

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 20, 2011**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 20, 2011 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, and Village Clerk Susan Maggiotto.

ABSENT: Village Manager Francis Frobels, Village Attorney Marianne Stecich

CITIZENS: Ten (10).

Mayor Swiderski: Fran is at the national ICMA meeting for fellow municipal officials.

APPROVAL OF MINUTES

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of Sept. 6, 2011 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 22-2011-12 \$289,354.91
Multi-Fund No. 23-2011-12 \$ 27,119.13
Multi-Fund No. 24-2011-12 \$ 10,200.00

PUBLIC COMMENTS

John Gonder, 153 James Street: You started the meeting only seven minutes late tonight. That is an improvement over the last meeting, which was approximately 13 minutes late. I think one of the reasons is, you sit in these big leather chairs and are very comfortable and we sit in these old church pews that probably date back to New Amsterdam. You should consider moving your meetings to the Community Center. There you are on the same level as we the people, the taxpayers, and you have the same chairs as us. You will talk less and get things accomplished.

But I am here to talk about term limits. You should consider three, two-year terms, a total of six years. If you cannot get your agenda through in six years, maybe you should go to Greenburgh or county government or state or federal.

You said that you never make rush decisions, I think it was Trustee Quinlan. I said do not rush into any decision. Well, you people do rush into decisions. In 2010, Mr. Frobel says can we get 25 outsider families to join the pool, to pay for it. This year, he asks for 100. When you asked for the 25 there was quite a discussion. But this year there was very little discussion and you made the decision. What are we going to do next year? Four hundred families? You have a Superintendent of Parks and Recreation, you have a Commission of Parks and Recreation, you have got your four people, you have got Mr. Frobel: you cannot come up with a better solution for the people?

Budget. You had the meeting on a Thursday in the Community Center. Trustee Armacost says I can get some savings if you give me 24 hours, 48 hours. Four of you say no, we voted for it. You did not rush into that decision? Trustee Armacost may have saved us taxpayers a quarter per thousand, maybe a dollar a thousand. You did not give her the chance. You remember the blower ordinance? Two of you were on it, and you had your hearings and you did a pretty fair job I thought, and you passed it. The next meeting what happens? Thank God we had Trustee Goodwin. She says you forgot about the people with arthritis and disabilities. You had to reopen it and you had to have a doctor's permit to use an electric blower anytime. So that was another rush decision.

Noise in bars. You tell me we will get the Chief back in the fall. The fall went by, the winter went by, the spring went by, you finally got him back in early summer. All I heard for three, four months was decibels. You have no idea what a decibel is yet. And he straightened you out inside of maybe 20 minutes on two meetings.

Mayor Swiderski: There is a three-minute limit.

Mr. Gonder: British Petroleum. Atlantic Richfield, one of the worst companies in the world. One of the worst companies in the United States with safety violations. I would like to know exactly how much money they gave you in the last 10 years for Friday Night Live or recreation, for all these other things. It is a joke. You are trying to settle some cleanup, and in 2009 when the buildings came down you gave a report almost every meeting. Five to six years, we are going to get the thing cleaned up. Lot of grins on people's faces. Last year, the report was seven to eight years. Last meeting, almost nine years. And you are not sure.

Ethics. You still have not done much in ethics. Deer? This is the last one.

Mayor Swiderski: Mr. Gonder, there is a three-minute rule. Please try to restrain yourself.

Mr. Gonder: But you waste my time a lot of times not starting the meeting on time. Deer. Take care of the deer. Thank you.

Mayor Swiderski: Thank you. I am just asking that you respect the three-minute rule where you can.

Tim Downey, 520 Farragut Parkway: The reason I come to these meetings is not to antagonize or berate people, and be a thorn in somebody's side. But I decided a couple of years ago I would never be a resident of the Village and allow a situation like Age to ever occur again. If I knew there was something in the winds that was not going to turn out well for the Village I would speak up. Otherwise, you get what you deserve.

I would like to discuss the format. There are times when those of us who speak feel we are given little more than a dismissive tolerance. It would be more productive if there were a brief response from the other side. Further dialogue could wait for another meeting.

I would like to talk about a point I brought up at the last meeting: deer. With the time limitations, your heart is racing, you are hyperventilating, you are trying to get across an intelligent line of points. Often it is difficult because of time limitations. In the main meeting in Dobbs Ferry, I do not feel, based upon reviewing the June and August archives, it was fairly presented to the Village in an unbiased fashion. When they discussed the bow hunting possibility, that was compared to using a zero deer population. Trustee Walker picked up the fact that a 25 percent reduction is insignificant. When you consider the math, going forward, that 25 percent reduction in a year's time means even greater numbers because you would not have those births next spring. We have heard from Dr. Ruppert and Barbara Stagnos. But I go back to equally competent people from these meetings: Diane Lowry, [Robert Radomsky. There was a gentleman named Rob Christie, we have never heard his views; Mark Wexler, from Mianus, his views have not been presented to the Village; Dan Atchison from the country. Both Dan and Mark I have spoken to in the past three weeks at length, and they would be happy to speak to the Village to present a more full, balanced presentation of what could be done here.

I wonder if we are going to have the 150-foot request and range for weapons discharge, meaning the immuno. Are we going to put the equal effort into the bow hunting? We have the potential this autumn to do something about the mathematical numbers. There is ample space in the Village to discharge a weapon right now. If we were to communicate with a simple 20 or 30 houses on Edgewood, Cliff Street, and the other road up there, you could increase that potential space by maybe double. That is not insignificant.

I have heard numerous times the statement just let the professionals handle this. That is a terrible copout and almost has a tone of arrogance or hubris to it. We have people in this village who would be willing to participate in a volunteer program, which they do use in the county. They have a blueprint in the county, they have a blueprint in Mianus. We have people in the Village who drive million-dollar fire trucks, or are responsible for life and limb with the ambulance. You folks are volunteers. You are not professional governing people. Yet we entrust the Village government to you. Why can we not have similar responsible people within the Village, or people that are vetted from outside the community, handle this for next to no cost?

You said in the August meeting what would be the objection to this. It is pretty simple. We do not know the true cost. Dr. Ruppert was very clear when I spoke to him that it is labor intensive. Where is the list of people who are going to execute this work? Where are the funds that we can count on or could we get dragged into something that we have to fudge money out of our budget? We have volunteers who would do this for next to nothing. We have a blueprint that is available to us. We could take action this fall and have some meaningful numbers reductions, instead of looking at the deer smashed on the Farragut Parkway two weeks ago, the fawn smashed on Broadway last week. When are we going to take action so it does not go on and become another waterfront project going on and on and on, where we have materials available to us right now where action could be taken this fall?

Bob Zahn, 24 Crossbar Road: I wanted to address this to the residents of Hastings-on-Hudson. I want to make sure everyone is aware of, and comes down to see, the portraiture exhibition in Village hall titled "Our Town: the Village of Hastings-on-Hudson." There are 49 portraits of our neighbors, the educators, the shop owners, and administrators in the Village. It has taken me a year to do. It would be wonderful for people to come down. I got a call today from Julie Chemka and he thanked me for his photograph and he was really sincere. Then he said something that really got to me. He said thank you from the people of Hastings-on-Hudson. That meant a lot to me.

Trustee Walker: Bob, it is a wonderful show. You have done an amazing job of capturing the personalities of our neighbors in Hastings. Nicely done.

Mayor Swiderski: I hope it has a chance to travel to the Community Center so as many people as possible see it.

65:11 APPROVAL OF PURCHASE – FIRE DEPARTMENT VEHICLE

Fire Chief Sarfaty: The vehicle I use was destroyed in a fire, and since then I have been without a vehicle. Through the diligent work of the assistant chiefs, they have located a

replacement vehicle, a 2004 Suburban offered by the East Fishkill Fire District. They purchased five new vehicles, and this was a surplus vehicle. The Village mechanic as well as the assistant chiefs went to East Fishkill on numerous occasions to inspect it, to take it for a test drive, and made the recommendation to me that we make a bid on the vehicle to secure it for use in the Village. The vehicle has 94,000 miles. It does not have the radios. It does have a complete light package. The East Fishkill markings have to be removed and the Hastings markings will be applied to it.

We looked for new vehicles. That would have been a preferred alternative. The new vehicles start anywhere from \$20,000 up to \$30,000 to \$35,000 on a state contract. Those vehicles, depending on who is bidding on them state-wide, may not be available. Sometimes there is a six-month waiting list. I was forwarded a list of police vehicles that are being offered for sale by the state surplus Department of General Services. The vehicles had well over 100,000 miles on them, plus they had various defects such as rust, transmission problems, airbag problems; those vehicles would not be suitable for use by the fire department. So understanding the cost restrictions, we believe that this would be the best purchase and we would ask that approval be granted immediately so I can get back on the road. I lot a lot of equipment in the vehicle. I am working with the Village insurance in order to get restocked. With the insurance money from the loss of the vehicle we will need to purchase new radios. That was all covered under the settlement, as well.

