.

Mayor Kinnally: No, there is a big debate with Fish & Wildlife because you would be covering up areas where the spawning grounds are.

Trustee Swiderski: Any discussion about the survival of the structures on the waterfront? Has that opinion changed with any of the recent testing?

Mr. Sontchi: My focus the last couple of months has been on trying to get this issue on the waterfront resolved because where we put the wall could have impacts all over the site. As we move through that process, that is the correct time to begin to look at some of the structures.

Trustee McLaughlin: It would be the DEC that would have to make the decision to approach the site holistically. You can only appeal to the DEC for them to combine OU-1 and OU-2.

Mr. Sontchi: That is correct.

Trustee McLaughlin: They drew the line in the first place, and now they are the people who have to remove it.

Mr. Sontchi: That is correct.

Trustee McLaughlin: So far, in your view, will it be safer and more efficacious to have a holistic solution?

Mr. Sontchi: Yes.

Trustee McLaughlin: So you can sell that view to the DEC.

Mr. Sontchi: I think so. Just so you are clear on my position, they may not ever erase that line. But the important part in the thinking process is to not let one get too far ahead of the other, and at least as you go through the engineering and figuring out what the remedy is, think about them together. I think that is probably much easier for them to do regulatorily.

John Gonder, 153 James Street: When do you think the cleanup will be completed. In what year, 2020? And BP actually owns the property, if I am correct. ARCO is part of BP. What is BP going to do with the property once it is cleaned up?

Mr. Sontchi: When it will be cleaned up depends on what the eventual remedy looks like. You probably have at least two or three years in the design phase alone, and then the remedy goes out after that. Like I said, it all depends on what you eventually do here.

Mr. Gonder: It looks like maybe 2020?

Mr. Sontchi: It will be several years.

Mr. Gonder: What will BP do with the property once it is cleared up?

Mr. Sontchi: We would like to put this property back into beneficial use for the community. We do not develop property, we do not typically hold on to property.

Mr. Gonder: You will sell it.

Mr. Sontchi: We would like to find a solution that benefits the community the best.

Cyndy Travis, 427 Warburton Avenue: Are you a science guy or a civil engineer guy?

Mr. Sontchi: My degree is in geology and business management.

Ms. Travis: I am wondering if the overall solution of how this is cleaned up is dependent on what the final use of the land is. Is there any benefit in having it not be up to residential level, if it is light industry or something, or not a part where there are people digging gardens in the yard and rolling in the grass. Is there any difference in that in type of treatment?

Mr. Sontchi: It will not factor largely into what is done in terms of the remedy. You may have more cover/less cover type issues. So there are some issues around the ultimate use of the property.

Ms. Travis: So does Hastings thinking about what we would like to see happen there affect the time frame or the result of what is decided in cleanup?

Mr. Sontchi: It will not affect what happens here significantly.

Ms. Travis: When you clean up, are you taking stuff out or are you encapsulating it? The stuff that is going down really deep, are you planning on scooping it out?

Mr. Sontchi: It will be a combination of both. The current remedy on the table calls for, in this northwest corner of the site, excavating to about nine feet, then the remainder of this to 12 feet. A significant amount of excavation occurs. To speak to the depth part, there are some technical constraints on how far you can dig because at that point you would be significantly below the river level.

Ms. Travis: You mentioned the aquifer. So there is a whole problem of breaking through into an aquifer? I did not realize there was one.

Mr. Sontchi: There is a sand layer down below. There is a marine silt layer, which is essentially the bottom of the river, about 35 feet. And about 40 feet below that there is a sand layer, which is a regional aquifer.

Ms. Travis: So there is a chance that if you break through too far this ruins the aquifer running underneath it?

Mr. Sontchi: That is the concern.

Mayor Kinnally: That is the argument that ARCO has been making to the DEC, why they do not want to pierce that.

Ms. Travis: Has this type of cleanup ever been done before?

Mr. Sontchi: Yes.

Ms. Travis: Can you give me one example where?

Mr. Sontchi: A digging type?

Ms. Travis: I mean, on a river that runs this fast. The Hudson is a very speedy river.

Mr. Sontchi: Components of this type of remedy have been done in a lot of places. Each one of the sites presents its own technical challenges and unique issues. Obviously, the Hudson presents a lot of technical issues and challenges.

Ms. Travis: I am just imagining trying to dig out above a river. Because this is landfill, correct?

Mr. Sontchi: It is all fill, yes.

