

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 2, 2010

A Regular Meeting was held by the Board of Trustees on Tuesday, February 2, 2010 at 9:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Jeremiah Quinlan, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobels, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Twenty-five (25).

PRESENTATION – Unveiling of Photograph of Mayor Wm. Lee Kinnally, Jr.

[At start of prior Public Hearing]

Mayor Swiderski: The mayor's prerogative is always to mix up the schedule and to do it at free will, and in this particular case what would have come a little later I am pushing up to the start of the meeting: the unveiling of the official portrait of Mayor Kinnally.

Last Friday I was here to officiate at a wedding, and as I was waiting for the nervous bride and groom, I went down the portraits of the previous mayors and noticed, and did not realize, that Lee is our oldest serving mayor in terms of length of time as mayor. There were a number up there who earned their portrait after all of one year, but I do not think anyone worked so hard or so well for our Village, and so very much earned the portrait that we are going to unveil tonight. Lee, I would ask that you offer a few words, and then we will unveil it and hang it.

Mayor Kinnally: I thank you for your kind words, Peter. Some of my colleagues that I had the privilege of serving with are on the dais this evening, and also in the audience with us. As long as I served, 16 years as mayor, it went by quickly. I have some terrific memories, many, many warm friendships because of it, and many lessons learned by me, and, I think, by other people, but certainly by me, and I would not trade it for anything. I thank you for this evening. It is a privilege to hang next to Fran [MacEachron] and to Julie [Chemka], with whom I had the privilege and pleasure of serving for many years. Peter, thank you very much; Board, thank you very much, Susan.

Mayor Swiderski: I am going to note that there's only one spot left there.

Lee Kinnally, Jr.: Well, it will be many years before that is filled.

Mayor Swiderski: Not as many as yours.

Lee Kinnally, Jr.: Thank you very much, Peter, and good luck tonight. And thank you also to John Maggiotto. He did a wonderful job on this. A lot of airbrushing.

APPROVAL OF WARRANTS

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

Multi-Fund No. 49-2009-10 \$67,053.41

Multi-Fund No. 52-2009-10 \$ 5,155.33

PUBLIC COMMENTS

Jeff Alterman, 156 Villard Avenue: I wanted to comment about a problem at the top of Villard Avenue, a drainage problem in front of 230 and 234 that goes into Clinton Avenue. Whenever there is a heavy enough rain, water collects on the east side of Villard Avenue. There is no storm drain there, and when it freezes it breaks up the pavement on Villard at that spot. It has become bad enough where it was like the surface of the moon until they repaved that portion of Villard, and there is still no storm drain there. Water still collects, and when it freezes, if there is enough water, it can still break up the pavement. I have seen a little damage some distance from that point already. Is there anything that is going to be done about it, to put a storm drain in? Because if nothing is done about it, you are going to keep having the problem and that is the taxpayers' money that is going into fixing the street.

Village Manager Frobel: Right now there are no plans for any improvements in that particular area, but let me take a look at it, give it some thought, and see if we can come up with a solution.

John Gonder, 153 James Street: At the last meeting you talked about two types of signs. One was the Chamber of Commerce that some of the Trustees were looking at, maybe \$14,000 for some signs in the Village. The Board had some different ideas to get some public funds. I think grants were denied. One said maybe Atlantic Richfield could pick up some of the money; I am not for that, of course. But I got thinking. I have one of these things, a GPS. If I have one, everybody must have one. It always gets you where you want to go. One Trustee mentioned about priorities. Well, I think this priority is very small except maybe you need some signs for where the parking is. Besides, our good citizens will give you directions for where things are. I think that priority for signs differs from some of my priorities.

In regard to signs, First Amendment. I guess you are all Democrats, I do not know, but I do not hold that against you. But you all said, I am a Democrat, freedom of speech is important. Well, Republicans, Independents, fourth, fifth, sixth, seventh parties, when I go to elections I forget all of them, Libertarians and whatnot. They are all for it. The only ones that are against freedom of speech are terrorists and, probably Communists.

9:10 DEMOLITION PERMIT ATLANTIC RICHFIELD COMPANY

Mayor Swiderski: The first resolution is the topic of discussion in the earlier public meeting tonight.

Trustee Walker: I would like to start by thanking the fire chiefs and Fire Inspector Drumm for their excellent report. It is absolutely imperative that we understand the hazards of this building, that we understand the safety issues involved, which are critical. No one can deny that, and it is a question of how do we now deal with it. I also understand the seriousness and expense of stabilizing Building 51 and bringing it up to code. It is no easy matter, particularly since the building has deteriorated. It is roughly equivalent to the cost of replacing the building. I also understand that it is not in ARCO's interest to focus on building preservation. It is in their interest to remediate the site, which is as it should be. That is their primary interest on the waterfront, not buildings.

However, I have to say I am an architect and a preservationist of long standing. I applaud the Waterfront Preservation Committee's efforts to obtain the eligibility ruling from the state, to research the history, and the excellent preservation you gave tonight. You have done an eloquent job, which I do not need to go into, in highlighting the historic importance of this building, how rare they are becoming in the Hudson Valley, and what a unique asset Building 51 and 52 are to Hastings. I also want to thank Abba Tor and Bill Logan. I invited them to look at the building with me and to give us their assessment as a structural engineer and exterior wall specialist. I very much appreciate their opinion.

I do not think the building is going to fall down any time soon. I do believe that there are significant hazards that have to be dealt with. But the bigger issue is the value of saving the building over the long term; will that value outweigh the costs of rehabilitating it and the costs of doing some immediate hazard mitigation. I believe that long-term value is significant. I think the building is really irreplaceable. We will not have another building like that built on the waterfront. There will not be a building with such a large span, of that size, built. Developers do not do those buildings from scratch. I believe a developer could work with it or any number of uses could work with it.

I think, and have long believed, it could be the centrepiece, really the focal point, for waterfront development, particularly if we are looking for significant cultural uses, commercial uses, arts uses, and/or market. I see it as having tremendous potential for reuse. As an architect, I worked on a number of historic buildings. Part of what I did as an architect was working on the restoration of Carnegie Hall which in the '60s was slated for demolition. It was thanks to the hard work and campaign of Isaac Stern that the building was preserved. If it had not been preserved I would not have met my husband because he and I met working on the renovation of that building. Then as a theater architect for several years, I worked preserving large-span buildings similar to this, old bank buildings, old warehouse buildings and the like, to be adaptively reused as theatres. There were so many theater groups out there looking for these types of buildings. They could not afford to build them from scratch. But with preservation resources, with historic tax credits, it became much more feasible to reuse an old building as a theater.

I have also worked recently with a number of developers who have transformed buildings like 51 into public markets, into event spaces, into conference centers, and commercial uses like restaurants and retail spaces, all over the country; in Savannah, Georgia, in Toronto, Canada, in Seattle, in San Francisco, a number of places. So I have seen buildings like this reused very successfully, and they have become the centrepiece of a real economic revival of the districts in which they stand. So I know it can be done. You have probably also seen MASS MoCA in North Adams, Massachusetts; Dia; the old Torpedo Factory in Alexandria, Virginia; the historic distillery district in Toronto. All of these are very successful examples of historic reuse of industrial buildings.