Mayor Swiderski: Do the insurance payments you have received for the vehicle and the equipment so far cover this expense?

Fire Chief Sarfaty: Correct, yes it does.

Mayor Swiderski: How many miles were on the vehicle that went up in flames?

Fire Chief Sarfaty: I believe it was well over 58,000.

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

WHEREAS, the vehicle assigned to the Fire Chief was destroyed in a fire on Aug. 18, 2011, and

WHEREAS, the East Fishkill Fire District advertised a vehicle for sale by sealed bid with bids due by Sept. 12, 2011, and

WHEREAS, the Village of Hastings-on-Hudson submitted a bid for \$12,181.10 and such bid has been accepted as the high bid, now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize the purchase of a 2004 Suburban from the East Fishkill Fire District in the amount of \$12,181.10.

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	

Mayor Swiderski: And thank you for the efforts on economy. It is much appreciated. While a new vehicle would have been nice, we appreciate the effort to watch costs.

66:11 APPROVAL OF NON-UNION PERSONNEL SALARIES

Mayor Swiderski: This resolution follows discussions regarding the expanded job requirements of these positions and the fact that the individuals in these positions have stepped into new responsibilities and larger roles. It was felt strongly that they should be compensated accordingly. Judge, do you want to say anything since two of the members are in your court?

Village Justice DiSalvo: The Clerk, Christopher Janiello, and the Assistant Clerk, Gail Hoffman, are excellent employees. They are not paid the going rate for the work they do compared to villages of comparable size. I have expanded their responsibilities, and they on their own have expanded their responsibilities, as well. For example, I have asked Chris to write grants and he has done so. It has helped the Village by freeing up other equipment that we have replaced here, and by not requiring the Village to pay for the equipment that we have acquired through the grants. The equipment that has left our office has gone elsewhere in Village hall, and it has helped the Village in that way. I have appointed Chris and Gail as the director and assistant director of a traffic violations bureau, pursuant to the Village Code. They will now be able to take at the window a guilty plea and a fine that I set in advance for particular offenses, as an increase in responsibilities on their part. They can take parking tickets now; they will be able to take many vehicle and traffic law offenses, as well. This serves the public and serves them well, and it makes it easier for them. It avoids the need for

people to come to court at night to receive a fine. In addition, they have pitched in elsewhere in the Village on an informal basis. In sum, they are excellent employees. The increased responsibilities are something that they have shouldered well. They deserve to get an increase, as you point out in the resolution. I wholeheartedly support it, and I encourage your votes in that regard.

Trustee Armacost: This is exactly the kind of reasoning that is needed. All our employees are wonderful, all our employees work very hard. But if employees are doing substantially more work than they were contracted to do in the beginning, then it is a fairness issue and they need to be compensated fairly for the additional work. We had a long conversation about this, and I made my views very clear. You have articulated the argument very well.

Mayor Swiderski: Chief Sarfaty, regarding the Fire Inspector, of course.

Fire Chief Sarfaty: Jim Drumm has been the Fire Inspector in this village for well over 16 years. He is a New York State certified code enforcement official. His position requires that he take 24 hours of in-service training annually. That includes components of the New York State Uniform Fire Prevention Code, and the components of the fire code, the building code, the residential code, the mechanical code, the plumbing code, the fuel gas code, and the property maintenance code. In addition, he is required to take written tests on these subjects every three years.

His position is 80 hours. Last year, he was well over 200 hours in hours that he put in with regard to the public safety of the residents and businesses of this village. If I may, excerpts from his report from 2010: he conducted 169 structure inspections, 43 equipment inspections, 12 plan reviews, 12 fire ground investigations; over 40 complaints resolved, 10 assistance with regard to senior citizen detector placement, a service that we offer for senior citizens to place in-service smoke detectors and carbon monoxide detectors. Freedom of information requests, he has handled 16. His special projects include the fire prevention plan of this building; the development of a home oxygen user safety brochure; as well as motor vehicle repair, garage special inspection program.

I understand that this is a start with regard to a salary increase for Chief Drumm. Again, he has served two terms as chief of this department, that is a total of 16 years, as well as being the Fire Inspector for 16 years. He is probably the most, if not the most, underpaid fire inspector in this state. I would consider that this be a start. I would be more than happy to have discussions that you consider a further salary increase for the Fire Inspector in the future. As you see more building going on, as the waterfront is being developed, as you have projects going on at Saw Mill River Road, this individual is involved in all those reviews and

all those designs. He assists the Police Chief on various issues. Again, I would implore you to consider a higher wage increase for the Fire Inspector.

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 establish the following salaries for non-union personnel effective June 1, 2011:

Court Clerk	\$ 48,000
Assistant Court Clerk	\$ 30,005
Recreation Assistant	\$ 40,471
Fire Inspector	\$ 19,686

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	

67:11 ADOPTION OF TAX EXEMPTION FOR SENIOR CITIZENS

Deputy Village Manager Maggiotto: Our Assessor Fred Gross asked that we put this on the agenda. There has been no change in the income limits. If there had been a change, you would be also approving those changes, or considering them in any case. But the way the law stands now, any senior who has an income below \$37,400 is eligible for a reduction in their assessment. They would be taxed on the lower reduction. It is a sliding scale. At that level it is a 5 percent reduction. It goes as high as 50 percent for people with considerably lower incomes. On our current roll we have 56 seniors who have taken advantage of this. We have sent out the renewals for those people who have them, and we have sent out applications for people who have requested them who are turning 65 this year or whose income has decreased. This has to be completed by the end of this calendar year, December 31. If anyone else wants an application, give my office a call and we will be happy to send you one.

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 hereby adopt for the 2012 Assessment Roll the maximum level of income permitted, together with the highest percentage of exemption permitted, by Section 467 of Real Property Tax Law and that the Village Assessor is authorized to accept and grant those exemptions where appropriate in accordance with those guidelines, and be it further

RESOLVED: that in determining eligibility and levels of income, senior citizen applicants may deduct unreimbursed medical and prescription drug expenses and/or veteran's disability compensation when calculating the total income of the owners of real property.

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

Deputy Village Manager Maggiotto: We have two borrowings, bond anticipation notes, that are coming due, one this month and one in December. We found out today that we are going to be able to combine the two and borrow at a very favorable rate, 0.9359 percent. We use the services of a financial advisory firm. We worked with them and developed a statement that went out to the financial community. That is one reason we were able to get a low rate on the BAN. It is not normally done for BANs, but we were advised to do it. This is a little glimmer of financial good news for us.

Trustee Armacost: What were the rates before they were combined?

Deputy Village Manager Maggiotto: They were 1.50 percent.

Trustee Armacost: For both of them?

Deputy Village Manager Maggiotto: Yes.

Trustee Armacost: So this is fantastic.

Mayor Swiderski: What is the term?

Deputy Village Manager Maggiotto: One year.

Mayor Swiderski: And are these eventually converted into bonds?

Deputy Village Manager Maggiotto: Yes.

Mayor Swiderski: And what triggers the conversion?

Deputy Village Manager Maggiotto: That is a decision to do that. We will be going out to the bond market within the coming year.

Trustee Armacost: Can you also remind us of the total amount?

Deputy Village Manager Maggiotto: The amount is \$2,573,065. This is a total borrowing for the ladder truck, pumper truck, an ambulance, a garbage truck, the Washington sidewalks, and certioraris. We borrowed when we needed all those projects. When we re-borrow, we have to pay part of the principal, so we are paying them down. That is the current amount that is due for all those projects.

I also wanted to mention a couple other things. We have scheduled a meeting on the Westchester County affordable housing settlement with people from the Pace Land Use Law Center and the Housing Action Council. That meeting will be held on October 5 at the Community Center. It will be a roundtable discussion among our Board of Trustees, the Zoning Board, the Planning Board and, of course, the Affordable Housing Committee. The public is certainly welcome to come and observe and appropriately participate. People at the Land Use Center have looked at the model legislation from the county and compared it to our own legislation. As you know, we have quite an extensive affordable housing policy that, in large measure, conforms to what the country is recommending. But there are a few points where we are going to need some modifications. So they are here to advise us on that.

We have our Village-wide tag sale back by popular demand October 1. If you have not signed up to be on the map that gets distributed, please do so by this Friday if you can so we can get that map together. The cost is nominal, \$10, and is done through the Community Center.