Ms. Travis: It is all fill, so underneath it there is still something of a river. Or does it go all the way down to that sand?

Mr. Sontchi: No, it is called this marine silt layer, which was the top of the riverbed before they started to fill it.

Ms. Travis: Do you think this is possible to actually get finished?

Mr. Sontchi: Yes, it is. And we will finish it.

Mayor Kinnally: I will be reaching out to the DEC to monitor this. To the extent that you have anything to report, we would be happy to have you back.

Mr. Sontchi: Thank you for the opportunity.

APPOINTMENTS

Mayor Kinnally: Appointed for a term expiring in 2013 to the Planning Board, Edward Dandridge. Appointed to the Conservation Commission, Darcy Lis-Beglane and Mary Lambert. Reappointed to the Conservation Commission, Jacques Padawer and Ron Cascone. I thank everyone who has been appointed and reappointed for all of their hard work, and I thank people who continue on boards and commissions for everything that they have done. David Hutson has now stepped off the Planning Board. Ed Dandridge is taking his place. Susan, how many years was Dave on the Planning Board?

Deputy Village Manager Maggiotto: He was not even sure, but I think it is about 18 years.

Mayor Kinnally: His service was just extraordinary. So our thanks to him for his many years of service and his extraordinary accomplishments and contributions to our Village. He joined the Planning Board after having served one or two terms on the school board, so he has truly been a public servant. I thank David for all that he has done.

APPROVAL OF MINUTES

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Executive Session of September 9, 2008 were approved as presented.

Mayor Kinnally: In the minutes of the Regular Meeting of September 9, 2008, there is a question as to something that Marianne Stecich said. She is not here tonight, so we will get that clarified and put the approval over to our next meeting.

APPROVAL OF WARRANTS

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

Multi-Fund No. 26-2008-09 \$119,478.46
Multi-Fund No. 28-2008-09 \$170,699.40

PUBLIC COMMENTS

Mr. Gonder: This is the last time I will bring it up, about the deer. We had Jacques Padawer several weeks ago give a nice report about the deer. I know the Trustees cannot do anything, but I thought the Mayor has extraordinary powers when it comes to health, welfare, and safety of the citizens of the community. I am in dire need of help. In the last three years I had four deer ticks on me. One was 11 days ago cutting a little grass. My two grandsons had deer ticks on them, one last year and one this year. My son-in-law had Lyme disease, but I do not think he got it from my yard.

Every day I chase deer out of my yard. I am picking up droppings, as many as 10 a day. It is something that we have to do. I know Jacques Padawer mentioned Lyme disease. We hear there is one incident per month. He also stated that deer double in population every two years. I also found a statistic that there are more deer in the tri-state area than there was in the whole country in the 1850s. I do not believe in the politicians, such as Greenburgh, or county, state, or federal. I do not believe in the DEC. I think most of these politicians are either crooks or sex addicts and do not care about people like myself. I would rather go back to the old time when we had wooden ships and steel men and women and they worked hard for the dollar, and not what we have today: people trying to take the dollar from other people any way they can. So Mr. Mayor, you are the only one that can do something about it. Because my health, safety, and welfare is really being hurt. I wish you would do something, and if you cannot then I am going to have to take things into my own hands.

Mayor Kinnally: I share your frustration on this. We have reached out to the and reached out to the DEC. This is a problem that far exceeds both our resources and our reach, unfortunately. We could do something here, but it is not going to solve the regional problem. It is certainly is a health and safety issue, not just with Lyme disease but also with other items having to do with traffic. All of us have deer problems. I do not think there is anyone in the Village who does not get visited from time to time. I do not know what I can do. You certainly do not want me out there with a shotgun. But we try to work with our neighboring communities and we try to work with the state. We brought this to the state's attention a few years ago. One of the prime areas where the deer stay is the Aqueduct, and the DEC would not address the situation. So we try to go up the ladder with the county, with the state, and we are not getting very far. I do not know what to do.

Trustee Swiderski: Jacques Padawer did mention that he had written in draft form a report, or at least his committee that he worked with, and that report is heading toward a shape where it will be distributed sometime in the next month. We would like to see it circulate in

the other villages because, theoretically at least, we could band together and come up with a Greenburgh solution that would largely address the problem, at least for some reasonable period of time. We will see what happens when his report comes out and is circulated. I have seen a draft of it. It is 140 pages worth of stuff about deer. It is all you could ever need to know, including all the possible remedies and why some work or do not work. That may push this process along.

