

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 21, 2009**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 21, 2009 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Meg Walker, Village Manager Francis A. Frobels, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Bruce Jennings

CITIZENS: Thirty-two (32).

PRESENTATION - Willie Janeway, Regional Director, New York State Department of Environmental Conservation, re Waterfront Cleanup

Mayor Swiderski: We start off tonight's meeting with a discussion with the New York State DEC. This is a very clear statement of the importance we place to the waterfront cleanup in our agenda, in that the first item in our first official meeting is a discussion about progress on the waterfront. We are delighted that the New York State DEC has been able to show up. We have Mr. Janeway, Mr. Heitzman, and Mr. Moore here. They will speak briefly, and then be available for questions and answers from the Trustees and the public.

Willie Janeway, Regional Director, New York State DEC: Thank you for this opportunity on behalf of commissioner and the men and women who work with the Department, to come down and talk with you. We share a concern and an interest in moving forward with the revitalization of your waterfront for multiple reasons. It is important for you to know that it is not normal for the regional director, the representative of the commissioner for the Hudson Valleys, to come to your village, but I appreciate the chance to be here. We are making this special exception because the project on your waterfront, that is of concern to us and of concern to you, is something that we very much are interested in working with you closely to move forward. A lot of work has been done in the last few years, and we are looking forward to reengaging with you as the leaders of the Village and with other stakeholders to move this forward in this economic condition that we are all facing.

This is not the time to slow down and delay getting a site cleaned up, getting it back on the tax rolls, and getting it to the degree that it is appropriate to redevelop. It is actually the exact time when we need to invest in that to move this forward, not just for you, but also for New York. An important part of the governor's vision and plan to revitalize New York and get our economy back on track is to clean up these sites and make sure we have appropriate

development on them. So we do have a plan for moving forward. We look forward to working with you on that. I am going to introduce George Heitzman now, who has been intimately involved with this project and can speak about some more specifics.

George Heitzman, Supervisor, NYS DEC: I was formerly the project manager for the two projects that are on the waterfront. I now am the supervisor of the unit that is dealing with those projects, and I remain involved. The commissioner wanted to be sure there was continuity in these projects. As Willie said, they are extremely important to the Department. In the last two or three years there has been a lot of behind-the-scenes work that maybe has not been visible to the Board and to the Village. We are now at a point where you will be seeing, in the coming year, a lot more visible progress and outreach to the communities as we get to a decision point on how to deal with the sediments, particularly those that are offshore of the old Anaconda plant. Next week, on the former ExxonMobil property and the former Uhlich Color Company property, they will begin field tests of the remediation technology that will involve putting chemicals in the ground to stimulate the naturally-occurring organisms to eat the chemicals that are in the groundwater. Those chemicals are Miracle-Gro and a weak hydrogen peroxide solution that provides oxygen to the bacteria that degrade the chemicals.

We are meeting with ARCO later this week on the former Anaconda property to discuss various alternatives for cleaning up the sediments that are highly contaminated offshore. The sediment remedy is critically tied to the onshore remedy because of the bulkhead stability issue. ARCO has spent the better part of the last two years collecting data and running engineering evaluations of the stability of that shoreline because in order to maximize how much we can remove of the sediments offshore we need to be sure that we don't destabilize what separates the on-land portion from the sediments offshore. In the coming months, you will be seeing the results of those evaluations. We are currently reviewing them internally and working our internal stakeholders. After that, we expect to reach out to the public stakeholders, ultimately culminating in a proposed remedy for those sediments later this year. So thank you, Mr. Mayor, for prioritizing this. It is an exciting time, and we do hope to make significant visible progress in the coming year.

Mr. Janeway: In closing, let me say I think we share a vision of working with the responsible companies associated with this property, with you, other stakeholders, the public, and the men and women we have working at the DEC to not just clean up this site, but to really make it a poster child for an appropriate redevelopment that can help revitalize and move your community forward and help New York State. There is great potential with this property to really demonstrate how a site should be cleaned up, redeveloped, have some public access, and have some parkland. This can be an opportunity for us to work together, to showcase and make that potential a reality. And I hope we can do that with you.

Trustee Walker: I have heard about the depth that the bulkhead is going to have to go and some of the problems that that creates. A bit of description and explanation might be helpful for me and others.

Mr. Heitzman: The bulkhead is what we call a cantilever. The depth to which you drive the bulkhead into the ground will determine how much force it can resist that wants to move out from the land when you remove the sediment that is adjacent to it. I wish I could think of an analogy.

Trustee McLaughlin: The slurry walls at the World Trade Center maybe.

Mr. Heitzman: It is a little different than that. The issue is, if you drive the bulkhead very deep into the “bearing sands,” as they are called, you can sustain a lot more force from the land and therefore remove a lot more sediments adjacent to that bulkhead.

ARCO has a concern that the alignment of the current bulkhead is right along the highest levels of PCBs that are on the site. In fact, PCBs are present in nearly pure form along that alignment. This material is a very sticky material and is actually the most mobile. It is somewhat fluid, sort of like a molasses consistency. Their concern is that if they drive the bulkhead down into the bearing sands that they will drag this sticky material: it will stick to the sheet pile, and they will drag it down into the sands beneath the site.

That is one of the technical issues we have to overcome on the bulkhead: what is the risk, and what is really the problem if that material does get dragged down into the sands; is it going to go anywhere and is it worth doing that if you can remove additional sediments, contaminated sediments, from offshore in the river. The Department’s goal is to try to remove as much of those sediments as we can without making another problem worse. Those are the balancing decisions that we are going to make in the coming months.

Trustee Walker: Is there a risk, if you drive the bulkhead too low, of hitting aquifer water?

Mr. Heitzman: The sand is a water-bearing unit. That water-bearing unit flows under the Hudson and then discharges up into the Hudson. So with the risk, you have to consider a) is this material mobile to begin with; if you drag some down, is it going to go anywhere or is it going to stick to that sheeting. Then if it does go anywhere, it’s only going to come up under the Hudson River sediments which are already contaminated with PCBs. Again, this is a balancing decision that we need to make.

Mr. Janeway: We are getting pretty technical, but part of what our technical staff is looking at is the balancing and the tradeoffs, focusing on what we need to do, where we might need to move and put some bulkhead in to ensure that we can get most of the PCBs out, knowing that at some point there might be some that would remain that might be capped. With those numbers, we are working with the responsible party to put together a proposal for how we would do that. Then we will bring that proposal back for all stakeholders to comment on and give us reactions before we, as a department, finalize our decision about which way to go forward. It is clear that there are a lot of different technical issues and they can cause a lot of anguish. I, on behalf of the commissioner and the staff, want to make very clear that we don't want to let tough decisions stop us from doing something. We need to move forward. We are going to need to make some good decisions based on the science, and then move forward so that we can clean up the property and give it a positive future going ahead. I am sure we will get comments, and we may get criticism, but we will make the best decision we can based on the science that we are able to pull together and look at.

Mr. Heitzman: As you have heard me say before, this is one of the most technically complex sites that is before the Department. This is a site unlike any other in terms of the material and the engineering challenges, and there is not an easy answer to this site. That is why it has taken so long.

Trustee Walker: And there is nothing quite like it anywhere, I guess.

Mr. Heitzman: That is correct. Not to my knowledge.

Trustee Walker: I am very appreciative of you all coming to visit us. Thank you so much for taking the time and coming down to meet with us.

Mr. Janeway: We will be seeing more of each other.

Trustee McLaughlin: This is the first time I have met you, and I am so glad you took the time to come visit us tonight. About 13 years ago I was taking an economic botany course at Lehman College and I did a project on bioremediation with our waterfront in mind. At that time, I was told that the use of bioremediation on the Uhlich and ExxonMobil site would not be practical because the resulting molecules would be as toxic as what they started out with. I assume using hydrogen peroxide and Miracle-Gro, which is a great idea, somehow produces a more benign end product.

Mr. Heitzman: The state of science in bioremediation has advanced incredibly in the last ten to 15 years. The environmental engineering field is evolving all the time. The remedy for the Uhlich property is not entirely based on bioremediation. There are excavation

components and capping components to that remedy. So the bioremediation is addressing one specific group of contaminants, but is not the entire remedy for the site. I am not sure what you were told 13 years ago, if it was for the same chemicals that we are talking about today. But, again, the science has really advanced in the last 10 to 15 years.

Trustee McLaughlin: What are the substances that Miracle-Gro and hydrogen peroxide are going to help eat up?