Once again, we are giving flu shots to anyone over 50 or who has a chronic medical condition on October 11 at the Community Center. If you would like to sign up you must do it by appointment. Call the Community Center.

Mayor Swiderski: Is there an expense associated with the flu shot?

Deputy Village Manager Maggiotto: If you do not have Medicaid Part B there is a \$25 charge.

BOARD DISCUSSION AND COMMENTS

1. Discussion of a Revaluation Presentation

Mayor Swiderski: The Greenburgh town assessor had offered to come to us and describe the benefits and the process involved in the revaluation. We have never said yes or no to her. I am raising with the Board the option of inviting her to speak to us.

Trustee Armacost: We had said that it was sensible to have her come, so unless people have changed their minds from the last conversation, we can just schedule it.

Mayor Swiderski: We never formally said we would discuss it. We punted it down the road. I am trying to clean up punts in a list of things that we open and never close. I do not see a downside to listening, but I did not want to unilaterally act.

Trustee Walker: I am in agreement that it would be very helpful. I would like to mention that there is another way of looking at revaluation that we might want to consider and some municipalities are doing. I do not know what the pros and cons are of this, but some municipalities reassess when a property is sold so it is not all at once like we are talking about with the revaluation. It would not be quite as expensive, it would be a gradual process. But it might be interesting to look at another model. Invite somebody from another municipality that is doing this and find out how it is working out and how quickly things are becoming more equitable within their town or village. Do you know of examples?

Deputy Village Manager Maggiotto: My understanding is that we are not allowed to do that in New York anymore.

Mayor Swiderski: My understanding, it is known as the Hello Neighbor law. It introduces some sort of discriminatory flavor into it. Edye McCarthy shows up, perfect question for her. I agree with you. That would be much more graceful than the expense of a reval or the chaos that comes with it.

Deputy Village Manager Maggiotto: That accounted for a lot of homes getting out of synch. You could have side-by-side identical homes, and one family stays for 40 or 50 years, and then the neighboring house was reassessed every time it changed hands. So there is that kind of inequality.

Trustee Walker: I can see that there could be a lot of hard feelings. But I wondered if there are other ways to do it besides a total reval, which we think is going to cost something like a million dollars. It is a considerable amount, so are there other ways to do it?

Mayor Swiderski: What has been discussed both at Greenburgh and county level was, if we can consolidate the revals the cost drops, and there might be advantages otherwise to do it.

Trustee Armacost: And we are paying a huge amount every year in certioraris. So you have to work out, when you add them up, at what point do you break even.

Trustee Walker: Although I do not know that you would completely eliminate certiorari.

Trustee Armacost: You would reduce it considerably.

Mayor Swiderski: Edye can answer those questions. The answer is you do reduce them, you do not eliminate them, by definition, since you have reassessed. You are at least somewhat closer to true. It is a complex issue. Every time I reeducate myself on it I realize that it is complex. For starters, we have two assessment rolls. We have one with Greenburgh, which covers the school district, and one in Hastings that covers the Village. And they are not always the same. They can differ quite a bit.

Trustee Walker: I am not going to be here on October 4, so if we could postpone it to the later meeting.

Trustee Armacost: I am available the second one. November 1 is complicated for me.

Mayor Swiderski: And ask her for the short version.

Deputy Village Manager Maggiotto: We are going to put her at the top of the meeting?

Trustee Armacost: Could it be a meeting starting at 7, and then the meeting starts at 7:30?

Mayor Swiderski: Right. Why do we not do that? If it spills over, it spills over. But it is a worthwhile discussion to have, and let us do that, 7 o'clock.

Trustee Jennings: The 18th is no problem for me. That is good.

Mayor Swiderski: There is some chance that I may not be around then, but I will draw up any questions I might have.

2. Comprehensive Plan Scheduling

Mayor Swiderski: This is an outgrowth of the discussion about how to tackle thinking about implementing the Comprehensive Plan. My homework was to focus on chapter four, large tracts. I summarized the chapter's content in the matrix that lays out the tracts, their location, the current zoning, and what the Comprehensive Plan says about that tract. In many cases, in different sections of the document are different things. I sorted that list by the recommendations so there was some natural clumping together for those that might be rezoned into a park, or whatever. What you have before you is that outcome. This was addressing both how to structure thinking about implementing the Comprehensive Plan recommendations, and also the concern about cluster zoning and which of the plots were mentioned.

The term "cluster zone" is not used in the Comprehensive Plan. It mentions that some parcels might benefit from being thought of as targets of clustering of homes, but that is all. There is a mention of scenic overlays, where you try to protect view corridors, rezoning for commercial other uses, river buffer, and rezoning as a park. So I summarized it here. It helps to structure some thinking around this, but I am not sure how we want to tackle it. There are certain things we can move very quickly on. We would all agree that Reynolds Field will likely always be a park. So formalize it, clean up the map a little.

Trustee Armacost: All the ones that say "rezone as a park" seem sensible to just rezone as park.

Mayor Swiderski: The only question I might have is the Burke Estate, simply because there has been mention in the past that should the school needs a new building down the road that has been a possible location. In the active rezoning as a park, every time I bring this up I have to ask Marianne again what the law is around this. I think it currently makes it a park, right? It is an act of the state legislature, at that point, to undo it, is it not?

Trustee Walker: Dedicating as parkland is different from zoning it.

Mayor Swiderski: In which case I am perfectly fine as rezoning is a park. It is the "dedicated as a park" that I fear undoing that for the school. Of course, it is school property. They could do whatever they want with it, regardless of the zoning. Unless they sold it, in which case the underlying zoning applies.

Trustee Armacost: In which case, it would be very valuable to have it rezoned as a park so it does not turn into high-rise buildings.

Mayor Swiderski: That is right. R-20 it is now, I think. Or what is it?

Trustee Armacost: LO. What is LO?

Deputy Village Manager Maggiotto: Light office.

Trustee Armacost: Even worse.

Mayor Swiderski: So there may be parcels here that we can quickly act on. Then there is the issue of the scenic overlay/cluster, where we take the easier action of protecting the view corridors without necessarily weighing in on the ultimate uses on this land.

Trustee Armacost: What is your idea where three different things are said, where it is inconsistent?

Mayor Swiderski: Scenic overlay and cluster are not inconsistent with one another. In fact, they work well together because the clustering moves any housing dedicated to that land away from the street where you have the scenic overlay. It goes well together with the scenic overlay. If you create a corridor saying that 100 feet from the street is protected, you are pushing development inwards. That naturally lends itself to a cluster.

Trustee Armacost: But do you not have choose one or the other?

Mayor Swiderski: No, you could do both. In the cluster, it depends on how you structure it. You can cluster zone something, establishing a scenic corridor there between the street, or you can just create a scenic overlay. They are not mutually exclusive.

Marianne and I have chased down cluster zoning to understand what other communities do. Cluster zoning tends to be highly particular to the plot. There does not seem to be a generic cluster zone out there that you just pass it and that suffices. Ultimately, you have to tailor it to that plot. So unless we are willing to tackle individually cluster zoning a bunch of properties, it is a pretty tedious process. Apparently, the Planning Board initiates, we

preliminarily approve it, they finalize it, and then we pass it. So we would be setting the Planning Board on the route of substantial work when, in fact, if we are looking for something to protect that land it may not be the best way of doing it.

Trustee Jennings: I am not comfortable with the notion of tailoring the zoning to a particular development plan by a developer. I am attracted to the concept that on some of our large tracts we should try to prevent the large area of property from being broken down into smaller pieces with different uses and development, even if it does set back from the street and all that kind of thing. I am attracted to the concept that there is a kind of zoning that would force the owners of the property to coordinate what is done on the whole parcel somehow. I thought the MUPDD zone had that as one of its objectives, and that is one of the things that I liked about it. It may have other drawbacks, but is it possible to discuss ways in which that concept could be integrated into some of our rezoning of the large tracts. Or at least I do not want that idea to get lost because I see some merit in the idea of having a coordinated development plan rather than a piecemeal one.

Trustee Walker: There are other tools that we can use besides cluster zoning. The cluster zoning as you described it is what you find in village law at the state level, so it puts the responsibility in a planning board's hands, and it is specific for a property.

Mayor Swiderski: There are two flavors. There is a cluster zone developed for a plot of land before the developer proposes something, where you set setbacks. You structure it to that, and you preserve whatever natural features you want. There is the second idea, what Marianne suggested, which is what they have done up in Irvington. If a certain property has certain characteristics it is remanded to the planning board to determine whether it should be clustered, or not.

Trustee Walker: What you are saying is, we can do it before a developer comes forward or before the owner comes forward and asks us to do it, but it is on a per-parcel basis.

Mayor Swiderski: Yes.