The solutions that are most effective are not palatable to a lot of people, and we would have to face that. You can use all sorts of kind terms, but in the end it is killing Bambi, and my daughter has threatened me with picketing outside the building if I propose that. But that is where the solution, unfortunately, probably lies. Greenburgh is pushing for a committee that seeks to draw from the Conservation Commissions and efforts of all the villages into one consolidated whole to address issues that affect the town as a whole. I do not know if this is on the agenda for that committee. I would be surprised if it was not. But we need to appoint somebody to that commission and bring the issue up. I had one discussion with the mayor of Ardsley, and it is remarkably not an issue for them. It never comes up, it is never discussed, and there is no urgency. But in Dobbs Ferry it is quite different. So maybe the report will wake things up.

97:08 REQUEST FOR PROPOSALS – COMPREHENSIVE PLAN CONSULTANT

Deputy Manager Maggiotto: We have the chair of our Comprehensive Plan Committee here tonight, and some members. This is the culmination of a lot of work of a subcommittee of the Comprehensive Plan Committee. They have finalized a Request for Proposals and would like to send it out as soon as we can to prospective consultants to begin the rest of the work on the Comprehensive Plan.

Mayor Kinnally: Thank you, Kathy, and the rest of the committee for coming up with this. This is the next logical step in a logical process. The feeling is that we will get quite a bit of interest from people who are knowledgeable about this area and, of course, our process, which is good for us. It puts us in a competitive position.

Trustee Swiderski: After we vote, if we could have Ms. Sullivan just speak to how this would be advertised I think the public would be interested in that.

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

RESOLVED: that the Mayor and Board of Trustees approve the issuance of a Request for Proposals from planning consultants for the preparation of a Comprehensive Plan for the Village of Hastings-on-Hudson.

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

Kathy Sullivan, Chair, Comprehensive Plan Committee: We have talked about advertising it through two prominent Web site that are used by many consultants: the American Planning Association, and one called Planetizen. We will develop a list of firms to send it to directly as well. We reached out the Westchester County planning department, as well as Hudson Valley Greenway. The recommendation was also to have it available on our Web site to download. Fran had mentioned running an advertisement in the *Journal*, and I think has checked with the state for any advertising requirements because we are getting grant money from Hudson Valley Greenway.

98:08 AUTHORIZATION OF CONTRACT FOR DESIGN AND IMPLEMENTATION OF ROADWAY AND INTERSECTION IMPROVEMENTS IN ACCORDANCE WITH THE STIPULATION OF SETTLEMENT OF THE RIDGE HILL LITIGATION FOR COMPLETION OF FIRST PHASE OF THE PROJECT

Mayor Kinnally: A lot of the work on this has been done. Right, Susan?

Deputy Manager Maggiotto: Yes, the traffic counts have already been done.

Mayor Kinnally: So this is doing some bookkeeping and getting us into compliance as far as having documentation and allowing bills to be paid at this point.

Trustee Swiderski: The \$324,000 this is costing goes against the \$5 million.

Trustee Goodman: I would like to give my compliments to the prior Board who undertook this lawsuit against Yonkers. I know it is not pleasant to sue your neighbor, but Ardsley, Hastings, and the Town of Greenburgh brought a litigation and succeeded in getting a sum of \$5 million to do some traffic improvements that the taxpayers would not otherwise have the money to do. So I am grateful to the Board for undertaking that litigation.

Trustee McLaughlin: A question? My memory is that at this point the clock is at three years and some months ticking down?

Deputy Manager Maggiotto: More than three years, closer to four years.

Trustee McLaughlin: It is closer to four years, but we've moved inward from that four-year date. So in other words, the studies must be done, the money must be spent, and the work must be done before these four years are up?

Deputy Manager Maggiotto: Yes. We are on track to do it. We have a new commissioner of planning in the Town of Greenburgh, and he has picked up the ball in this and is determined to go forward with it expeditiously.