Mr. Heitzman: Again, they are feeding the bacteria that are naturally present beneath the site. The reaction produces a salt. The chlorine comes off as a salt molecule, and the carbon and hydrogen molecules come off as CO₂ and water. It is a complete mineralization process.

Mayor Swiderski: Mineralization of what?

Mr. Heitzman: Mineralization meaning that the molecules are broken down to their simplest forms as opposed to toxic intermediate products.

Trustee Quinlan: And that is the chlorobenzenes. Right?

Mr. Heitzman: Chlorobenzene. Correct.

Trustee Quinlan: Luckily, I had the opportunity to meet with you earlier tonight, so many of my questions were answered. Maybe you could tell us about the sediment problem in a little more detail. It is important for people to know, as I learned tonight, that PCBs are being found in the fish. We know that you are big and the DEC has many components: you have the wildlife, you have the remediation and a lot of discussions between the two. Maybe you could talk about what they are finding in the river.

Mr. Heitzman: The sediment problem is generally associated with the former Anaconda Wire property. There are two components: there are metals that were discharged, and there are PCBs that were discharged. The metals generally cause toxicity to the benthic organisms, the little worms and the larva, that live in the sediments that are the bottom of the food chain that the fish eat. So if those organisms are killed, or cannot grow, because of metals, it affects the supply of food to the food chain. That is one of our concerns. The other condition is the PCBs, which bioaccumulate in fish. They do not cause toxicity, but they bioaccumulate up the food chain and then cause problems if humans eat the fish and get the PCBs in their tissues. We have seen a site-specific impact of the particular brand of PCBs that were used at the site. We have seen them in some of the fish that live directly offshore of the property. The Department of Health has issued a site-specific advisory not to eat fish caught in this particular stretch of the Hudson River. What else did you ask?

Trustee Quinlan: How that relates to the sediment in terms of removal, capping, and the problems they cause. Because, as you stated before, the highest concentrations of PCBs seem to be right along the shoreline.

Mr. Heitzman: There are essentially two ways. We need to break the exposure of the fish getting the PCBs into their tissues, and you can do that a couple of different ways. One is to remove them to the extent that you can. The other is to cap over them to provide a clean surface that the organisms can live in that the fish are going to eat so they are not getting the PCBs into their tissues. The alternatives that are under consideration involve either complete removal or complete capping, or a mix of both. That is made more difficult by the stability issue of the bulkhead that I talked about earlier. That is what we are going to be presenting to the community in the coming months, that that range of alternatives, the pros and cons associated with each, and on balance what the best choice is among those alternatives.

Trustee McLaughlin: I am thinking of fishing in the JFK Marina and off the Yonkers Municipal Pier. What is the range that one of our own toxic stripers would have?

Mr. Heitzman: The fish that really caused the advisory was American eel. We saw the biggest signature in the eels right adjacent to the site. Fish swim, and clearly a specimen that was exposed here could swim up or downstream and carry that risk along with it. The Department of Health has a general advisory not to eat more than one fish a week from anywhere on the Hudson River, which covers the odd fish that may swim upstream or downstream and be contaminated. They have done some very interesting studies that the striped bass, in particular, may be exposed if they forage around a contaminated area, and then move on and eat as they move into cleaner areas. They very quickly return to the baseline low-level concentrations in their tissues. It is only fish that stay here for a long period of time that accumulate higher than normal levels of contaminants in their tissues. That is why they limited the advisory to just this particular section of the river, because the fish, in a sense, do clean themselves as they forage on contaminated material.

Trustee Walker: How are you coordinating with BP/ARCO going forward? Is it basically that the ball is in your court now in terms of the decision-making?

Mr. Heitzman: We have met very frequently with BP/ARCO. We told them what we were looking for in this development of alternatives to deal with sediments and they delivered the document to us about three weeks ago. So, yes, the ball is now in our court. We are reviewing that document. We are meeting with them this Friday. We will have comments, undoubtedly, on the document and it will be revised before it is issued to the public.

Trustee Quinlan: You mentioned internal stakeholders, and I assume Fish & Wildlife is one of them.

Mr. Heitzman: Yes, correct.

Trustee Quinlan: Are they part of the reason for the delay? There is a sense that there is a delay caused somewhere.

Mr. Heitzman: I understand that. There has been so much work behind the scenes in the last couple of years that has not been visible. There has been data collection and additional sediment data to understand the chemistry a little better, and there has been a lot of geotechnical evaluation, finding out the strength properties of both the soil on the land and the sediments offshore so they can design the conceptual bulkhead remedies and know exactly what the stability implications of various alternatives are. That has been the primary time-consuming task in the last couple of years.

Mr. Janeway: As part of the answer to your question, looking forward and going to something you had asked, ARCO has a major opportunity, given where we are right now, to work with us going forward to move this project on a aggressive schedule. I am pretty confident that they understand how important that is, not only to you, but to the State of New York; which gives me optimism that we will be able to move forward in the next few months, given the work that has been done. They will have that opportunity to step up and really partner with us and make this project move forward.

Trustee Quinlan: Where do you think we might be in nine months? Speculation.

Mr. Heitzman: It is certainly hard to commit to a firm timetable. I think the Department is ready to release a proposed cleanup plan for the sediments within a six to nine-month time frame. By that point we will have appeared before this Village at least once to explain the problem in more detail, to get some preliminary feedback on what your priorities are, and for us to have a Record of Decision within a nine to twelve-month time frame.

Trustee Walker: Back to Tappan Terminal, which is the site on the south end. If your experiment, your field test, is successful this summer, what would be the next steps for that?

Mr. Heitzman: Chevron, who is the responsible party that is implementing that particular task, would use the data gained as far as the concentration and the amount of the chemicals needed to stimulate the organisms, and then they would scale it up to do the full site.

In the meantime, we are working with ExxonMobil to implement the excavation portion on their property. There are some petroleum-contaminated soils that have to come out. We have met with them three or four times, and we are close to an approvable work plan on getting those done. One of their challenges is access: how do you get in and out of the site. They have to go through the ARCO property to get over the bridge. But I think you will see visible progress on the ExxonMobil property, as well, this year.

Trustee Walker: When you say Chevron, does that cover the Uhlich property?

Mr. Heitzman: It does. The Zinsser Chemical Company led, in succession, ultimately to Chevron.

Trustee Walker: So you are not relying, then, on Uhlich as a PRP. You are relying on Chevron and ExxonMobil, which have deeper pockets.

Mr. Heitzman: We consider Uhlich to be a potentially responsible party by virtue of their ownership of the property. Those three responsible parties, Uhlich, Chevron, and ExxonMobil, are in their own settlement negotiations to determine who is responsible for what.

Trustee Walker: So any time frame? If it were to be successful this summer it is dependent on a lot of negotiations among these PRPs. But then a cleanup would take how long? Let us say you were to get some kind of agreement among all the parties.

Mr. Heitzman: Yes, we will know a lot better because the rate at which the organisms are eating the chemicals. We will know more after this next test. So it is hard to answer that question. That said, the Department believes that redevelopment of that parcel could occur while the groundwater treatment technology is ongoing. There are some basic precautions so that vapors do not enter buildings, but that technology does not preclude development at the site. Certainly if it is a park, that is readily compatible with this technology.

Trustee Walker: I am a new Board member; most of these people have been here before. I think you have sensed that we really are eager to see progress and we really want to work with you, and we want to work with BP/ARCO and the other PRPs, to move this forward as quickly as possible. We are eager to have as much communication as possible with you, going forward.

Jacques Padawer, 170 Villard Avenue: The PCBs that we are talking about is PCB-60, the heavy, very ultra-chlorinated material that is so viscous, as you explained. The way PCBs are made, you react chlorine with biphenyl in the presence of a catalyst. The nature of the

catalyst is to allow the reaction to go either way. Have you considered the possibility of putting some iron in there to try to lower the chlorination of the PCBs, which would, at the same time, lower its viscosity and its stickiness, and would be less of a problem as you push up into the water? That is number one. Number two, you mentioned food for the fish. Now, obviously, they do not have a contract to stay within Hastings. They have the whole Hudson River to feed on. If you have killed the organism in the benthic area where they feed within this area they will go elsewhere. They are not stupid; if they do not find something to eat they go someplace where the food is available. So I do not know how much of a problem that is on a temporary basis, since benthic areas will very quickly repopulate the area once you have reduced the contamination within that.