Trustee Walker: So there are other tools out there that we can look into. It depends on what it is we want to do. We need to determine what our goals are first. There are environmental overlay zones that protect sensitive environmental features. So if you wanted to protect steep slopes, old growth trees of a certain size, wetlands, rock outcroppings, you could include any number of those. Sensitive environmental areas could be habitat-based. That you could do as an overlay on all these properties. They would be required to preserve these features so that any development would have to be done in such a way that it excludes those areas. Another way is form-based zoning, which is usually done for urban areas.

Mayor Swiderski: But that is specific to the plot.

Trustee Walker: No, not necessarily.

Mayor Swiderski: How would you designate it a form without tailoring it to the plot?

Trustee Walker: You would have to do a regulatory plan. Considering that these parcels are all adjacent to each other, I am saying this without having seen it done to, let us say, non-urban plots. But the nature of it is not just the buildings, but is also where the streets go and what the setbacks are. So there may be a way that form-based zoning could be tailored to both preserve the scenic corridor, with the setback required from Broadway let us say, and also included ridges and other geographical features, or geological features, and heights of buildings and that kind of thing, as well. And forms of buildings, let us say in a cluster form, without getting into the use. I could probably find precedents for that. I was looking at a form-based description the other day. The way it was described made me think, wow, you could apply it to something other than a downtown. It can be very versatile.

Trustee Jennings: Is it compatible with a large area broken down into separate properties with different owners?

Trustee Walker: Yes, definitely. It is done, for example, in entire downtowns, it is done in residential neighborhoods. So it can encompass a large number of properties.

Trustee Jennings: But it does not make sense for a small property by property application. It is designed to be applied over a larger area, right?

Trustee Walker: Yes. And if we are thinking about this as, let us say, the Andrus Home is like 20-some acres and the Graham Windham is 16 acres or something. At any rate, it could add up to quite a bit. It would be interesting. It might be a way to start to approach because we are thinking about form-based zoning for the waterfront.

Mayor Swiderski: I am going to be candid about my concern there. The recommendation of form-based zoning for the waterfront was an attempt to square the circle, or punt on the decision, depending upon how charitable you want to be regarding determining uses of the waterfront. By going with that solution, you do not say anything. Part of the advantage is that there are no neighbors on the waterfront. The neighbors to Andrus may not be so happy without some determination of the ultimate use. It may, in that case, represent a punting of a core decision on our part that I do not know I am willing to do.

Trustee Walker: But you do not have to rule out use. You can include use. There are hybrids of form-based zoning that include use. We have been thinking about precluding it because of the difficulties.

Mayor Swiderski: The Comprehensive Plan says we may want to consider Graham, Andrus Children's Home, and the old age home as possible commercial corridor areas. If we are going to talk about ultimate use of those properties I do not want to avoid the discussion by saying this could be form-based zoning. We have got to face that, and determine with community participation what people are comfortable with.

Trustee Walker: Although you did point out at the last meeting that we are thinking of an initial decision that protects the property without necessarily determining the use.

Mayor Swiderski: And you made a point earlier: we first should determine what our objective is in this rezoning. Are we looking to protect scenic corridors? Are we looking to protect natural points of interest? What is that we are seeking to do? What is the risk? The risk is that one of these properties will come up for sale while we are sitting here talking about what we should do. And then the dominant zone, R-20, will become, by default, what they are allowed to do, and we have a problem. My concern was that the Comp Plan says specifically these are scenic areas. At very least, the scenic nature of the entrance into the Village on the southern end should be preserved, and let us do that. That is what initiated my conversation on the idea that clustering pushes housing away from the road to the center of the property, and leaves a belt.

It turns out, unless we go the route of turning over the keys to zoning to the Planning Board, cluster housing may not be so easy. So maybe the scenic overlay is what we start with. And the scenic overlay may prompt clustering if, indeed, the property changes hands. If you have the first 150 feet not available to you, clustering may be the only way you realize economic value. So it may be the fastest way of forced clustering that we can do here, without going into a multi-month exercise.

Trustee Walker: If you think about setting back from Tompkins Avenue, as well, and that is the area where the wetland is located, in fact, close to Tompkins, that might be included. Another tool is to set back from the stream. There is a stream right through Graham property, and you do not want them to build within that steep slope and that sensitive area which is in the watershed, a certain distance of the watershed or a certain distance of that stream. So that is another potential setback.

Mayor Swiderski: Ironically, we have no say on any of those properties since they are school properties. They can do whatever they want there. And they will. But the issue

always is the sale. I am not arguing. I am just saying whatever we do, I think it should be relatively simple so we can do it relatively quickly without parsing the particular features, unless we can come up with something easy.

Trustee Walker: But it is important to know why we are doing it.

Mayor Swiderski: Right. And one of the first things they say is, these are gateways.

Trustee Armacost: I think it is pretty clear why, in the Comprehensive Plan.

Mayor Swiderski: And that is why we have scenic overlay here on quite a few of these properties.

Trustee Armacost: Exactly. But to me, the rezone as a park is obvious. Either we agree with what was written in the Comprehensive Plan or we do not, and that should not be a complicated decision. It seems to be a clear action item. It could happen next meeting. Did this all have to happen at the same time?

Mayor Swiderski: It certainly does not. We could spend years talking about this.

Trustee Armacost: Why do we not? Let us just decide those at the next meeting.

Mayor Swiderski: Do you have an issue with the park?

Trustee Quinlan: No, at the last meeting, you were not here, Trustee Armacost, but I said if we want to start out simple then let us start out with like Reynolds Field. Maybe we do not want to do it at this point because we are not so sure of the cleanup of the old quarry. But, Reynolds Field, the Burke Estate.

Trustee Armacost: We can even do the quarry. Because if it is just zoning, we can change our mind.

Mayor Swiderski: We are not dedicating parkland; we are rezoning it.

Trustee Armacost: But what it does is it stops the discussions. It is just to at least clear where we stand on that, our intention. It becomes easier to get grants if we are not ambiguous about it.

Trustee Quinlan: Rowley's Bridge trail, Kinnally Cove.

Trustee Walker: The Judson Avenue parcels.

Trustee Quinlan: "Scenic overlay" is a nice two words, but I do not know what it means.

Mayor Swiderski: It is a corridor.

Trustee Quinlan: A corridor where? Along the border, along the west side, the east side?

Mayor Swiderski: Along Broadway, along Farragut, along the core entrances into the Village where it feels like this is a green belt around us.

Trustee Quinlan: But does that not include wetlands and old growth trees and view preservation, stuff like that?

Mayor Swiderski: It can.

Trustee Quinlan: I do not know where all these things are. I do not know where the wetlands are, I do not know where the old growth trees are, I do not know where the rock outcroppings are that I want to save. Somebody has got to tell me before I can decide whether I want to save them or not, and how big they are and how old.

Trustee Armacost: Exactly. Next week let us do the ones that are simple.

Mayor Swiderski: You can say what we are looking to do is preserve the green corridor heading into the Village, we want 150 feet set back from the Broadway on these properties. From Broadway, or the roads they border, no development.

Trustee Walker: But you can get into other things.

Mayor Swiderski: You can.

Trustee Walker: Like what kind of landscaping there should be, can you remove trees. You can get into a lot of details.

Mayor Swiderski: I know. It is as simple as you want to make it, or as complex.

Trustee Jennings: The overlay can be changed and added to over time also, right?

Mayor Swiderski: Everything can be changed.

Trustee Jennings: If our initial feeling, like with the parks, is that we want to get away from the present zoning because it is just wrong, we do not know exactly where we want to come out in the end but there are interim steps, then let us take a step away from the present zoning and make it a park. It is easy. You can make the scenic overlay easy also, by making it minimal and then adding stuff later after we find out where all the rocks and trees are. The same logic holds.

Mayor Swiderski: You said it more persuasively than I. I am inclined toward simplicity because we head off into a vortex of talk. We could hire zoning consultants here for months if you want, and we do not know if one of these properties might turn over.

Trustee Walker: Another thing we could do, without hiring the professionals, is to ask the Conservation Commission to identify the sensitive environmental areas on these properties, and work with the property owners in doing it. I am sure they would be amenable. They were quite amenable when the large tract committee was meeting. They came to the meetings and they helped identify some of those resources on their property. I do not know if they were ever identified on a plan. So they may have it, for all I know.

Trustee Armacost: But that does not help with the zoning.

Trustee Walker: It does help with the rezoning. If you want to do environmental zoning you need to know what sensitive environmental areas you are trying to protect.

Mayor Swiderski: My only concern is the time frame.

Trustee Walker: That may be a longer-term project.

