

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 3, 2011

A Regular Meeting was held by the Board of Trustees on Tuesday, May 3, 2011 at 7:37 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. Fobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Two (2).

APPROVAL OF WARRANTS

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

Multi-Fund No. 63-2010-11 \$84,053.69

PUBLIC COMMENTS

John Gonder, 153 James Street: Spend, spend. Tax, tax. I know you have to pass a budget. I guess you are all happy that it is over with, but I was a little disappointed in four of you that you did not give Trustee Armacost that extra two days. I did not like the way you started your budget process, coming out with do not exceed 4.5 percent. Trustee Armacost, in the last few years, came from number five on my list up to number one. She worked so hard on the first budget two years ago that she was involved with, and again she worked so hard this time. And you did not give her that extra two days. She got it kind of late, and then she asked for some additional information. I thought Trustee Walker was going to vote with her because she was looking for 3.9 percent. You did have a landslide of \$400 and some thousand from building permits. So that was a little discouraging. I think you sold Trustee Armacost down the river, and I think she is probably the number one Trustee.

Trustee Quinlan, I have to apologize because someone told me that I said something at the last meeting. What I did say was something to the effect that when you give the report on Anaconda-Atlantic Richfield/BP cleanup sometimes you mumble. Maybe it is your microphone, I do not know. But I apologize if I said something and the Board took it the wrong way. Trustee Quinlan was always my number one Trustee. But now he is number five, and I am going to tell him why. You said it is only a few cents between the two budgets. Last year, you said you gave back \$1,000, and each and every one of you did. You mentioned the school budget, and the school budget is an entirely different thing. They have

six trustees and a president, and they work hard on the budget, just as hard as you do. They have to sell it to the taxpayers. We can vote for it. Here, we cannot vote. We vote for you people, but a lot of times there is no competition. "A penny earned is a penny saved." My first television set, before I got married me and my girlfriend saved pennies. And we saved thousands of them. I got my first television, over \$200 to buy a TV, with pennies. So if you are not looking at pennies I do not think you are looking at dollars or thousands of dollars. I am disappointed in the budget. Some people agree with you. And it makes me sick when I hear you are going to invite 50 families. Say the average family is 3.8 people. That is going to be a lot of cars, and I hope they park around Hillside.

Tim Downey, 520 Farragut Parkway: I was in favor of the 4.5 percent increase because I like to give Mr. Frobel every piece of room to do the most important deeds he has, and that is debt reduction and to build that reserve. I agree with the Mayor also, that there may be contingencies and unforeseens, and that would further strengthen the case to give him breathing room. I was not clear in the last meeting, my position on that big building permit. I did not want to see that utilized as a party ticket opportunity to give back to the community. The community has to pay its own way, and they should not rely on that one-time opportunity. I would like to see everything applied toward the goals Mr. Frobel set out in debt reduction and reserve.

I gave some thought of ideas to help along those lines. I asked to look at the grounds contract for Village maintenance. I was surprised at the number because back in the '90s I used to take care of the Village properties. Of course, it has increased a great deal since then. I have watched over the years, and the company doing is doing a good job. But we should have a different attitude than we have had in the past, whereby we just simply say we need to purchase less. I would not want to say you have to charge less, because their costs are ever-increasing and they deserve a fair wage. But I do not understand why we could not adopt the position, for numbers' sake, say it was \$50,000. You tell them this year we can afford \$43,000 worth of service, you are the experts, how do we do it? I know areas where we can do it very easily. We do not need to mow from corner to corner on God's green earth, and mow in July where they are just burning gasoline and making noise. We do specific and targeted usage of the monies in the budget, and we approach it that way.

When I heard we were going to buy three vehicles I still see the Village vehicles rolling around fine. I would like to see perhaps two vehicles. I would love to see a blacktop roller purchase so the Village could go after this pothole work and have the equipment that the DPW crews need. The cars still roll, give them a detailing, wash them; unless the mechanic down at the Village is saying they are inoperable, stretch them out.

Yesterday and today, the Village of Ardsley was able to dispose of all of last year's debris and material for \$11,000. The contractor was in there grinding up everything into a compost-like consistency. They will let it sit there for a year, and then they can use it in the village, they could sell it, or they could have it taken away for free or at a very low cost. I would like to see that approach adopted here in the Village. I was doing work for the Chamber of Commerce at the VFW. Mr. Frobel gave me permission to take some of the debris down to the Village. I was appalled at what I saw once again. We simply do not have space. I know we may be doing something with the sanitation, but we are going to still need highway and we are still going to need greenspace to do our operations. We do not have the space down there. You know I have been a big advocate about this quarry thing. That is an asset that we need to hold in reserve.