I would like to thank Mr. Heitzman for staying on our side. Those of you who do not know, when the battle royal with the company was going on some years ago, maybe a century ago for all I remember, it was very difficult to deal with them. Mr. Heitzman really moved things forward and took a very fair evaluation of what was being said by the opposition, meaning us in Hastings. So I feel very good that he is still in charge of the project, and I am assuming his heart is still in the right place and we are very lucky for that.

The American eel, which you say is the most contaminated one, is an animal that breeds in the Sargasso Sea. It does not stay here. We stay in Hastings, but they do not. They eventually go to the Sargasso Sea. And the nature of the beast is that they have themselves a good date, with the she-eels or the he-ells depending, they breed and then they die. They take that PCB with them to the bottom of the Sargasso Sea. It would seem to me that to concentrate too much on the fish, at the moment, is really not a long-term view because that will take care of itself very quickly, both because they will not stay here to eat, and those that are there will go away. If you can, in fact, dechlorinate some of the PCB there it will solve many of the problems that I explained to you before.

Mr. Heitzman: I am not an expert in fisheries. But the guys who are tell me that the juvenile eels stay in one place more than any other juvenile fish. So if an eel decides to hang out in Hastings it is going to bioaccumulate much PCBs, and that is why we see it more in eels than anything else. If you are going to build a park on the waterfront, what a shame that we cannot have people fish and eat the fish in the long term. That is why we feel it is important to get rid of the PCBs.

The dechlorination process to make it less sticky, we are working on something else. That is to inject a cement mixture down where this pool of sticky PCBs are. They have augers that you can inject 30, 40 feet down. You slurry them up and inject the concrete, and it actually makes like a concrete slab that may absorb the stickiness of the PCBs that you can then drive the sheet piling through and not have this stuff stick to it. That is one of the alternatives we

have asked ARCO to develop. The other thing my group does is deal with manufactured gas plant sites where you get really sticky tars, coal tar. That technology works very, very well for coal tars. We are trying to see if it is applicable to this site. That might solve some problems.

John Gonder, 153 James Street: I am of the Tom Brokaw greatest generation. We won a war in four years. We built the Empire State Building. We had some great generals that could take care of things. Why does it take us so long to get these decisions made? The best scientific thing this date, go with it. We are not getting anything for our money. We cannot get taxes, we are losing taxes; you are knocking buildings down and whatnot. Do something, and do it quickly. The greatest generation would have had it done, if you had Patton, Bradley, Eisenhower and some other people doing it.

Jim Metzger, 427 Warburton Avenue: The DEC hosted a meeting in Hastings about two years ago on the proposed remediation for the Tappan Terminal site. What was proposed at that time was an orange plastic mesh barrier layer followed by two feet of fill. This would be done after the remediation. Is it still possible to revisit that proposed remediation? It seems somewhat insufficient to me in terms of proposing building on that site. As a park, that might be okay. But if we are looking to potentially build down there, we may look at a greater sense of remediation similar to what is being proposed for the ARCO site. The other question I have is, how do the current offshore findings affect the proposed record of decision as part of the consent decree and what was proposed as a cleanup for the ARCO site. Is it affecting that, or is that record of decision standing?

Mr. Heitzman: With regard to the snow fence, I will remind you that the purpose of that snow fence was a warning layer so that anyone who is digging at the site would know when they were through the clay material and into residually-contaminated material, where they need to take precautions. It is a standard cover technology or capping technology that is being used through New York State. The developers are now used to it. It is an essential part of our brownfields cleanup program, has proven to be effective in implementation, and the Department is sticking with that decision. I cannot speak to the consent decree between the Village and ARCO. That is a discussion we need to have down the line as we figure out which of these alternatives are really viable.

Nancy Balaban, 50 Circle Drive: Has it ever been considered to use plants?

Mr. Heitzman: That is one of the interesting things. The phytoremediation process at the Tappan Terminal site is using plants and the roots to absorb chemicals. Then they respire them and break them down as they pass up through the plant tissues. It is potentially applicable to treat what the bacteria cannot degrade before the groundwater reaches the river,

and that is one of the things we will find out after this test gets done this spring: is this contamination completely degraded before it reaches the river, or is there some kind of polishing step, if you will, to completely degrade it before it discharges to the river?

Ms. Balaban: What does that mean?

Mr. Heitzman: The polishing? To break down the last few molecules, or the last low-level contamination, so it is completely gone before it hits the river. The only downside of that is, the plant species that are typically used for this are not always attractive or desirable. They use a lot of reed grass, hybrid poplars, and trees where we would have to make an aesthetic decision as to whether they are really desirable on the waterfront.

Ms. Balaban: How about sunflowers?

Mr. Heitzman: Are sunflowers being used?

Trustee McLaughlin: Sunflowers are used at Chernobyl.

Ms. Balaban: In New Orleans they are using sunflowers, and I think they were used in Iceland.

Mr. Heitzman: Again, it depends on which contaminants. I know some plants are better at metals or radioactive isotopes than the chlorobenzene that we are dealing with here. But the approach is, let us see if it is necessary if the bacteria cannot fully do it. Chevron has asked about phytoremediation and it may, in the end, be used. But that is great. I did not know about sunflowers.

Ms. Balaban: I have a PowerPoint that someone sent me all about sunflowers, and if you want I can email it to you.

Mr. Heitzman: That would be great.

Planning Board Member Jamie Cameron: I have a question of whether we are going to get electrodes on our bulkheads. I know we did not on that temporary one, and I am curious where we are going on this one. Being a person who uses an outboard a lot, I know how fast the shaft of the engine can deteriorate without them. Also, whether you have looked at using tiebacks on the bulkheads as a way of solving your problem. The last one a lot of people have brought up, but it really is the 800-pound gorilla in the room. We have all criticized the World Trade Center and how slowly that has been rebuilt. We are suffering from that, and maybe you do understand how much people in this town suffer from the fact that nothing

appears to be happening. I suggest to the Trustees that you might invite these gentlemen to come back nine months from now and report to us on how they are doing. There is nothing like a deadline to put a little pressure on the whole system to keep the pot boiling. If you could answer the question on the electrodes and the bulkhead.

Mr. Heitzman: To the extent that the final remedy will have a steel bulkhead, ARCO has told us that yes, there will be some corrosion protection, using anodes. The reason it was not put on the southern part is they wanted to have a site-wide protection program. So yes, it will be done. The consent decree with the Village says they need to provide a trust fund to replace that bulkhead over time, so it is in their interest to make sure it does not corrode. And yes, the conceptual design of sheeted bulkheads involves tiebacks.

Planning Boardmember Cameron: Does that not solve your problem with the PCBs, and driving the bulkhead down to the tiebacks and pulling it up?

Mr. Heitzman: Even with tiebacks it does not provide enough support to fully take the sediments out without a collapse. You have to do both: you have to drive it into the sand and have a tied-back cantilever in order to get all the sediments.

Steven Siebert, 113 Hamilton: I know this is only a small part of the picture. But as a person who is on the town committee to explore the feasibility of preserving the buildings out on the waterfront, is there anything, assuming that the town, hypothetically, agrees that this is something we find desirable, in the current DEC position that would preclude that or make that difficult or impossible?

Mr. Heitzman: The DEC Record of Decision states that building foundations would be an effective cover for the residual contaminations. So if you are asking about Building 52 in particular, the DEC ROD does not require Building 52 to be demolished and, in fact, says that the slab of that building could be used as a cover. There are some PCB excavations that have to occur close to Building 52, and there may be some building shoring and stabilization issues in order to perform that excavation. We have not done the detailed engineering on that yet to know what that is going to look like. But conceptually, in the DEC's view, Building 52 can stay.

Mr. Speberg: And 51?

Mr. Heitzman: Which one is that?

Mayor Swiderski: Fifty-two is the big one, 51 is east-west right to the south of 52.

Mr. Heitzman: I do not remember off-hand if there were PCBs beneath that.

Mr. Siebert: There are some on the river side, but the building was actually built in two stages. You might have lose half of it.

Mr. Heitzman: Okay. And one of the buildings had floor drains where PCBs may have been released into the subsurface and excavation may be necessary. I do not recall off the top of my head whether 51 was affected or not.

Andrew Radskin, 91 Euclid Avenue: I am new to this and I came in late, so if this was already discussed we can skip it. But I have heard a number of comments about the difficulty of DNAPL at the site, and I was wondering if you could take a minute to characterize the problem technically and what the current thinking on the solution is.