Trustee Quinlan: In the short term I agree with Trustee Armacost. Let us just do the parks first, then maybe the setbacks. That is simple. But the other thing we could look at is expanding the view preservation district. That certainly protects scenic overlay.

Trustee Walker: It is different, though. The view preservation is views of the Hudson River. What we are talking about on Broadway is a feeling: the gateway feels very rural as you are coming in. It is not that you have views of the river from there, it is just you have this lovely greensward as you come into the Village.

Trustee Armacost: Rezone as a park is pretty clear and direct. But if we are not clear what we mean by scenic overlay, and that can include all sorts of things that are undesirable, then let us not decide next time.

Trustee Quinlan: We are not going to decide next time, but wherever we go after we rezone the parks.

Trustee Armacost: "Rezone to fit use." That one also seems super-vague to me.

Mayor Swiderski: In the case of Newington-Cropsey they were not entirely sure whether the museum was residential or not, and they wanted that. That is not a property that is ever going to change hands, so it is almost the least important of the ones here.

Trustee Walker: But we should decide. The Comp Plan says that in most of these cases we should rezone to fit use, and I would agree.

Trustee Armacost: Actually, that is the only one.

Trustee Walker: But on scenic I think we have got to be careful. The use in the Newington-Cropsey is kind of a complicated use. It is a museum, but it also has residential in it. It is not as simple as just a museum.

Mayor Swiderski: But it is not CC. It is more complex than that. However, in the interest of getting out of here at a reasonable hour, let us talk about the parks. This is not something done without a discussion and then notification of the owners of the properties.

Trustee Walker: And a public hearing.

Mayor Swiderski: That is right. So at least let us identify which parcels we would include in that. We have the Burke Estate, the old quarry, Reynolds Field, and the Judson Avenue Village parcels.

Trustee Walker: And the South County Trailway, Saw Mill.

Trustee Armacost: MacEachron, Kinnally.

Mayor Swiderski: MacEachron is a no-brainer, and Kinnally, which is a no-brainer.

Trustee Armacost: And Rowley's Bridge Trail.

Trustee Walker: MacEachron and Kinnally Cove are part of a waterfront zoning that probably includes parks. So we might want to look at the waterfront MW zone to see if it includes parks. There may be some reason to keep it in waterfront zoning.

Mayor Swiderski: No argument, but let me see what MW includes. I think it is an industrial zone, but let me check.

Trustee Walker: I The one where Kinnally Cove and MacEachron Park does not include residential, but it includes a variety of commercial uses including things that are there, like a restaurant and the tennis club.

Trustee Armacost: Harvest on Hudson has a separate designation.

Trustee Walker: It is in the MW zone now.

Trustee Armacost: I see, in that sense.

Mayor Swiderski: But does it include "park"?

Trustee Walker: I cannot remember. And then what are the advantages of making it park as opposed to keeping it in the MW?

Trustee Armacost: My guess is that if you make it a park it stays a park. That is the point, is it not? That is why you want to zone these as park; so they do not turn into something else.

Mayor Swiderski: MacEachron Park is in our hands, as is Kinnally. So the turnover risk there is zero.

Trustee Quinlan: One percent.

Mayor Swiderski: It is not zero, but if a board wanted to sell that to a developer they could just un-zone it from whatever we zone it anyway. So it is of less interest than the ones on the first page.

Trustee Quinlan: But it is still important that these things reflect what they are. Who is really going to object? Do you have any objection to making MacEachron and Waterfront Park a park? Let us keep it simple. Any Board of Trustees can change the zoning.

Trustee Walker: Yes, that is true. I do not have any objection.

Mayor Swiderski: Then in terms of next steps.

Trustee Armacost: Is it a public hearing?

Trustee Quinlan: You need to notify the property owners. Not that we would notify ourselves, but the schools and where the Rowley's Bridge Trail has been running through. We own that land now, west of Broadway?

Trustee Walker: Some of that might be Metro-North.

Mayor Swiderski: Reynolds Field is the school, old quarry is ours, Judson Avenue is ours, and Burke Estate is a school. So it is really the school and, potentially, Metro-North. The others are ours. That is an easy enough notification. And we would schedule a hearing for the start.

Deputy Village Manager Maggiotto: The Planning Board might have to be involved with a recommendation. I think SEQRA is involved when you change zoning. It is a very involved land use process.

Trustee Quinlan: So let us talk to Marianne.

Deputy Village Manager Maggiotto: Marianne is out of the country until the day before your next meeting. So I do not think this will happen at your next meeting, but right after that we will get her advice.

Mayor Swiderski: The process. We have queued up a bunch, and we know what to ask for properties we have talked about. The same with the scenic overlay. We will get a stripped-down version suggested, and see what is involved in implementing that.

Trustee Walker: Some examples.

Trustee Quinlan: To go back to scenic overlay. Peter, are you suggesting that we just do setbacks? Which I am not against, I am just asking what you are suggesting.

Mayor Swiderski: I am suggesting if the concern is to protect, in the interim, until we figure out longer-term what the zoning might be, it is an easy thing to do and protects us.

Trustee Armacost: Can we also ask Marianne the advantages of naming it "scenic overlay" versus "river buffer"? There are some that are just river buffer.

Trustee Walker: They are two different things, though.

Trustee Armacost: But some are overlapping. Some are scenic overlay and river buffer, so at a certain point you decide which one.

Trustee Walker: You can have both because the river buffer is a certain setback from a river, and the scenic overlay is usually along a road. It is what you see if you are driving or walking along the road. The river buffer is really environmental; it is about preserving the vegetative buffer along a river. That is for habitat purposes, and flooding purposes for that matter. Its purpose is different from a scenic overlay, which is more aesthetic.

Trustee Armacost: The ones which are river buffer do not seem controversial to me, either, as I am looking at them.

Trustee Walker: It might be controversial on the 9-A property. In Massachusetts you cannot build within 200 feet of a river. If that were true in this state you would not be able to build anything on the property on 9-A.

Mayor Swiderski: Let us start with asking Marianne on the parks and on the scenic overlay, and we will progress from there; just a step at a time. This was an outgrowth. It is only part of beginning to think about the Comprehensive Plan. It feels like we are nailing a little bit, but there is this document still of several hundred proposals.

Trustee Walker: I know. We need to talk about how we are going to parcel it out, how we are going to create this matrix and so on to really look at it. But there is something we need to start looking at sooner rather than later: the southern waterfront along with Southside, and looking at it together. When we get into the next discussion item about the granting, it will come up again. But if we are going to have the Mobil/Exxon and the Uhlich properties cleaned up in three years we need to be thinking about what we want to do with them, and how we are going to access them.

Trustee Quinlan: The problem with that, it depends on the bioremediation and the venting. There is a lot of chlorobenzene.

Mayor Swiderski: It might be two years, it might be four years. But it is not eight years, and four years is not that far away.

Trustee Walker: Depending on what the owners want to do with them, there may be parts that can become accessible for recreation purposes or for a marina.

3. Indian Point Nuclear Power Plant Resolution

Peter Wolf, 1 Scenic Drive: I am here to talk about the resuscitation of the resolution from about 10 years ago that this Board passed concerning Indian Point in the wake of 9-11. The way that I got interested in this was because I was on active duty with the U.S. Coast Guard during Vietnam. In New York I was operations duty officer for the Port of New York, which meant that I was in charge of responding to emergencies in the port: tugboats and patrol boats and helicopters. Later on I was readiness officer, which means that I was involved with the planning of what would happen if there was a catastrophe in the New York Port area. But the thing that was most relevant of all was that I was district boating officer for about seven months. I went through hundreds, if not thousands, of boating accident reports. What I found was that although a lot of these acts were unintended they were either human acts of commission or omission that caused these incidents. I was also trained in hazardous materials, and I went into business and practiced law.

So I was a little aware of what was going on with this whole siren fiasco at Indian Point. I began to wonder what was going on inside that facility. I started doing research. I found that, as has been corroborated countless times, there is no viable safety and escape route from Indian Point. Their safety record is abysmal. There are 104 nuclear plants in this country, and the two at Indian Point were usually in the bottom five, one or the other, and frequently at the very bottom. On top of that, there were ongoing radioactive leaks into the Hudson River. I started going to a lot of the regulatory hearings, both by the NRC, the Nuclear Regulatory Commission, and the New York State DEC.

I am not opposed to nuclear power, but I am opposed to the continuing operation at Indian Point. The main reason is that the risks vastly outweigh the energy that we get from that. We have seen that accidents do happen. They happened in Chernobyl, Three Mile Island, and now Fukushima. In a recent film about Chernobyl, as you know, at that time it was the Soviet Union. They had a controlled society. They determined that it would be safe for people to go back in for 45 seconds. They sent half a million soldiers in, and the latest report is that approximately 200,000 have radiation disease and about 20,000 have died already.

