

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 16, 2012**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 16, 2012 at 7:37 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. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto

CITIZENS: Two (2).

APPROVAL OF WARRANTS

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

Multi-Fund No. 23-2012-13 \$102,783.14

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of October 2, 2012 were approved as presented.

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of October 2, 2012 were approved as presented.

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Executive Session of October 2, 2012 were approved as presented.

PUBLIC COMMENTS

John Gonder, 153 James Street: I drive at night and early morning quite a bit. At the bottom of High Street, a light is out, and on Farragut Parkway at the bottom of High. Also, another one is out on Farragut Parkway going north. There are others also out, I understand. I called the Village and was told it had been called in and that is New York State DOT. So I called Andrea Stewart-Cousins, get her office working on it. Since then I have not heard anything. I suggest the Village repair the lights, and then take funds out of the traffic that

you have to send a portion up to the state and say this is for fixing the lights. They are out over a month. Early in the morning deer running around, people walking dogs early in the morning. I think this is a solution.

Village Manager Frobels: Since you made that call, we have since found out that New York DOT has entered into a contract with a vendor to repair those lights. I cannot promise you when they will be fixed in Hastings. But we have it on good authority that a new contract has been entered for the maintenance of those.

Mr. Gonder: I heard they ran out of money.

Village Manager Frobels: That had been the recurring theme for the last few years. But of late, supposedly a contract has been entered into and they will be repaired.

Tim Downey, 520 Farragut Parkway: I would like to ask Manager Frobels how things are going with the sweeper. From my perspective and people I have spoken with, pretty happy, a big difference on the local roads. In the wintertime, we did the big storm drain cleaning. We are staying on top of it. Even though it is done in wider time increments, it is what we can afford. This guy is out there with this truck. He is cleaning things up and the streets are looking brighter. If you would speak to what we are doing with that, particularly as we come in to the autumn, with the heavy leaf mess coming in. The DPW seems to be on an upswing, things starting last year, with repair of the catchbasin up there and the curb work. Things are noticeably better. I brought the item about using the quarry a staging facility to the Conservation Commission. To my surprise, it was met with some interest. One or two people were going to explore it further. One or two said it is a nice idea but there should be a better. I said if you can show me where there is a new space in Hastings where it would accommodate that, then we can have a discussion.

I met with Manager Frobels and we discussed this issue. It would be nice if we could get space at the river but they are not going to let us on with the liability issues, and make piles and then have them moved around. A non-starter. A creative idea Manager Frobels mentioned was off of 9-A. That is high visibility. There is going to be a building there. That probably is a non-starter. We are left with the quarry. It could fall apart if we find out that contractors cannot get the machines in there that I am talking about. But at least it met with some interest and intrigue with the Conservation Commission.

Trustee Armacost: Has it not been vetoed because the Aqueduct cannot carry vehicles?

Mr. Downey: From Pinecrest to Flower, we cross the Aqueduct many places, and you have Five Corners. Yes, it is reinforced by roadway. We could reinforce it. I would like to know

if the Village could have the Village Attorney look into our legal right of access, something that would be grandfathered. I know they are ardent about protecting their thing, but that could be a bluster and there could be law that allows us to have access to the land as we once did prior to them making it into a portion of a park.

Village Manager Frobel: We have been informed there is a weight limitation of 20,000 pounds, which is a medium-sized loaded dump truck. If we were to engineer a crossing, then we would have more flexibility to bring in heavier equipment. There is a cost associated to the construction of what the state would require for a structure to cross over the Aqueduct. As far as the street sweeping we too have been pleased with the productivity of the outside vendor. He is doing a better job than we were able to do with our own forces. We do not have a set schedule yet. We have a budget, and Mike has been using them judiciously trying to spread the money out as far as possible in doing the downtown areas and those neighborhood streets that Mike feels need to be dressed up.