Mr. Heitzman: DNAPL is the PCB in its pure form. It is heavier than water, so when it was released it sank to the bottom until it hit the sort of clay layer that acts as the bottom of the bowl. There are places where this stuff has pooled at about 35 to 40 feet beneath the ground surface. Because that clay surface is tilted towards the river, it ran down underneath the river. To answer Jacques' earlier question, the PCBs were mixed with a solvent because in their pure form they are actually a resin material, a solid. They mixed it with a solvent to make it fluid so they could dip the wire reels in it and then coat the wrappings and the paper. So in some places along the waterfront there is still some solvent in it, and it is still somewhat fluid and is still running along very slowly like molasses. In other places, the solvent has dissolved in the groundwater and you have this more resinous material that is probably not moving and sitting on top of this clay layer. The problem is, as I said earlier, where the sheeting is supposed to go is right on one of these pools. Then the concern is that if you drive it the stuff is sticky, is it going to stick to the sheet piles and go down. And I did talk about that before you came.

Danielle Goodman, 28 Ashley Road: I am glad that the DEC believes that now is the time not to slow and delay, and that we deserve to be a poster child. The reason I am so glad is because when I did my research, because I really wanted to understand the timeline, the ARCO site was identified as a Class 2 site in 1989. That is 20 years ago. The Tappan Terminal site was identified as a Class 2 site in 1987. That is 22 years ago. I am one of Mr. Gonder's soldiers, here to back him up with data. What has happened in the last 20 to 22 years in Hastings? I have owned my house for 15 years, my taxes have doubled. The waterfront businesses historically represented 17 to 20% of our tax base. I would like to tell the DEC that they missed a couple of important meetings last week, the school budget meeting and the Village budget meeting, where we are trying to balance our budget without 20% of our tax base. It is unacceptable and unconscionable. Also in the meantime, since the

Uhlich property came offline they asked us for tax rebates. So in 2007, when I was a Trustee, I had to vote to settle a lawsuit with Uhlich because their property is devalued and the Village owes them \$145,515. A lot more has to be done more quickly. Then I went to your web site and researched how many Class 2 sites, and by the way Class 1 is the worse and means immediate action is needed. Class 2 means action is needed. So for 20 years action has been needed. There are 73 sites, and we are number 63 and 65. I will write an email to the DEC to figure out what those numbers mean, and why. I was most shocked to read the web site because I always thought everything was trapped underground and not going anywhere. Well, the Tappan Terminal site “presents a significant environmental threat due to the ongoing releases of volatile organic contaminants from the soils into the groundwater.” So it has been leaching for 22 years into the ground, and the same for the ARCO site. I was surprised because I thought it was just sitting there harmless. It is not.

My questions are, since the bulkhead always seems to be the problem, and I revisited one of my boxes of documents last night and came across of one of Mr. Kalet’s letters to the DEC talking about the need for a berm, why do we even need a bulkhead? If the bulkhead is the problem, can you stabilize the shoreline in some other way without the bulkhead, and is the berm still a problem? In 2006 it was a problem. The reason it was a problem is the Fish & Wildlife people, because under the water you would have to make a berm to stabilize the bulkhead.

Then on the south end, it is interesting and nice to be doing experiments, but you have had 22 years. The experiments should be done somewhere else, and we should get a tried and true cleanup, and it should get done. There should not be any license given to experiment. These are potential PRPs. There has been no litigation on the south end to make these corporations responsible for anything. I hope that you will put the fire to your own feet and to the feet of the people that need to clean this up. I am not the only citizen who is outraged, and you have been lucky that you have been insulated by a very nice government. You do not deserve it.

Mr. Heitzman: The berm is one of the alternatives that is being considered. It has a lot of problems associated with it. It is a filling of the Hudson River, and we are talking about a berm that is 20 to 30 feet thick and would significantly alter the character of the river in front of the Village. It is still on the table, but it has huge permitting issues and problems. And that acreage of river would have to be mitigated somewhere else.

With regard to the time frame to get here, I agree. It has been too long. As I said earlier, this is one of the most significant challenges the Department has faced, and there are no easy answers. We have focused our efforts on sites where there is public exposure to contaminants. One of the good things about this site is that there is no public exposure to the contaminants that are present at the site. No one is drinking the water, no one is getting sick,

no one is living in a building on top of it. That is one of the reasons that this was not given the priority that it has now. We have gotten through all those sites where there is a lot of exposure to the public, and here we are and we do hope to make significant progress in the next year.

Mary Jane Shimsky, 35 Ashley Road: We are all happy to hear that there will be progress within the next nine to 12 months. How many more steps will we have to take before the land is ready for development and can you hazard a ball park guess as to how long that might take?

Mr. Heitzman: That is a great question, and it needs to be discussed. The next nine to 12 months are getting to a decision point. After that, there will be a design process, and then it will take time to construct the remedy. I am not sure I would hazard a guess as to how long that will take. We will be probably further along on the southern half of the site than the northern half, especially if we are talking about taking sediments out and having to deal with those on the property. But we are talking another couple of years.

Sue Smith, 645 Broadway: Is it feasible to think about, instead of doing a bulkhead outside, to reduce the size of the property and do something on the ground inside and then take away something? That shrinks the property.

Mr. Heitzman: That is also being considered, yes. That provides some advantages. It also provides several disadvantages. You lose property. There are pros and cons to cutting the slope back and making a more gradual slope. One is that you lose property that can be developed for the tax base and everything else. The other is that the PCBs that are currently in a pool, instead of being under the land are going to be under the water, and you have less ability to control where they might be going. That is one of the things that we are weighing.

Elisa Zazzara, 68 Southside Avenue: I am confused, because I heard Danielle Goodman say that the toxics are leaching into groundwater; that they are not contained. Then you just told us that there is no public exposure. But if there is stuff going into groundwater, that, to me, says public exposure.

Mr. Heitzman: Nobody is drinking the groundwater. The Village gets its groundwater from where? Wells, reservoirs?

Mayor Swiderski: Reservoirs, Catskills.

Mr. Heitzman: It is not from the Hudson River, and you are certainly not getting them from wells along the waterfront where the groundwater is contaminated. So it is affecting the groundwater resource which is going into the Hudson, but nobody is drinking that water.

Trustee Walker: Regarding the tiebacks, this is one of the remedies to support the bulkhead. How far back would they go, and is this along just the length? The most difficult part of this bulkhead is where you are going to be dealing with the highest concentration of PCBs, which is the northwest corner. How long is that piece of the bulkhead? And then further to the south is not as critical, right? So how big an area are we dealing with, with the tiebacks, with the critical bulkhead issue, and so on?

Mr. Heitzman: I do not know how far back the tiebacks would go. That is a design detail that has not been worked out. The length where the PCBs are present along the northwest corner extends from about the corner to that north boat slip. That is certainly the maximum distance that we are talking about. From the northern end of the north boat slip south, the bulkhead issue is a lot easier.

Trustee Walker: So it about 25% of the total length of the ARCO property?

Mr. Heitzman: That sounds right.

Mayor Swiderski: What does that do to the usability of the site? What is a tieback, is it above ground, below ground; and how does it affect what that site can be used for?

Mr. Heitzman: It is below ground, but then you have rebar, steel cables, that run from the tieback to the shoreline bulkhead. That would limit the structures that you could build over that zone, especially driving piles. However, the Record of Decision has said that where PCBs are going to be left you cannot drive piles through that anyway. So there are about four acres in the northern corner that are going to be off-limit to pile-supported structures.

Trustee Walker: It was assumed that would be a park or open space anyway.

Mayor Swiderski: But you do not expect a significantly greater impact than that area, or is this likely to eliminate from profitable use a greater piece of the property?

Mr. Heitzman: You mean associated with the tiebacks? Do the tiebacks take any acreage off the table that is not already taken off by the presence of PCBs?

Mayor Swiderski: That is better put.

Mr. Heitzman: If it is anything, it is not much.

Trustee McLaughlin: Obviously if there is a tieback you cannot drill here. But how close could you go? There must be some legal boundary, so there would be stripes, in effect, east-west where you could not put piles. Am I visualizing this correctly?

Mr. Heitzman: Yes. I am not a geotechnical engineering expert, although I am becoming one as this project moves on. I do not know how close you can drive a pile to either the sheeted tieback, the wall that you are tying back to, or the individual rods that serve as that tieback. I do not know that answer.

Trustee McLaughlin: You started out saying this was a cantilevered structure. What is it that forms the cantilever? What is the horizontal member? Presumably the thing, the weight, that is being borne is the weight of the new bulkhead.

Mr. Heitzman: The soil is what provides the structure to this vertical steel sheet. So when you embed the sheet into sand which is tightly packed it provides some stability against that steel sheeting wanting to tip over into the river.