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

WHEREAS, pursuant to the [Stipulation of Settlement](#) between the Town of Greenburgh, the Village of Ardsley, and the Village of Hastings-on-Hudson (collectively, the "Municipal Petitioners") and the City of Yonkers, which Stipulation provides for FC Yonkers Associates, LLC. to make available to the Municipal Petitioners the sum of \$5,000,000.00 (the "Settlement Escrow Deposit") to be used by the Municipal Petitioners to improve certain intersections and road segments within their respective municipalities as set forth in the Stipulation of Settlement: and

WHEREAS, the Municipal Petitioners have formed the Ridge Hill Intermunicipal Intersection Improvement Committee (the "Committee") to review these Conceptual Design Plans for certain intersections and road segments within their respective municipalities; and

WHEREAS, the Committee issued a Request For Proposals (RFP) to provide services from qualified engineering firms to assist them in identifying required roadway and traffic signal improvements, and designing and preparing the appropriate construction documents; and

WHEREAS, after reviewing the RFP responses, the Committee recommended that Michael Maris Associates, Inc. be retained to perform the tasks outlined in the first phase due to their extensive experience in

Greenburgh involving traffic conditions, environmental impact analyses and site development, with the scope of the second phase to be defined at a later date after the required improvements have been identified and the Conceptual Improvement Plans are approved by the Committee; and

WHEREAS, the Consultant submitted a proposal, along with a qualified sub-consultant, to provide the requested services in two phases, with the first phase consisting of the traffic analyses, field surveys and preparation of Conceptual Improvement Plans showing required improvements, with the second phase consisting of the preparation of the detailed construction documents needed to implement the improvements; and

WHEREAS, the traffic analyses and Conceptual Improvement Plans will define the feasibility of the potential improvements and will serve as a useful tool during any communication process with other municipalities and governmental agencies (New York State Department of Transportation, New York State Thruway Authority, etc.) that have jurisdiction of the subject roadway segments or intersections; and

WHEREAS, the Committee has also recommended that any and all required notices, communications, payments and demands be addressed to the Town of Greenburgh; and

WHEREAS, the Committee has also recommended that the Town of Greenburgh Comptroller issue all payments for services rendered as part of the implementation of roadway and intersection improvements in accordance with the Stipulation of Settlement of the Ridge Hill Litigation; now therefore be it

RESOLVED: that the Mayor and Board of Trustees of Hastings-on-Hudson hereby authorize the Mayor to execute the Contract, together with the Supervisor of the Town of Greenburgh and the Mayor of the Village of Ardsley, as part of the Municipal Petitioners, entering into an Agreement with the Consultant with Michael Maris Associates, Inc. for the traffic analyses, conceptual design and preparation of construction documents in accordance with the [Stipulation of Settlement](#) of the Ridge Hill Litigation; and be it further

RESOLVED: that the costs for such services shall not exceed Three Hundred Twenty-Four Thousand, Seven Hundred Dollars (\$324,700) for the first phase of the project, plus expenses actually incurred and paid by the Consultant for completion of the first phase of the project; and be it finally

RESOLVED: that the first phase of the project will include traffic counts and analyses to identify the required roadway and/or signal improvements needed to eliminate current and/or future traffic flow deficiencies at the following intersections and/or roadway segments (study locations): Route 9A and Jackson Avenue; Jackson Avenue and South Sprain Road; "S" curve along Jackson Avenue between Sprain Road and the Sprain Ridge Park; Jackson Avenue and St. Andrews Way; Jackson Avenue and North Sprain Road; Jackson Avenue and Southbound Sprain Brook Parkway Ramp; Jackson Avenue and Northbound Sprain Brook Parkway Ramp; Ramp from Route 9A to the NYS Thruway; Route 9A and Ashford Avenue; Sprain Road and Ardsley Road/Ashford Avenue; widening of Route 9A between Ashford Avenue and Heatherdell Road; and Route 9A and Lawrence Street.

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

99:08 APPROVAL OF INCREASE IN CONTRIBUTION FROM NEWINGTON-CROPSEY FOUNDATION

Mayor Kinnally: When the Village effectuated the swap of properties of where our DPW garage is now and where the Newington-Cropsey Museum is now, there were discussions about what was to be done as far as making payments in lieu of taxes [PILOT] by the foundation. Because it is a foundation, there are legal restrictions on their entering into a pilot with the Village. But there were formal and informal agreements with the foundation, where certain amounts were being paid annually to the Village as a voluntary contribution to the Village. It cannot be, for tax purposes, called a PILOT.

I thought we might have an opportunity to increase this. I met earlier this spring with Ms. Newington in Connecticut and raised the possibility with her. She was receptive to it, she said, but had a board that had to be dealt with. I also raised the possibility of her contributing to some of what we needed here in the way of fire apparatus but she was not receptive. Peter and I met with a member of the board and discussed an increase. He agreed to an increase of \$20,000. That board approved it, and we have prepared a letter agreement that will be signed by both the Village Manager and Mr. Starlacci, who is a member of the board of the Newington-Cropsey Foundation. This is a resolution approving that increase. We have increased the contribution by \$20,000, from \$45,000 to \$65,000, for the same amount of services that we have been providing to the foundation, which is fire and police protection.

