

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 3, 2012

A Regular Meeting was held by the Board of Trustees on Tuesday, April 3, 2012 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Nine (9).

APPOINTMENTS

Mayor Swiderski: We have an appointment to the Zoning Board of Appeals as the ZBA alternate. Sean Hayes, could you stand? Mr. Hayes has volunteered to serve, and we welcome him aboard. Thank you.

We have a number of reappointments to existing boards that expire at the start of April. Trustee Armacost has been busy confirming the desire of these people to serve once again. Advisory Committee for the Disabled, David Jackowe; Architectural Review Board, Robert Kornfeld; Building Board, Abba Tor; Conservation Commission, Andrew Ratzkin, Haven Colgate, Jean Hamerman; Ethics Board, James Keaney; Parks and Recreation Commission, Joanne Baecher-DiSalvo, Gloria Brkich, Eugene Calamari; Board of Police Commissioners, Timothy Barnes, Sandy Selikson; Safety Council, Greg Bassman, Anthony Wan; Senior Citizen Advisory Committee, Anne Schnibbe, Paula Scheiber; Tree Preservation Board, Jennifer Lee; Youth Council, Elizabeth Galletta, Elizabeth Gabay; Zoning Board of Appeals, Ray Dovell.

An indication of the amount of people in public service to this village, it is quite remarkable. I thank you for the service rendered and, as importantly, the service to be rendered. There are people here who have served since the early '90s.

Trustee Armacost: Yes, and people give up time with family to make a commitment. It is really an amazing, fantastic thing. Thanks to all of them.

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 and Executive Session of Mar. 20, 2012 and Public Hearing of Mar. 22, 2012 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. 61-2011-12	\$62,517.28
Multi-Fund No. 62-2011-12	\$1,361.15

PUBLIC COMMENTS

Jim Metzger, 427 Warburton Avenue: The neighborhood is starting to get concerned about the Warburton Avenue bridge. There seem to be some wild theories about what is going to happen there. I and my neighbors would appreciate, if the Village has any idea of what the county is planning and how that construction is going to progress, how it will impact our neighborhood, as soon as that information is available if you could put that out, it would quell a lot of the insanity that is going on out there.

Village Manager Frobel: It has been delayed. I mentioned that to you, Jim, earlier this evening. That is as much as I know. Mary Jane Shimsky has been following this closely.

Mary Jane Shimsky, Westchester County legislator: Before I answer Jim's question, I want to say thank you and congratulations to everyone involved tonight. As far as Jerry Quinlan is concerned, it is amazing to someone who has just come in to elected office how rare a gift it is to have someone who can break down a process into several dozen steps and on a regular basis keep making the phone calls and nagging until one step goes on to the next and to the next, and stick with it for a number of years until a project is complete. We were very lucky to have Jerry, and I am glad he is still working on the waterfront.

Marge was wonderful on the Board before. She is extremely well-organized. And she has something else that is in rare supply sometimes, in government, and that is good sense. Niki has so many wonderful talents. She is extremely articulate, and she understands finances very well and looks at it in a compassionate as well as a technical way. That is very important. And Joe has been wonderful judge. So congratulations to everyone here tonight.

As far as the Warburton Avenue bridge is concerned, the government operations committee recently passed legislation authorizing the bonding for the project. We were told by the Department of Public Works that construction will not begin until 2013. I am disappointed by that. No one is going to enjoy the inconvenience, but it is one of the lowest-rated bridges in the county, and it would be nice to have work begin sooner rather than later. Although it is still in safe condition and not structurally problematical, we need the repairs to happen

soon. I will be there to do my best in the Jerry Quinlan sound-alike contest to make sure things move forward.

Mayor Swiderski: Any input on what the county said regarding lighting on the bridge?

Ms. Shimsky: The county claimed that for a temporary fix before the bridge is constructed it is the Village's responsibility. I have talked to a couple of neighboring villages who had a similar problem on one of the county-owned bridges. I am supposed to get information back. We should be able to find out what is going on because it is very dark on that bridge at night.