Trustee McLaughlin: So the sand, in effect, is now part of the cantilever.

Mr. Heitzman: It is the resisting force to the cantilever. However, that is also enhanced by these tiebacks. As I said earlier, you need both.

Trustee McLaughlin: For the last 100 years, or more than that, we have dumped garbage of various sorts into the commons, whether it is air or water or whatever, and assumed that the vastness of the commons would diffuse it. We are hearing tonight about the leaching from this site and how it is not going into the aquifer so it is okay. But it is going somewhere that goes somewhere. I am curious to know if the DEC has any idea of if this leaching is informing some kind of plume that ultimately is settling in New York harbor or is it trackable in sturgeon or anything that goes to sea.

Mr. Heitzman: Well, it is going into the river and that is not okay. We have delineated the extent of sediments near the site and how far it goes towards the harbor. But there is a fraction that is dissolved in the water itself that is going well beyond the limits of the site, and we have not tracked that.

Mr. Janeway: We have gotten particularly technical tonight, and I know there are a variety of levels of expertise here. Our primary role tonight and my coming here in person was to let you know that while we are aware of the history we do not want to repeat the history. We

want to partner with you, and we need the stakeholders and private companies to cooperate. We are optimistic that they will, and this is a key factor in how fast we can or cannot move forward. With the cooperation of the private parties we can move forward, and we can move forward in a timely manner. We do propose to come back within nine months, hopefully sooner, again, with the cooperation of the private parties. We are proposing to come back and provide some more information, with better visuals that will help everyone better understand the technical nature of the elements and provide a setting where we can better field the wide variety of questions that we are not able to answer completely tonight. We propose to do that before we have fully prepared, and are able to put out, what the next steps might be in terms of the preferred alternative on the site.

So we are proposing to come back within months to have that kind of information session, and then to follow that up with another public session with regard to what the proposed alternative is to move forward and to give people the opportunity to give us reactions to that before we finalize. I want everyone to understand that. I know it has been a while since the Agency has been here. I know that emotions run deep and far back on this. All I can say is that we, and the commissioner, are determined to work with you to move forward and to partner with you to do that, and to make decisions that may not please everyone, but that ultimately are based on the fact that we cannot just not make decisions. We need to make some decisions and move forward, and we look forward to doing that as best we can.

Mr. Metzger: Who is funding the cleanup of the Tappan Terminal site? The reason I ask is that the Fortune 500 list came out yesterday and ExxonMobil was number one, with a profit of about \$465 billion. So the concept of sweeping their garbage under a carpet that we then have to get developers to deal with seems inappropriate. It would be nice if the state would lobby on our behalf a little stronger to get that company to clean up their own mess so we could benefit from the site.

Mayor Swiderski: That will conclude the public questions. I thank you for your statement of interest in moving forward. One of the changes in how we deal with issues up here is that I have asked various Trustees to take point on the major issues we face. On the waterfront I have asked Jerry to act as our point person, which you will find is a brilliant choice because no one will pursue you more doggedly than Jerry. He will also do so fairly and with an interest in working with you. But I do not think he will wait six months for an update. I think we will be seeking them far more often than that, and invite you back here, or perhaps Mr. Heitzman, to provide that feedback and updates more frequently. That does not necessarily have to be in person. We would welcome submissions by either teleconference or through Jerry, but we will be looking for updates frequently. We look to work with you sincerely, but with urgency. I thank you for coming down. It is a first, and we appreciate it. I take that as a very good sign.

APPROVAL OF MINUTES

On MOTION of Trustee McLaughlin, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of March 18, 2009 were approved as presented.

On MOTION of Trustee Walker, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 7, 2009 were approved as presented.

On MOTION of Trustee Walker, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of April 7, 2009 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 69-2008-09	\$ 31,640.52
Multi-Fund No. 70-2008-09	\$136,884.62

PUBLIC COMMENTS

Mr. Gonder: It is a new Board. I am glad to see that. Maybe we will get some action. Several weeks ago a man was walking through Pulver's Woods and stopped by my home. All of a sudden he was talking about the deer in Pulver's Woods. He happened to tell me he was getting mail addressed to the deer in Pulver's Woods in care of his house. I said this guy is funny, or he is cuckoo. Well, last Friday I got mail from Mid-Hudson, New York, 16 April, 2009, Poughkeepsie, New York: Buck van Deer, 14 Vassar Road, Poughkeepsie, New York. To my seven deer cousins, c/o John H. Gonder, 153 James Street, Hastings-on-Hudson, New York.

Mayor Swiderski: That is great.

Mr. Gonder: It is not funny, though. Hi, my Dear Deers. It has been a long time since I last saw you all. I understand Hastings-on-Hudson has many open spaces and parklands and homes with edible flowers, vegetable gardens, trees, and plants. The food up here in Poughkeepsie is dwindling, and I and all your cousins will be coming down to Hastings to live. We understand the Village elders, or whatever they are called, open their village to all

and any hungry deer. They apparently love deer and will protect us. See you soon, your cousin. Love, Big Buck van Deer.

Well, you got a new Board, maybe you will do something. April showers bring May flowers. I have given up with flowers. For 45 years I put big vases and pots on four columns in front of my house. I put big boxes on walls on my driveway. I spent hundreds of dollars, and the deer ate them. I do not have any tulips; my azaleas are shot. Dr. Padawer left, but he gave that report several months ago. He did an excellent job: that we have to take out 70% the first year and 40% the next year. The population doubles every two years. The danger of Lyme disease and vehicle accidents. Matt Lauer, NBC, got hurt trying to avoid a deer. It is going to happen in our woods, and you are going to sit up there and think of what did you not do. Someone is going to get hurt, chasing a little fawn and Mama Doe is going to come and hoof somebody. I have had a deer raise up like this. It is a scary thing. Rats and mice I can take care of. I can get traps, I can put poison out. Deer, I cannot do anything. The last Board mayor really did nothing. What is this Board going to do? A young boy 10 years old, wrote a letter in *The Enterprise* to use PZB for a deer contraceptive. A 10-year-old is giving you people some ideas. My solution was, I would give you \$10 for every deer up to 100. You get 30 or 50 people like me that are fed up chasing them, cleaning up after them, have no more flowers. You can tranquilize them and ship them up to Maine. But do something.

Mayor Swiderski: Not only do I entirely agree, I think the consensus of the community is behind you. I hope certainly within my first term, in the next two years, we will take the dramatic action you are looking for.

Trustee McLaughlin: Former Trustee Goodman is not here, but I feel that I must spring to her defense, because former Trustee Goodman is a not a do-nothing Trustee. She wholeheartedly would have agreed with you, and I mean still would. We cannot act alone, that is our problem. It is good knowing that the community is behind us because a couple of years ago it was not. But the problem has come to the point now where people who once upon a time would have wept over Bambi have just given up; they have seen too many of their vegetable gardens vanish.

Mayor Swiderski: Trustee Diggitt is entirely right: we cannot act alone. To that end, I have spoken to the mayors in the adjacent towns, and both Dobbs Ferry and Irvington are interested in taking action. It takes some time to cue that up and decide what that is going to be, but it is contiguous territory; it somewhat ensures that action taken does not become rendered ineffective in one year's time as they breed their way back. We are actively talking about it, and once we have something to say more coherent, we will. I am not going to promise it this summer, but we are going to do something.

Trustee Walker: As a new Trustee I wholeheartedly agree. We should take aggressive action. Both my daughter and I suffered from Lyme disease, and it is not pleasant. I know many, many people in Hastings have also.

Mayor Swiderski: That includes my daughter, so we have got a Lyme-heavy Board.

Trustee Walker: We have a Lyme-heavy Board, and I live on Washington Avenue. They are even into the backyards of Washington Avenue.

Mr. Metzger: On Warburton Avenue there are three, and possibly four, street lights that are out in a couple of blocks. From a safety point of view we should have those looked at. I know that my tenant has contacted the Village to try and get that taken care of. I received a flier from Con Ed regarding tree trimming. Even though it is supposed to be a three-year period and we are only two years past the last trimming, I wanted to raise that issue in public. We should be vigilant to make sure that we do not get hit with some unforeseen onslaught of tree trimming that we are not ready for.

Village Manager Frobel: We have been without a lift truck for about two weeks now. It had to be in for repairs and an inspection. It is back on the road as of Monday, so they are back fixing lights. The list of trees scheduled for trimming has been forwarded to our Tree Board, and they did an inspection this week of all the trees on the list. They have a report to me, and we forwarded that to Con Ed. We will be watching their work over the next several days.

