

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 21, 2010

A Regular Meeting was held by the Board of Trustees on Tuesday, December 21, 2010 at 7:35 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: One (1).

MAYOR'S ADDRESS Recap of 2010

Mayor Swiderski: It is our last meeting of the year, and I'm going to recap the year and go over some of our accomplishments and successes. Our Trustees, working hand-in-hand with the Village, are responsible for many of the projects and work we do. I want to acknowledge that, and go over what has happened over the last year because it has been fruitful.

Meg, who arguably gives more time than any of us, and possibly all of us combined, has brought to this village in the last year, and institutionalized, the Friday Night Live and downtown activities in general, which have created a buzz and an excitement many people appreciate. There is new parking downtown; there is final work on signage underway. The sign graphics are unique; the color schemes and layout are in line with what we have seen in Irvington, Dobbs, and Yonkers. So thematically, we are part of the River Towns. As tourism develops, people will know to look for signs like this and find their way. When it comes to the Comprehensive Plan review process, or the downtown Architectural Review Board plan that we came up with, Meg's comments are always the most detailed, sometimes to the point of exhaustive, and really show that she cares about the issues.

Jerry, in the last year, supervised the work on the waterfront, which included, and again it is fairly breathtaking, the demolishing of the aluminum buildings. The Exxon and Chevron cleanup has begun and is well underway. BP has narrowed their offshore cleanup options, and we are now in the final preparation of a remedial plan that they will be presenting to the state. So we made considerable progress. Both at the northern end and at the southern end, the waste that pollutes those sites is being physically removed. That started this year, and it is a huge step forward.

Bruce has sat on top of an effort to revamp our building code, turning it into what may be a leading-edge building code for the country. It is well underway and we are in the thick of it. It is an exciting moment. We have had delivery of a hybrid vehicle for the seniors, and are

pushing along our sustainability agenda in a number of ways. We have a green team in the Village. We are constantly looking on how to improve our recycling.

Then certainly not least, Niki has improved the rigor on our volunteer process and, most significantly, has revamped our budgeting process to help control costs. We had a relatively minor increase last year, and the process in place will help ensure and constrain what we see this year.

As a group, we have churned through the new code for the Architectural Review Board for the downtown. We have completed the first review of the Comprehensive Plan, which will be finished in the first quarter of next year. We have agreed on a way forward on immunocontraception with deer. We have approved Verizon as the cable provider. We have approved a police contract for four years, and reviewed and approved the budget.

So I would say it has been a remarkably busy and largely successful year. Our Village government assisted and worked with the Board on all these initiatives, doing so in a tough financial environment, short-handed, and with a fair number of storms and calamities to make things interesting. For that we are grateful. We appreciate the hard work and effort of employees and volunteers. None of what we have accomplished would be possible without them. There are so many other programs to mention. We will, just not tonight. I wanted to take that moment, and also to wish everybody Merry Christmas.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of December 7, 2010 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 39-2010-11 \$179,292.47

Multi-Fund No. 40-2010-11 \$ 36,324.88

PUBLIC COMMENTS

John Gonder, 153 James Street: Three reasons why the Almighty put deer on Earth: one, to reproduce, second for food for thousands of years, and the third is to pull Santa Claus' sled

Christmas eve and maybe early morning Christmas day. But I do not want to talk about deer.

Last meeting, you had Lieutenant Dosin and Police Chief Bloomer here talking about quality of life issues, health, safety, enforcement issues. I was astonished that none of the Board members or the Mayor asked about the noise in the Village due to restaurants and bars playing loud music. I thought that would have been one of your primary questions, but maybe that whole thing has evaporated. Several months ago it was a big issue.

Surprisingly, there was another thing I believe you should have asked: how many drivers hit deer in Hastings. I think it is about 18, and I would think that you would tell the Police Chief to give summonses for reckless driving and for animal cruelty hitting a deer because I think you are all deer lovers except maybe Jeremiah Quinlan. I do not know how you can sleep at night putting deer ahead of humans. I think you have to put deer signs. You are talking about signs. Deer crossings everywhere: Ravensdale, Farragut, Broadway, every hill and dale. You need some deer signs to protect people. If you want to protect the deer that is fine, but also protect people, because eventually, someone's going to get seriously injured by a vehicle accident, and whose fault is it going to be. I think it is going to be the Board's fault.

But I wish you all a Merry Christmas and a Happy New Year. I would like to invite each and every one of you over to James Street, the dead end side, to see an old-fashioned, outside Christmas tree. Make sure you come in the driveway. That will set it off, and it will be open from 5 to 9 every day until January 6 or 7.

Mayor Swiderski: Thank you for the kind offer.

88:10 APPOINTMENT OF CDAG REPRESENTATIVE

Village Manager Frobel: Part of the success of the Village's Community Development Block program has been the involvement of citizens. Besides being part of the rules and regulations under which the community makes application under that program, they require a heavy involvement of the community in the design. What we are looking for tonight is if you would appoint someone, Barbara Sansverie, to serve in that capacity. Barbara would work closely with Susan Maggiotto and the staff as we begin to develop our Community Development Block Grant program for the next cycle. As you know, Jim Sadler had served in that capacity for a number of years. He is very much missed for his involvement in helping us design the program. But I am confident Barbara would be a good addition. I have gotten to know Barbara. She has been very involved in the Maple Avenue sidewalk project. She has appeared before the Board in the past talking about that. She is very much a community activist, and someone that will be a big help to us in that capacity.

Mayor Swiderski: I know Barbara as well, and I personnel agree. It is a fairly thankless job, and she has expressed interest.

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

RESOLVED: that the Mayor and Board of Trustees appoint Barbara Sansverie as the Village of Hastings-on-Hudson representative to the Community Development Advisory Group (CDAG) to assist in Community Development Block Grant Applications.