John Gonder, 153 James Street: At the last meeting you appointed a committee of Hastings residents for the waterfront. You also mentioned about problems with 52. I know this committee is designed for maybe 10 or 12 different things to do in the waterfront, but could you go over what you said about Building 52 in regard to some money Atlantic Richfield is taking out and you are allowed to take out so much, and there are some other problems. It may be a concern to this committee about that.

Mayor Swiderski: Sure. I will do that in my update on the waterfront later in the meeting.

26:12 AWARD OF CONTRACT – SUGAR POND RENOVATION DESIGN

Village Manager Frobel: A few weeks ago the Board authorized a request for qualifications. They were mailed out to upwards of 15 firms and there were four responses. All four firms were interviewed, and the recommendation is that it be awarded to Christina Griffin. I am pleased that it has moved along as nicely as it has. I am certain that we are going to be pleased with the final product. It is funded through a grant from the Hastings Educational Foundation. Haven Colgate spearheaded this effort to transform this building into something spectacular as an outdoor educational facility for our youngsters and adults.

Haven Colgate: The Hastings Educational Foundation was very generous to seed this phase of the project. The grant is made to the Hastings school district, so this phase is being funded by the school district, in concert with the Village. The high school environmental science teacher is on our committee, and also reviewed all of the proposals. The grant will result in a concept sketch and project budget, which we will then shop around for further fund-raising. Also, Kendra and Ray are as spearheading as I am in getting this moving forward. So thanks very much.

Mayor Swiderski: There are limited areas where the school and the Village overlap. One of them is in the Community Center and, occasionally, the parks area. This is a model example of where the overlap serves us both well, and it is nice to see it happen so cooperatively.

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

RESOLVED: that the Mayor and Board of Trustees approve the awarding of a contract for Sugar Pond Renovation Design to Christina Griffin Architect, PC, Hastings-on-Hudson, New York, in the amount of \$3,500 to be paid with a grant from the Hastings Education Foundation.

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

27:12 ARBOR DAY PROCLAMATION

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

WHEREAS, on January 4, 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was observed with the planting of more than a million trees in Nebraska on April 8, 1874, and in 1875 became a legal holiday in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; now therefore be it

RESOLVED: that the Village of Hastings-on-Hudson, recognized as a Tree City USA Community by the National Arbor Day Foundation for twenty-seven (27) years, desires to continue its tree planting ways, and be it further

RESOLVED: that Mayor Peter Swiderski does hereby proclaim Friday, April 27, 2012 as Arbor Day in the Village of Hastings-on-Hudson and urges all citizens to support efforts to care for our trees and woodlands.

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

Village Manager Frobel: Although we have not yet designed a program, Ray Gomes and his staff have taken the lead each year in putting together a program, be it the Scouts or civic groups, involving a tree planting or something of that nature.

28:12 APPOINTMENT OF MARRIAGE OFFICER

Mayor Swiderski: This comes to me as a request from the former mayor, who has been asked by a family friend to marry their children. The Board has the capability to designate anyone as a marriage officer who, under New York State law, can marry individuals within the borders of Hastings-on-Hudson.

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

RESOLVED, that the Mayor and Board of Trustees hereby appoint William Lee Kinnally, Jr. as a marriage officer in the Village of Hastings-on-Hudson, New York for a period of two years without a salary or a wage as compensation.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: We are making progress with our LED installations. I think we are near complete with the incandescent. Then we will be moving into replacing the mercury vapor. Deven Sharma, who has been responsible for this project, has requested permission to purchase some additional more powerful wattage LED lamps for those areas that the lamp is to cover a greater area or an intersection. A citizen was here earlier this evening who asked me to convey to the Board his pleasure with the LED installation.

Mayor Swiderski: Can you give people an idea of where those spots are?

Village Manager Frobel: I will come up with a list, because it is scattered. This gentleman lived on Crossbar, so I know that neighborhood had a couple that had to be replaced. But I will forward to the Board a list of those locations.

We have our village-wide cleanup day coming soon. Lisa O'Reilly has headed this up for us, and we have an exciting program scheduled for the weekend of April 21-22. A little change: we are going to be treating our volunteers at the VFW hall this year from noon to 1:30 on Saturday. Also, there is a village-wide cleanup day poster. Lisa is here tonight, and I could ask her if she would explain this further.