Now, why Building 51? What is important about Building 51? If we managed to preserve Building 52, why do we need 51? Well, for one thing I have always thought of Building 52 as sort of a workhorse building. It is big, it is brawny, it can serve a lot of different functions. But I have seen 51 as sort of the thoroughbred. It is the sleek and light building. The two of them complement each other, and are not really that similar. When you go into 51, the quality of the light is extraordinary. You can imagine, if you were to open up the windows on the south side you would have a significant amount of daylight in that building. You will not get that in 52 because the floorplate is so big. Even with the light monitors that face north, you will not get the quality of light in 52.

Because of that clear span of 85 feet, once we tear down the western portion you will have 210 feet. That clear span is incredibly valuable. We just do not have those kinds of things in Westchester County. This why we do not have very many indoor skating rinks, why we have very few theatres. They just do not exist in Westchester.

About seven years ago I took Jonathan Rose, who is a noted developer who does historic preservation and green buildings all over the country, into Buildings 51 and 52. He was really awed by 51, and he said he could easily imagine many different uses in this building. In 52, he kind of had to scratch his head. He said, yes, this is a significant building. This is going to take more thought to figure out how to reuse it. But 51, I could imagine reusing immediately. And it was in much better condition then.

I would love to have the opportunity to talk to other developers. Bill Struever, I have worked with on a couple of projects in Texas. He is out of Washington, D.C., or Maryland, actually. He has done adaptive reuse of a number of industrial buildings around the country. It would be really interesting to show the Struever brothers this building and see what they could make of it, and other developers. I think there are a lot of people around the country, and developers, who do adaptive reuse and could easily see the significance of these buildings.

So therefore, for all these reasons, I would like to say that I agree with the Historic Preservation Committee that we would like to have a stay of execution, a year, to research the opportunities and the costs and the extent of the structural work that needs to be done, and not take the precipitous action of tearing it down with only a week's notice.

Trustee Quinlan: I have no experience with the structural integrity of buildings, none whatsoever. I have had the opportunity to be in Building 51, and as a common citizen who has no idea about whether this building is going to fall down or not I was afraid when I went in there. I looked up at the roof, and I know we are talking about the walls and the roof and everything, and I said, I hope that does not fall on me and kill me.

I do appreciate the Preservation Committee's comments tonight. They were very interesting and I learned a lot. I also know, from my own field of practice, that there are a lot of opinions that you get on both sides of any subject. But I have to look at the record tonight to try to decide what to do. I have a report from the firemen, who are Village officials and who are sworn to do their duty. One of the conclusions they say is that Building 51 should be demolished as soon as possible. I have a Building Inspector's report, who is also a Village official, that says the building, in my opinion, is functionally obsolete, unsafe, and hazardous. He continues to talk about some subjective issues that I do not think have anything to do with anything about what he believes about the historical significance of the buildings. But he does say that it is functionally obsolete, unsafe, and hazardous.

So as my responsibilities dictate, I have to look at two issues. One is the primary issue of public safety. Firemen could be brought down to that building. I know people say there is nothing to do, and I do hope that if it catches fire before it is demolished that they do not go in it, just sit there and watch it burn. But there is a chance they are going to be down there,

and no one can say which way the building would be collapsing. There is a possibility, as I understand, that it could fall on the train platform if it did fall.

And I know from personal experience, having raised three boys in Hastings, that kids are going to go down there. I do not care if it is private property or not, they are going to go down there on a dare, they are going to go down there on an adventure, and possibly they are going to go down there to party. They have been on the waterfront before. I am not willing to take that risk that someone is going to get hurt or die based on the recommendations that I see tonight that are before me.

The second reason why I think the building has to be demolished, based on the record before me, is the question of Village liability. Assume someone does get hurt or injured, and that someone, or group of people, go to a lawyer. The lawyer takes the case, and I am a lawyer, as you know, and he says let me look at the record of what the Village had before it. The Village has the firemen report and the Building Inspector report, and I look at my client, or clients, and I say, I am going to become a millionaire on this case.

One possibility is that the insurance company could take a look at the same reports I am looking at and say that based on this I am going to deny coverage for the Village on their insurance policy. And then we could be sitting with a judgment of millions and millions of dollars and your taxes could go up for one year to twice what they are now. I have to look at that, and I am not willing to take that chance in my position as a Village Trustee. So I am going to have to take on the responsibilities of those two issues and have to say that when this comes up for a vote I am going to have to vote in favor of the demolition based on the record before me.

And last, but not least, we have had a lot of talk about philosophy and ethical considerations. Personally, I do not want that on my conscience if someone gets hurt or injured based on what I have learned tonight and in the last few weeks.

Trustee Jennings: I, too, would to thank everyone who has looked into this matter and spoke tonight and shared his views with us this evening. I have a deep and abiding appreciation for the responsibility we all have, particularly the Board of Trustees, to ensure the safety of people, and the safety of our firefighters. I have not heard anything nor read anything in the documents that suggests to me that adequate safety measures cannot be achieved without the demolition of the entire building. Therefore, it seems to me that to demolish the entire building as a response to some safety concerns is overkill. That is my first observation.

I am troubled by the conflicting expert opinions that we have heard tonight. I wonder if those conflicts do not come from the fact that different methodologies are being used. I find the argument that Mr. Cadenhead and others make, Mr. Tor, that we need a full engineering evaluation to understand how much of the structure is posing a danger and exactly what should be done about it makes sense to me. I do not think the fire department's observations and assessment and its report, and also the Building Inspector's report, create a new reality or a new set of facts.

We have had the ARCO engineering study since 2006 and, for some time now, the Malcolm Pirnie study. They noted the same kinds of conditions the fire department and the Building Inspector noted. So I do not see quite what is new that is leading us to feel that we have to move very rapidly to the complete demolition of the building. I want to take whatever safety precautions are necessary. I do not want anybody to be injured. I want the site to be secure. I do not want kids going in there. I think that can be achieved. The fire department, if they are called down there to deal with a fire or some other emergency situation, may be put at risk. That does trouble me, and I would like to try to think through how to mitigate that in the interim.

But again, I do not think the conclusion that right now in a rather precipitous fashion we should give the go-ahead to demolish the entire building is a warranted conclusion, given the importance of that safety factor. On the other side, I believe there are very good and compelling reasons for trying to retain some of the historic buildings and structures and renovate and reuse them rather than demolishing them and then starting from scratch with new building on the waterfront. I agree with Trustee Walker and others who believe that the future of our waterfront should lie in the route of conservation and preservation rather than the kind of let us wipe the slate clean completely blank and start totally over. There are a variety of reasons I feel that way. I do think the historical character is important. Historical tourism and ecotourism are, in fact, the future of our region. But another point that has not been mentioned is that by retaining some of these structures we have a way of, in advance, structuring the kind of development that takes place on our waterfront in accordance with the values and the heritage of the Village as a whole. That, to me, is not a bad thing. Now, that argues for the preservation of a very sound building like 52, relatively speaking. I do not know what it implies for 51.