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	

**89:10 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 12 OF 2010
AMENDING THE VILLAGE CODE TO CREATE ADDITIONAL NO PARKING
ZONES ON FARRAGUT AVENUE, WASHINGTON AVENUE, AND FULTON
STREET**

Village Manager Frobel: These are matters that have come before our Safety Council, a reaction to citizen concerns about parking on narrow streets or near curbs. The Chief is recommending that a public hearing be held to consider his recommendation through the Safety Council for no-parking. One of them is the spot on Farragut near Amjo's. It is from a driveway near Green Street. It is that bad curve there, but yet people continue to park. On Washington Avenue, from the exit of Draper up to Broadway on the south side of the avenue, it is often times posted no-parking during special events at Draper. But it really is too narrow an area in there for parking. And then two locations on Fulton Street near Summit Drive and Pine, and Summit Drive and Brandt Street. So again, a very narrow area. If you would consider placing that for a public hearing to get some public input, and then consider passage.

Trustee Walker: The one on Farragut: it is supposed to be at the corner of Green and Farragut, and across from Amjo's. But it says starting 59 feet south of the intersection and going southbound for 70 feet. But what about the distance between Green Street and 59 feet south of? People are parking there, too, are they not, right near the intersection?

Village Manager Frobel: Yes. In fact, there is a photograph. I will double-check with the Chief to make sure he has got the description clearly.

Village Attorney Stecich: I spent some time with him on this and double-checked it. My concern was whether it overlaps with other sections in the code that already say there is no-parking. So I know that he paid close attention to it.

Village Manager Frobel: Because if you look in the photograph you can see that FedEx truck and a car, how people park right at that corner almost up on the sidewalk.

Trustee Walker: But it is saying beginning 59 feet from the intersection.

Village Manager Frobel: That is what makes me wonder whether he is clear in the description. So let me double-check on that.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Jan. 4, 2011 at 7:30 p.m. to consider the advisability of adopting Proposed Local Law No.12 of 2010 amending the Code of the Village of Hastings-on-Hudson, Chapter 282, Vehicles and Traffic to Create Additional No Parking Zones on Farragut Avenue, Washington Avenue, and Fulton Street.

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	

**90:10 SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 13 OF 2010
AMENDING THE VILLAGE CODE WITH REGARD TO STORMWATER
MANAGEMENT, EROSION AND WATER POLLUTION CONTROL**

Village Manager Frobel: The Board adopted in 2009 some stormwater legislation. What is coming before you are modifications to it reflecting, for lack of a better word, some greening up of that legislation. Marianne has been working on this, of course, and Susan Maggiotto as well has been helping. Marianne, did you want to offer any comments?

Village Attorney Stecich: There was a grant for somebody to take each of the municipality's laws and see where it needed to be changed to make it conform. So somebody else did the substantive work. There are just some changes. Sue may understand better. Was it not Mike Ritchie's firm?

Village Clerk Maggiotto: Yes. We are in a group of communities operating under one grant and we were fortunate to be part of it, and have someone do all the hard work on it.

Village Manager Frobel: This is a modification to reflect some of the techniques, some of the best management practices, involving surfaces and some things our code does not have. But again, through experience now, I feel it needs to be inserted and modified to more closely reflect what the intent of the law is.

Trustee Walker: This applies to both private construction as well as construction on public property. Right?

Village Manager Frobel: Yes. I mentioned to Susan today to make sure that the planning commission has an opportunity to look this over, as well.

Trustee Walker: I think these are excellent.

Trustee Quinlan: Does this apply to just new construction?

Village Attorney Stecich: This whole statute applies only to land development activity which is defined as any construction activity that results in land disturbance of equal to, or greater than, 10,000 square feet in area.

Trustee Quinlan: Ten thousand square feet is how big?

Trustee Walker: It is about a quarter of an acre.

Trustee Quinlan: So anything bigger than a quarter-acre? OK.

Village Attorney Stecich: But if you have a quarter-acre lot and you are doing work, it does not necessarily kick in. A land disturbance has to be part of it. Then the law kicks in, no matter who is doing it.

Trustee Walker: The question came up when I was the planner. They were putting in a new house and, in fact, making a paper street into a real street. It was Mr. Civitano's project. Instead of building a storm sewer the Planning Board thought a greener alternative would be to do a swale to create a pervious area and allow the water to sink into the ground. I can imagine a lot of opportunities where we could use this on public properties, whether in parks, parking lots, streets. If they are being improved, renovated, whatever, there are opportunities to do this in a lot of different places aside from on 10,000 square-foot private property developments. I am just suggesting that we, too, can incorporate the green infrastructure.

Village Attorney Stecich: So you are right. If it comes before the Planning Board, but there is lots of stuff that does not come before the Planning Board.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Jan. 4, 2011 at 7:30 p.m. to consider the advisability of adopting Proposed Local Law No.13 of 2010 amending the Code of the Village of Hastings-on-Hudson, Chapter 250, Stormwater Management, Erosion and Water Pollution Control, to encourage the use of green infrastructure practices to control stormwater runoff.

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	

91:10 APPROVAL OF ISSUANCE BY DOBBS FERRY LOCAL DEVELOPMENT CORPORATION OF REVENUE BONDS FOR THE CHILDREN'S VILLAGE PROJECT

Mayor Swiderski: The next resolution involves us approving something that Dobbs Ferry needs in order to move forward with a revenue bond for the Children's Village project. The resolution refers to actions taken by the Dobbs Ferry Board tonight in the last half-hour. I have asked that they positively affirm that they have taken those actions so we are not approving something that did not happen. We are going to put this off until we either receive a call or have somebody from Dobbs Ferry appear here.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Mayor, I was going to talk about the green team, but Trustee Jennings is going to talk about a grant opportunity we have as part of our green team application. So I will pass on my time.