I agree with Mr. Gonder, in that sometimes the Village seems to be focusing an inordinate amount of time on somewhat trivial projects: these stilt houses, and the poet laureate. You folks definitely do not get compensated for the kind of time you put into this. But I would like to see this time better spent in terms of the big-picture items: the benefits, and the budget, and items that really pertain to your primary function. You improved it last year, but I would still like quarterly reports so the Village residents could stay in touch with that. In the *Enterprise* and we have had it here where they are looking to beautify the parks. That has been what I have said for years. Let us beautify what we have; let us not increase our burden, our overhead, by creating a new park. Again, that quarry. That is an asset to be able to do what Ardsley is doing; very inexpensively handle our solid waste.

David Skolnik, 47 Hillside Avenue: I want to request that the Board and Mr. Frobel follow up with the questions that I raised about the economics of the recycling operation. It would be interesting to know how it works both in terms of our costs or savings as you try to develop new behaviors. I think it would be something worth presenting publicly. Also, I had raised some questions about Ravensdale and the bridge. There was some mention made of possibly bringing either the DOT or Tom Madden to give us an update on these projects. I am making that request again.

36:11 TAX WARRANT 2011 - 2012

Village Manager Frobel: The tax warrant gives us the authority to levy the collection of taxes for the upcoming fiscal year beginning June 1. This in accordance with the budget as adopted at your last meeting.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the Tax Warrant for 2011 – 2012.

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	

37:11 ADOPTION OF LOCAL LAW NO. 4 OF 2011 AMENDING CHAPTER 244, SOLID WASTE

Mayor Swiderski: This has been introduced for public comment and distributed widely s. They are the changes to the solid waste disposal law introduced by two citizen volunteers on a project run by Trustee Jennings, who coordinated the comments and updates to this.

Village Manager Frobel: I will be meeting with those two members of the Conservation Commission next week as we begin a more aggressive outreach to citizens concerning recycling and the changes in the county regulations regarding what can be recycled. We are going to be having quite a stepped-up effort in our educational effort.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2011 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 244 Solid Waste as follows:

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

Section 1: Chapter 244 of the Code of the Village of Hastings-on-Hudson (Solid Waste) is hereby amended by deleting the existing Article II (Collection and Disposal), ' ' 244-4 through 244-8, and replacing it with the following:

ARTICLE II

Collection and Disposal

▸ 244-4. Definitions.

For the purposes of this article, the terms used herein are defined as follows:

CURBSIDE PICKUP ▸ The act of refuse removal from a person=s property by the Department of Public Works or other refuse carter.

DEPARTMENT OF PUBLIC WORKS (or DPW) ▸ The Department of Public Works of the Village of Hastings-on-Hudson.

PERSON ▸ An individual or individuals, firm, partnership, association, corporation, company, organization, or other legal entity of any kind.

REFUSE ▸ Solid waste, trash, litter or any item discarded or rejected by any person in the Village. Categories of refuse are defined as follows:

BULK REFUSE ▸ Refuse consisting of large household items, such as furniture, mattresses and box springs, stoves, washers, dryers and other large appliances, and large electronic items.

COMPOSTABLE REFUSE ▸ Refuse consisting of yard waste, household food scraps, and ash from household fireplaces and wood stoves.

CONSTRUCTION AND DEMOLITION REFUSE ▸ Refuse consisting of lumber, concrete, pipe, brick, masonry, sheetrock, and other construction materials from buildings and other structures.

GARBAGE REFUSE ▸ Non-hazardous waste materials common to ordinary household, institutional or business use not listed as recyclable, bulk, or construction and demolition refuse.

HAZARDOUS REFUSE ▸ All materials defined as such by the Westchester County Department of Environmental Facilities (DEF).

RECYCLABLE REFUSE B All materials defined as such by the Westchester County Department of Environmental Facilities (DEF) plus textile recyclables.

COMMINGLED RECYCLABLES B All materials defined as such by the Westchester County Department of Environmental Facilities (DEF).

PAPER RECYCLABLES B All materials defined as such by the Westchester County Department of Environmental Facilities (DEF).