Mayor Swiderski: Before we move on to resolutions, a change in pace and a modification to our usual agenda; this will be a permanent feature. What I have proposed, and what we will now enjoy, are two-minute presentations at every meeting, starting with one on sustainability/environmental issues. I have asked Elisa to provide this first one; it will become a PSA and will play on HoH repeatedly until the next one is filmed. She will coordinate identifying people who will step up and provide these. This speaks to our emphasis on sustainability issues and trying to build some awareness around common-sense things we can do to improve this Village's awareness.

Ms. Zazzara: As we gather to speak about outdoor farmers' markets and spring cleaning, of a sort, with our waterfront, I want us to turn our attention to our own household spring cleaning. While you are deciding what is going to stay and what is going to go, I am asking you to take an extra minute and consider how you can keep your garbage out of the waste stream. Keep in mind the amount of money that our Village spends to dispose of our garbage is directly related to the volume of garbage we each throw out.

I am going to offer two local suggestions on how you can keep some clothing and textiles out of the waste stream. I just noticed a new clothing drop bin at the A&P parking lot. It is in the far west end by the Citibank. The other one has been there for quite some time: there is a clothing drop box, two of them, at recycling by the DPW on Southside. The one at the A&P is good for clothes and shoes that are in wearable condition, things that you think someone else could wear and use. The clothes are sold, and the proceeds go to the One-In-Nine Long Island Breast Cancer Action Coalition. You can read about their initiatives and what they do. They offer free and low-cost services to cancer patients in and around the New York area. They have a Web site: 1in9.org. At the DPW the blue recycling bins are your unwearable clothing: the ripped things, the torn things, the stained things. You can also put small area rugs, curtains, and linens and other textiles in there. Those things are sold to a company. They shred them and repurpose the fibers. Hastings gets a few pennies on that. Last year we spent about \$100,000 just to get our garbage out of our town. If we can keep garbage out of our garbage, we will save money. I urge you all to think about that when you are doing your spring cleaning: use those bins, and others, around.

Mayor Swiderski: We are going to generate another PSA at every Trustees meeting. I would like to highlight a volunteer effort underway that needs some attention. Maybe it is volunteer help or money or whatever it may be. I have asked Diggitt to coordinate these, moving forward. If you run a volunteer organization and would like it highlighted, or would like to speak yourself, contact Diggitt at volunteer@hastingsgov.org. Diggitt, your two minutes.

Trustee McLaughlin: This is a copy of an A&P/Waldbaum's gift card, and you can buy them at our A&P in a variety of denominations. This one I just bought and had \$25 put on. I am telling you about this because Bill Finkeldey, the youth advocate, has been getting more requests than ever for food and for help from families in need in Hastings. Bill has for years collected canned foods and goods like that from St. Matthew's, from Grace Episcopal Church, from Temple Beth Shalom, and from the Reformed Church. More of that help is needed, too. But the reason Bill thought that gift cards like this would be nice is because not everybody wants to eat canned vegetables, canned fruit, and Spam all the time. It is nice to have an extra \$25 in your pocket when you go to the A&P. That is the purpose of this. There are other things you can do to help your neighbors. Perhaps to start the dialogue, contact me at volunteer@hastingsgov.org and we can work together to find other things to do for your neighbors. The Village Clerk's office is collecting them. They are at the checkout counter at the A&P, and you can drop them off with the Village Clerk any time.

**21:09 ABANDONMENT OF GRANT –MARINELLO [KINNALLY] COVE
AQUATIC HABITAT**

Village Manager Frobel: Several weeks ago we recommended that the Trustees pass a resolution turning back a grant the community received about eight years ago for some improvements at Kinnally Cove; more specifically, the creation of a tidal marsh. We had reached a consensus that in all likelihood the tidal marsh was not something that we were looking to build. The question came up that evening whether or not the state would be inclined to allow us to modify the grant and redirect the money for similar-type plantings at the same location. We did re-contact the staff, and have verified that the decision of the state is that the grant should be returned since we would not be building the tidal marsh, and they were not inclined to support some additional plantings at the location. The feeling was that it was such a departure from the original grant, and we had received it under a competitive nature, that it would not be fair to some of the other candidates who were denied money in that go-round, and that we would be better served to turn the money back and make a reapplication for a different grant specifically for plantings at the cove.

Trustee Walker: I would just like to comment and, since I was the one who raised the question at the meeting, I wanted to thank our Village Manager for pursuing it. I am satisfied, I read the response from the DEC staff, and I rest my case. I would, however, like to continue to look into putting in some more upland vegetation which could serve as wildlife habitat. I am not sure, and we can discuss that further another time, what is on the plans for the future. But additional trees and shrubs would not only be aesthetically pleasing, but would also provide some additional habitat.

Mayor Swiderski: I believe Christy Pennoyer has been working with Michelle Hertz and Carolyn Summers on an appropriate native plant selection for there.

Trustee McLaughlin: Jim Stadler asked me if I would make a comment tonight that former Mayor Chemka had come before the Board several times objecting to the spending of money on the proposed wetlands. Jim just wanted me to give a shout-out to former Mayor Chemka, to say that you had your way and we listened to you and we are not spending Village or state money on something that would wind up being an endless pit.

Mayor Swiderski: I would add that he got the beach he was asking for.

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

WHEREAS, the Village of Hastings-on-Hudson (Village) was awarded a \$50,000 grant through the 2001 Clean Water/Clean Air Bond Act for Marinello [Kinnally] Cove Aquatic Habitat Restoration, Project #2001WQ15224, and

WHEREAS, a decision was made by the Board of Trustees to exclude the Tidal Marsh in the final design of the Kinnally Cove Project due to concerns regarding the total project cost of \$200,000 and on-going maintenance, and

WHEREAS, the grant is specifically for Aquatic Habitat, and

WHEREAS, it is in the best interest of the New York State Department of Environmental Conservation and the Village to abandon the grant, now therefore be it

RESOLVED: that the Mayor and Board of Trustees request that the Department of Environmental Conservation immediately proceed to terminate the Marinello Cove Aquatic Habitat Restoration grant award.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

26:09 EXECUTIVE SESSION POLICY

Mayor Swiderski: The executive policy stipulates that basic minutes be issued after an executive session that capture any decisions made that could be publicly released; attendance, and date and time are captured. They are bare bones, but sufficient for us to at least tie back to a given date when a decision was made. This idea came out a couple of years ago.

Trustee Walker: Does an executive session always begin in a public meeting?

Village Attorney Murphy: That is a must.

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

RESOLVED: that the Mayor and Board of Trustees adopt the Executive Session policy as follows:

It is the policy of the Board of Trustees of the Village of Hastings-on-Hudson to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. Matters which will imperil the public safety if disclosed;
2. Matters which may disclose the identity of a law enforcement agent or informer;
3. Information relating to criminal investigations;
4. Discussions relating to proposed, pending or current litigation;
5. Collective bargaining negotiations;
6. Personnel matters; and
7. The proposed acquisition, sale, or lease of real property or securities.

The Board recognizes that it is authorized to use Executive Sessions in these situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subjects of Executive Sessions, the specific subject matter and any statements made or positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until a majority of the Board votes to authorize the release thereof by the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific

information which is to be released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

The Village Clerk (or designee) shall take minutes of each executive session, such minutes to consist only of the following:

1. Date of resolution calling for the executive session;
2. Date, place, and time of executive session;
3. Names of persons present;
4. Broad description of subjects discussed (e.g. personnel, pending litigation); and
5. If any action is taken by formal vote, a summary of the final determination of such action and a record of the vote, in accordance with Public Officers Law § 106. Minutes shall be approved at the next regular meeting of the Board of Trustees.

Adopted by the Board of Trustees on September 28, 1993.
Revised November 20, 2007.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

27:09 RULES OF PROCEDURE

Mayor Swiderski: These are the procedures that guide the way the Village Board conducts itself. It sets the time, date, and location of the meeting. It is as it has stood in prior years, with a couple of small additions. We have stated a caveat that the date might change if there is a religious holiday or an election that interferes with that date. This has always been our policy in the past, but it made sense to be clear about it.

Additionally, we have added the auditorium in the Community Center as an optional place to hold a meeting that could be designated as such without a vote if we need a larger hall.

Trustee Walker: We retained the public comment period toward the beginning of the meeting as opposed to shifting it at the end, as it was in previous years. We all agree that this is a good thing.