BOARD DISCUSSION AND COMMENTS

1. Green Team

Trustee Jennings: Part of our sustainability action plan was to bring together volunteers from various departments of the Village staff who would be especially trained and vigilant about conservation and sustainability issues: the so-called Village green team, which is a movement that is going around municipalities throughout the country to try to enhance and improve the attention being paid to carbon footprint and energy use and things of that kind. We have an opportunity to apply for a small grant from a foundation that supports this concept of municipal green teams and provides training and facilitation services for the village employees who make this team up. It is a perfect opportunity for us because we have just formed our own team and we have high hopes of receiving \$2,500 from this foundation called Clean Air-Cool Planet for this purpose; to hire a trainer who will get our green team launched and off the ground running very nicely. I believe that Dobbs Ferry is engaged in a parallel effort. It is my understanding that there is no village match; this is a straight-up grant of money to us. There is, as far as I can see, no downside to it. I hope that on January 4 we can discuss and approve the submission of this grant proposal. Fran brought the green team together with the Conservation Commission last week, and we are off to a good start.

Trustee Armacost: Maybe could you announce, Bruce, who are the members of the green team so that the public knows.

Trustee Jennings: I do not know all the names. But Deven Sharma, the Building Inspector, is a member of it. Who are the Village staff members?

Village Manager Frobel: Mike Gunther brings his experience from the DPW along with Jerry Daley, our lead mechanic. I felt both those gentlemen, having experience with heavy equipment and drainage projects, can contribute to brainstorming on that notion. From Parks and Rec, Ray Gomes is the member, but Kendra Garrison is attending the meetings. Sue Feir from the library. You mentioned Deven Sharma. Chief Bloomer wants to be actively involved in it. Raf Zaratian from the technology point of view. Susan Maggiotto was one of the first appointees. The group brings different expertise to the table, and in matching up with some of the members of the commission we are going to see some results. It is going to be a very good endeavor on all of our parts.

Mayor Swiderski: What was the substance of the telephone call?

Village Manager Frobel: That was Dobbs Ferry. It passed.

Mayor Swiderski: Is there somebody who is going to physically come here, or is that sufficing?

Village Manager Frobel: I think that is good enough, Mayor, although the CFO from Children's Village indicated at the last meeting he might attend.

Mayor Swiderski: Let us get through just on the off chance that he shows up and it is not for naught. We will get to the Board discussion, and circle back to that resolution.

2. Waterfront Art Concepts

Mayor Swiderski: I am putting on the table here a very soft idea; there are no hard concepts, it is rather to facilitate a discussion. The rehabilitation of the waterfront is now underway, and yet you have this 42 acres visible from the Palisades, from the train, that will remain undeveloped for the number of years the remediation will take. Public spaces of this size, creatively utilized, can be a great location of large sculptural or concept art. I can point to any number of examples around the country where artists have taken sites of similar scale and scope and done remarkable things. It can be like the idea of wrapping the buildings, or the environmental art spiral jetty where you are building something on-site. It could be something conceptual that degrades as the site is remediated. You could paint a grid on the site visible from the other side of the river, and as the site is remediated you would see the art degrade over time. It would be making a statement about the remediation, passage of time, and everything else. It could be any number of things. The point is, there is a site and an opportunity perhaps to do something very interesting with it. Assuming, of course, that Exxon and BP go along.

The Arts Committee got very excited. At the very least, we should be filming the process. Whether that is turned into a documentary over a 10-year period, or something more conceptual, who knows? Given our location, given the accessibility of the site and visibility of the site from across the river and from trains, it seems like a properly motivated group of people could come up with something that would be easily funded by outside agencies. I should say this should not cost us a penny.

But we would be squandering an opportunity if we did not at least have the Arts Committee pursue this and try something. I am sorry I am not any more concrete than that, and I think that is probably a good thing because I do not want to guide this. I just know as I stand around the cliffs across the river, looking down, there is 42 acres of space that you could do something amazing with that people would come up from the city to see if it was amazing. And why not? If it could excite BP or Exxon to participate by lending the space for that use it could be something remarkable that would provide a transition to that point where we actually use the site for something useful. I am looking for input, ultimately an agreement, that this is something worthwhile for the Arts Committee to pursue.

Trustee Armacost: It is a lovely idea. It could be really fun. It could really tap the creative juices of a number of different artistic people that we have in our village, or outside. I mean, if Christo came and wrapped Building 52 that would be really a fun thing to have in whatever color we chose, purple perhaps to match the building up the road or something that fits in with our new guidelines. Obviously it is very dependent. It cannot interfere with the cleaning-up process, and it is dependent on the pleasures of the people who own the property. But if it could be a win-win situation, they might like to attach their name to something like that. That might be something very interesting and creative for them. So I think it is a fantastic idea. I know the Arts Commission is very excited about that; to be able to have license to play in that area would be very inspiring for them.

Trustee Jennings: It is an interesting and creative idea worth looking into. I hope what we do would be viewable from this side of the river as well as from the other side. I also very much support the idea of doing photography and documentation of the cleanup as it proceeds over the next few years because that would be a very important historical archive for the future of the Village.

Trustee Quinlan: I am the least creative member of the Board of Trustees. But having said that, I promise to use my considerable other talents to convince BP/ARCO to let us do it if something creative comes out of this.

Trustee Walker: I think it is a fantastic idea on a lot of different levels. We are really talking about environmental art, and maybe it is environmental art also on a lot of different

levels. I think it is appropriate on this site, particularly since we are trying to promote this village as an artistic community and one that we want to attract people to because of the amazing creative talent that we have here. One of my long-term dreams is that Building 52 be home to a cultural arts center, or at least part of it. Moving in that direction is important. My husband has often talked about how could you do something when you have that much land. Could you do something that would actually be the first Google Earth art project so you would be able to see it by satellite, so when they are taking the Google Earth photos of Hastings, it would show up. There is a challenge, right? It might make it into the Ripley's *Believe it or Not*.