Lisa O'Reilly: We are having a poster contest this year, which is exciting. One of the first grade classes is doing it, so we have a lot of children involved. It is not really a contest, just participating. We are going to proudly display them around the Village. We are doing cleanup day the same day as the Little League parade because I figured you are in town for that and then you can come and clean up. I thought we would be more visible at the VFW:

What's going on? It's cleanup day. Help, pitch in. Pick up your bags and gloves there. A sign up is on the Web site. And if you do not sign up, you could still clean up.

BOARD DISCUSSION AND COMMENTS

1. Catalogue Choice Community Plan – Conservation Commission

Mayor Swiderski: The Conservation Commission has an idea that they intend to fund, and they would like to present it to the Board for our support. It is called Catalogue Choice Community Plan.

Ms. Colgate: Cataloguechoice.org is a not-for-profit Web-based service which was started about five years ago. I have been a member for four years. Originally, it was for individuals to provide a seamless and quick way to opt out of unwanted mail, anything from catalogues to junk mail to phone books. They have inaugurated a community plan. For a small fee, which the Conservation Commission is going to cover through a grant so there is no cost to the Village, we will have a dedicated node on their Web site just for Hastings. It will afford us the metrics of all of the people who sign up to find out how many pieces of mail have been stopped. We can gauge the effectiveness of the program. They will help us promote the program. In Hastings we have a higher rate than the national average of participation in Catalogue Choice, but I am certain with some promotion, especially as blessed by the Village, we will get even more people to participate.

Mayor Swiderski: So we would send out an e-mail to the community with a link to click, and they go to a Web site and indicate what they want stopped.

Ms. Colgate: Exactly. Everyone will make their own account; the privacy settings are immaculate. They do not sell or trade your information. They will help promote by e-mailing existing customers in our ZIP code who will then spread the word. They provide some print-ready materials for bulletin boards. They can, in some cases, put an insert in utility bills, and that is a communication with Con Ed whether they would be willing to do that. You can type on the Web site or if you have an iPhone you can take a picture and opt out of any junk mail. It uploads automatically. For the iPhone app and for the catalogue and phone book stoppage it costs nothing. For junk mail, they charge you like \$6 for 15 pieces of mail you send in. It is free, though, if you have an iPhone. You can also purchase a \$20 annual mail stop shield, which will keep all the brokers that sell your address and information to each other and to other mailing houses off those lists. I never bothered to pay anything, but I am happy that I do not have to take in needless catalogues and then take them back out to the curb. It simplifies my life.

Trustee Armacost: Are you going to coordinate an effort through the school?

Ms. Colgate: Yes, absolutely. We have not articulated the promotion plan, but we would blast all the usual venues, schools being one of them.

Mayor Swiderski: Does a general indication of support suffice for what you want to do?

Ms. O'Reilly: Absolutely.

Mayor Swiderski: We support you.

Trustee Armacost: While Haven is here, particularly given that we just proclaimed Arbor Day, and that we just talked about the Village cleanup. I, on behalf of all the people who care about vine cutting that saves the trees, and Susan, who was there with me this weekend and Meg earlier on: Haven, you and Susan Harris have done an amazing job in promoting that idea. I participated in at least three or four of them. I do not know if you are continuing to do it, but it something that is so important.

Ms. O'Reilly: We are going to continue next fall because now the poison ivy is starting to leaf out. The strategy for the fall is to do more of a patchwork of mini-neighborhoods. Get people who know each other to address spots where they can come out together, promote community spirit, and the rest of it. So yes, we are going to be right back in there when the poison ivy loses its leaves.

Trustee Armacost: So on behalf of all of us, thanks to you for leading it, and to all the people who participated because it is a huge service to the community.

2. Board Member Assignments

Mayor Swiderski: I want to mention a new division of responsibilities that we will see on the Board. Jerry covered the waterfront and will continue to do so. But we have a new Trustee. And Trustee Apel was instrumental in bringing us to a Comprehensive Plan. It seems fitting to assign Marge the responsibility which we have, as a Board, brainlocked on the enormity of: coming up with an implementation plan for that Comprehensive Plan. So Marge is going to be the Comprehensive Plan implementation czar, and it will start off with two responsibilities. One is to determine the mechanism for that implementation: will it require a committee, will it require input from the Board, how is that to be structured; and to think through how the prioritization and then rollout of various components to that plan will occur.