Until Mr. Tor made the distinction between the significance of the kinds of damage the fire department has observed on the one hand, and the underlying structure of the building, the framework of the building on the other, I had not thought of that distinction. But it came out clearly for me this evening in the hearing, and that, too, leads me to think that we need to look more carefully at the steel structure and frame. We may have to do some demolition of

the envelope of the building, but I do not think we necessarily are in a good position to jump to the conclusion that we have to eliminate the entire framework of the building at this point.

All of these things suggest to me that a more deliberate, step-by-step approach is a more reasonable policy approach. After all, ARCO itself did not propose to take that building down in this phase of the demolition. Now, it is a moment of opportunity and expediency for ARCO. I understand, it might be cheaper and easier for them to do it now while the equipment is there and while the demolition process is already in place. The Mayor's concern that we might have to wait until the next cycle of ARCO activity is very well taken. But again, to take the whole building down simply because we have a moment of opportunity when it might be easier to do it, before we have all the facts and all the consideration we need about the different options going forward, seems to me to be a mistake. It seems to be a rush to judgment.

Again, I want to balance that off against the danger that Trustee Quinlan suggests to us, which is that the longer we keep that building standing the more chance there is that something terrible is going to happen. I appreciate that, also. Again, I would hope that we could have safety and mitigation measures taken short of the entire demolition of the building that would address Trustee Quinlan's concerns. We should certainly look into that.

Finally, tonight I have learned that we have to pay attention to Building 52. We cannot go year after year and let these things deteriorate and then be presented with a fait accompli, not if we want to have responsible stewardship and responsible planning for our waterfront, and leave open the option and the possibility of taking advantage of the reuse of historically and architecturally interesting buildings. So even if we were to take 51 down we would have to be paying attention to where we are going to get the money from and what are we going to do to keep 52 from deteriorating any further.

None of this is easy, but waiting until the next ARCO demolition cycle is probably the least unattractive of the options we have. Let us make good use of the time, let us get the facts that we need to get, finally. I agree with Mr. Cadenhead there, although I wish those grants and those studies had been done in the last three or four or five years and we had not waited until the fire department gave us a wakeup call to do this. But be that as it may, the wakeup call has been given. I do not think we ought to demolish right now, but we have to get our act in order quickly and know what we want to do in a few months from now in a much more deliberate fashion.

Trustee Armacost: I would also like to thank everyone who has put work and thought into this issue. I have spent the last it feels like a week reading so many different documents that have been quite fascinating, prepared by Stuart and Doug. Thank you so much for bringing

the documents you brought today, Mr. Siebert. I really appreciate them. I also found it very interesting to read the history of the buildings, to hear, for example, that Trotsky gave speeches down there, which I found quite fascinating. Those presentations have all been made very eloquently and with a tremendous amount of thoughtfulness.

One of the things the I have been requesting for several days, which I did not get in any way that I found effective, was a thorough cost estimation on what the preservation efforts would cost and who would cover those costs if it was not ARCO. That is something that has been missing in data for me, and that is quite important.

I am also trained as a lawyer like Trustee Quinlan, and I have to say that the reports by our fire department were very compelling and well-drafted and speak to the concerns they have not only for the members of their forces, but also for anyone else who might be in that area, whether it is commuters or children. I also have two sons, and I can tell you they want to go into exactly the places where you do not want them to be. Guaranteed, you will find those children there at some point or another, particularly if they know it is off limits. That makes it even more exciting. The liability issues associated with that are not unimportant issues for us to consider. They are very serious issues and have cost implications that we cannot even imagine at the moment.

One argument that was brought up today that I have not very much sympathy for is that there has not been enough time put into this. I am a new Trustee and have had to go through our records. I have been charged with looking at the boards and commissions. I went through all of the minutes at different points to work out the history of when these different boards and commissions were created. Pretty much every set of minutes I went through discussed Building 51 and 52. These are not new discussions. These are old discussion.

There are so many different versions of the reports that I read, and I am very new to this set of discussion, I do not think this is new. I think this is old, and I think the cost estimates should be there, actually. I do not think this should be a surprise to people that the preservation efforts would be incumbent on us to cover at some point. So I am not that sympathetic to that particular argument.

The other thing, which is perhaps one of the most important things for me, is that these buildings, unlike a number of the other buildings that Trustee Walker has talked about, many of which I know very well in other cities, Toronto that I lived in and various other cities, this particular building, 51, is on toxic waste. A number of different people have come up to me in the Village who do not want any buildings that were on toxic waste sites; they are very concerned about that, very concerned about how there is any way of preserving the building while removing the toxic waste at the same time.

I am sympathetic very much to the people, and Mr. Gonder you are one of them and I have spoken to others, who worked in the buildings who are our living industrial heritage, who do not want those buildings there. It is not a heritage that they particularly want to remember in the form of these buildings. So I am seeing very coherent arguments on one side, very coherent arguments on the other side. I end up coming down on the same side as Trustee Quinlan. At the end of the day there is a compelling public safety issue here; there is a serious liability issue here; and this is a debate that has gone on for a long time and it needs to be resolved and not pushed into the future.

Mayor Swiderski: Stuart's visioning of 51 was beautiful, and the ease and eloquence with which he spoke hit the right passionate notes without hysteria. In fact, everybody who spoke today spoke from the heart and in a manner of discourse that makes me proud. We can have important discussions in this Village without committing a ritual act of seppuku here. It is a good thing.

I see what 51 can be in, for lack of a better description, a dream that is laid out. And then I have to come to earth and think through reality and lay out a timeline for how we get to that dream, the liabilities we suffer on the journey to that dream, and the costs we incur on the path to that dream. That is where I stumble and fall down. I want 51 to be what Stuart wants it to be. I think it is beautiful as envisioned. I have a hard time understanding how that can be realized in the eight to 10-year context of what we are facing here on the waterfront.

We cannot even come to an agreement on the zoning for the waterfront. We do not have yet full agreement out of the state and the DEC on how it is to be cleaned up. So we have a big question mark which leaves the funding for how an architectural rescue mission will be performed. Because who would really do that? With an eight to 10-year horizon for eventual use, the demolition of 40 percent of the structure, the excavation down to toxic waste adjacent to this structure, according to Mr. Tor the possibility of skinning the structure of its interesting brick, what we are left with is possibly a steel shell and a liability.

I am not paid \$400 a month to dream in this position, and I want to dream. But I have now have read into the record, and placed in my hands, and I am not a lawyer but have a lawyerly fear of liability, that it is not just a legal liability. It is something far more human than that. I am not nearly as worried about the impact on taxes as I am on some scenario of an eastern wall falling on a commuter or falling in the middle of the night, hurting absolutely nobody, bouncing off the steel shed we erect around the building, and then facing the commuters in the morning, and having them ask me, were you crazy to ignore that risk?