We know what happened in Fukushima. I have heard estimates that there are over 100,000 people that are indefinitely displaced. In other words, aside from the people that died, and aside from the fact that they could not monitor the radiation, and aside from the fact they could not deal with it, most news reports say there are in excess of 100,000 people, today I read that the Japanese Red Cross said 400,000, are still displaced because of that accident.

You can look at things like earthquakes. Since Indian Point was created in the '60s, they did a survey about the risk of earthquakes. Subsequent to that, they have now found that there

are two faults that are near, or under, Indian Point, and that the seismic data indicates you could have an earthquake of 7.0 there. That is from Lamont-Doherty, across the river. It is my understanding that the estimate when it was built was that it was that the risk was only 5.8, and that they built it to withstand an earthquake of 6.1.

In addition to those two faults, there is also a major natural gas pipeline, a trunk pipeline, that goes right along the southern edge of the property. That could be very relevant if there was, for instance, a great storm, lightning. We just went through Irene. There could be other natural disasters such as that.

In addition to that, we have learned that terrorist incidents happen. We are very attuned to what happened at the World Trade Center. But there are other types of terrorist incidents, and they do not necessarily come from abroad. Things like Oklahoma City. There is also the possibility of industrial sabotage, which is what was suspected at Bhopal.

But the most frightening thing to me is the mismanagement of the plant by Entergy. There are about five to six times as many incidents at Indian Point as in other nuclear plants. This is combined with, at best, what I deem to be negligent oversight by the NRC. It is very interesting, going back to this escape plan. It is supposed to be 10 miles, but they could not come up with a viable plan. So now they are using a vector idea: that maybe we will just do a 10-mile vector, and we will do a two-mile circumference around there. But when Fukushima happened, they suddenly said that Americans should stay beyond a 50-mile radius.

There is, in addition to that, the nuclear waste problem. Yucca Mountain was supposed to be ready in 2001 as a national nuclear waste repository. It ended up not happening. Indian Point had a five-year safety window. But since 2006, all of the nuclear waste is being stored above ground. There are many people who believe that this is the most vulnerable part of Indian Point, the continual above-ground storage of nuclear waste. The reactors are in these concrete domes. The last big problem is that Indian Point has applied for another 20 years of operation, and there are not many records concerning a plant that is over 40 years old. Nobody knows what has been involved with the construction, and how they can withstand another 20 years of operation.

Why should the Board of Trustees be interested in this? First of all, what has been shown with Chernobyl is that the area was not 10 miles but 19 miles. In Fukushima it is beyond 19 miles. The executive branch of the government has decided that there should be dissemination of potassium iodide tablets for a 20-mile radius. We are within this 19-mile radius.

Terrorist attacks occur, and Indian Point is a prime target. Earthquakes occur, and Indian Point 3 was deemed by the NRC the most vulnerable plant for earthquake damage. Hastings, is within this radius, and there is no way to have a viable escape plan. So I believe that it is in the public interest of the citizens of Hastings that this Board reconsider the resolution that was passed 10 years ago, and an action plan, as well.

You have seen the resolution. I have put into bold print the changes that I suggest be made. At the very least I would hope the Board would consider passing this resolution. But I want to issue a caution that this resolution was initially directed at the NRC for them to take action. I want to point out that the NRC has never turned down an application for a license or re-license of a nuclear plant. In addition to that, you can look at our neighbor in Vermont, which has Vermont Yankee, which is also owned by Entergy. The Vermont legislature said they did not want this plant renewed, and the NRC renewed the license anyway. Pressure needs to be put on other areas of the federal, state, and local governments. Governor Cuomo was strongly in favor of closing Indian Point.

Some of the suggestions to be considered, or maybe Hastings wants to start a committee to look into this to see what further action can be taken, maybe you could have a member of the Board of Trustees and a member of the Conservation Commission and a member of the Safety Council and some civilians on it. You can consult with Riverkeeper, which has been very active in this area. It would be very good if somebody like our mayor could appear at the NRC hearings on the licensing renewal, which will occur in about three or four months. There will also be a DEC hearing next month in Albany which deals with the cooling towers and the fact that they are killing billions of fish, and that there are ways to mitigate that that Entergy has resisted.

Trustee Walker: When you stated that it is on the bottom of the lists, are these NRC lists?

Mr. Wolf: This was very interesting. There were safety records. When I started doing this research five years ago, you could go onto the NRC Web site and you could see the safety records. In the last year or so they have disappeared. That is very convenient. Another thing that is very convenient, as a footnote, is that this question about Yucca Mountain and the nuclear waste depository was scuttled by the chairman of the Nuclear Regulatory Commission. Lest you think that was coincidental, his former job was chief of staff for Harry Reid, who is the senator from Nevada which is where Yucca Mountain was supposed to be located. This guy's name is Greg Jaczko, and he has been unofficially reprimanded by the GAO for taking it off the table.

Trustee Walker: You also said that even if the New York State legislature voted to close it or to impose certain restrictions, the NRC could veto that. Is that what happened in Vermont?

Mr. Wolf: In Vermont, the state is fighting the issuance of that license. There was a hearing the week before last. I do not think the decision has been rendered. But there should be pressure put on the federal government to change the criteria by which the NRC looks at licensing renewal. Their criteria are extremely narrow. I think this is a very fertile area to be pursued.

Trustee Walker: And what is coming up is the renewal of the license for another 20 years.

Mr. Wolf: Right. The renewal of the license. I think that will be the last hearing. I have been at a couple of the other hearings. They come down here every year. The last meeting was flooded with people. It came very close to a riot. They were shouting down the NRC.

Trustee Armacost: The climate is different as a result of Fukushima. People take it much more personally.

Mr. Wolf: I think so. A lot of people thought Chernobyl was the Russians and what do they know. It is very hard to get information about it anyway.

Mayor Swiderski: Fukushima is owned by GE. You cannot blame it on the Russians.

Mr. Wolf: Right. I have talked to a lot of people in and out of government. One of the problems with the NRC is it is not necessarily insidious, but a lot of the people who are "running the NRC" are former nuclear engineers. They feel that they may get hired again by private industry, and then the guy who they are regulating may be in government. It is like a big club. And since there are no new plants that have come online, there are very few new nuclear engineers. They usually come out of subs and so forth, so it is a very circumspect group.

Trustee Jennings: Your amendment, point number seven. Are those the criteria? You said that pressure should be put on the federal government to change the criteria the NRC uses to renew. That seems to be a significant point, which I would not want to omit from this resolution. But is this what number seven is doing? It seems like those are criteria of re-licensure.

Mr. Wolf: Yes, it is. Exactly. And the point is that, for example, if you look at A they do not have to look at new criteria. They do not have to accept the recent seismological studies.

They do not have to accept the experience of Fukushima. They do not have to look at criteria for aging power plants. So yes, that is very much directed at that.

The other thing that I put in here I think is extremely important, and another lesson from Fukushima, this is why I started with this whole thing about the sirens. There need to be transparent and verifiable performance standards that are used. Even though the NRC has on-site inspectors they are never brought to task. So, for example, if you look at the problems with the electrical connections at Indian Point they keep applying for more and more and more exemptions. And when the NRC was asked how many exemptions they had given, which I believe is in the hundreds, they could not even say how many exemptions were given. So there is this cozy relationship, and there needs to be an independent body that looks at what is going on in that plant, and what goes on becomes much more transparent to the public.

Mayor Swiderski: In terms of next steps up here, what is the pleasure of the Board? Generally resolutions that stray afield of Hastings I tend to get edgy about, but this could directly affect us. While I have steered others from antiwar or other resolutions that are on topics I would rather not address on the local level, the wind blows the wrong way and this is very local if this ever went bad. So it seems appropriate for us to consider it. Is it something that we feel strongly enough about that we can pass as is; should it be reviewed by the Conservation Commission?

Trustee Armacost: I think it is fantastic the way it is, but there is no harm in giving it to the Conservation Commission since they are very involved in this.

Trustee Quinlan: I can see passing a resolution, but you could make it a lot simpler. Just for example and showing my ignorance, they say to order immediate shutdown of Indian Plant unit 2 and unit 3 reactors. Is there a unit 1 reactor?

Mr. Wolf: Unit 1 was retired very early on. It functioned two or three years and was closed down.

Trustee Quinlan: Is there a unit 4?

Mr. Wolf: No.

Trustee Quinlan: I am not saying that all this data here is untrue. But I do not have any knowledge that it is, in fact, factual. I would be in favor of a simple resolution saying that the Village of Hastings-on-Hudson would like to see Indian Point shut down because of the possibility of earthquake, the possibility of terrorist attack, the possibility of whatever else.