Trustee Armacost: We have quite a few Google employees who live in Hastings. I do not know if anyone who works for Google Earth lives here, but certainly other Google employees live here.

Trustee Walker: Google sometimes has interesting grant programs to do all kinds of things. So that is worth looking into.

Mayor Swiderski: There is art across time, whether it is a documentary project or physical art that is designed to degrade over time, and art across that space, whether it fills that space or draws attention to certain areas. This could go in any number of ways, and it could go in any number of ways over time. We could explore many different projects since, sadly, that remediation is probably going to be underway for at least seven or eight years. During that time period it would be unfortunate if we did not grab the opportunity.

Nancy DeNatale, 328 Warburton Avenue: I am chairing the Arts Commission at the moment, and we are all excited at the opportunity of looking at the waterfront as a space for artists. Personally, I worked at Art Park [in Lewiston, New York] for four summers. That was a remediation site, and has become a permanent art space. While I was working there, the most exciting things happened where they were temporary pieces that were put in there. They really reacted to the site. Since Peter and I talked with Dylan O'Brien, another member of the Arts Commission, a couple weeks ago, , Peter was wanting to think whether preliminarily is this a good idea, are you interested. We were both very interested because Dylan O'Brien, as a young film person and performing artist, has had all kinds of ideas about the waterfront and has proposals that he would like to share.

So to open up the discussion with the Trustees at this point is exciting to the whole commission. I jotted down a few ideas since we spoke, and I was thinking about the purpose. Are we looking at redefining, or defining, Hastings' identity on the waterfront? Are we looking at that as an opportunity for identifying our identity? Do we look at it as something that identifies our past? I am intrigued with the past of Hastings and what I have

moved into: are we looking at the future, are we looking at the present? Is this a permanent installation or is it a temporary installation, and either or both sound exciting to me. It is an opportunity to bridge the gap between the disuse and abuse of the site, and the purposeful statement about existence, and the livable green space that we are looking at for the future. There are so many ways of interpreting that, and I have found some wonderful examples that already exist; some of them with people I have worked with in the past that I could help bring to Hastings to talk about possibilities.

They are already doing things on the Hudson River. George Trakas has something at Dia Beacon and down at Newtown Creek, and I worked with him 30 years ago at Art Park. It was exciting back then, and he is building on that. Peter talked about Smithson's Spiral Jetty, which is something that is about as permanent as you can get. That started us talking about another person that I had worked with at Art Park, Buster Simpson, who lives in Seattle, who put huge limestone disks into the Niagara River and they acted like Alka-Seltzer. He seems to have a way with things like that, where he understands the environmental issues and he understands how to create a bridge between that disuse and abuse and how people want to live in the environment. The idea that we could do that here on the waterfront is exciting.

The fact that we have opened the discussion about it with you, and that we can bring ideas to you, is exciting. The rest of the Arts Commission has ideas, as well. The idea of documenting the whole process opens up all kinds of other opportunities. We have filming: we had something at Art Park where they projected the images that had something to do with what was going on in the ground. There was also something by Andrew Leicester. He created this whole series of abstract shapes. All I could think of was going by in the train, and as you go by it becomes a diamond. That is what Lester did. At Art Park we had a laser beam come from the other side of the river and create an event that happened on our side. It would be far more easy to make that happen here because we were going across international borders over there. We were doing it between Canada and America.

I would love the opportunity to bring some ideas to you for you to consider. I know that the rest of the Arts Commission, Jim Bergeson over here who is responsible for bringing the spirit houses to Hastings, also has ideas. Dylan O'Brien, who is a film graduate from SUNY-Purchase has other ideas. I would love to bring to you some ideas about publicity and funding. I recently went to a reunion of Art Park, and that was a high point of my life. I think that we could bring some of that to Hastings. The people that I reconnected with are excited about the idea of what might happen in Hastings. So they left the door open for me, and said please come; if there is something I can do, let me talk to you about it. So we are excited. What more can I say?

Mayor Swiderski: Thank you. While we have you here, if you could speak briefly about the installation outside: who, and how long, and what it is, right here in the halls.

Ms. DeNatale: What we put in the Municipal Building over this weekend was an installation called *Known and Unknown*, a series of trance paintings by a Hastings artist, Susan Cooper. I am going to leave it at that. I get all kinds of reactions to her paintings, and it is better to leave it open as far as I am concerned. There are certain things that made me want to have it here over the holiday season during Hanukkah and Christmas, and she allowed us to do that. I hope that people really enjoy it. There is going to be an artist's reception on January 8. We have had a fair amount of community support already.

Mayor Swiderski: What is a trance painting?

Trustee Armacost: You have to look at it to see.

Ms. DeNatale: You have to ask the artist that, and you have to come on January 8 unless you run into her in the streets beforehand. Ask her about that because she will explain it.

Mayor Swiderski: Should it be viewed in a trance, is it executed in a trance, or does it provoke a trance?

Ms. DeNatale: She executes them in a trance, or so she has explained it to me. You are to experience them in any you would like to. She has been around the Municipal Building over the last couple of days, and we have gotten wonderful responses from staff, from visitors. They are very different, and she has gotten a real kick out of it. She shared with me that she has never had her pieces exhibited in a space like this, and it has made a real difference for her. She is really enjoying the difference, so thank you.