And what do I do then? Nobody has to be injured here. That tree limb can fall in the woods in the middle of the night. Everybody will know it. And we, collectively, up here have the burden of that answer to how we could take recommendations to address an issue. The problem here is that it is a stay of execution for a year. That is 365 days of liability. It is probably another 365 days of liability before money is secured and remediation work is done on a structure that is possibly dangerous or not dangerous but we are still living with that liability. So for years there will be that risk.

I do not know if I am being overly cautious, but there are a lot of questions on the road to saving that structure: whether you will find money for this study that will somehow find something that two studies have not; and then substantial money to save that building, a building that would have to be saved for eight years, mothballed effectively for a long period of time. I want that to happen, but I cannot vote what I want. I have to vote from the heart for what I am responsible for. And I am responsible for the people on that platform, I am responsible for the firemen, I am responsible for reality, not what I want.

I wish it were otherwise. I wish the firemen did not feel that way. The question was why this building was not included. That was a decision that the Board made, but specifically Jerry and I, in consultation with ARCO because we wanted to save the building. But once we are called on a liability like this and we have to face that risk finally head-on the equation changes. And wanting and dreams collide with liability. So I am stuck in a horrible position here of walking away from a dream that I would love to have embraced and facing a maybe that may never come to term. I would not just resign the next day as mayor should somebody be injured, but never slept again soundly. And it is that simple for me.

Trustee Walker: There were numbers, you had those numbers, about the rehabilitation of Building 51, \$2.2 million, done in 2006.

Trustee Armacost: I saw those numbers but it did not say who was going to pay for it.

Trustee Walker: That is true. It did not say who was going to pay for it.

Trustee Armacost: In fact, those numbers were actually, just so everyone is very clear about this, ARCO estimates. They were not independent estimates. The fact that there were no independent estimates was shocking to me.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Building Inspector to issue a permit to Atlantic Richfield Company for a demolition permit for the former Anaconda Wire & Cable Co., specifically Building 51, as identified on the Waterfront Application for Hearing dated Jan. 26, 2010, and attached map.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings		X
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker		X
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

David Skolnik, 47 Hillside Avenue: Earlier, in the public hearing, I was given the impression that when I posed a question at that point it was out of order because reference was made to resolutions then coming up. So I was expecting, between the time the Board members expressed their opinion and the vote, some opportunity for public comment, which, while it would have been hard to imagine it would have changed any of your opinions, still would have been somewhat more appropriate than commenting after the vote. Is there, in any of these resolutions that the Board addresses, space for additional public comment?

Mayor Swiderski: It is typically something we do not do. It is something we have done on occasion. And it is something I am going to pass on tonight.

Mr. Skolnik: Does that apply to all the resolutions coming before you?

Mayor Swiderski: Let us see what happens. The Board has its discussion, the public had its discussion. There is not much more to say on this particular resolution. On others, if it is something new and we have not had a public discussion, and input would be useful, I have, to date, always opened up the floor.

10:10 POLICY ON POLYSTYRENE PRODUCTS

Mayor Swiderski: This was discussed eloquently last time. Is there any further comment here?

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

WHEREAS, the Village of Hastings-on-Hudson wishes to encourage behaviors and practices that reduce green house gas emissions, promote sustainable waste management, and preserve the health and welfare of its residents, and

WHEREAS, polystyrene (in either foam or solid #6 plastic form) is a petroleum based product and as such is unsustainable in its manufacture; is environmentally costly even when recycled; and when used to contain/serve food may leach toxic chemicals into food, and

WHEREAS, alternative products and packing are readily available and affordable, and

WHEREAS, the Conservation Commission strongly recommends that the Village ban use of these products on Village property or for Village-sponsored events, now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve a ban on the use of polystyrene food service and/or food packaging products in any/all municipal facilities and for any/all municipal functions.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

11:10 APPROVAL OF AGREEMENT WITH NEW YORK POWER AUTHORITY FOR PURCHASE OF HYBRID-ELECTRIC SHUTTLE BUS

Village Manager Frobel: In 2008 the Village received a grant from Westchester County under the Community Development Block Grant program for the purchase of a replacement van for our senior program. We received a grant of \$60,000. As part of that effort, the Village joined with the New York Department of Transportation and the New York Power Authority. Those two agencies agreed to make up the difference between what would be a conventionally powered van with a diesel engine with a hybrid. I am pleased to report that after much effort on the part of the New York Power Authority we are in a position tonight to

seek the authority to enter into that agreement. The agency will pick up the difference, along with the New York DOT, for purchase of that van. It is going to be purchased in a joint effort with the Village of Tarrytown, so we are also going to realize some savings by joining with them and making one purchase between the two municipalities.

Mayor Swiderski: This in line with Trustee Jennings' efforts on sustainability. And I am going to grab some credit by saying it is also in line with the overall effort and desire toward cost-sharing with other villages.

Ms. Zazzara: Are we sharing the van, or are we are buying in bulk?

Village Manager Frobel: We are buying in bulk.

Trustee Jennings: This resolution and decision about a portion of the Village government fleet is one part of a larger set of efforts that will affect both government and private citizens in the Village in terms of sustainability. That overall plan will be presented to the Board soon. People will be able to see the scope of it, and the Conservation Commission is considering it now. We have changes coming up to our building code and other innovations and activities. The resolution just passed about discouraging the use of Styrofoam is part of an educational effort. It sends a message to people to think about the effects of what they are doing. This is a way of helping the Village contribute less to greenhouse gas emissions, and there are a number of other things we want to do over the next several years as a part of our responsibility as a Village. A more comprehensive sustainability plan will be forthcoming very soon and people should be on the lookout for it.

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings 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 Green Fleets Program Agreement with New York Power Authority to co-fund the purchase of a hybrid-electric shuttle bus in an amount to be capped at \$54,000.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

12:10 APPROVAL OF INTERSECTION IMPROVEMENTS PER RIDGE HILL SETTLEMENT

Village Manager Frobel: We held a series of work sessions during the late autumn in which we heard from the Planner and the Town of Greenburgh, as well as our advisory committee, of the list of streets you wanted to see included for expenditure of the money by the developer. We sent that list on to the committee, and the committee has since met. Trustee Walker has a list of those streets that we are looking to get formal resolution by this Board for a submittal to the committee for action.

Trustee Walker: The three municipalities, Greenburgh, Ardsley, and Hastings, were involved in this settlement and the decision of what to do with the \$5 million settlement amount. The municipalities as a group, through this committee, decided to recommend four different projects. Number one, in Ardsley, the intersection of 9-A and Ashford Avenue to make improvements to improve traffic flow and safety. Number two is the Y-intersection at Jackson Avenue and North Sprain Road, which is an un-signalized intersection. Part of the mitigation is to add a signal and turn it into a T-intersection. Both of these were on our list. The third priority is the widening of 9-A between Ashford Avenue and Heatherdale Road in Ardsley. This is north of the CVS. It was not on our list, but was important to the Village of Ardsley. Number four was a straightening of the S-curve on Jackson Avenue which we and other municipalities recommended for safety reasons. I would like to ask Mary Jane Shimsky if she has anything to add about the committee's decisions.