Trustee Walker: I have talked to the people from Irvington who started Love 'em and Leave 'em campaign, trying to get people to reduce their yard waste by mulching leaves onto their lawns. Then the villages would have much less leaf debris to deal with; we would be dealing mainly with tree branches and larger amounts. Is there a way that we could join with the other two river towns and do something with the larger tree debris and branches so that we have one machine between the three villages instead of three machines, one site. Would there not be a savings?

Mr. Downey: That idea might be the best solution. Regarding the Love 'em and Leave 'em, the LELE program, that was something I brought here in '09. Did not get much traction. I went to Irvington and got the traction up there. That was born here, they got the idea up there and grabbed onto it. The idea is not to buy machines. That was a failing technique that the county used to do. They used to lend the machine out. It got broken. You bring in the outside contractor. You just stack and pile it. The outside contractors, similar to our sweeping, can do it for a great deal less, more efficiently. It is very cost-effective. Ardsley and Dobbs Ferry have done that through several storms. But you are correct. If we could cooperate in an area, using two or three villages, that would be the best of all. This way, we could find the best location.

Mayor Swiderski: But there are two different ideas here. There is waste disposal that is compostable, and then there is what you are talking about. I do not think branches typically are what you are composting.

Trustee Walker: They grind them up and then they can sell them back to the community as mulch.

Mr. Downey: You grind everything, grind the leaves. You accelerate the decomposition. It reduces it probably by two-thirds. Branches, storm debris, when we had these big storms, we are staging as we are now: chips up in the Zinsser parking lot. This double, triple, quadruple handling is crazy. Stack it, grind it, put it out in the springtime to the playgrounds, to the school. You can have it certified if the correct company comes in with magnets. You are not purchasing stuff, the schools are not purchasing. You work with the schools and you create your own material in your own footprint.

Trustee Walker: Maybe something talk about with the village officials committee.

Village Manager Frobel: I agree. And Hastings is hosting it next week, so we can talk among ourselves. I have been in communication with Ms. Wilson of Irvington. She is operating under a funding source.

Mr. Downey: County contract.

Village Manager Frobel: A county contract. We will be inviting her to speak to the staff and our landscaping firm to see what we can do to encourage that operation on the homeowner's and the Village level, making sure our contractor for our yard maintenance. is up to it in terms of mulching..

Trustee Walker: We could invite her to speak at our meeting, too.

Mr. Downey: The guy who can speak to you is standing right here right now. Tomorrow, I am going to Croton and speaking in Croton, Cortland after that, Yonkers after that. You do not have to look far. The other person who started the training is right here.

Trustee Armacost: We should commend you because you have been talking about this for many years. You deserve huge kudos for bringing the point up. It would be lovely to have other people who also support this idea here to reinforce what you are saying.

65:12 APPROVAL OF LOCAL LAW NO. 3 OF 2012 TO AUTHORIZE USE OF BEST VALUE PROCUREMENT STANDARD

Village Manager Frobel: We have had several work sessions on this, and our public hearing. This is a recommendation that the Village adopt a local law allowing us to avail ourselves of this amendment to the competitive bidding statute that would permit us to evaluate our bids before we award them using the term "best value." I think this broadens our flexibility to use an additional variable in making a determination as to which is the best

bid to be awarded. I voiced some concerns about the difficulty of articulating what best value means. It is probably right up there with trying to define quality. But, nonetheless, I am willing to try as to how we can use best value in making a recommendation to you in awarding a bid.

Trustee Apel: I cannot vote for this because I do not think the Village is protected. It is premature. We should be discussing what it means by best value and coming up with standards. It sounds lovely, let us pick the best value, but it is not specific enough, and I think it is dangerous I think we should put it aside, and we should have more discussions on best value and what is the criteria, what is the check-off list, what is that going to be before we put this into place.

Trustee Walker: This is on a case by case basis and we do not have to apply it to every bid and contract. We can determine those criteria when we are issuing requests for bids or requests for proposals. I agree on some bids it would not be appropriate; you want the lowest bidder. But there are other cases where you want to be able to evaluate it, and we can set the criteria in those cases.