Trustee Armacost: One thing I wanted to throw back to you about the waterfront is that after the remediation is finished, and before new building happens, when people can go down, theoretically, to that space, when it is free of any other construction, the thought that comes to my mind of sort of a very large-scale temporary set of art installations that happens annually, as Burning Man. My parents, my brother, have been going for years and years. My parents are way cooler than anyone else I know.

Ms. DeNatale: Will they come advise us?

Trustee Armacost: They own the largest solar-powered bicycle in the world, that can hold 20 people in it, which could be brought. But that kind of a concept, temporary but bringing lots of people, could end up as a thing that has to be planned well in advance. If we know

that the space is going to end, that the cleaning is going to finish at a certain point and the building will not start, there is a time period in there where some interesting things can happen when the space has nothing in it. I think that is something that you guys should just take as a thing to work with.

Ms. DeNatale: I love the idea. First, I thought of *Burning Man*. I have never been, but I am totally intrigued with it. I am very intrigued by alternative energy sources, and I would love to see that be part of what we are doing.

One of the things that I found recently was that Whitney Museum has temporary installations very close to the High Line. The artists have entered into a new realm, in that they do not have complete control. They were told what materials to use and they were told that their installation was going to be in a construction zone, so they had to create something that was going to be driven over and through, that dirt was going to be thrown on, and that it would be rained upon. They came up with some interesting ideas, and I can send you the links to that.

Another thing that was interesting, besides Trakas and the things that he has done on the waterfront on the Hudson, there is also a series of pieces that were documented by Wave Hill. They were curated by a former Hastings resident, as well, who is very talented as a curator. But she took into account a lot of the alternative energy things. Some of them were temporary, some of them were permanent. She is someone that I admire very much, and I admired the show very much. It fits in with the solar-powered tricycle that holds 20 people.

Trustee Armacost: I saw your face, and realized that I said bicycle. But it is tricycle. I will send you images of it so you have a sense.

Ms. DeNatale: It is going to be interesting to find out how the community reacts to the idea of doing something on the waterfront, and if you open up the idea of temporary versus permanent, you open up the idea of some of these new scientific perspectives, whether it is technology having to do with communication, whether it is satellite. By the way, there was something at Art Park many years ago that was picked up by satellite cameras. I suppose if Google Earth was there at that point it would have been part of Google Earth, but those kinds of thing are fascinating. I would love to see that happen on the waterfront, and I would love to facilitate people's ideas and create sort of an ongoing thing, rotating. The idea that it is 10 years of a process, and actually document it, could be really fascinating.

Trustee Walker: It could also spur some what auxiliary exhibits, when people come up with the ideas. Or we could have a whole gallery full of ideas and exhibit them. That would be interesting, too.

Ms. DeNatale: You are right. We have a whole village that can reflect that, and a lot of spaces that already exist where we could do exhibits and performances.

Trustee Walker: But I mean those that are related to the development of this concept, so that it ties together so it is not all happening on the waterfront. The ideas can be born up here and viewed up here, and then eventually implemented on the waterfront. That gives people a chance to interact with the ideas.

Ms. DeNatale: That is a really good point. The whole Village should be involved, even Jerry Quinlan.

Mayor Swiderski: Thank you very much. Your enthusiasm, I hope, infects others and this project begins this evening and unfolds over the years.

3. Update on Waterfront

Trustee Quinlan: I would like to focus my attention tonight on the northern site, which is owned by BP/ARCO, and report on some of the things that were discussed at a meeting that the Mayor and I attended on December 14 in Hastings at the trailer on their property. We met with representatives of the DEC, BP/ARCO, their consultants, and Riverkeeper. We discussed where we are now, some of the things that are happening, and some of the things that will happen in the future. I would like to focus tonight on the positive thing that is happening now, and try to explain it. That is what we call the IRM, which stands for Interim Remedial Measures. The reason why that is so important is because we are taking out polluted product from the site and getting it off-site. Although it is not a significant amount of pollution, it is a start and it is being removed as we speak. They now have four working wells in the northwest corner of the property that are approximately 40 feet deep. These wells are angle wells and vertical wells. If there is anything BP/ARCO knows how to do it is build a well.

Right now they are in an experimental stage, but about every six weeks they are recovering five to six gallons of DNAPL, which we have explained before is this gooey substance of PCBs that is probably the most difficult substance to remove from the land because not only is it mobile, but is sticky and gooey and is very dangerous. They are trying to make the wells and the pumps more sophisticated. They are in the design phase. Fairly soon, in 2011 going into 2012, they hope to have eight wells dug under full protection, seven days a week, 24 hours a day. These wells are all onshore, and they will pump a significant amount of DNAPL out of the soil while they are doing other work to design what the ultimate cleanup is going to be for the entire site, which will take a pretty long time.

I will just mention this last thing. Basically, there is a combination of the difficult design of how to do what we are going to do in terms of bulkhead, slope, things like that. But another big problem is that the Department of Environmental Conservation is in a state of flux. We have a new governor coming in, the commissioner has been fired. They are searching for a new commissioner, a new deputy commissioner. Until the new administration comes in, we do not know what the commitment to this site and to Hastings-on-Hudson is going to be. But having said that, the Mayor and I are trying to ensure that whoever comes in to the DEC will make Hastings and this site, both north and south, the poster child of the Hudson remedial action and of the cleanup. The location of this site should be attracting a lot more attention from the state and from the corporations that own it for many reasons than it already has. We are trying to push that as much as we can.

Trustee Walker: When the new commissioner is on board that would be a good opportunity to make an appointment and go talk to him or her.