Mary Jane Shimsky, 35 Ashley Road: The original settlement list of 12 intersections was the work of years of not only struggle but years of analysis and discussion back and forth between Hastings, Ardsley, and Greenburgh, who were the plaintiffs to the lawsuit against Yonkers and Forest City Ratner for planning a development that the local roads could not handle. The priority list was also the work of years of serious thought and effort by representatives from the three municipalities, traffic consultants, and the planning department in Greenburgh. The priorities as they are laid out is, in terms of promoting traffic safety and traffic mitigation in the area of which the three plaintiff municipalities are part, probably the best way to spend the \$5 million.

Trustee Walker: The widening of 9-A, they are adding a third lane? I was going to look up the details, but hadn't had a chance.

Ms. Shimsky: Yes, there will be a third lane. Some of the right-of-way on either side will be narrow, plus there is a little extra space there. There will be a middle lane. There has been discussion as to whether that should be a southbound lane to 9-A or it should be a turning lane. The working theory right now is that probably one of those two-way turning

lanes like you have on Central Avenue over by Staples, because you do have a lot of places for cars to turn in and out, and that is a serious disruption of traffic. Part of my hope with that was that it might also, in addition to helping the southbound flow of traffic, help the flow of traffic coming off the Ashford Avenue bridge and from the east end of Ashford Avenue, as well. If the traffic consultants, after they analyze the data, want to try to prove us wrong on that I certainly have an open mind to it. But that is the thinking at this point.

Mr. Gonder: Because of some councilwoman and problems in the city, is there any chance that the four communities may get more money?

Ms. Shimsky: One of the deciding votes in Yonkers on Ridge Hill was cast by a now former councilwoman who was indicted a few weeks ago on charges of receiving bribes in return for her vote. There was immediately discussion about whether we, the municipalities being affected by the suit, might be able to capitalize on that. It may be possible that there is another legal theory we can use to try to bring in more money, that there may be other remedies available to us either in state court or other courts should the former councilwoman be convicted or should a trail of misconduct lead to other actors. Prudence would dictate that you start taking a look now to be proactive, and see if there might be something out there that one might be able to do.

On the other hand, there was also a certain amount of precipitous early talk about let us reopen this lawsuit. That would not be so wise, for two reasons. First of all, it is almost certain that we would have to give back the entire \$15.5 million in settlement money to start all over again. And that would mean that we would have to scrape up revenues from somewhere, probably the taxpayers, to pay the several hundred thousand dollars in traffic consultant and engineering fees we have already incurred. The second reason is, the type of lawsuit that was brought, the remedy for it is to get a new vote before the Yonkers city council. What we would be doing would be giving back \$15.5 million just to have the Yonkers city council vote on the project again. I cannot imagine there are too many places where the council people would turn around and reject a project for which construction is somewhere around 80 percent complete. I was thinking of Jack and the Beanstalk the other day. Jack did something apparently foolish, but he did get the goose that laid the golden egg. If we reopened the lawsuit we would not even get a beanstalk. So while looking to see whether there may be other avenues for us to get further relief from what is coming, reopening this lawsuit is not so much a good idea.

Jim Metzger, 427 Warburton Avenue: This seems like a lot of ambitious road building going on for a fairly small amount of money. Should the cost of construction exceed the settlement, who is going to be responsible for covering the shortfall?

Ms. Shimsky: The way we have it structured right now is that number four on the priority list, which is doing some work to straighten and flatten the S-curve on Jackson Avenue, will be the project that will be jettisoned if we do not have enough money for all four. What we plan to do is have engineering and construction plans ready which, if nothing else, can be put in a file drawer until money one day becomes available. But that is the one that will not go to construction as part of money. So we do have a bit of a safety valve, probably to the tune of about \$700,000 or \$800,000.

Mr. Skolnik: The fourth item that Mary Jane mentioned, the S-curve, was discussed and decided upon because it was perceived to represent a certain level of risk that was worth addressing by allocating those monies. Every time I am on that road, which is frequently, I am thinking about the discussion that took place here at the Board. I have yet been able to actually frighten myself when I am on that part of the road. But what we are looking at, as much as we assigned a significant enough risk to try to address it, is a situation where it very well might not be addressed. So we are going to be living with that into some foreseeable future. I would like at some point in this process that somebody present a number that would have addressed the range of issues we are looking at, most likely, from this development. Because the \$5 million, one of the main things that got taken off the discussion, was the intersection of Jackson and Sprain. So maybe you could tell me who might be able to come up with what that number in that settlement should have been in order to really address, in a meaningful way, what we are potentially looking at.

Ms. Shimsky: Let me do my best on that. What happens in litigation negotiations and settlement is, the final settlement figure sometimes has a strong relationship with what the suing parties want. Sometimes it is the best you could get in what is a less than perfect situation. We were definitely dealing with the latter here. As I said, we are dealing with a lawsuit that, if we won it, all we would have gotten was a second vote before the Yonkers city council. And quite frankly, I think our special counsel on this was a magician to get what he got, especially after watching the intransigence of Forest City Ratner, their refusal to deal with any sort of legitimate community or municipal concern about the traffic for years. The entire 12 involved some projects which, on their own, would probably cost in the \$10 million to \$15 million or more range, such as the new interchange for the Thruway or the new entrance and exit scenario for the Sprainbrook Parkway near the Jackson Avenue exit. There are several other intersections where the costs of the fixes would be comparable to the cost of the four we agreed upon. What we decided is largely to benefit as much as possible the three municipalities who sued, and who made the initial financial risk, and who went through the effort to get the settlement money to begin with. Should Ridge Hill open soon, and should the traffic from South Sprain Road be a real problem, it is going to be a problem that the developer and the City of Yonkers will have to address, and all I can say is more power to them.

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

RESOLVED: that the Mayor and Board of Trustees approve the selection of the Ridge Hill Intersection Improvements as attached pursuant to the Stipulation of Settlement dated January 12, 2007 among the Village of Hastings-on-Hudson, the Town of Greenburgh, and the Village of Ardsley; and FC Yonkers Associates, LLC.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

13:10 APPROVAL OF PROPOSAL – LEGAL SERVICES FOR CONSORTIUM RE PROPOSED WATER RATE INCREASE

Village Manager Frobel: United Water has petitioned the New York State Public Service Commission for a tariff increase upwards of 55 percent spread over a multi-year period. We believe that the best way to contest this dramatic rate increase is to join with other communities. Eight other communities have met, have invited legal representatives to make a presentation, and are making a recommendation to you on that selection to fight this case. This impacts not only the Village as a customer but all residents of the Village who buy water from United Water. For the Village, if it ends up being a 55 percent rate increase over, let us say, four years it would be upwards of 14 percent a year, or have an effect on us of about \$21,000. So it is a significant amount. We have used this attorney in the past, when we joined with other communities back in 2002 and 2005, with some success. We think this is a lot of value for the dollar. We certainly could not go on our own and be effective, so the best way to defend ourselves is to join with these neighboring communities and hire this gentleman to defend our interests.