Secondly, we have already started on a high-priority effort, the creation of buffer zones in the gateways into the communities, most specifically toward the south of the community, in an attempt to preserve green space. We had a volunteer planner visiting Hastings who did quite a bit of field work and created a document which can serve as the piece to drive this first implementation effort. I have asked Meg, who brought this volunteer to us, to meet with that volunteer and bring Marge in. This effort needs an advocate on the Board to push through, and I am excited at who has agreed to take on these responsibilities. It desperately needs doing, and we circled with some fear because of the amount of work involved.

Boardmember Apel: I look forward to doing it, and I would remind the public that I will be counting on the public to be of help in this endeavor, because we are all in this together. I will be calling people assistance, and I look forward to everyone's comments and advice, and also rolling up their sleeves and helping out. And working with Meg.

Mayor Swiderski: While Meg covers the downtown, among other things, that is also going to shift a little. It is hard not to notice the empty storefronts and some sense of loss of activity downtown. We would like to address that. We have a committee that has lost an effective charter, but was originally focused on economic issues: the Economic Development Committee, EDC. Over the next couple of months we are going to talk about having that committee focus on the downtown. Meg comes to the Board with a great deal of experience in this area, and will be coming up with a new charter and then working with the committee to figure out what can be done. I am not going to raise expectations. I am just going to say we are going to try.

3. Update on the Waterfront

Mayor Swiderski: Regarding Jerry in his new role as the Board's representative on the waterfront, Jerry will do much of what he did before. He will be reporting in to the Board. I will be reporting out to the public in his place. He will be communicating with me and other members of the Board as progress proceeds on the waterfront. In many ways, we have gained a sixth Board of Trustees member in terms of the workload we are going to get out of that poor guy, and we need the help. We are entering a very exciting period. This April 5 the infrastructure committee has its first meeting., where they choose a chair and set basic organizational items. It is not going to be profoundly substantive, but rather organizational. They will issue regular meeting dates, and as those become available they will become part of the Village announcement list. They will have public sessions that will be televised, if necessary, when there is a public input component. They have got a lot of work ahead of them, and it is an exciting moment because this is real work.

Two news items of great importance. The Record of Decision has been issued, two of them actually. The first is the DEC's announcement of how they want the waterfront offshore component, which is called OU-2, remediated. It provides the framework that BP then takes to begin the engineering work where they design how this is going to happen. It is an enormously complex endeavor. The second is the modifications to the onshore component that have already been decided close to 10 years ago, but the state has had to revise to reflect this cleanup of the offshore component, and that will require some follow-up work. We are going to have to renegotiate a settlement with the state, Riverkeeper, and BP about how the remediation on the land component is to happen; that will start essentially immediately.

The northern 28 acres of the waterfront is owned by BP. The southern 14 acres is split between Chevron and Exxon, and eight acres of that 14 belong to Exxon. Exxon has been digging and removing a much lower level of contamination. Mostly what happened there was gasoline storage tanks that leaked into the ground. That element of the remediation is essentially done. All that remains is the removal of the scrub trees that have grown up there and the laying of two feet of fill. That will happen this summer. So we will have an unreachable, usable component of the waterfront completely clean. It is bounded on all borders by the river, BP, or the Chevron property, but it will be clean shortly.

While that is only at two feet of fill, which will bring it up to the same level of cleanliness that BP is required to do and you will be able to have parks and housing there, we are counting on the infrastructure committee to indicate where the parks will run, including the Exxon property. We want the infrastructure committee to view the whole lozenge of land as a single lozenge; not just the northern 28 acres. So they will be designing for that. And down the road, hopefully we will be laying down a park over that landfill.

Trustee Armacost: Is that two feet of fill just going on top, or is there a cap underneath it?

Mayor Swiderski: It is a geotextile layer that demarcates; if you pierce it you are aware that you are hitting the limit of it.