TEXTILE RECYCLABLES B Cloth, clothing, shoes, belts, hats, gloves, handbags, cloth shopping bags, drapes, curtains, towels, sheets, pillowcases, blankets, but not mattresses or pillows. Textile recyclables may be used, worn, torn, stained, etc.

SUPERINTENDENT B Superintendent of the Department of Public Works of the Village of Hastings-on-Hudson.

VILLAGE B Village of Hastings-on-Hudson.

VILLAGE MANAGER B Village Manager of the Village of Hastings-on-Hudson.

▫ 244-5. Separation, storage, and collection.

- A. Every generator of refuse to be collected within the Village by the Department of Public Works or any other agency shall be required to separate the refuse into non-recyclable, recyclable, and hazardous components and to further separate recyclable materials into categories for collection as designated by the regulations of the Superintendent.
- B. Commingled recyclables and paper recyclables are eligible for curbside pickup.
- C. Storage and collection of paper and commingled recyclables.
 - 1. Paper recyclables shall be bundled with string or twine or placed in paper bags or an appropriate container, but not placed in a plastic bag.

Paper recyclables shall not be placed in the same container with commingled recyclables. Paper items shall be kept dry until pickup.

2. Commingled recyclables (i.e., glass, plastic, and metal) shall be clean and free from food waste and placed loose in an appropriate container, not a plastic bag. Containers need not have lids, but shall have drainage so as not to collect water. Containers shall not weigh more than 50 pounds when filled.
3. For single-family and two-family residences, recycling refuse containers shall be in a single location, at the curb. If a person has difficulty in adhering to this provision either because of human physical difficulty or property difficulty, provisions will be made on a case-by-case basis by the Village Manager or the Superintendent.
4. For multifamily residences, the owner or agent having management or control of the building shall designate a common and accessible location or locations within the grounds of the residence where recyclable refuse is to be accumulated prior to collection. Such containers shall be placed in a readily accessible location for collection by the Department of Public Works. All walks and entrances to the location of refuse storage must be kept clear of ice, snow and other obstructions.
5. For non-residential establishments, recyclable refuse containers shall be placed in a readily accessible location for collection by the Department of Public Works. All walks and entrances to the location of recyclable refuse storage must be kept clear of ice, snow and other obstructions
6. Recyclable refuse containers shall be put at the curb no earlier than 5 p.m. the night prior to scheduled pickup. Recyclable refuse containers for non-residential properties shall be removed from the curb no later than four hours after the garbage has been picked up.

D. Disposal of recyclables other than paper and commingled recyclables.

1. Textiles shall be placed in the blue bins at the Department of Public Works yard or any other drop for the purpose of receiving textile refuse.
 2. Small household electronics shall be disposed of according to regulations of the Westchester County Department of Environmental Facilities (DEF).
- E. Storage and collection of garbage refuse.
1. All containers for the storage of garbage refuse shall be solid and watertight and have a removable (non-hinged), tight-fitting lid. Containers shall be free from handling hazards and made of such quality as to prevent collapsing during handling. Containers shall have a maximum capacity of 50 gallons and shall not weigh more than 50 pounds when filled. If the container is lined with a plastic bag, the bag shall be tied or twist-tied closed.
 2. If garbage refuse is not stored in a container, it shall be contained in a plastic bag durable enough to withstand standard use and be tied or twist-tied closed and weigh no more than 50 pounds.
 3. Any garbage refuse that cannot be placed in containers or bags shall be securely bundled and tied and left at the curb for collection. The weight of each bundle shall not exceed 50 pounds and shall be limited to four feet in length and 18 inches in height, width or diameter.
 4. All containers shall be maintained in a sound and sanitary condition.
 5. For single-family and two-family residences, garbage refuse containers shall be placed in a single location, either at the curb or at a location chosen by the resident. If a person has difficulty in adhering to this provision either by human physical difficulty or property difficulty, provisions will be made on a case-by-case basis by the Village Manager or Superintendent.
 6. For multifamily residences, the owner or agent having management or control of the building shall designate a common and accessible

location or locations within the grounds of the residence where garbage refuse is to be accumulated prior to collection. Such containers shall be placed in a readily accessible location for collection by the Department of Public Works. All walks and entrances to the location of refuse storage must be kept clear of ice, snow and other obstructions.