Trustee Quinlan: It is important to note that this 55 percent rate increase, when we say "our" we are not talking about the Village. We are talking about everybody who lives in the Village. It all the residents. So we are spending this money not only to defend our water bills, but the residents of Hastings' water bills.

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

RESOLVED: that the Mayor and Board of Trustees approve the proposal of David M. Wise, P.A., Cranford, New Jersey, to represent a consortium of eight communities to oppose the proposed United Water New Rochelle rate increase, for an estimated fee of no more than \$3,000 as Hastings' proportional share of the total fee; and authorize the Village Manager to seek permission to intervene in the rate increase proceeding.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

14:10 APPOINTMENT OF ELECTION INSPECTORS

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

RESOLVED: that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 16, 2010 :

Democratic Inspectors: Frank Brodhead, Laura Gardner, Barbara Lisio, John Russo, Elizabeth Waczek, Barbara Irwin-McGuire, alternates Alex Cornwell and Ann Van Buren.

Republican Inspectors: Roberta Bennett, Thomas Donohoe, Jan Gustafson, Timothy Hays, James Keaney, Eleanor McGiniglie, alternate Veronica Wemer.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

**15:10 SCHEDULE PUBLIC HEARING TAPPAN TERMINAL DOCK
DEMOLITION**

Village Manager Frobel: You have a copy of the report from the consulting firm hired by ExxonMobil to begin what is called some navigational cleanup in the river. All this work will be occurring in the river and not on shore. The dock stopped its use in 1982. Since that time it has fallen into some disrepair. What is being planned here is to remove the catwalk that extends between these two caissons, and also to remove from the riverbed what was probably a catwalk from the caissons to the shoreline. With us tonight is Ms. Greenwood. She represents Woodard & Curran, the company that has been hired by ExxonMobil.

Trustee Walker: A number of boating friends of mine have mentioned that on the structure, on the dock, is a monitoring station that is operated by the USGS. It is on the Web site of NOAA, the National Oceanographic and Atmospheric Administration. You can go on the Web site and find out what the salinity of the water is, the temperature of the water, and the tidal action at that point, which is very useful to boaters in the Hudson River. Is there any plan to relocate that to another spot, or have you had discussions with the USGS about it?

Janice M. Greenwood, Woodard & Curran: Yes, the USGS is going to relocate it. They have not told us where they are going to relocate it to, but we have talked to them and they are planning to do so.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, March 2, 2010 at 7:30 p.m. or shortly thereafter to consider the application of ExxonMobil Oil Corporation for demolition of the offshore central dock structure and catwalks for the former Mobil Tappan Terminal site as per the application dated January 15, 2010.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

16:10 SCHEDULE PUBLIC HEARING TO SET FEE FOR PERMITS FOR USE OF BUSINESS PARKING METERS

Village Manager Frobel: A continuation of our effort to expand the parking opportunities or ease the parking for our business community. We are prepared to designate 18 spots in the downtown for those holders of a permit to use at an annual fee of \$150, which is a discount from a monthly payment.

Mayor Swiderski: How is the fee arrived at? It almost seems too cheap.

Village Manager Frobel: It is.

Mayor Swiderski: Was that the wrong thing to say?

Village Manager Frobel: No, it is right and it is something that we would love to talk about, Mayor. In fact, we have done several surveys of neighboring communities, and it is in keeping with the very reasonable cost to park on the street today. I did not think it would be fair to raise this dramatically to what it would cost you if you continuously fed the meter, but it is quite a discount.

Mayor Swiderski: On the other hand, it should encourage some merchants to actually pay that and park a distance away from their store, which would be nice. This will be discussed further at the Public Hearing.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Feb. 16, 2010 at 7:30 p.m. or shortly thereafter to consider setting the following fees for use of designated parking meters by business owners and employees in the downtown area:

Annual fee: \$150.00
Monthly fee: \$ 20.00

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Jeremiah Quinlan	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Con Ed and the tree-cutting service are working throughout the community. We have been in close communication with the company that is doing maintenance and the trimming of the trees. I have been in weekly communication with the management at Con Ed. It is the same crew that has worked with us in the past. They are very much aware of our sensitivity to this effort. Our Tree Board has been out there Saturdays, evenings, and during the day working with the crews, pointing things out, making some judgment calls, and helping us out. It has moved pretty smoothly, certainly smoother than it has moved in other communities. What I like is the fact that it is being done in the dead of winter. One objection we faced a few years ago was Hastings was on the list having it done in the summer, which we felt was inappropriate. So we have made progress there, and I do think we have made progress in terms of heightening the tree-trimming crew's sensitivity to the proper way to get the trees of the wires or the wires out of the trees.

BOARD DISCUSSION AND COMMENTS

1. Amendment to Locations in Personal Wireless Facilities Local Law to Include Light Towers at Chemka Pool

Village Technology Director Zaratzian: The Village passed a law in 1998, the Personal Wireless Service Facilities Overlay District. The idea was to make sure that antennas did not pop up everywhere. It was to set it in certain areas, and it worked very well. As you can see, we have two on top of this roof, and many more on top of the Andrus Home. In the years since things have changed. If we look at the overlay district as it was built, the Burke Estate House was one of the structures. It is no longer available. The Graham School property is one. The Saw Mill River Parkway area is one. The Children's Village area is one. At the time in 1998, when we looked at the map, the pool had no lights. With the Andrus Home and

this building filled with antennas now, I am suggesting we use the two 80-foot towers at the pool as part of the overlay district.

Mayor Swiderski: Would the antennas add to the height or bulk of the towers?

Village Technology Director Zaratzian: More likely the height. They would be monopoles.

Village Attorney Stecich: Not necessarily separate poles. They may go on the light fixtures, depending.

Village Technology Director Zaratzian: It depends on the frequency they want to use.

Village Attorney Stecich: To put this in context, right now there is an application before both the Planning Board and the Zoning Board of Appeals to put some antennas on 555 and 565 Broadway. Those are not in the overlay district. In order to place it outside the overlay district you have to go the Zoning Board and make a showing of a few things, one of which is that none of the sites in the overlay district will work for you or are not feasible for another reason. Maybe it works, but there is no room anymore. I think Andrus has run out of room.

Village Technology Director Zaratzian: Yes, as this building has.

Village Attorney Stecich: Well, whether it is out of room, I do not know that the roof can take much more. The carrier is T-Mobile, and I did have a discussion with the attorney for T-Mobile in the last couple asking if it even was a possibility, might it work for you, because if it will not work the Board does not have to go through this exercise of expanding the overlay district. They did not know for sure. They had their people out looking. They said it certainly was in the realm of possibility that that site would work and that they were optimistic.

Village Technology Director Zaratzian: But that is for T-Mobile.