Mayor Swiderski: Absolutely. I want to add that the process that unfolds over the next couple of years includes, in the next four months, a submission of a very limited subset of potential options for remediation of the offshore component of the site, as well as the near shore and how it intersects with the land. The DEC will be getting this soon, April or May, and that will drive their decision on how this site will ultimately be remediated. This is an important point, and I am going to first turn to Meg, and probably also to Bruce. We need the members of the LWRP and a few select others to take a look at what has been said about potential uses, and overlay it on that site as a pointer to the DEC so that when they evaluate the proposed remediation plan they are taking into account uses for that site. Specifically, currently on the site there are two inset areas that were ports at one point. They filled in naturally over time to some degree. They are shallower than they used to be. We may want to request that one or both of them remain useful as boat launches. We should write that down and present it to the DEC because they are going to be determining what is going to happen along that boundary. If we do not express that opinion we may miss it.

This is somewhat time-sensitive. I am thinking in terms of a couple of weekends of three-hour sessions at the Community Center, where there would be a half-dozen people talking among themselves, and if the public wants to chime in, great. More than that we do not have the time for, and I do not think we need, because we have discussed uses in the past. But it is time to commit that to a document and provide it to the Board, which will pass it on to the DEC so that it helps them in indicating: as you create a slope into the water, do not obliterate this because that might be useful; or, we do not mind you obliterating that if you keep this; or, keep in mind that we want to potentially do Y. Just let us put it out there.

Trustee Walker: The LWRP committee did a detailed harbor management plan. It is worth looking at again with the public, talking about it with this in mind. When you build something out into the river, as we have seen, whether it is putting a barge in the river or creating the cove, it starts to attract sediment because of the way the currents work. So if they do project something out at the northwest corner there is probably going to be a shallow area created to the south of it. That is precisely the area where we wanted to have a major boat mooring, or maybe even a pier, with potentially a ferry or a water taxi pier. That was the area where we really imagined bigger boats coming in. So it is important to look at those two things together.

Mayor Swiderski: Right. I cannot promise that, but we need to put down on paper if possible we would like to preserve options for this. My immediate reaction is, that may be further south where there is a proper deep-water port.

Trustee Walker: Well, not so far south for a proper deep-water port. Down on the Exxon Mobil site, certainly there is a deep-water port down there. But that is much more remote from the downtown and the train station. There is an area up toward the north where we really do want boats to come in. So if it is going to be affected by this projection you may have to move further south, but it is something to look at.

Mayor Swiderski: Right. Enumerating potential uses is what we are looking for. So we will talk privately, and then put something out to the public, about when and who. It should be somebody from the Comprehensive Plan, somebody from the LWRP, at least one if not both of you, and the sooner the better.

Trustee Walker: Yes, I think that is critical. We are talking water uses, but we need to look at the land uses, too.

Mayor Swiderski: But the proposed remediation will alter the edgescape of this parcel considerably. There will be loss, as well as some gain.

Trustee Walker: Yes, but how do you get to the river, too. The kind of edge you create to allow people to get into boats or to get down to the water is important.

Trustee Jennings: And the esplanade, the walkway, is that going to be compromised?

Mayor Swiderski: No. You will always have an edge to the water, but the slope is likely to impinge upon land now. You will lose some land. If there were bulkheads that involve tiebacks that would render quite a bit of land even more so unusable. So it is arguable whether we are losing land under either scenario. The point is, right now there is a

transaction toward a slope edging to much of the waterfront that will result in some loss of land. We are going to gain some at the north end, about an acre, with the bump-out that the state is likely to require be built. But there is a reconfiguration that will have to be accommodated.

Trustee Walker: We might have the opportunity to create a vegetative buffer. That's one of the things we talked about in the conference.

Mayor Swiderski: That vegetative buffer may appeal to Fish & Wildlife. There are a number of players here, but I want to make sure that uses are represented at the table.

Trustee Armacost: On that land that is unusable, the artists might find use for it. It may not be usable for certain things, but might be very useful.

Mayor Swiderski: A use for a walkway and esplanade and a park. Usable in terms of economic use.

Trustee Walker: Right, development.

Trustee Armacost: Exactly. Does not mean it is not usable to others who happen to be in the room with us.

Ms. DeNatale: I would love to be able to have one of the Arts Commission members sit in on these discussions and add comments about an artistic point of view. I have found a number of different examples for these kind of spots that made them something rather beautiful. It added to the economic development of a community.

Village Manager Frobel: I t want to supplement Jerry's report on the other parcel of the site. I mentioned to you the sinkhole that formed. Quite a bit of staff time went into helping them redesign a new access road. Deven Sharma was involved, as was Chief Drumm. The new access road has been engineered and built. Chevron is going to need a permit for some tree removal. Under our code a certain height and diameter of a tree requires a review by the Tree Board. Deven is helping them through that exercise. You had mentioned concern about cutting, but there will be some cutting. And the cold weather has slowed down the dewatering effort on part of the Exxon Mobil site, as well.

Trustee Jennings: Jerry, how are they taking the DNAPL off-site?

Trustee Quinlan: In drums with trucks.

Trustee Walker: Do you know where they are taking it?

Trustee Quinlan: They are taking it down South because it is a very toxic material. Not too many people will accept it, and there are only a few places left. It is either going to Alabama or Texas. It is five or six gallons every six weeks. You are talking about one drum every six weeks. But sooner or later it will be taken out in greater quantities. The bottom line is that we have to clean it up.

4. Hillside School Land Donation

Village Manager Frobel: The Mayor and I previewed that opportunity to accept some land adjacent to Hillside Woods. After our meeting, I contacted our environmental counsel, Mark Chertok. He advised us to perform a phase one environmental survey. I immediately contacted a firm in the business, provided them with enough data to make an intelligent, informed decision on a cost estimate. They prepared a proposal. Having gone through that exercise, and communicating closely with the property owner, as recently as Thursday afternoon it was decided that they would not be pursuing the donation this calendar year. So that is on hold. The door is not closed, but at least for the time being the owner is not looking to donate it to the Village in 2010. The owner attributed the change to having difficulty getting the property appraised in a timely manner.