7. For non-residential establishments, garbage refuse containers shall be placed in a readily accessible location for collection by the Department of Public Works. All walks and entrances to the location of refuse storage must be kept clear of ice, snow and other obstructions.
8. Garbage refuse containers shall be put at the curb no earlier than 5 p.m. the night prior to scheduled pickup. Garbage refuse containers for non-residential properties shall be removed from the curb no later than four hours after the garbage has been picked up.
9. If a dumpster is used, it shall be of sufficient strength for the purpose of holding the material intended to be disposed of. Dumpsters shall be either covered or contained in a covered structure so as not to collect precipitation

F. Residential compostable refuse.

1. Residential yard waste, including but not limited to leaves, grass and branches generated on site, may be placed at the curb for pickup according to the Village's pickup schedule.
2. Yard waste shall be placed in biodegradable bags or containers not to exceed 50 pounds in weight.
3. Tree trimmings and brush shall be tied in bundles not over three feet in length, weighing not more than 50 pounds.
4. Nothing in this chapter shall be construed as preventing any person from utilizing self-generated vegetative yard waste and self-generated vegetative household waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes. Any

such waste shall be composted or used in a manner not to endanger public health, safety and welfare.

- G. Residential bulk refuse. Residents shall contact the Department of Public Works for bulk refuse pickup. Items for bulk pickup shall be put at the curb no earlier than 5 p.m. the night prior to scheduled pickup. If a person has difficulty in placing the bulk refuse at the curb, either because of physical difficulty or property difficulty, provisions will be made on a case-by-case basis by the Village Manager or Superintendent.
- H. Hazardous waste. All hazardous waste shall be disposed of according to Westchester County regulations.
- I. Construction and demolition refuse. Residents and non-residential establishments must arrange for the pickup of construction and demolition refuse with a certified waste company or recycler.
- J. No animal substances and no dirt gathered from docks, or waste of mills or factories, or recyclable, bulk, hazardous, construction or demolition refuse, or any other materials which endanger public health, safety and welfare, shall be deposited or used to fill up or raise the surface level of any lot or grounds of property within the limits of the Village.

▪ **244-6. Village-owned litter baskets.**

- A. Village-owned litter baskets shall not be used for the disposal of refuse generated by households, institutions or commercial establishments.
- B. If a Village-owned litter basket or collection site consists of one or more receptacles designated for the separate collection for recyclable and non-recyclable materials, users shall be required to separate their litter into the designated categories and to place it in the proper receptacle.

▪ **244-7. Fees for collection and disposal.**

- A. The fee schedule for the collection and disposal of commercial refuse and incinerated residue is to be determined by the Village Board by resolution and set in the fee schedule.

- B. The Superintendent of Public Works is hereby authorized to extend and determine the fees based on the schedule in Subsection A, and the Village Clerk shall bill quarterly each of the commercial accounts in the Village.

¶ 244-8. Penalties and enforcement.

- A. The Superintendent of Public Works issue warnings requiring compliance with the foregoing provisions. Failure to comply with or to perform an act required by any such warning shall constitute a violation punishable by a fine of not less than \$50 and not more than \$250 per offense.
- B. The Village Manager, Superintendent of Public Works, or a designated agent shall have the authority to conduct inspections of receptacles containing any refuse in order to detect violations of this chapter.
- C. The Village may refuse to accept garbage refuse containing recyclables or other non-garbage refuse at any refuse disposal facility owned or operated by the Village.

Section 2: Amend ¶ 244-14, Penalties for offenses, to increase the maximum fine from \$50 to \$250.

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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	

38:11 REJECTION OF BID – STREET SWEEPER

Village Manager Frobel: The Village's capital improvement plan, which covers the period from 2007 through 2012, recommended replacement of the sweeper in 2009. We let it slip

because we had other competing needs in terms of capital equipment, most recently firefighting apparatus. The recommendation now is that we reject this bid to allow us an opportunity to continue to explore privatization of street sweeping. We believe there may be some efficiencies there, reassigning the current driver to a highway department to begin efforts to strengthen our highway section of the DPW. We only received the one bid. We are looking for some relief from our bargaining unit, the DPW workers. If that comes to pass, then we have got an opportunity to design the level of service you want, the frequency of street sweeping, and match that with our needs and our affordability issue and see if that works. It is low-risk. We will try this for perhaps two years. If the privatization works and we are satisfied with it I would recommend we continue. If not, the option is always there in the future for us to look at replacing that piece of piece of heavy equipment.

Trustee Jennings: Do you see a possibility of cooperating with other villages on a joint private contract. Maybe an economy of scale could get us a better deal?