Village Attorney Stecich: Right.

Village Technology Director Zaratzian: There may be others.

Village Attorney Stecich: Other carriers. The point is, they thought it might work for them. You will not know, but it probably would for other carriers. Just one other thing that the Board should be aware of. Originally, in 1997 when the Board was considering this, that area, Hillside Woods, was in the overlay district. It was pulled out because there was a lot of

public objection. But Susan dug up the minutes, and when you read the minutes it was only that they did not want the woods invaded by these poles.

Village Technology Director Zaratian: As I stated, we have the two poles now. They are only used four months out of the year. The revenue would help, as well, the pool. And as Marianne just said, we are running out of spaces that are viable for carriers. This gives us a makeup spot for the Burke Estate house.

Mayor Swiderski: Would this monopole add to the height?

Village Technology Director Zaratian: That all depends on the carrier because every carrier has a different frequency and every frequency requires a different set of antennas. That is why you cannot commingle stuff on these roofs.

Mayor Swiderski: Just give us a range.

Village Technology Director Zaratian: I would think five to 10 feet.

Mayor Swiderski: And how tall are the lights now?

Village Technology Director Zaratian: Eighty. You would not see the difference. It is impossible to see the difference.

Mayor Swiderski: Well, you would see something.

Village Attorney Stecich: But the Board has to understand that in the overlay district the limit is 150 feet.

Mayor Swiderski: Well, that is not comforting. That is another 70 feet.

Village Attorney Stecich: Although I suppose you could be more restrictive if you allow this site. Let me check.

Trustee Walker: Did we ever consider the water towers?

Village Technology Director Zaratian: We did.

Village Attorney Stecich: Is not one of the water towers in the overlay district?

Village Technology Director Zaratzian: No. The reason for it was because if you let one water tower in they would all have to be in, and some of them are in very densely-residential areas.

Mayor Swiderski: Why is that? Why would the tower not just fall within the district?

Village Technology Director Zaratzian: At the time, that was what we decided.

Mayor Swiderski: But you are not approving a class of structures. You are approving a geographic location. Right?

Village Attorney Stecich: Raf, I do not think that is right, if it had to be one water tower it has to be in all.

Village Technology Director Zaratzian: That is the way we designed it in '98. Now, if you want to put water towers in, you can put water towers in. The one at Hillside Pool is not in the neighborhood.

Trustee Jennings: To help me put this conversation in perspective, I realize maybe you cannot necessarily tell me how much the payment would be for something on the light poles at the pool, et cetera.

Village Technology Director Zaratzian: Twenty to forty-thousand dollars.

Trustee Jennings: How much do we get for the stuff on the roof of this building?

Village Technology Director Zaratzian: We are expecting \$20,000 to \$40,000 for the pool per year, with an increase every year.

Trustee Jennings: And our maintenance cost to the Village?

Village Technology Director Zaratzian: None.

Village Attorney Stecich: You do not know the money amount. I do not want to be on record as \$20,000 to \$40,000.

Village Technology Director Zaratzian: No. I am just saying that would be the average. We would not be getting what we got here.

Trustee Armacost: What do we get here?

Village Technology Director Zaratzian: We negotiated, what, \$47,000?

Village Manager Frobel: About \$1,000 a week.

Village Attorney Stecich: Could I suggest that we not talk about the money right now because we can get locked in and we have not had a discussion.

Trustee Jennings: Yes, we could get locked in. But we also area locked in to a 1997 mindset that was foregoing a source of revenue which maybe we did not need in 1997 but we need today. We might have to rethink the entire approach to this because this is a source of revenue that is potentially very significant to the Village and we are not in a position, and I am sure we will say this again and again in the coming weeks as we do the budget, to look the other way at that kind of money and say we do not like the looks of it, or we do not want to have it on the tower, it is 10 feet too high. We are going to have to rethink some of those priorities in the coming year.

Village Attorney Stecich: Bruce, I hope you did not misunderstand me. I do not want to be locked into a lower number than you might be able to get, which is my point.

Trustee Armacost: Yes, I heard you saying you want more data, basically.

Village Technology Director Zaratzian: And it depends on the carrier.

Village Attorney Stecich: Right now, the maximum height is 125 feet in the code now. They have to make a showing that it needs to be 125 feet. And remember that when any applicant comes in with an application they have their engineers' report for where it needs to be and how high it needs to be and how many antennas they need. But the Village has its own cellular or telecommunications engineer that we retain at their expense, who looks at these things. They may say it y needs to be 155 feet high, and he can look and say it does not really need to be 150, it needs to be 90.

Trustee Jennings: Does Andrus get the fee for what is on Andrus?

Village Technology Director Zaratzian: Yes.

Trustee Jennings: So if they are on a Village site the Village gets the fee. If they are on private property, not. So we are in a competitive marketplace here. Let us remember that, also.

Village Technology Director Zaratzian: The idea with the overlay district was to keep it out of very residential areas. For instance, on North Broadway as you go towards St. John's Hospital, if you look at all the buildings there including the Yonkers water tower there are thousands of antennas all over the place. That was what we were trying to stop in 1997. We did not want the Village to have antennas everywhere you looked so Mr. Hess put them in certain spaces.

Mayor Swiderski: Raf, I am still fixated on the 150 feet.

Village Attorney Stecich: 125.

Village Technology Director Zaratzian: Well, she said we could limit it.

Mayor Swiderski: That is what I am looking for, I guess.

Village Technology Director Zaratzian: The question was, would you consider amending the overlay district. If you say no, then you say no. But the question is whether you are interested in putting something on the two towers that are only used four months of the year, and only 40 nights ...

Mayor Swiderski: This does not impinge upon the use of the towers.

Village Technology Director Zaratzian: No, in any way. And, of course, it will have to go before the Zoning, Planning, and Parks and Rec Commission.

Village Attorney Stecich: No. If they amend the overlay district it does not go before the Zoning Board. That is only if it needs to go outside the overlay district. But why would it go before Parks and Rec?

Village Technology Director Zaratzian: It is their facility. They have to say it is OK.

Village Attorney Stecich: Not if the Village put it in the overlay district. If you put it in the overlay district, it can go there. Whether you might want to consult the Parks and Rec before you permit it to be in the overlay district you may want to do that. There could be an issue. There is one other issue that could be out there. The attorney for T-Mobile raised it. He said there could be an alienation of parkland issue. I do not believe there is, but it is something we would have to look into. That has come up now and then, where you cannot give up any part of a park for anything, for any reason. Let us say you could not even let somebody lease a portion of it without getting an act of the legislature. He raised the question. I did not. I

do not believe it would. He seemed to think it was an issue in some other communities, but that is just something we will have to look into if the Board wants to consider it.

Mayor Swiderski: Are there ground-based control facilities that take up space?

Village Attorney Stecich: Those big monopoles if it were on that. And it may take up more space for the equipment.

Mayor Swiderski: What is a monopole? Is it actually on top of the lights, or is it something parallel to the lights? Is it a 100-foot pole or a 10-foot pole on top of the light?