Trustee Apel: But the problem would come when I am the person that wants to get you to say yes, and you use one standard, and then another standard, and I say how come you used the best value on me and you did not use it on them?

Trustee Walker: But it varies a lot depending on whether you are buying a product.

Trustee Apel: But who is making that decision? This has to be specific.

Trustee Walker: How can you make it specific, though?

Mayor Swiderski: It cannot be. Each contract is a different contract.

Trustee Apel: But you have specific sets of things that you are looking for when you are looking at a contract. What are the rules, what is the check-off sheet?

Village Attorney Stecich: There is no check-off sheet in contracts. There is a point Meg was making. You have to look at each contract. And there is a general standard. I have brought the definition before. I sent it to you, and brought it to the last meeting, about how it is defined. And to be sure, it is not defined in a very specific way or a check-off. But if the Village has objective reasons that they can back up and say we think this is a better value because, for instance, if we buy this year, next year it will be cheaper for us, or whatever, if you have some objective reasons, then you are going to be okay.

Trustee Apel: It is still too vague.

Village Attorney Stecich: I am not disputing that.

Trustee Armacost: In law you have all sorts of vague things. You have the concept of the reasonable man which, depending on where you are in the country, is a radically different thing. As our lawyer, what do you think? Do you think it is too vague, or not?

Village Attorney Stecich: No, I do not believe it is. It is not something I drafted myself. The legislature decided that it was a reasonable way, a better way, for villages to choose contractors, because sometimes the lowest bidder is not, overall, your best value, and this gives you the flexibility. It may often be that the lowest bid is the best value. The two might come out the same.

Trustee Apel: No, it does not have to be. If you are talking about asphalt, you may not like the person who did the job or the reputation of the person behind it. That may seem fine on the surface, but we want everything aboveboard and to be very clear. If it comes down to a subjective thing, then it is not going to be clear to everybody why you picked this person over that one. I am not saying that the lowest bid is always the greatest either. But before that standard came in people were making decisions based on who they liked, and their friends, and all this other stuff. If you start slipping backwards into what you say is the best value, I am concerned that it is going to fall back to what happened in the past, before the standard of the lowest bid came in. And this is a very litigious society. If I feel slighted, I am going to go after the Village.

Trustee Jennings: I do not think this is going to change things very much. We scrutinize all the bids. We do not simply automatically give it to the lowest bidder, and we have the prerogative not to do a job at all if we feel that the lowest bidder is not going to do the job we want done. But that is a less desirable position to be in than this ordinance would give us. We would be able to turn to another one rather than simply forgo the job. That makes more sense to me, to have that flexibility. I can remember being dubious about giving out a bid to a particular lowest bidder and it came back to bite us because the work was substandard and it had to be redone. We do not want to be in a position to be boxed into a corner by a dubious-quality lowest bidder. This would fix that. We would use it very rarely and we would have good reasons to do it. So if somebody sued us, we'd be able to successfully defend ourselves according to Marianne's advice and the standards here. The danger of this flexibility is if you have a corrupt local government and they give the bids to their old boys,. That is not the situation today in Hastings-on-Hudson. This is a prudent flexibility which

will not be misused. Our risk of increasing our liability when we do use it is very low because we would only use it when we have defensible reasons to do so.

Village Manager Frobel: This does not apply to public works projects, which removes a great deal of the bidding a community typically does. I could see it if you are buying a piece of equipment. Say you had the specs out and you wanted to buy a garbage truck. When you do your analysis you see that there is one model, A, that gets better miles per gallon or has a lower operating cost. Even though the other vehicle costs more initially, you could life-cost it out and say product A is better even though the initial cost is higher because it gets more miles per gallon, lower maintenance costs, lower insurance, some other variable like that. My only hesitancy is in trying to put a definition to some of those words. But as Bruce says, we typically use this evaluation now when we look at quality of workmanship, references before we make our recommendation to you.

Trustee Armacost: So if that is the case, then why do we need it?

Village Manager Frobel: This formalizes it. It brought to your attention that the state says that you can incorporate this into your local laws.