Trustee McLaughlin: Far be it from me to look a \$65,000 horse in the mouth. I am interested to hear that this agreement, which was originally signed in 1985 and has been in effect for 23 years, has been, in effect, illegal because it used the term "PILOT" instead of contribution. I am curious to know when it occurred to Newington-Cropsey that they should not be making a PILOT, they should be making a contribution, and I wonder how this has ramifications that affect us in the future, if not now.

Mayor Kinnally: I do not see it has any ramifications. The agreement that we have been operating under for the last number of years does not deal with a PILOT.

Trustee McLaughlin: So we have been calling it a PILOT colloquially.

Mayor Kinnally: I didn't talk about earlier. I am talking about the one we are operating with now. I do not know if it mentions a PILOT in there, but it does not have any ramifications. Those payments have been made. And the ramifications would not be to the Village, they would be to the foundation because of their tax status.

Trustee McLaughlin: What I am thinking of is the continuing nature that is implied in a PILOT that is not implied in a contribution.

Mayor Kinnally: I do not know if it was a PILOT, but this is an agreement.

Trustee McLaughlin: What is the term on this \$65,000 payment?

Mayor Kinnally: You have the draft letter in your packet, and it says that "the foundation has agreed that its charitable contribution to a governmental authority, that is, the Village, will be increased to \$65,000 per year, effective the fiscal year beginning June 1, 2008. Kindly acknowledge the foundation's consent to this agreement by signing a copy of this

letter and returning to me.” So that is an agreement between the Village and the foundation that would be binding. It is not a PILOT.

Trustee McLaughlin: So there is no implied ending to this payment.

Mayor Kinnally: No, neither implied nor explicit. It says they agree that it will be increased to \$65,000 per year, affecting this fiscal year which began on June 1. There is no sunset on this.

Trustee Goodman: But there is an underlying memorandum of understanding dated November 7, 1995 that this is amending.

Mayor Kinnally: That is right.

Trustee Goodman: I have no idea what that says. Never saw it.

Mayor Kinnally: Yes. It is bringing things up to date.

Trustee Goodman: So we have not had an increase since 1995?

Mayor Kinnally: Not since 1995. There was an increase before that. There was an increase in 1885.

Trustee Goodman: Going forward, this Board should be more proactive with our revenue streams, and figuring out do we have all our ducks in a row with our congresspeople; do we put in for our earmarks; what is our strategy to press forward. I know earmarks are a bad thing, but that is the system we have now. We should be lining up our requests for grants and such, and Cropsey should very much stay on our radar screen. I am very happy that we have the extra \$20,000.

Mayor Kinnally: That is why I went out and talked to her.

Trustee Goodman: But it has been many, many years since 1995.

Mayor Kinnally: It's been 13 years. We went back and looked at the increase. And I think they had done their homework, too, and saw what the increase of our budget was and we negotiated this. But t we do very well with this. The last time I looked, our responses there are not particularly onerous. I know from a school standpoint, there are no children.

Trustee Goodman: And we do not do the garbage collection?

Mayor Kinnally: Not that I believe.

Trustee McLaughlin: I am curious about the idea of this existing in perpetuity. This will never end?

Mayor Kinnally: It depends, as Danielle says, how vigilant the Board will be.

Trustee Goodman: And what the underlying memorandum says. I do not have that.

Mayor Kinnally: If you do not have it we will copy everybody. I do not remember what that was. But at this point they recognize a responsibility to contribute to the budget of the Village, and recognize that there are services that are provided that do not come cheaply

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 the increase in contribution from the Newington-Cropsey Foundation from \$45,000 per year to \$65,000 per year, effective June 1, 2008.

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

Ellen Hendrickx, 136 Circle Drive: Is there an escalation built into that?

Mayor Kinnally: No, there is no escalation.

Ms. Hendrickx: Is there some discussion having to do with Danielle's vigilance about how often you would renegotiate that?

Mayor Kinnally: No, there was no negotiation nor discussion. It was something that would be dealt with at this point. I am not so sure that either this Board or their board would be interested in locking into something, not knowing what the historical numbers would be.