Trustee McLaughlin: The rules of procedure were revised a couple of years ago to provide for that.

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

RESOLVED: that the Mayor and Board of Trustees approve the Rules of Procedure as attached.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

28:09 REJECTION OF BID FOR TRACTOR-DRAWN AERIAL LADDER TRUCK

Village Manager Frobel: We were hoping that tonight your action would be the awarding of the bid for this apparatus. The firemen developed some very sophisticated specifications, very specific to Hastings and to their needs. We received your authorization to go out to bid for that. The bids were opened on March 16, and we received one bid. While the price was very favorable, it was less than we had anticipated. We immediately suspected there might be something amiss, and there was. I told the Chiefs to go through the specifications very closely and prepare a memorandum outlining the deviations from the specifications. The team came up with in excess of 70 variations from the specifications. Not all of those are significant; some of them we could have lived with. But there are a dozen or so that were very significant, and we are unable to accept them. We met with the Village Attorney and explained to her in detail our concern. We are looking to secure your approval to reject this bid and to go back out to bid. I have explained the situation to the low bidder. He is fully aware of what we are doing tonight, and our recommendation. I am pleased to report that he was okay with it. He is looking forward to receiving the revised specifications. He is

convinced he will still be a competitor. He understands the importance of being more specific to what we are looking to buy. We are also convinced we will receive other bids from other vendors. We feel that with the delay it will probably attract even more and we are hoping to receive some very good prices.

Trustee McLaughlin: The memo the Chiefs prepared for us was pretty comprehensive. It was stunning to see the nature of the deviations. There were shorter screws, thinner screws, thinner steel plate. It seemed to me that the proposed vehicle would not have been able to handle our hills and sharp corners. One of the reasons we are going out to bid for this in the first place is because we need to be able to reach all the houses in Hastings. It sounded to me that the proposal by the vendor was for a unit that would not be adequate for us.

Village Manager Frobel: True. I met with the Chiefs last night to press them on the demonstrated need and also the uniqueness. This piece of apparatus is unique to the geography of the Village. A neighboring community has a ladder truck and is experiencing difficulty in reaching some of their neighborhoods with it. We would have difficulty relying on that as a backup for our needs. We recognize that this is a very expensive apparatus; we are aggressively pursuing an application from FEMA under the Assistance for Firefighters grants. I am convinced that with the talent of our team we will be able to submit a very competitive grant application, and receive some relief on the price.

Mayor Swiderski: In terms of a bidding process and what information has been telegraphed with the bid number that is now known, and with the fact that there was only one party and that party is aware that this was the lowest bid, how does this change the dynamic of the bidding process? And how confident are you that there will be other bidders?

Village Manager Frobel: We feel confident. I know for certain the low bidder will be bidding again, a different vehicle. There is another firm in Connecticut that has called me on several occasions. He will be bidding, so we should get at least two. The Chiefs feel there are others out there who will be submitting as well. We think it has probably made them more determined to submit a good price. I am optimistic. There are obviously costs associated with it and there is only so much latitude, but if they keep their pencils sharp I think we will come in with a good price.

Trustee Quinlan: We were hoping that the same company that we had done business with in the past for the hook and ladder would come in a bid. Unfortunately, they did not; we could only speculate that they have some financial problems. That possibly prevented other people from coming in to bid. LaFrance was that company, so now that it appears they will not be bidding unless their finances have changed. That is just speculation that we will get more bids; maybe even from companies like Seagrave which did our recent purchase and

other companies, now that they have perceived this. They perceived, rightly or wrongly, that perhaps we had a favorite and that favorite now will not come forward.

Mayor Swiderski: That is directly relevant.

Trustee Walker: What is the urgency of purchasing this this year? I would like to understand the pros and cons. I remember the Village Manager explaining that this is not a great year to go to the bond market, so I wondered is there a financial benefit to waiting another year. Would there be more bidders? And then what are the drawbacks?

Village Manager Frobel: You are right: the Village is in a difficult situation. We are very close to our maximum debt limitation that you have self-imposed. The bond market has changed. We recently borrowed \$600,000 for road resurfacing program and received an okay bid, but certainly not as low as we had hoped. The Chief will talk about what we expect will be the increase in price in this vehicle. We can point with certainty to what we thought it was going to cost us when we began this process versus what it would cost us today.

Trustee Quinlan: Can I just have a point of information, Peter? We voted to send this out to bid. I am very interested in Meg's question. But are we reopening the process?

Mayor Swiderski: We are not reopening the process. It is a point of information. In fairness to the process, the decision was made.

Trustee Quinlan: And we are sticking to our decision.

Chief Gagliardi: There were 68 discrepancies with the specifications, and 18 of them turned out to be major concerns. One of the major concerns was the steel was a lower-grade. That is one reason why the price was a lot lower. The braking system, which is very important to us, was a lesser-grade system. With it being a lesser-grade system, it was cheaper definitely. There was also a problem with the cab. It was supposed to be a certain dimension; they were going to go smaller. Again, price. Of course it is going to be a little bit lower. They are using less material. The battery system, they were going with 1,100 cold cranking amps and only spec'd out 900. A lot of the stuff they have in here was definitely a lesser grade. There were ten members on the truck committee and they went over this spec extremely well.

Chief Sarfaty: There are new standards that all the apparatus have to meet. The biggest one has to do with firefighter safety. That is the main reason there is urgency in this matter. The

whole idea is to get the firefighters to the scene and then back safely. The second part of your question had to do with the time frame. The need is immediate. The build-out time for this type of apparatus is about a year, maybe longer. Payment is due upon acceptance and delivery. There is no money laid out prior to that, any sort of prepayments. You are looking at about a year, maybe 14 or 15 months. So we feel that fiscally we have some time, the Board has some time, to work with.

Trustee Quinlan: How old is this truck?

Chief Gagliardi: It is 1984.

Trustee Quinlan: So it is 24 years old. What is the reasonable life span of an apparatus of this type?

Chief Gagliardi: Twenty years.

Trustee Quinlan: So we are already four or five years over its lifespan.

Chief Gagliardi: Yes. The standard the apparatus have to meet is 1901 NFPA, National Fire Protection Association. That basic standard for apparatus design came out in 1991. That gives you an idea of the non-compliance that the ladder currently is in right now.

Trustee Walker: And the neighboring community, Dobbs Ferry, has a similar truck, or not?

Chief Gagliardi: No, they have what is called the tower ladder. It is a unibody type. The problem with the tower ladder in Hastings is that there are a lot of streets that it simply cannot maneuver. The tiller we have now, Ladder 22, is extremely maneuverable. I know you are familiar with some of the roads around the quarry and Hogan Place, and it makes all those turns. It can make Circle Drive, and there are really no streets it cannot maneuver.

Ellen Hendrickx, 136 Circle Drive: There was a gentleman here from Nita Lowey's office a few weeks ago who spoke in front of the Democratic committee about the stimulus package. I seem to remember that buying a fire engine might be something that we could appeal for stimulus funds.

Village Manager Frobel: There might be. We have already submitted under that act. We submitted the day it was announced it was available. But the preference, this Assistance For Firefighter grant, is a program already in existence that is already funded. That is where most agencies like the Village are directed to apply.

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

WHEREAS, sealed bids for a Tractor Drawn Aerial Ladder Truck on a Custom Chassis were received and opened on March 16, 2009 in the office of the Village Clerk, and

WHEREAS, one bid was submitted, as follows:

Hendrickson Fire Rescue Equipment
Huntington Station, New York 11746 \$874,868.00
and

WHEREAS, after review it was determined that the bid did not comply with the bid specifications, now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to reject the bid received on Mar. 16, 2009 and to advertise for bids for a Tractor Drawn Aerial Ladder Truck.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

29:09 FARMERS' MARKET – APPROVAL OF USE OF MUNICIPAL BUILDING PARKING LOT

Village Manager Frobel: Before you is a request of the organizers of the Farmers' Market to use our parking lot on Saturday, May 9. Originally they were scheduled to use the Community Center to have an indoor event, but due to a variety of reasons we are requesting that special consideration be offered to allow them to relocate to our parking lot that Saturday in early May.

Trustee Walker: I would like to make sure that the Farmers' Market committee is comfortable with using the parking lot on May 9 as opposed to the Community Center in terms of weather and so on.

Ms. Smith: Yes, I think in May we are pretty sure weather-wise. Unfortunately, we had to do this in December and we found out how cold it can be, and windy. I appreciate that is out of the game plan that we had originally anticipated. But it is an accommodation to the Chamber of Commerce which we are willing to make.