Trustee Jennings: The difference between now and after we have this is that now, if we have good reasons not to accept the lowest bid we cannot turn to another bidder. We just simply do not do the project, or we have to re-bid it. But here, if we ever got ourselves in that kind of a dilemma we would not have to forgo a needed project, necessarily. We would be able to turn to an alternative vendor.

Village Attorney Stecich: But the other point was a good example that Fran gave. It may be the lowest price when you factor everything out. Maybe you find some of this ahead of time, but maybe you did not until the bids came in. This gives you that flexibility.

Trustee Armacost: Can Have you been in a situation, Fran, where you have been forced to make a choice which was not the optimal choice?

Village Manager Frobel: No. I thought your question was going to be have I done the cost analysis for better mileage, or costs like that. But no, I have not been forced to make a recommendation. Since I have been here, I have had no hesitancy about who we recommend.

Trustee Armacost: So then it is not needed, if that is the case.

Village Manager Frobel: No, we have been fortunate. What bidding we do, the low bid has a responsible bidder. I cannot recall any occasion where I have recommended otherwise or had any hesitancy.

Trustee Armacost: So then I am missing something.

Trustee Jennings: If we never use it, what is the harm of having it?

Trustee Armacost: The harm of having it is that you are open to being sued.

Trustee Jennings: We are not open to any additional liability if we do not exercise this and if we only exercise it in cases where we have very good, solid defense.

Trustee Apel: But could someone complain if you did not use it? Could they not say I am a better value than anybody else that is bidding or I have the better product?

Village Attorney Stecich: If somebody came in with a lower price it would be very hard for somebody else to say that I am the better value and sue on that basis. I am not saying they could not. People could sue for anything. But I do not see it is likely. Fran made another good point when he said this does not apply to public works contracts. The only ones where I have ever seen litigation about not taking a bid have been over public works projects.

Village Manager Frobel: Typically it is not equipment.

Village Attorney Stecich: That is not to say that it could not happen, but for whatever reason those are the only ones I have seen over the years. But it is certainly a possibility. Marge's point is not insignificant. The article where I first learned about this pointed out that the future is going to be uncertain on this because it is new. But I will tell you, not in Hastings but there is plenty of litigation over the lowest bidder and choosing not to take the lowest bidder. It could eliminate some of that, not that Hastings has seen it. The other municipality I work for and other ones I have dealt with have adopted this, so we will all be working it out together. It is new. There is no case law history. We cannot say which way it is going to go, but I do not think there is a lot of risk.

Mayor Swiderski: Let determine the pleasure of the Board in voting for this. Niki, are you interested in pursuing it?

Trustee Armacost: It does not seem necessary. I would rather not vote for it. If there is a compelling reason, it is urgent, we have lots of pending situations where it seems like it

would be valuable to have, that would be different, but I am not hearing that. I am not a huge fan of passing unnecessary laws.

Trustee Jennings: Not to vote for it is to vote against it. I have had a flashlight in my drawer for 10 years that I have never used, but I am glad I have it in my drawer.

Trustee Walker: I can think of one or two instances in the past where the Village had to take the lowest bidder, and we were sorry for it.

Trustee Apel: But were they public works?

Trustee Walker: Yes, it may have been. But it applies to other things, like hiring a planner, does it not, or hiring an architect or a landscape architect?

Village Attorney Stecich: No, because those are professional contracts. A landscaper maybe. Not a landscape architect, but a landscaper.

Village Manager Frobel: I think that would be public works.

Village Attorney Stecich: I looked at where you draw the line for public works. There are so many cases. We have got cases that will say, for instance, the landscaper is public works. It is not public works. But usually, for public works you are thinking of building kinds of stuff.

Village Manager Frobel: Drainage, road maintenance, construction.

Village Attorney Stecich: So probably a landscaper would not be.

Trustee Walker: I can imagine cases where we would be happy to not have to take the lowest bidder. I think this is of value to us.