Village Technology Director Zaratzian: There is no way for me to speculate on that because it depends on the carrier. The carriers all buy frequencies, and the frequencies determine the length and the size and the angle that they need.

Mayor Swiderski: But are we asking for the ability to add an antenna to the top of the light pole, or are you talking about a 100-foot pole parallel to the light pole? It is a big difference.

Village Technology Director Zaratzian: No, this would be something attached to the top of the pole. There would be no added structure. The idea is that we have already gone up 80 feet. Why not just put an antenna on top? The equipment carrier can be buried in the ground.

Village Attorney Stecich: I think they cannot be.

Village Technology Director Zaratzian: Yes, they can.

Trustee Armacost: Could all of you come back with some more solid data. It seems like the story keeps changing, and I would like the cost data, too.

Village Technology Director Zaratzian: But again, it depends on the carrier.

Trustee Armacost: Well, a bit less loose.

Mayor Swiderski: All Raf is looking for is whether we are interested in pursuing this. I think we generally are interested in hearing more. We do not reject the idea out of hand.

Trustee Armacost: Yes, exactly.

Trustee Walker: Right. And I wonder if we should not revisit the overlay district generally. I do not mean that we open it up completely but, for example, why not look at the water towers. Maybe there are other areas we have not thought about.

Trustee Quinlan: I do not have any objection to water towers, but if we put them on water towers then the water company gets the money.

Trustee Walker: OK. Never mind. I thought the water tower was on Village property. But at any rate, we have not looked at this in 13 years. Maybe it is worth revisiting.

Trustee Jennings: I agree. I think we should look into it.

John Klein, 155 Hillside Avenue: I think it is a bad idea. I do live near the pool so it would affect me the most aesthetically. I read some of the minutes also about the overlay district. I believe they did not put it on the water tower at the time because it was next to school and they did not want to have those kinds of radiations, not knowing what the effect might be with the school building right next door. I argue that we have the same issue if we extend the towers into the pool area. The level would be right where the school would be. It seems like that area is surrounded by a bow, with Circle Drive right above there and those houses are right next to it. So I just do not think this is a viable place to do it.

Those towers are also aesthetically disgusting. They should never have been built to begin with. They are too expensive to run. It is something we have to live with because they are already built. But there would have been a lot cheaper ways to do it, and they were proposed but the Board rejected it. So now we are living with it. I do not think we should add insult to injury by putting additional towers on top of those towers at the pool area. I know we need the money, and I know the pool budget has to be in balance, and I know it was discussed in relationship to that, too. But let us not make the pool a revenue center for the Village just because we need money. It is in parkland, and it needs to be maintained, and that is the law here. I think it is a bad idea and should not go forward, and the overlay districts that were thought out at the time should remain.

Trustee Quinlan: I think we ought to follow up on Nicola's suggestion. I see a lot of contrary information. I know nothing about this issue. I am getting conflicting information here about does the box go on the pole, does it go underground, how high, where this, that, and everything. I am not getting a clear focus on the discussion.

Mayor Swiderski: Yes, agreed.

Trustee Jennings: I think we should not just focus on the pool light towers. We ought to focus on the whole question of where, on Village property, might be appropriate for the siting of these things, assuming there is a market out there, assuming there is an interest on the part of the companies to locate these things. I do not have any particular feeling one way or another about the pool light towers, but I do think we ought to look at this as a potential question for the Village. It obviously has its pros and cons. It may be a significant revenue source. It may improve the phone service in the Village, which is not that great in some places. It obviously has its downside. We should have the Public Health Board and others who know about this look into the health aspects of this microwave radiation. We should discuss the aesthetics of it. We should open up the whole question again and not limit ourselves to just that one site.

Mayor Swiderski: All right. You have got your charge.

2. Update on Deer

Mayor Swiderski: Over the last few weeks I have been working with a resident who is a project manager and an engineer, who has volunteered to coordinate the collection of data from citizen observers. We identified a grand total of 32 locations and individuals. She will be reaching out to all the potential volunteers and will run the data collection. She will supply the notebooks, and for those who want to do it electronically, spread sheets, to collect the data. We still have not heard back from the state. I have provided the protocol that was written up describing the metrics collection. The state neither acknowledged it, nor has offered any timing on when the license will be issued. But we have done what we said we would do, which was to provide the outline of a solid metrics proposal, and they have that.

3. Update on Waterfront

Trustee Quinlan: There is only one little thing I want to mention. I hope everyone saw the barge come in to the waterfront today to take a lot of the steel away which is a real boon to our community and the streets they are saving by taking it out by the river.

4. Update on Comprehensive Plan

Trustee Quinlan: On February 25 the CPC is going to hold a public discussion on large land tracts and the waterfront recommendations. And on either March 6 or 13 they are going to hold a Saturday discussion on the draft CP. I know that you and Meg attended the meeting with the LWRP last week, so I leave it up to one of you to tell us what happened.

Mayor Swiderski: The purpose of the meeting was to bring together members of the LWRP and the Comprehensive Plan Committee to review a report created by a consultant for the CPC that tried to come to a wedding between the two documents. The report was quite good, and I thought the meeting was, too. At first, I think there was a failure to accept that both sides had actually come to terms on most of the issues. By the end of the meeting, I think everybody realized we are within two or three sentences of the resolution of this as far as modification to the LWRP. I thought it was a constructive and decent meeting.

Trustee Walker: Right. And the next step is to encourage the LWRP committee to make the changes to the report. The Comprehensive Plan Committee is proceeding. And when we have the LWRP document ready, we want to submit it to the state as quickly as possible. I think that is one of the obstacles in the way of us receiving grant money from the Division of Coastal Resources. That submission of the LWRP should be followed by a discussion about the use of the grant money we have, and we should not let that drag on.

5. Other

Mayor Swiderski: I am in possession of a letter from our representative, Eliot Engel, who is promoting the efforts of an artist, Greg Wyatt, who is with the Newington-Cropsey Foundation and the Academy of Art. Mr. Wyatt is going up and down the river towns and is going to place three bronze markers for where artists from the Hudson River School painted their paintings. One of these would be in MacEachron Park. The marker is not huge; it is waist-high in an arch. We will have a chance to review the proposal. I believe it is paid for by federal money and, on the surface, it sounds like a cool idea to have a physical marker.

Trustee Walker: I have to smile because I do not think MacEachron Park existed until the 1960s.

Mayor Swiderski: But that was the closest they could come to a location for it. He may be with us as soon as the next Board meeting to present the idea.

EXECUTIVE SESSION

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

ADJOURNMENT

Mayor Swiderski: Move to adjourn in honor of a Village institution, Tom Brown, who left this earth last Sunday: a curmudgeon who raced our halls, waved his fist at people up here, and provided a strong voice for his beliefs. Whether you were on the wrong side of the fist or the right side of the fist, you certainly appreciated the soul behind the man.

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting in honor of Tom Brown at 11:05 p.m.