Ms. Hendrickx: If it were a taxable property how much more service would it get and how much would that amount to? We have been getting \$45,000 per year since 1995, and I do not know what before that. So they have got a very great deal for property that we do not even have access to as a community.

Mayor Kinnally: We do have access to the property.

Ms. Hendrickx: It is rather limited, is it not?

Mayor Kinnally: But there is access. I talked to them about the access. It is open the hours they said it was supposed to be open under the agreement. The access from up above has not been open because of our construction and the need to stabilize that area, but it has been open. They have been, from what we can see, living up to their requirements under the agreement. But to answer your question, there is no built-in escalation here, and revisiting this periodically by the Board of Trustees depends upon who is sitting up here. And it depends upon who is sitting on their board also. They can say to us, We cannot do it anymore. So I do not know, but so far they have been good neighbors.

Elizabeth Felber: Last year when we had the Green Fair at the Community Center the construction was done and several of us walked down the path toward the Cropsey. There was all sorts of debris on that path. There was a grocery cart tossed through there. Are they going to address that? It was really treacherous.

Mayor Kinnally: Fran and Mike Gunther had looked at that. I do not know who would be responsible for cleaning that out, but we have looked at that. As it is right now we do not want to open it up because it is too overgrown.

Ms. Felber: Somebody said they thought they have a view easement over Zinsser parking lot. Is that accurate.

Mayor Kinnally: I do not know one way or the other.

Ms. Felber: If we wanted to find out, how could we find that out?

Mayor Kinnally: It would be a matter of record, the county clerk's office. But when we transferred that property I do not remember there being anything as of record in that deed.

Trustee McLaughlin: I am under the impression from Jim Stadler that when we applied for the community development block grant - this is a three-year grant program and Jim heads the committee that assesses the Village - and the CDBG applies only in very restricted areas

of the community - but my impression was that improving that access to Cropsey was on one of the grant applications we made. Now, the if, and, or but here is that the restrictions on the CDBG area are so restricted that, for instance, Division Street is included in the area but the vest pocket park one building away is not. So it may be that the front of the Community Center is in the area, but the back of the Community Center may not be.

Mayor Kinnally: I do not see how it would matter anyway because the improvement of the access there is on their private property. I do not believe it is on Village property.

Trustee McLaughlin: I thought behind the Community Center, that walkway that goes down and the stairs, was ours.

Mayor Kinnally: I think anything beyond the fence is theirs.

Trustee McLaughlin: Jim might have been only going as far as the fence. We had discussions about it.

Mayor Kinnally: Okay, but I think the fence is the defining boundary. I do not think we own anything beyond that.

Trustee McLaughlin: So in other words, we are stuck with the grocery cart there because they will not fix it up?

Mayor Kinnally: They have not said they will not fix it up. Mike and Fran had looked at that, and they did not want to open it at this point.

Trustee McLaughlin: But they agreed in 1985 to have that access.

Mayor Kinnally: The "they" there is the Village. The Village said that they did not want to open it up at this point because it was unsafe. They do not want to invite the public to go down there until the area is cleaned up.

Trustee McLaughlin: But is not the point for either Cropsey to work on their land, or us to work on our land with the help of a CDBG grant if we can get one, so that the two approaches merge and are safe? Either it is ours and it is unsafe and we fix it, or it is theirs and it is unsafe and we fix it.

Mayor Kinnally: I am a little confused. I do not think there is anything unsafe getting to the gate at the fence.

Trustee McLaughlin: So in other words, the problem is on their property, and they will not address it.

Mayor Kinnally: The problem is on their property; they have not refused to address it. It is a question of engaging by Fran and Mike with them. That is all at this point.

Trustee McLaughlin: Well, why do we not do that?

Mayor Kinnally: I am sure Fran will. I do not really know. I know Fran and Mike had gone and taken a look at it.

Trustee McLaughlin: The approach has been blocked since the old Community Center was torn down, but there is no excuse for it to be blocked now.

Mayor Kinnally: Yes. From our standpoint, I do not know if our property is blocking anything.

Trustee McLaughlin: Should we direct Fran to pursue this?

Mayor Kinnally: Fran is pursuing it. As I said, he and Mike have taken a look at it and done an assessment. In fact, it was Fran that told me that the grocery cart was there.

Ms. Hendrickx: I was recently at Cropsey as a member of the ARB because they are putting a screened-in porch in back of one of the buildings. There is a fence that defines their properties, and there is a steep drop-off to the fence which has accumulated massive amounts of garbage that has apparently been there for quite a while.