Mayor Swiderski: I am going to agree, and I am going to think in terms of landscaping services, where we had a small dollar amount separating the lowest from the second-lowest bid. And if, heading into the contracting process, we had criteria for proximity and speed of response to an issue as an additional criteria, above and behind lowest bid it might have resulted in a different selection. Being able to be flexible like that has some utility.

Trustee Armacost: But do we regret the choice we made? Do we have an issue with the quality?

Village Manager Frobel: I do not. We have been very pleased with the contractor.

Mayor Swiderski: No, we have no issue with the quality. But it is the flexibility of choice in general.

Trustee Apel: But even in that case, if it had been written that now you know you have to put that in the next time, you live and learn. So you put it in next time.

Village Attorney Stecich: Are you saying could you write it into the contract? You could write into the contract one must be available to respond within the hour. So that was going to rule out somebody who is up in Mamaroneck, if that was important. You could write it if you think of it ahead of time. But you do not always think of everything ahead of time. Just for the same reason it is hard to come up with a contract checklist.

Mayor Swiderski: If the one case we could come up does not seem to be one that would apply here, then let us shelve it for now. If down the road we decide this is a good idea we can re-address it. I am not inclined to push a three to two vote on something that is one of these good governance things that has evolved over the years. I would rather not muck with it unless there is a stronger consensus on the Board. I would like a motion to table this proposal.

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, Resolution 65:12 Approval of Local Law No. 3 of 2012 to Authorize Use of Best Value Procurement Standard, was tabled.

Trustee Jennings: My memory is probably public works stuff, but a note for the record. If the state legislature in its wisdom expands this opportunity to include public works things I hope we can take this up again, and I hope we will not be entirely bollixed up with problems of potential liability. We have a risk of doing bad things public works-wise, and it is significant and I do not think it is a useless change in the law.

Trustee Armacost: But by then we may have more case law where we can see how things are moving. We can let other people experience it first.

Mayor Swiderski: Right. The pioneers are the ones face down with the arrows in the back.

66:12 AWARD OF BID – UNDERGROUND IRRIGATION SYSTEM FOR ZINSSER PARK

Village Manager Frobel: You heard from the staff and the leagues the need for the underground irrigation system for Zinsser Park. We were able to attract three qualified bidders. The recommendation is that it be awarded to the low bidder. That is the contractor that is responsible for ground maintenance, besides being the low bidder. We are very satisfied with the quality of his workmanship. We checked references besides our own reference. They have all come back very strong. A large part of this will be funded by the Little League. They will be contributing \$6,000. The balance of it will be coming from our general fund, Parks Department, other services. We set aside money every year for these types of capital improvements at our various park facilities. Our share is about \$8,400.

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

WHEREAS, the Mayor and Board of Trustees authorized the Village Manager on Sept. 18, 2012 to request bids for an Automatic Underground Irrigation System for Zinsser Park, and

WHEREAS, a request for bids was advertised as required by law, and bids from three bidders were opened at the Municipal Building on Oct. 11, 2012, and reviewed, now therefore be it

RESOLVED: that the Mayor and Board of Trustees award the bid for an Automatic Underground Irrigation System to the submitter of the lowest bid:

Michael Bellantoni, Inc.
North White Plains, NY

In the amount of \$14,395.00 to be paid from the General Fund

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

1. Progress Report – Warburton Bridge

Village Manager Frobel: It has been a while since I reported to you on the status of the Warburton bridge project. The county was designing it for some necessary repairs. County Legislator Mary Jane Shimsky has been closely watching this project for us. I am pleased to report that the county is proceeding with the design. They are looking to have the specifications ready to go out to bid before year end. It is on schedule for construction to occur in the spring of 2013. The project includes replacement of the some of the concrete decking on the bridge, some curb repair, some sidewalk replacement, some new railings, a pedestrian fence, some of the structural steel repairs, some painting and some work on the abutment walls.

Mayor Swiderski: What about the light fixture that is missing?