Trustee Quinlan: In the meantime are we going to have somebody make sure that it is clear of any prior use that could not be a positive benefit to the Village, while we have this time? I do not want to revisit this again where we have to rush.

Village Manager Frobel: In conversation with the environmental consultants, they can do it fairly quickly. I think you could have a final product in three weeks, but I think they would have a little more lead time. I am reluctant to have the Village go to the expense of that survey on the outside chance maybe the land would not be donated.

Trustee Quinlan: No, I agree. But is there any chance they could pay for it? The buyer can be responsible for the search but a lot of time, the seller can, too.

Village Manager Frobel: It is a thought, and one that we have discussed briefly among ourselves.

Trustee Quinlan: I do not want to go to any expense either. But one of the things that bothered me before this, I am glad that we do have more time. I think Marianne brought up a good point, but at that point we only had two weeks to resolve the issue or give up the gift. I do not want to be put in that position.

Village Manager Frobel: I agree. I will do everything to avoid that.

Village Attorney Stecich: But the reason there was a rush was they wanted the tax thing; make it by the end of 2010. Once it is into 2011 you do not have that same rush. In addition to which, it turns out that it is more than just the cost of the phase one study. When I read the proposal for the phase one study, they needed a title search done on the property, a search of the property. So you have to pay for the title search. There is no point getting into that expense unless there is a commitment to make the gift. At that point, if they are getting a big enough tax deduction, it might be in their interest to split the expense.

Mayor Swiderski: That is right. So the rush is off.

5. Trustees Disclosure Form

Mayor Swiderski: A final issue not on the agenda, but I do want to mention it. Every year we complete a disclosure form for our auditors. It involves negatively attesting to whether you have taken actions that pose a conflict. The auditors require it, they review it, and we have been submitting this for years. However, it is not what is required under the ethics code. There is a disclosure there above and beyond what our auditors require that asks if you own property and where you work and where your spouses work. There is not attestation to whether there is a conflict. You are just asked those three bits of information. That information has not reliably been collected for years. For example, the former mayor does not remember completing that disclosure in his term. I cannot say I remember ever completing the disclosure, whether as Trustee or as Mayor. But we are required to. So moving forward into the next year, the Village will issue to us this form. It is about three minutes of work. It is also to be issued to any board member that has an impact on decision-making and contracts. So that is zoning, planning, architectural, and it could be others. We are going to have to review who needs to complete this form. The form should go out in March, and it needs to be completed by May. Not a big deal, but something that has lapsed over the years. We will reinstitute it because it is the right thing to do.

Trustee Armacost: When they are talking about property, are they only talking about a home or all property owned by the person?

Mayor Swiderski: All property owned by the person within the confines of Hastings. But the form itself is fairly straightforward. Again, if you have spent more than three minutes on it you really over-engineered the response. It is part of the ethics code which is a model ethics code. Apparently it is just standard, crafted 20 years ago?

Village Attorney Stecich: It was 1994. I guess it is almost 20 years. It was based on the model law at the time. I was cleaning out a file cabinet just today and found all my stuff from when we adopted that ethics code. There was a lot of discussion at the time. I did not really remember about this form, but there had been a lot of discussion about the form and who should complete the form, and whatever. It was drafted by Mark Davies who used to be in my law firm; now he is head of a conflict of interest board in the city. He continues to be the ethics maven in the state. The model law is very similar to the Hastings law. Pretty restrictive.

Mayor Swiderski: The forms are issued by the Village Manager's office and they are reviewed and kept by the Ethics Board. They should annually agree on the president, apparently, having reviewed this law in the last week. I did speak to Judge McElroy on this disclosure requirement. He preferred that it not be electronic. He likes the physical signature on forms, so we cannot get away with e-mails, which is my immediate response. So we will do it.

91:10 APPROVAL OF ISSUANCE BY DOBBS FERRY LOCAL DEVELOPMENT CORPORATION OF REVENUE BONDS FOR THE CHILDREN'S VILLAGE PROJECT

Mayor Swiderski: Let us move on the one remaining resolution, since we have gotten that call.

Village Attorney Stecich: In summary, the first part says the Dobbs Ferry Development Corporation is seeking a bond for the Children's Village project, and because a portion of the project is located in Hastings, and under statute the Hastings Board has to enter into this resolution, now therefore et cetera.

Mayor Swiderski: So we are saying we are not liable, it cannot affect us, and this is really fulfilling your requirement.

Village Attorney Stecich: Not only are you saying that, but there was an opinion from bond counsel.

Trustee Quinlan: We have a written opinion from bond counsel that says that approval of the bond financing by adoption of the resolution is not intended to, nor does not create, any legal liability on the part of the Village to repay the amounts to be borrowed, which is very important. Thank you, Fran, for that. And that was on their dime, not ours.

Mayor Swiderski: This is the right, neighborly thing to do, both for Children's Village, which has a few acres in our village, and to Dobbs which realized this requirement a little late in the game and came scrambling to us for help. I cannot imagine we have an objection to assisting by passing, so I will ask for a motion.