Finally, to answer the question on Building 52. We have to make a determination on 52's future in the near term. If 52 is to remain, work to save that building has to commence soon and has to keep it preserved until the development begins. If it cannot be financially engineered, we have got to make that determination now, because contamination is under Building 52. The 52 slab can remain if the building remains because the state has indicated that the slab functions as a protective layer. If we keep the building, we do not have to excavate and dig it out. However, if we cannot decide to keep the building, the cleanup of that site should proceed when the rest of the site is cleaned up. It would be insanity for us to

finish the cleanup and then eight years from now say second thought 52 should go; then we would have to have a full toxic cleanup start from scratch and that makes no sense.

So we have got to determine 52's future in this next year. We are not asking the infrastructure committee to do that. We are going to do that, as a Board. However, we are not going to do it fast enough for the infrastructure committee's decision-making, unfortunately. So that component of the waterfront will have to have two visions for it, a with and a without. Any plan for the waterfront will have a cutout picture of that two acre spot indicating how a road would run if the building was there or was not there; what might be going there in the way of parks, with or without. I wish those decisions had been made earlier, but they have not been. We have \$1.5 million left in the kitty for that cleanup and preservation of 52, and whether that is sufficient to warehouse it in a way that will keep it intact for eight years is something we are going to determine in the next year and then determine if it makes sense to do so.

Trustee Walker: I have a question about the trees on the Exxon Mobil property. I guess they have to mitigate the removal of the trees by planting trees somewhere. Is the Tree Board involved in that decision?

Village Manager Frobel: Yes.

Trustee Walker: Can they replant some of the trees on the waterfront, and could the infrastructure committee consider that? Or are they looking off-site, at this point?

Village Manager Frobel: They have made a donation for off-site. A calculation was made of the trees that are lost, and they have given that money for plantings elsewhere in the community. I do not think we thought far enough along to ask them to plant trees back on the site. But let us talk about it. We are not committed to anything.

Trustee Walker: I would not hazard to say where they should go, or if even they should go there. But it is just something to consider.

Village Manager Frobel: Right, and one that the committee should talk about. But in answer to your question, yes, they made their payment in lieu of, and we have been making plantings throughout the community.

Trustee Jennings: It is my understanding that we have a fund of \$1.5 million. If that money is used to preserve Building 52 then that is fine, but if we decide not to preserve it and it is demolished we do not have that \$1.5 million to use for other purposes?

Mayor Swiderski: You will not be surprised that we have asked that question, because a fungible \$1.5 million will change, possibly, the calculus of the decision up here. I have not gotten far with that particular pursuit. There are corporate bureaucratic reasons why there is a difference between \$1.5 million cleanup fund and a \$1.5 million gift. They have not indicated they are willing to do that yet, but we have asked and we will continue to ask. I am not wildly optimistic.

Trustee Jennings: Many of the buildings have been demolished but the slab remains. If 52 were taken down we would have a slab. If the slab is considered an adequate safety cap, it would be a cap whether the rest of the building was standing around it or not. Could you clarify that?

Mayor Swiderski: I asked that question, as well. An engineer told me that in the demolition of a structure as large as and as heavy as 52, the integrity of the slab is not guaranteed. And if integrity is breached, at that point the state will obligate us to clean it up. So the risk is that in eight years' time we could say take it down. In the demolition, that slab is breached and we are stuck.

But you raise a point about the slabs on the site. Much of the site is slabs. One of the things we will need to discover is how many of them can function as barriers or not, and how many can function as foundations for structures and roads or not. It will certainly be a factor in the thinking around what the infrastructure committee is doing, and how BP plans engineering around the cleanup.

Mr. Metzger: Mr. Mayor, regarding the renegotiation of OU-1, I am assuming you were talking about a renegotiation of the Consent Decree. Would former Trustee Quinlan be involved with that? Are there legal ramifications for the Village of having a private citizen negotiating on our behalf?

Mayor Swiderski: He would not be doing that. It would be legal counsel. We are not looking for any loosening of the requirements under the Consent Decree. The Consent Decree insisted on a level of cleanup and capping far in excess of what the state requires. That is our starting point. We have had no indication out of BP that they are looking for less, and no indication out of Riverkeeper that they would settle for less. So I think the changes are going to be pro forma. I do not think they are going to be significant.

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 8:45 p.m.