Mayor Kinnally: Yes, that is what we are talking about.

Ms. Hendrickx: I just wanted to make sure. It is right along the fence.

Ms. Travis: Can you state the times when the Cropsey Foundation is open for the public?

Mayor Kinnally: It is three days a week, I think. I do not know the hours. I believe it is weekdays.

Ms. Travis: Is there any way to add to this letter to have some time on a weekend open for walking through their grounds?

Trustee Goodman: I think I know with some certainty that one of the days is Saturday.

Trustee McLaughlin: You can go in, and you can go partway around the pond, but you cannot even walk all the way around the pond.

Ms. Travis: Where do they say that?

Trustee McLaughlin: In the agreement that we signed in 1985.

Mayor Kinnally: The agreement does define the area, and you cannot go up to the buildings themselves.

Ms. Travis: But for the general public.

Trustee McLaughlin: And the sign out front says Private Property - Absolutely No Admittance. So it is not, shall we say, welcoming.

Ms. Travis: That is what I am talking about. The general public cannot possibly know they could even begin to walk in there with a do not come onto private property sign.

Mayor Kinnally: No, they should change that, certainly.

Ms. Travis: Otherwise, let us get more money. Let us on the property.

Mayor Kinnally: But it is three or four hours a day, right?

Trustee McLaughlin: Three or four hours a couple of days a week.

Mayor Kinnally: To expand that would require opening up negotiations. I do not want to do that at this point. Let us get the money, and then we can talk to them.

Trustee McLaughlin: How about getting the sign?

Mayor Kinnally: We can do that. That is something Fran can talk to them about.

Ms. Travis: They can pay for it. It is a one-time cost.

Mayor Kinnally: I am sure they would not quibble over the cost of a sign, but it should not be uninviting. Let us put it that way.

100:08 CHANGE OF MEETING DATE

Mayor Kinnally: This will mean three meetings in the month of October and one meeting in the month of November.

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 change the date of the Regular Board Meeting from Nov. 4, 2008, to Oct. 28, 2008.

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

VILLAGE MANAGER'S REPORT

Deputy Manager Maggiotto: The Hastings Quarry Committee has been successful in securing two grants for this project from Scenic Hudson Land Trust: one for \$15,000 for the cleanup, and another for \$20,000, a matching grant for the development of a design plan. It is very exciting news. The first money in is the hardest money, and they have accomplished that, thanks to Chris Lomolino and her group of very persistent committee people. There will be a formal press conference on Saturday, October 4 at 10 a.m. in the vicinity of the library. A lot of people have been invited to it, and it is being viewed as a kick-off to this effort.

Trustee McLaughlin: Twenty-thousand dollars of that is a matching grant. Can we match it with labor, or do we have to match it with money?

Deputy Manager Maggiotto: I believe it can be matched, in part, with labor.

BOARD DISCUSSION AND COMMENTS

Trustee McLaughlin: Something has happened to the grass in front of the library. It looks like new grass has been laid down.

Mayor Kinnally: We had hoped to get a new lawn seeded in the spring. We ran out of time. It has been ripped up and sod has been laid by Ryan & Ryan. Is it their contribution?

Deputy Manager Maggiotto: The labor for the watering system is their contribution. We are paying for the sod.

Trustee Goodman: A question about the Ravensdale Bridge pedestrian staircase. I know that we got an e-mail from the state DOT which, again, was as clear as mud and seemed to not understand that the county trailway piece in between the bridge and the Ginsburg property was not necessarily something that was going to go forward if Ginsburg does not build. We need to clarify with the county what that grant is, the project, what the name is and the number, and what Ginsburg's contribution is supposed to be on behalf of the Village, because there was a matching component for that project. I do not want to see us lose this opportunity. Also, I think we need to clarify with the county disabled committee as to what the requirement would be if the Farragut Avenue access and parking area is sufficient and that we can still have a staircase without putting an equivalent in the middle of Ravensdale Bridge handicapped access. Susan, I can give you the name of the contact person for the county disabled. But we need to nail down, either through county planning or somewhere, the name of that project and the funding, and we have to explain to the state because the state is under the impression that since this other project is a done deal they are not going to entertain the pedestrian staircase.

Mayor Kinnally: When the representative of the state was here I thought we made it clear that that project was in limbo.