Village Manager Frobel: We think we could. One of the vendors that I have met with as part of this research project currently supplies that service in Ardsley, Elmsford, a few other neighbors. That vendor is willing to hold his price firm because those other communities competitively bid it. I am suggesting we go out to bid ourselves because ours is going to be different in terms of frequency of sweeping than perhaps Ardsley or Elmsford might be. But yes, I think there might be some savings there. There are not that many of these services out there currently doing the work.

We also explored the practicality of borrowing a neighbor's sweeper from time to time. But, they use it as often as we would and the timing is just not right to, for example, use Dobbs Ferry's sweeper on a regular, continuous basis. They need it for their streets. But we do think that joint bidding might have some savings, and we would explore that opportunity.

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

WHEREAS, sealed bids for the street sweeper were received and opened on Nov. 12, 2010 in the office of the Village Clerk, and

WHEREAS, one bid was submitted as follows:

Empire Municipal Equipment, LLC	
White Plains, NY	\$164,000

now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to reject the bid received on Nov. 12, 2010 for the street sweeper.

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: This Saturday and Sunday is our annual Village cleanup. We have quite a list of volunteers this year. It is the longest list of citizen groups of recent memory. We have got the Cub Scouts and Boy Scouts working, the Girl Scouts are out there. There are more places for people to clean up the community, but a great turnout. It starts Saturday at 9 a.m. At noon there will be a luncheon for the volunteers at the Community Center. Families can continue to work on Sunday if they would like, but there is no organized program as such. You will hear later on this evening how important this Village-wide cleanup is to us in terms of compliance with our stormwater maintenance program, too, because this serves not only an aesthetic need to the community but a genuine need in terms of picking up litter and preventing it from getting into our fresh water. So the more the merrier. Let us hope the weather cooperates. Bags are available at Village hall or at the Community Center in advance, or that day. And we will have some water for the volunteers as we drive around and check on their well-being.

BOARD DISCUSSION AND COMMENTS

Village Manager Frobel: Every year at this time we have to offer evidence of our efforts to comply with our stormwater discharge requirements. Susan is the staff member assigned to working with, chiefly, Mike Gunther, Deven Sharma, and our outside advisor. I have asked her to walk through our report.

Village Clerk Maggiotto: You have the draft stormwater report in your packets. We have it here on the desk for anyone who is interested. We are trying to disseminate it as widely as possible. It is available to the public in Village Hall, in the library, on the Web. We welcome any comments that anyone has on it between now and June 1, when it must be submitted to state. Every year, we report on our previous year's activities that make us in

compliance with our stormwater permit. There are six areas that we must report on: public education and outreach; public involvement and participation; what we are doing to track any illicit discharge; what we are doing on construction sites and post-construction; and finally, what we are doing as a municipality to handle our own stormwater.

One thing we did at the end of this reporting year was put a questionnaire out on our Web site. We received 157 responses, which I thought was quite interesting for a rather dry subject, even though it is stormwater. And we learned a couple of interesting things that are going to guide us next year. We learned that 65 percent of the people who responded do not know whether stormwater, which goes into those drains on the street, is treated or not. It is not treated water, and that is the whole point of this exercise. Anything that goes into those drains finds its way into a body of water, either the Hudson River or the Saw Mill River. It is not treated. What is treated is what is in your enclosed waste sewers: what goes down in your home, your sanitary sewers. That is contained, and it is treated. But this water is not treated. So anything that is on a hard surface eventually, through rainwater and melting snow, washes into those drains. Here we have my favorite poster. If people would understand this message it would go a long ways towards cleaning up our water bodies.

One very encouraging thing from our survey was that 99 percent of the people who responded said they would consider adapting some of their daily activities to improve water quality if they knew what to do. I do not know who that other 1 percent is, but we will get that person, too. If you could look at those four things on the poster, because these are the four major polluters of our Hudson River, of our lakes, of our drinking water. Just remember that anything that goes on a hard surface eventually ends up there. And the image that this wonderful county poster gives you is these things are happening on the body of water itself,. When your pets go on the ground they are not just going on the ground. When you fertilize your lawn, and this is a big one, you are not just fertilizing your lawn. When your car is leaking oil it is not just leaking on the street. And the one that is probably least obvious to people, when you wash your car in the driveway you are not just washing it in the driveway.