Just very simple, and they would get our message. Now what is going to happen to that message? We have a resolution that the Board passed 10 years ago that has not been revoked or vacated. It seems to me that the president of the United States and the Senate, the Congress, and state senate and the assembly, know exactly how Hastings feels about this point. We could reiterate it, but I would like to keep it a lot simpler. The governor is against it, and I agree with him. I think it should be shut down. So would there be any objection to just a simple resolution saying that for very simple reasons, one, two, three we think that Indian Point should be shut down. Do you have any problem with that?

Mr. Wolf: I do not.

Trustee Armacost: I like the data. I think it makes it a more compelling story. I think Peter has argued it very well.

Trustee Quinlan: Do you think the president and everybody are going to immediately act on it and close Indian Point?

Trustee Armacost: It is not the top of their agenda, but it does not do any harm to put more fuel there for Cuomo. He is moving the agenda forward, and he can say that this is not something where everyone has forgotten about it and people are talking about it and the Fukushima incident. The Fukushima incident was personal for my family because my husband spends a lot of time there. People in Japan thought it was safer than it was. We have a similar situation here, and we have an opportunity. It is a consciousness-raising thing you are doing here. I do not know that you are necessarily expecting action next week, but it is important to take a stand.

Trustee Quinlan: I agree with you. But just take any one of these: whereas there is recent seismological data showing two faults in the immediate Indian Point area. Do you know that that is true? I do not know it is true.

Trustee Armacost: I have, on my iPhone, an app that tells me about earthquakes. Earthquakes happen to be a particular area of interest for me. So you chose the one thing, I know something about.

Trustee Quinlan: Let us take any one. I do not know if all these are true. All I know is that we have an old nuclear reactor within 20 miles that could be very dangerous to me and my family for many reasons. I do not think we have to be this specific. But if you guys want to pass this I am going vote yes.

Trustee Armacost: Why not send it to the Conservation Commission and see what they say?

Trustee Jennings: When this was done I was on the Board. It did go through a process, as it says here on the first page about our emergency response team. There was, obviously, a very immediate feeling. Look when it was passed. There was an immediate focus, and it is reflected here. It was about the fact that everyone was realizing that a plane could have smashed into those containment pools. It probably would have done a lot more damage than knocking down the World Trade Center did to this region and to our country. People knew there was a very grave problem here very close to us.

We need to update this. I think we need to vet it again. It needs to have a focal point. The upcoming hearings for renewal of licensure are a focal point. It needs to have somebody that it is going to; going to the NRC, going to the president of the United States; going to somebody. And it will have more impact if it is coordinated with Governor Cuomo, what he is doing, with other municipalities. As I recall, lots of villages and towns, and the county and everybody except the local folks up there around the plant, were having the same sentiments. So rather than throwing something out of Hastings-on-Hudson, it would be better if we coordinated. I would like to know who else is doing what, and how should we word ours to coordinate with what is being said there, what are the leverage points, who is it being sent to. There are a number of things we should ask. I am in favor of this in general. But in order to have any chance to make any difference we need to plan it. I do not know how much time we have.

Mayor Swiderski: Not much.

Trustee Jennings: But that is the right way to do it. If we want to cut down on some of the detail of the whereases and so forth, I would not object to that. Again, that is a strategic question. If the people who are trying to get a different outcome for the re-licensure this time feel that simpler statements are more effective I would be willing to go along with that.

Trustee Walker: I am in agreement with most of what you say. I think we should pass a resolution for all the reasons Niki stated, so I will not go through it. One question I have is, does the resolved one, two, three, and four negate the resolve number seven? If you want to close the plant immediately, you still have a vulnerable plant. So let us say you are not producing energy, but you still have something that you have got to secure; you have got to make sure that it is safe; you have got to do something with the waste. There is still a lot that you need to do. Does that, then, preclude the fact that we would not renew the license? If we want it immediately closed, then why should we consider the points in number seven? Or do we really put our emphasis on number seven?

Mr. Wolf: I would do the latter. Just to address Bruce's point, there were 41 municipalities and governmental bodies in the wake of 9-11 that came out against that. When you look at the World Trade Center, however horrific it was, it was a finite event that was over. This thing in Fukushima, they still have not been able to stop the radiation leaks. One of the worst things is that the measuring devices were destroyed so they do not even know how much radiation went where. The whole food supply is in doubt. People are just in a tizzy about what it is, what the levels are, and how to deal with it.

It is very important that somebody like Peter speak. When I went to the last hearing only about a third of the general public got to speak. But the first people that were asked to speak were local government leaders. If somebody like Peter goes up there, he is assured to get on the record. That is why it is important. And to answer your question, we are keying to the licensing renewal process, because even if you try to get it shut down, by the time you went through the whole thing you would be into the licensing renewal period anyway, at this juncture. So the question is almost moot.

Trustee Walker: So you think it would have to be both. You could say we want it shut down immediately, but you also have to make your points that if they renew the license then they need to demonstrate A through F.

Mr. Wolf: Right. And that is the point about changing the criteria by which they look at it. Under the law they have 60 years to close the plant. But clearly, the state and the federal government could force them to make it much safer and to encapsulate the waste if nobody was there.

Trustee Walker: Do you believe that it could be made safe? Do any of us believe it?

Mr. Wolf: It cannot be fully safe, but it could be much safer.

Trustee Walker: Do we want it safer, or do we want it gone?

Mr. Wolf: No. What I am talking about is the fact that you will still have the waste on the site.

Trustee Walker: You still have the waste. Closing it is a century-long project, right?

Mr. Gonder: Very short. You heard this gentleman's side. There must be another side. You should have a public hearing before you rush into any decision. There is definitely security up there. They have improved. I worked up there on security in the '70s. There

used to be utility poles that somebody could climb up and get into the place. Things have changed tremendously. So you should hear the other side.

Mayor Swiderski: I think we need to remand it to the Conservation Commission for review. I will put you in touch with Kerry-Jane, and have them take a look at it.

Trustee Jennings: May I suggest that our emergency planners who have expertise different from the Conservation Commission and, perhaps, arguably more pertinent to things like evacuation plans should be consulted also.

Mayor Swiderski: We will do that. And I will try to urge haste. Thank you, Peter. Thank you for the time and the long-term concern on the issue.

4. Regional Councils and Grant Funding (continued)

Trustee Walker: The grant proposals to state parks department were not sent in because the state completely changed the procedure. It is more than a procedure; it is a focus. What we know from what they sent to us and their Web site, and from our meeting with Jerry Faiella, who was the town administrator for the Town of New Castle and is now assisting the Historic Hudson River Towns in looking at the granting program, is that there are two major things. They are looking at creating regional councils throughout New York State that will review, and perhaps even run, the granting process before it goes to the state. We are in the Southern Hudson River Valley Regional Council. They met for the first time last Thursday. The state has given them staff, through the Empire State Development Corporation. They have to have a strategic plan completed by mid-November. We are not sure what is going to be part of the strategic plan. Peter and I were discussing this, and perhaps we should write a letter if there are things we think should go in. This is what we discussed with Jerry Faiella. We river towns have particular needs, particular goals, many in common. We, either together or individually, should be addressing our concerns to this regional council.

The paradigm shift that is going on is about economic development. The granting programs are going to place a high priority on projects that increase jobs, bring new businesses to town, and improve New York State's economic health. For the river towns, our economic development is based on tourism, bringing in outsiders, improving our downtowns, increasing the number of commercial establishments. But it is not about bringing in a giant pharmaceutical company or a major office park, which is what they are looking at in many parts of New York State. How can we then least help them realize that economic development is not one size fits all.

We are going to reapply for the parks grants but putting a different spin on it: looking at Quarry Park and Riverview Park as part of a larger picture of what we want to do at the southern end, the gateway to Hastings, as well as the southern end of the waterfront, because there are direct connections between these parks and the southern waterfront if we can get the bridge rebuilt. There are pathways, the future of the Quarry Trail, there is a stair that is owned by the Uhlich Company, there are a number of ways to get from Warburton and the Aqueduct down to the waterfront. We want to promote those connections. As we are improving these parks, we want to improve their connection to the waterfront.

The reason we are thinking about this is that something is going to happen on the southern waterfront sooner than on the ARCO property, even if it is three or four or five years. That is why I brought it up to think about sooner rather than later in terms of not necessarily rezoning, but thinking about the uses that could happen there, working with the property owners, looking for recreational opportunities. It may not even be development. In the beginning, it may just be access for the public, looking at what we can do about the bridge. Tying these things together, this is going to be a bigger picture that we are going to have to face in the coming years in terms of applying for grants from the state. We need to think about what we are doing and how it affects the potential for bringing in businesses or creating jobs and increasing our tax base. That is an important economic development point that we definitely want to work on.