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

WHEREAS, the Board of Trustees of the Village of Hastings-on-Hudson (the "Village Board"), as the elected legislative body of the Village of Hastings-on-Hudson, New York (the "Village"), has been advised by the Dobbs Ferry Local Development Corporation (the "Corporation") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of The Children's Village (the "Company"), a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue of 1986, as amended (the "Code"), the Corporation intends to issue, contingent upon the adoption of this resolution, its Multi-Mode Revenue Bonds (The Children's Village Project), Series 2010, in an aggregate principal amount not to exceed \$15,700,000 (the "Bonds"); and

WHEREAS, the project (the "Project") shall consist of: (A) the refinancing of all of the \$8,480,000 County of Westchester Industrial Development Agency Civic Facility Revenue Bonds (The Children's Village Project), Series 1999A (the "Series 1999A Bonds"), in presently reduced amount of \$5,375,000, the proceeds of which, together with the proceeds of the \$210,000 County of Westchester Industrial Development Agency Civic Facility Revenue Bonds (The Children's Village Project), Series 1999B (the "Series 1999B Bonds"), were used to finance a certain project (the "Series 1999 Project") consisting of: (i) the refinancing of certain indebtedness owed to The Bank of New York, (ii) the reconstruction, repair, renovation, equipping and improvement to certain facilities of the Company located to the west of the Saw Mill River Parkway and to the east of Judson Avenue at 1 Echo Hills, Dobbs Ferry, New York, including (1) acquiring and installing campus lighting and computer software, equipment and wiring, (2) repairing and renovating five (5) cottages and six (6) unit or support buildings on the Company's

campus, including replacing windows, installing fire alarms and burglar alarm systems, installing central air conditioning, installing a sprinkler system, installing new carpet and renovating or replacing the bathrooms and kitchens, and (3) repairs at the gymnasium building, including the repair of the warped gymnasium floor, lockers, showers and heating facilities, (iii) the funding of a Debt Service Reserve Fund, (iv) the financing of certain costs of issuance related to the issuance of the Series 1999A Bonds and the Series 1999B Bonds, and (v) financing of capitalized interest with respect to the Series 1999 Project; (B) the refinancing of all of the \$4,720,000 County of Westchester Industrial Development Agency Civic Facility Revenue Bonds (The Children's Village Project), Series 2002A (the "Series 2002A Bonds"), in presently reduced amount of \$3,550,000, the proceeds of which, together with the proceeds of the \$140,000 County of Westchester Industrial Development Agency Civic Facility Revenue Bonds (The Children's Village Project), Series 2002B (the "Series 2002B Bonds"), were used to finance a certain project (the "Series 2002 Project") consisting of (i) the financing of the reconstruction, repair, equipment and improvement to certain facilities of the Company located to the west of the Saw Mill River Parkway and to the east of Judson Avenue at 1 Echo Hills, Dobbs Ferry, New York and Hastings on Hudson, New York, including (1) the renovation, upgrade and improvement of certain utilities and infrastructure facilities of the Company including roads, sewers, storm drainage systems, exterior and interior lighting and electrical systems, electrical transformers, generators and electrical interconnect equipment, telephone, security, internet, cable, computer and information systems, heating, ventilation and air conditioning systems, plumbing, landscaping and other facilities and infrastructure facilities, (2) repairing and renovating seven (7) cottages and eleven (11) unit or support buildings, including replacing windows, installing fire alarms and burglar alarm systems, installing central air conditioning, installing sprinkler systems, installing new carpet and repairing and renovating the gymnasium building including replacement of the heating and ventilation system and the installation of an air conditioning system, (3) the replacement of the roofs on Dwight, Tompkins Day Care and Clearview I, (4) the expansion

and reconfiguration of office space on the second and third floors of Wetmore Hall, (5) the rehabilitation of Crest Garage to usable storage space, and (6) the repairs to the Grounds Garage which stores grounds equipment, (ii) the funding of a Debt Service Reserve Fund, (iv) the financing of certain costs of issuance related to the issuance of the Series 2002A Bonds and the Series 2002B Bonds; (C) the refinancing of certain indebtedness owed to KeyBank National Association with an outstanding balance of \$4,000,000, the proceeds of which were used for renovations and improvements to the Lanza Activities Center on the Dobbs Ferry campus; and (D) paying certain costs and expenses incidental to the issuance of the Bonds (the costs associated with items (A), (B), (C) and (D) above being hereinafter collectively referred to as the "Project Costs"); and

WHEREAS, a portion of the Project is located in the Village of Dobbs Ferry, New York and a portion is located in the Village of Hastings-on-Hudson, New York; and

WHEREAS, the Corporation proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a substantial portion of the Project Costs, and (ii) pay reserves and costs incidental to the issuance of the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will *not* be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by both the Board of Trustees of the Village of Dobbs Ferry and the Village Board after a public hearing to consider both the issuance of the Bonds and the nature of the Project financed therewith has been conducted following reasonable public notice; and

WHEREAS, on December 21, 2010, the Corporation held such a public hearing upon proper notice in compliance with the Code and the Board of Trustees of the Village of Dobbs Ferry approved the issuance of the Bonds by the Corporation; and

WHEREAS, to aid the Village Board in its deliberations, the Corporation has made available to the members of the Village Board prior to this

meeting (a) the Company's application to the Corporation for financial assistance, and (b) the notice of public hearing published by the Corporation in *the Journal News*, along with the affidavit of publication of such newspaper; and

WHEREAS, the Village Board, after due consideration of the foregoing, as the "applicable elected representative" of the Village, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special limited obligations of the Corporation and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including, without limitation, the Village, and neither the State, nor any political subdivision thereof, including, without limitation, the Village, shall be liable thereon, now therefore be it

RESOLVED by the Village Board that, for the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Village Board does hereby approve the issuance by the Corporation of the Bonds for the purpose of refinancing the Project, provided that the Bonds, and the premium, if any, and interest thereon, shall be special limited obligations of the Corporation and shall never be a debt of the State or any political subdivision thereof, including, without limitation, the Village, and neither the State nor any political subdivision thereof, including, without limitation, the Village, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bond for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Section 103 and 141 - 150 of the Code, and be it further

RESOLVED that this resolution shall be deemed to be made for the benefit of the holders of the Bonds, and be it further

RESOLVED that these resolutions shall take effect immediately.

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	

ADJOURNMENT

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9 p.m.