You are going to find that this year we are doing even more to get this message out to people. We have to test our discharges, we know where they all are, that go into the Hudson. That will become a more stringent requirement to test them as we go along. They are tightening up and expecting a lot of us, and we will go forward with it. Thanks for your attention.

Trustee Walker: I attended a sustainability conference last week, and I heard an interesting policy from the sustainability director of Philadelphia. There, they have instituted a fee if the water is going directly from a parking lot or any privately-owned impervious surface directly into a water body, as opposed to being detained in a detention pond or tank and then released slowly into the ground or a pervious surface that releases it slowly into the ground. They are

polluting our water bodies. This is not only an effort to make them understand that they can do something about it, but also to cover the costs of the work that we need to do on stormwater management. Having fees that could help cover what Susan is doing, for example, which is a terrific job in making people aware, money from folks who are polluting our waterways could go into paying for our stormwater management program.

2. Comprehensive Plan Next Steps

Mayor Swiderski: When we last left the Comprehensive Plan we had posted a version that reflected all our edits. The next step was to schedule a public hearing. But the budget came up, and we said let us deal with this after the budget. There are number of action items in the Comprehensive Plan I would like to queue up for the year. I wanted to begin the process of approving it. So, Marianne, if you could remind us for the third or fourth or possibly fifth time what the steps are.

Village Attorney Stecich: I will only remind you of the steps remaining to be done, which is about halfway down the list. You should schedule a public hearing. At the same time you schedule the public hearing, somebody should make sure a copy of it is sent to the Westchester County planning board, a statutory requirement

Mayor Swiderski: What does the planning board do with the copy?

Village Attorney Stecich: Review. They may have comments on it.

Mayor Swiderski: Are those comments material? Should those comments come prior to the public hearing, or after the public hearing? Should we send them the version that reflects public comment, or should we send to the public a version that reflects county comments? What has precedence here?

Village Attorney Stecich: I would do them at the same time. I do not think this is going to be just one public hearing, because you are also going to have to do review under the State Environmental Quality Review Act, SEQRA review. The first step is declaring yourself lead agency; I do not think any other agency has to give approval for it. You may be the only involved agency, so then you would automatically be the lead agency. But it would be useful to have public input on the possible environmental impacts. At the public hearing people may raise issues that you did not think of. Looking at it, most of the impacts would be positive toward the environment. But there are a couple of things, some of the possible rezonings, that could have potential negative impacts if it might permit a different kind of development. There was a recommendation that some of the larger parcels be zoned

commercial rather than residential. In general, you have more coverage with commercial, but not necessarily.

Mayor Swiderski: Are we required to do SEQRA review of those recommendations even though those recommendations were couched in language like "should consider"?

Village Attorney Stecich: Generally what is done on comprehensive plans is generic environmental impact statements, which are not as detailed as your typical environmental impact statement. It just deals with these issues generically, and then when any particular proposal comes up you have to do a supplemental environmental impact statement or an environmental impact statement on this. I do not think we can prejudge it until you go through the Environmental Assessment Form, which will help you identify the impacts. If you can go through that and answer no to everything, the "no" being it is not going to have any significant environmental impact or it is only going to have a minor environmental impact, then you could issue a negative declaration.

If not, if you answer yes to any one of the questions, could it have a potential negative environmental impact, then you have to do an environmental impact statement. At that point, you would do a generic environmental impact statement. That is a very long process. It may not be necessary. But you do not know until you go through the Environmental Assessment Form.

I would suggest that it probably makes sense to have one public hearing where you present it, because you also have to have public hearings under SEQRA. Then have a second one where you specify that you are going to be identifying the potential environmental impacts at this one, going through the EAF to help you identify potential environmental impacts. At that point, you will know. They can be fairly close together. It is not a bad idea to do them separately because at the first public hearing people get a notion of what the changes are. Many people will read it, but some will not, and they will come to be informed. It also gives the public two opportunities to get the Board. It is an important document. There were public meetings.

Mayor Swiderski: There were a number of them.

Village Attorney Stecich: But the Board made some significant changes to it. So that is my recommendation. One, send it to the county planning board. Two, schedule a public hearing. Or you might want to set both dates now that you are going to have two hearings. At the first one I would make the public aware that the next public hearing you are going to be going through the Environmental Assessment Form. If you see any possible environmental impacts, raise them or let us know.

Trustee Quinlan: The first public hearing is going to be a general public hearing on the document itself. Then we are going to have a second public hearing, where the Board is going to go through the EIS?