Deputy Village Manager Maggiotto: I might add that we are one of 10 councils in the state and there are seven counties in our council. They are going to divide up the money. Four councils are going to be selected for \$40 million, and the other six are going to divide up the other \$40 million. Only \$25 million of that is capital money. The rest is tax credits and so on. So I did just a quick math. It comes out to something \$600,000 per county. It is such a ridiculously small amount.

Deputy Village Manager Maggiotto: Exactly. But the time has been spent. That is the problem.

Trustee Walker: Yes, we already wrote these grants. Margaret Moulton is rewriting them for the new program, but you are right. Going forward, is it cost-effective to even apply for these and pay somebody to write these grants. It still is always cost-effective to be planning, to be considering our future, and that should not stop us from thinking about potential projects.

Trustee Armacost: It makes complete sense in the current economic climate. If their goal is job creation, and you are offering tourism, you are not going to get the grant. You are not going to change their minds because they have a huge imperative. You have got almost 10

percent unemployment. Unless your tourism plan involves job creation, then you do not mention tourism; you frame it as job creation, even though that is ultimately your goal. You have to frame it, otherwise you do not get the money.

Trustee Walker: That is true. But what Jerry was saying is that one of the things we river towns do have is potential for development or redevelopment on our waterfronts and that we can all start to look at that together.

Trustee Armacost: But that is a next-week activity.

Trustee Jennings: When we are talking about the connection with job creation, presumably it can be indirect in the sense that we get money to hire somebody to do something, and they hire people to do it. With that in mind, is there a strategic opportunity to use this new set of goals to focus less on our recreational and scenic aspects of the Village perhaps, and more on the sustainability aspects of the Village? Would they be helpful in doing some of the things we need to do with stormwater runoff and drainage infrastructure; would they be helpful in having solar energy in various locations in the Village where it might be feasible; and the street lighting and things of that kind? Maybe that will open up a little more. So many of our grants are for planning parks and planning trails and that kind of activity, which does sound like it is not the highest priority anymore. But we might be able to turn a silver lining out of this toward infrastructure projects which would both be sustainable, job-creating and economically stimulating.

Trustee Walker: I think they are going to be looking at more intermunicipal grants and ways that we can cooperate with other municipalities or even the county in going after money. If, for example, in the sustainability area we were to partner with a number of the river towns or with the Town of Greenburgh, that would be looked on more favorably. The regional councils may even be mandating that. We did mention that our tourism board is an example of intermunicipal cooperation. We do not know what the regional council is going to create and what obstacles they are going to throw in our way, but we will find out soon since this plan is due in November.

Trustee Jennings: This aside, working on other models of intermunicipal cooperation in the sustainability area would be a good thing. Giving people property tax incentives to change the energy and improve their own houses is an example of a regional approach with large ramifications: job creation, industry creation. The companies that start up to fulfill this need, you are creating a market for their business. There are many other examples, less wide-ranging our tourism initiative with other communities, but more along the lines of energy efficiency and lowering impact of our towns on the environment.

Trustee Walker: We should be looking at what grants the DEC has, and especially if there are intermunicipal opportunities within their grants.

Trustee Jennings: Of course, it is a chicken and egg problem. It would be nice to get some grants so we can create these entities, but you have to create the entities before you can be competitive to get the grants.

Deputy Village Manager Maggiotto: The regional councils are each chaired by two people, an educator and a businessperson. Ours are the president of Marist College and the president of Regeneron Pharmaceuticals. Elected officials are ex officio members of these councils. How did they phrase it? The three municipalities with the largest population, but only one to a county. So ours has the mayor of Yonkers, the Town of Ramapo's supervisor, and the Town of Monroe's supervisor. And each county executive is a member. Those are the only elected officials. There are a lot of excellent models for the synergy that is going on at the State University at Albany. There is a lot being done in nanotechnology, putting those two together. How this is going to filter down to these little grants, I do not know.

Trustee Walker: And it may not.

5. Update on the Waterfront

Mayor Swiderski: The state DEC is in the last days of preparing the PRAP for what their idea is for remediating the under-the-water OU2, as it is known, off the shore of the waterfront. This effort is the culmination of two years of back and forth with BP, where they sought studies and testing and engineering ideas to distill out a series of recommendations. They indicated the PRAP going to come out by mid-October. So finally.

In the last few weeks, we had BP and Riverkeeper offer memos in reaction to preliminary ideas that the DEC threw out for what they were considering. One of those was new, a deep-river dredge of any hotspots that exist. It had been generally ruled out because of the disturbance of the river at this point, given its movement and turbidity. It was felt it was not going to be effective. And also, there are not many hotspots out in the deep river.

The DEC presented that as one idea. Riverkeeper and BP came back. There was a conference call on Thursday of last week, where they all discussed the ideas. One thing they are not talking about is capping this dredging with the idea of a defined volume of material that would be removed, based on localized testing where there are remaining hotspots. What BP wants to avoid is something open-ended that could go on for years. And what the DEC wants to make sure is that it is performance-based, so if there is X parts per million detected, it needs to be brought down. The parties on the phone seemed to agree this was a fair

approach. Whether that is incorporated into the PRAP we will find out. There will be a public comment period that is a minimum of a month. We are likely to ask for six weeks. The DEC reviews the comments, may respond, and then issues their final record of decision on how the cleanup of the offshore needs to happen.

Somewhere in that process is a parallel modification to the existing PRAP for the onshore stuff, which was decided seven or eight years ago, and will likely need some modification because the offshore is going to affect the onshore. The members to that decision, which were Riverkeeper, the Village, BP, will need to agree that those modifications for the land PRAP are appropriate. Land ROD, actually. Then once the offshore ROD is issued, and the modified land ROD is issued, which would be first quarter of next year, BP then can go do the engineering design of the solution. We are working with the DEC and BP to see if that design can be phased in so we do not need 100 percent design to begin work.

Trustee Walker: So when you talk about deepwater, it is a distance from the shore.

Mayor Swiderski: Yes. There were very few detectable quantities of PCBs, but there were a few. While safety is paramount, we do not want to hold everything up for yet another round of testing, but rather have the DEC say we want this reduced down to two parts per million or 10 parts per million. The way you do that is wherever there is a spot do a ring around it of further tests, as per your engineering design. The ROD can be issued without another year of test and documents. The DEC is looking to set performance standards and the quantity and volume of material to be removed, and then BP can go off and begin its work.

Trustee Walker: But that also proceeds really separately from the shoreline work.

Mayor Swiderski: It is all part and parcel.

Trustee Walker: But it is a distance from that. So it is a dredging that is not necessarily part of that expansion of the waterfront to contain the more serious PCBs.

Mayor Swiderski: There seems to be agreement internally to the DEC for a "bump-out," which is building 100 feet into the river from the northwest corner in a bulbous nose that would go on what is a lozenge shape for this waterfront. That would allow them, through pumping over time, to remove remaining stuff. Exactly where there is a slope on the waterfront and where there are retaining walls, they are determining as part of the PRAP.

Trustee Walker: And this dredging is out beyond that. It is in the navigation channel.

Trustee Quinlan: Like 60 and 100 feet. It spills when you dredge it.

Mayor Swiderski: That is right. There are issues. Are you cross-contaminating that river and upriver because you are trying to get out the last parts per million? So there are debates within the DEC about what levels those might be. Riverkeeper has their line in the sand. BP just wants a target they can shoot at. They fear moving goalposts. They want to know what they are shooting for. And we just want this to keep moving as quickly as possible.

Vanessa Merton, 111 Pinecrest Drive: Was there any discussion about the reason for the change in perspective on the stirring up?

Mayor Swiderski: No rationale was provided by the DEC. I do not know if it was pressure from Fish & Wildlife, or the way they brought Fish & Wildlife on was by offering a better cleanup in the river, which ultimately we do not know.

Ms. Merton: It could be that technology has progressed.

Mayor Swiderski: It could be the technology. It could be that it was felt a certain standard was set for GE upriver that needed to be applied here. They did not provide it. We were so taken aback. I was afraid that we were going to see the whole thing fall apart, that BP would walk away. For two years the conversations have been very candid among all parties, so when it came up, it was a surprise. But everybody has kept a level head. There is a lot of goodwill among the parties that it has all been done so far in good faith. So we continue.

Ms. Merton: Getting lost in an abyss of endless testing is a valid concern. At the same time, it is important to pay close attention to the methodology for any testing, and particularly any validation testing designed to ascertain whether a given level has been achieved, and to make sure that it is based on a formula rather than testing where we think the worst stuff is, which has sometimes been what the DEC has been willing to accept.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:55 p.m.