Trustee Goodman: But the e-mails back and forth, no. I think he thinks that it is something that is ongoing, and so the state is not going to give us the staircase. That is one DOT project. The other thing is the Broadway redesign. I thought the DOT was going to be delivering some drawings at some point.

Mayor Kinnally: There was a meeting concerning that, and let us wait until Fran gets back and can report on that meeting.

Trustee Goodman: I was hoping we did not lose out on another school year. It would be great if they could start it before the bad weather and we have this up and running by spring and at least the second half of the school year. Certainly along Broadway, as Diggitt aptly pointed out, residents have been wanting better walking facilities for close to 50 years.

Mayor Kinnally: One of those residents was at the meeting. But that will not involve new sidewalks.

Trustee Goodman: I know that, but if you narrow Broadway it does make it more pedestrian-friendly. The little sidewalk there will be buffered by a full lane that does not exist now.

The third thing was the Chamber sign request. I know we talked about the signage, and am not sure where we left off with it. Could that be something I assist with in any way?

Mayor Kinnally: Is there an update on the Comprehensive Plan Committee?

Ms. Sullivan: The big effort has been getting the RFP, so we thank you very much for approving it and letting it go forward. In the RFP is the schedule for what we hope to accomplish with getting a consultant on board by January.

Trustee Swiderski: At the last meeting we approved the payment of a bill for a motion to intervene in the Bernstein suit. Sweetly enough, three days later the motion was granted. Word has it that a motion that late in the game, to be granted, is unusual so it was certainly good news. That marks three wins for three legal actions on our part, so it has been a good run.

Mayor Kinnally: Highly unusual that the court would allow it, especially after we had been denied leave previously to intervene as a party in the litigation proper. But as I said last time, we were hoping to get a seat at the table and to be able to address the issue on the Village's behalf before the court of appeals and, indeed, that is what is going to happen. We will put a brief in and be allowed oral argument before the court, so congratulations.

Trustee McLaughlin: If you read last week's *Enterprise* you would note that Irvington and it might even be Ardsley and Dobbs Ferry all got grants for Safe Routes to School and we did not. I wonder if it would be possible for us to see the grant applications that succeeded.

Mayor Kinnally: They must be matters of public record. We can request them from the other communities.

Trustee McLaughlin: Our need was so great, and it is not that their needs were not but Irvington got a grant for a very innovative program and we need money for a sidewalk that is falling apart. That cannot help but gall me to have this sidewalk that is in terrible shape be overlooked in favor of a walking bus. It is a lovely idea, but it could have been done totally by volunteers. It did not need a state grant.

Mayor Kinnally: Yes, it is frustrating.

Deputy Manager Maggiotto: Which ones do you want to see?

Trustee Goodman: The ones that succeeded. We have to start getting more proactive about going after money and having a strategy. It is out there, and other communities certainly got \$400,000, \$300,000, \$200,000 and we got zero. We have to take a look at how we are doing this. Is it what we are sending in, is it our follow-up? We have to try to better position ourselves. It does not guarantee success, but certainly I take away that what we sent in was not ringing the bell and I do not know why. We need to understand that. It is our fiduciary duty. It is money that we are now going to have to ask taxpayers for so it is important.

Vanessa Merton, 111 Pinecrest Drive: As a taxpayer, I want to express appreciation to the Board. I, too, noticed that disparity. As somebody who has applied for many, many grants in my life and only gotten some of them, I can say that certainly sometimes it is completely without rhyme or reason.

But in addition to looking at successful grants, with many grant programs you can get back the score sheets, the actual evaluation of your proposal, and see where it fell short and see the comments of the readers. It would be a good idea to make sure that every time a grant is not successful that you review the negatives that come from the evaluators in the program and then try to extract learning from that information.

Mayor Kinnally: Again, we will have three regular meetings of the Board in October: October 7, October 21, and October 28; and only one meeting in November, on the 18th.

Trustee Swiderski: And a work session on the 14th.

Mayor Kinnally: I would request that if people have items for the work session that they give them to Fran, me, or Susan. One of the bigger items is going to be consideration of the LWRP report and what we are doing. Angie will have a report for us, and I would ask everyone to review their notes from our last meeting on this, on November 27, 2007. It is time for us to move. It has been discussed by the Comprehensive Plan Committee, and I think there can be coordination of updating of information, especially on a financial analysis, that would be beneficial both to the LWRP and the Comprehensive Plan Committee.

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 9:30 p.m.