Village Attorney Stecich: The Environmental Assessment Form. The document that you answer yes or no to is called the EAF, the Environmental Assessment Form.

Trustee Quinlan: So then we will go through it in a meeting. And at that same meeting we are going to have a public hearing, or are we going to go through it and then have another public hearing after with go through it?

Village Attorney Stecich: I would think you could do it at the same meeting. Obviously, if a bunch of issues come up then that means you are going to have to do an environmental impact statement. There is going to be plenty of opportunity for public input. But I would hope that at the end of that meeting the Board would be prepared either to issue a negative declaration saying there is not going to be any environmental impact, or a positive declaration saying we have identified one significant impact, we have to do a generic environmental impact statement. At that point, you are probably going to have to hire a planner to help you.

Mayor Swiderski: The EAF, the Environmental Assessment Form, you indicated has to be prepared in some way for that meeting? What is the preparation, and who does that?

Village Attorney Stecich: I will take care of it. It describes the action. You have to say how much property could be affected. I think I could do it without a planner on it because it is the whole Village. So I should be able to do it, to get it.

Mayor Swiderski: So you will bring the form, where the components that need to be completed have been completed. And as we step through it, the public, at that meeting, will have a chance to comment.

Trustee Quinlan: How long do you think it will take us to get through the form? Are there 10 questions, are there 100 questions, are there 50 questions?

Village Attorney Stecich: It is about 20 pages. There is one big question, and a bunch of small ones under it. Sometimes it is so obvious that you can skip all the small ones. I would be surprised if it took more than an hour or an hour and a half to go through it.

Trustee Quinlan: When we go through the questions, we answer them all and then we ask the public to be heard? Or do we ask the public to be heard while we are going through individual answers? Peter, you will take care of that?

Mayor Swiderski: I will take care of it, though I am interested have you gone through this process in other villages and what has been the experience there.

Village Attorney Stecich: Yes. It is your choice. We did it recently in Irvington for Mercy's expansion and as we went along we let the public participate in each section. I think that makes sense.

Trustee Quinlan: That sounds like the type of meeting that may take three hours. Do we do it at a regular meeting or independent of a regular meeting?

Village Attorney Stecich: The one we just did for Mercy, there was a lot of public not only from Irvington, but from Dobbs Ferry. I do not think it took us more than an hour to get through it.

Trustee Quinlan: But you said it would be an hour-and-a-half just to get through the questions.

Village Attorney Stecich: No, I included them.

Trustee Quinlan: You mean with the public.

Village Attorney Stecich: Yes.

Trustee Walker: But because this is not a development proposal there will be a lot of the form that will not apply. So we will be skipping over quite a few sections.

Mayor Swiderski: The public hearing on the document, what is the sense of the Board? Do you think this is going to be a multi-hour thing, or one that we can fit in another meeting?

Trustee Armacost: I would err on the side of assuming it is going to be long.

Trustee Quinlan: If the work sessions are any indication, those are each three hours long.

Mayor Swiderski: So do people concur that this is likely to be more than something we want to fit in before a meeting?

Trustee Quinlan: I agree with Niki.

Mayor Swiderski: You are erring on the side of caution, and it is probably appropriate. This is a sensitive document, and we should not feel rushed. How far out do we want to look? Do we want to do this in May, early June? How much warning do we want to give the public?

Trustee Walker: If you did it on the 31st we would be giving them four weeks. Is that sufficient?

Trustee Armacost: I probably will not be here, but you should carry on.

Trustee Jennings: I am not going to be here on the 31st either.

Mayor Swiderski: Would the 24th be too soon?

Trustee Armacost: I am not going to be here.

Trustee Jennings: The 24th I am here.

Trustee Walker: The 24th is okay with me.

Mayor Swiderski: It is okay with me, as well. The date for the review of the EAF?

Village Manager Frobel: June 14 is the off week.

Trustee Quinlan: I will not be here.

Trustee Armacost: I would not count on me on June 14. I am supposed to be in England. The week that is better for me is between June 4 and 14.

Mayor Swiderski: We could make it the Thursday of that week, June 9.

Trustee Quinlan: That is fine with me.

Mayor Swiderski: May 24 and June 9, Community Center, in both cases at 7 p.m.