Trustee Quinlan: When do you usually start using the lot?

Ms. Smith: Our season has traditionally been from the first week in June through the Saturday before Thanksgiving.

Mr. Metzger: I want to know how the litigation that is before the Village affects the location of the Farmers' Market.

Mayor Swiderski: This is a one-time request. I do not know if it is affected by that litigation. It is typically an administrative matter, but we thought it would be a good idea for the Board to pass on it.

Village Attorney Murphy: There is nothing to report.

Mayor Swiderski: One of the driving factors for this request was from the Chamber of Commerce. That is Mothers' Day weekend, and they had a concern that the traffic and parking generated by the Community Center use would interfere with access to stores by residents. The Farmers' Market indicated they were willing to accommodate that request. It is a nice example of cooperation on both sides.

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

RESOLVED: that the Mayor and Board of Trustees approve the use of the Municipal Building parking lot for the 2009 Farmers' Market on Saturday, May 9, 2009.

ROLL CALL VOTE

AYE

NAY

Trustee Bruce Jennings
Trustee Jeremiah Quinlan

Absent
X

Trustee Diggitt McLaughlin	X
Trustee Meg Walker	X
Mayor Peter Swiderski	X

30:09 INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR PRISONER TRANSPORTATION

Village Manager Frobel: It is time for us to consider the renewal of our relationship with the county for the transport of prisoners. This agreement went into effect on January 1. The county took time getting it to us, but we have had this relationship for a number of years. The rate per mile is tied to that which is provided under the IRS regulation; it is about 59 cents a mile we are reimbursed. They also, under this agreement, reimburse us about \$167 per police officer who drives a vehicle to the county jail. We are reimbursed about \$15,000 year under this program. The Chief has reviewed it, we are comfortable with it, and recommend it be affirmed.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Intermunicipal Agreement with Westchester County to provide prisoner transportation between the Village of Hastings-on-Hudson and the Westchester County Jail for the term commencing January 1, 2009 and terminating December 31, 2010.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

31:09 SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 1 OF 2009 – SWIMMING POOL MEMBERSHIP

Village Manager Frobel: In keeping with our practice of seeking sources of revenue independent of the property tax and in keeping with the philosophy of user charge and guarding against a reduction in the amount of pool memberships this year, the Recreation

Commission has recommended that consideration be given to offering a very limited number of out-of-village annual pool passes. They are recommending upwards of 10 family permits be issued and 5 individual permits. The cost would be more than what we charge to our residents. And we see that as a means of enhancing our revenues, guarding against what could be a downturn this year, and expanding our ability to raise money and pay for the pool.

Trustee Walker: So roughly, the revenues would be \$5,000?

Village Manager Frobel: It could be upwards of \$8,200 if we are successful in selling Ten family and five individual.

Trustee Walker: And how would you publicize this to people outside the Village?

Village Manager Frobel: I am almost certain that Mr. Gomes has a list of people that, in the past, have approached him. He would obviously reach out to them. But we would advertise, probably, on HoH or through our web site. Hastings residents would pass word on to perhaps friends in other communities.

Trustee Walker: And it would be on a first-come, first-served basis?

Village Manager Frobel: That is my understanding, yes.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, May 5, 2009 at 8:00 p.m. or shortly thereafter to consider Proposed Local Law No. 1 of 2009 to amend §209-2 of the Hastings Village Code to allow non-residents to purchase memberships in the Village swimming pool.

ROLL CALL VOTE

AYE

NAY

Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

32:09 SCHEDULE SPECIAL MEETING FOR ADOPTION OF 2009 – 2010 BUDGET

Village Manager Frobel: We have our work session this Thursday, in which we will continue to go over the individual departments' budgets. And likewise, we are scheduled to meet in a work session prior to the adoption of your budget the next Tuesday. This resolution sets up a special meeting for that evening for action on the budget.

Ms. Zazzara: I was at the public hearing for the budget. Then you have work sessions for each department. Does then the budget get revised for your approval?

Village Manager Frobel: Yes.

Ms. Zazzara: So there is no other public hearing before the approval, after you have amended it through all of that?

Village Manager Frobel: No.

Ms. Zazzara: I am sad. I would like to see a public hearing before you adopt the newer budget that might or might not be revised.

Mayor Swiderski: Does this special meeting constitute a public meeting? Is there a chance for the public to speak?

Village Attorney Murphy: All public meetings are open under the Open Government Law.

Mayor Swiderski: Including the work sessions?

Village Attorney Murphy: Work sessions are open to the public. It is up to the Board if residents speak.

Ms. Zazzara: So at the work session, will you open it to public comment or question?

Mayor Swiderski: Without sounding too persnickety, within reason absolutely. We do want to get through it. But absolutely.

Trustee McLaughlin: If we are having presentations right up until the time that we vote on the budget, when does the Village Manager revise what it is we are having presentations on?

Village Manager Frobel: The departments will finish their presentations Thursday evening. From that meeting I will give you, over the weekend, a list of suggested changes

Trustee McLaughlin: So what do you anticipate we will be talking about at the work session before we begin this meeting?

Village Manager Frobel: I would hope to go over my suggested changes, and get reaction from the Board and reach a consensus.

Mayor Swiderski: My understanding was that Raf would be therewith a PC and we could make the changes on the spot. That would yield the rate that would drive the resolution.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Special Meeting for Tuesday, Apr. 28, 2009, at 8:00 p.m. to adopt the 2009 – 2010 Village Budget.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	Absent	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Meg Walker	X	
Mayor Peter Swiderski	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: A reminder to everyone that the annual Village-wide cleanup is Saturday, May 2 and Sunday, May 3. Please call Linda with the location you would like to work. We will break for lunch at the Hook and Ladder on Saturday at noon.

We applied for a very small grant under the Hudson River Foundation under the Hudson River Improvement Fund. We had asked for \$10,000. We knew they had very limited money to distribute. We were looking to make some improvements at Kinnally Cove, essentially completing the walkway there. I received word Friday that our grant was not funded. Again, it was no reflection on the merits of the grant, but simply the fact that they received many applications and were not able to fund them all.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Swiderski: We have had an update on the waterfront in detail tonight.

2. Update on the Comprehensive Plan

Trustee Quinlan: The next public meeting is May 2, at the Community Center at 44 Main Street from 9:30 to 12:30. The consultants came to Hastings this past Friday and met with two school board members. They also met with two people who own stores in the downtown. I understand that those meetings went very well. They took a tour of the large tracts and the waterfront. I would strongly urge everyone to come to the public meeting.

Mayor Swiderski: Could I expand on your update by asking Mr. Metzger to describe the format of that meeting or at least give some color of why it is important and what it is about.

Mr. Metzger: I am a member of the Comprehensive Plan Committee, and have been since its inception. At our last meeting we divided the committee up into specialties; my specialty happens to be the waterfront. The meeting is so important because we are doing what we are calling the topical workshop. At the last meeting we were looking at the Village in general and trying to generate ideas of what was working and what was not working. We did what is called a SWOT analysis: strengths, weaknesses, opportunities, and threats. At this next meeting we want to get into much more detail. It is going to look at large tracts, the downtown, and the waterfront, and then all of the issues surrounding that, taxation and financing, transportation, infrastructure, etc. It is a chance for the Village to get into the meat and potatoes of how we want to develop the Comprehensive Plan. It is critically important that we get many people to come to these meetings. We are trying to avoid anybody to show up at the last minute and say, why was I not invited? I am inviting everybody. We will be putting out public notices, we will be broadcasting on HoH-TV. We encourage public participation at all of our bi-weekly meetings, as well.

Trustee Walker: I would like to stress how important it is to get the word out in as many different ways as you can. You could contact some of the senior groups and committees at the high school. There is the environmental club, there are some political organizations at the high school that are very interested in this. There are also a lot of new residents who do not always get the Village's emails; fliers; posters; a press release to the papers.

Mr. Metzger: I am wondering if we could do a banner at Five Corners previous. I agree with you, we need to advertise this as broadly as we possibly can. That is something we will be discussing tomorrow night, as well.

Trustee Walker: Great.

Mayor Swiderski: On April 30 the mayors and respective village managers from the six villages will be meeting for the third in a series of discussions about joint sharing of contracts. That meeting will be happening here in Hastings. While it is not a public meeting, I will report on it afterwards. We will be reviewing a half dozen different contracts that are open for discussion, and trying to figure out how we can potentially come to share them.

ADJOURNMENT

On MOTION of Trustee McLaughlin, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:15 p.m.