Village Attorney Stecich: I am pretty sure that the Board of Trustees is the only involved agency on this. Just in case the county planning board can be considered, why do you not declare your intent to be lead agency tonight? That way, if there is another agency I will

circulate the notice, because the notice has to be circulated for 30 days. So then it is not holding anything up.

Mayor Swiderski: Is 30 days enough?

Village Attorney Stecich: By the time you meet June 9, the lead agency decision will have been made. You may not need to, but I would vote your intent to be lead agency tonight.

39:11 DECLARATION OF LEAD AGENCY FOR REVIEW AND ADOPTION OF THE PROPOSED COMPREHENSIVE PLAN

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

RESOLVED: that the Board of Trustees declares itself Lead Agency for the environmental review and adoption of the Proposed Comprehensive Plan pursuant to the State Environmental Quality Review Act.

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	

3. Update on the Waterfront

Trustee Quinlan: For now the work on the waterfront is shut down. Some final loads of soil were removed several days ago, so that is the end of that. The asbestos removal work is complete on Building 52. We expect the crews to return this summer, hopefully, to begin the next phase of the soil cleanup removal, which would be the bioremediation, treatment of the groundwater, and possibly, although I do not think that is going to happen this summer, starting to figure out the air sparging on the south. I have not heard yet about the submission of the revised, modified feasibility plan. But I had an e-mail from Ned Sullivan today asking me if I had heard anything. The answer was no. And then asking me would he like to call BP/ARCO or should I call them and find out where they are on that. I will call them tomorrow.

Trustee Walker: What is the status of the report that the structural engineer completed for Building 52?

Trustee Quinlan: Still waiting for it. We have not seen it yet.

Mayor Swiderski: I do not know if there is a single report, or two reports; one for surface, and one for subsurface. I have not verified whether that is coming to us in two pieces or one.

Trustee Quinlan: I do know that the surface was almost complete when we last spoke. But the subsurface had not even started. The subsurface is very complicated because it is for the piles and the buildings are built on piles.

Mayor Swiderski: To be clear for not just Mr. Gonder, but anyone in the public, it was two years ago or a year ago we got the commitment of money out of BP for alternate preservation, with the agreement that the first step would be a dedication of sufficient monies, in this case it was \$30,000, to get the services of Silman, one of the most respected engineering firms out there, to first look at the building above the concrete slab to make sure, and this is a building over 100 years old, that the girders have not rusted through, that it is in good structural shape, not suffering from something we cannot see but that is inordinately expensive and fatal.

The way the discussion ran with BP was that if the initial assessment of the engineer was that it was not a complete disaster they would look at the second half of the structure, which is all underground. Building 52, and everything that used to exist on the waterfront, was built on top of junk, rubble, debris, castoffs from the furnaces that used to run. It is landfill, and you cannot build directly on it. Back in 1910, 1905 they drove wooden piles not directly down, but like star shapes, out from concrete pads, and then built the concrete pad on top of that, so these wooden piles extend beyond the border of the building. They have supported the buildings in fine form. The slab of 52 shows no cracks. But that does not mean it is necessarily in fine shape. We want to verify it. The next step is a actual sampling of the subsurface to see whether these timbers have held up for 100 years. And with that, we will get a final bill of health. It always surprises me that wood lasts as long as it does. In some cases, it can last 400 or 500 years. So given the shape of the slab, there is no immediate reason to assume it is a disaster. But you want to confirm, so that is the second half of the work. I was not sure if we were getting a preliminary report and then a final report, but we should follow up and find out.

EXECUTIVE SESSION

On MOTION of Trustee Walker, 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 potential litigation.

Trustee Walker: It gives me great pleasure to announce our first outdoor Friday Night Live of the year. Warburton Avenue will be closed, and we are going to be dancing in the streets from 5:30 until almost 9 o'clock. We are going to have a number of performances at the VFW, from On Hudson and other, and participatory dancing and swing lessons, meringue lessons, tango lessons at the VFW. And we are going to have African drumming and dancing to kind of finish things up. At 8:30, it moves to the Community Center. We are fortunate to have this fabulous swing band playing. Our swing instructors are going to be at the Community Center giving swing lessons. It is an exciting night if you like to dance or even if you just like to watch dance.

Mayor Swiderski: Do you have a backup plan, or a rain date?

Trustee Walker: A backup plan, not a rain date. We are going to use the Purple Crayon and the Community Center for a number of the events, and tomorrow we will start to place things if it looks like rain. All of this will be on our Web site, www.rivertownsguide.com/fnl.

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 8:35