Village Manager Frobel: I have a meeting with the county next week. I finally got them to come out in the field to talk about the lighting. But lighting improvements are part of the project, as well.

Trustee Jennings: Have you gotten information about the way in which the work will be done when it does commence? Will it be a single lane, taking turns back and forth? Will it be closed completely?

Village Manager Frobel: The intent is never to close the road off completely. We stressed that we want to see them minimize any interference to traffic flow.

Trustee Walker: Will they need to reroute buses off of the bridge? I remember 18 years ago when they worked on the bridge, they rerouted the buses down Washington Avenue. Maybe that is something you could talk about with them. Also, we have talked before about putting meters on Warburton bridge.

Village Manager Frobel: We have. I would back off on that, because if the day comes when you want to charge for parking on the bridge, we could put up a pay station.

Trustee Walker: That is what I was thinking. We do not want to put any more meters up. Meters are outdated. We can do that at the ends of the bridge on our own. It would not affect the county.

Village Manager Frobel: It would not affect them at all. Their only concern was penetration of that decking, the surface of the bridge.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Swiderski: A brief update on the Waterfront Infrastructure Committee that Mayor Kinnally chairs.

Lee Kinnally, Jr., Chair, Waterfront Infrastructure Committee: We have been meeting monthly since the inception of the committee in, I believe, April of this year. Our mission is to look into the infrastructure, and to see what we want in the way of open space, development, accessible areas, where to site the infrastructure and the utilities, whether there is going to be an opening, or "daylighting" as they call it, of the stream that comes down through the commuter parking lot.

We have evolved over time what our view and what our consensus is of the site. We have a public meeting scheduled for Nov. 14. We will have a general presentation of what the committee has been doing, a presentation of a few graphics to show where we stand at the present time. Our meetings are public, but it is rare that we have a representative sampling of people from the public. This is an opportunity for us to present where we are right now, and to solicit the input of the public in Hastings as to the reaction to what we have but, more importantly, their vision for what they would like to see there.

I received a communication from a gentleman who was a graduate of Hastings High School. He used to live here, Brett Schneiderman, a candidate at Cornell University for a master of landscape architecture. His second-year studio project, he wants to use the Hastings waterfront as an opportunity to weigh in on his thoughts and Cornell's thoughts on design and landscape. He thought it would be a perfect fit and an opportunity to dovetail what he would like to do as a studio project at Cornell with what we are doing.

Our hope was to finish our job by early spring of 2013, but it appears that we are not going to be there that quick. The feeling is that it will take some more time on our part.

Trustee Armacost: Are you finding that there is consensus amongst the group, more or less?

Mayor Kinnally: We are building it. There is consensus to the extent of telling you where we are now. We have defined the areas of open space on the perimeter. One of the earlier points that we discussed was the promenade along the waterfront. The consensus is that that promenade should continue and wrap around both parcels down there. Actually, there are three parcels, but the entire view of the waterfront. There is some consensus about placement of other open space. Part of it is driven by the consent decree and the realities of the cleanup. The consent decree has certain no-build areas. We have not developed consensus enough to say exactly where we want to have the roads. There is discussion putting it close to the promenade, putting one of them close to the railroad tracks. There is discussion about having it in the middle of the property and meandering through the property. We do not necessarily want to have a grid like New York City, but there is a spine road and then there will be other roads.

That is where we are now, and the siting of structures. There was a discussion about the south ends of the property, the Uhlich property; whether we wanted to have the open space in the far end of the property or in between certain of the buildings that would be constructed in the area. There are pluses and minuses. The plus is, it gives a tremendous expanse, open-looking to the south to New York City. The minus is that it is an isolated area, and unless you have a concentration of people, a critical mass, it is unlikely that for a good part of the year people will want to go down there.

One of the areas we have not discussed, or we have agreed to disagree, is Building 52. The Mayor has volunteered that you are going to solve that problem and we will not have to deal with it. But I think there is consensus among the committee that whatever happens to Building 52, if that should go away, there would be a building in that area. That would not be left as open space, except if there is a problem with the cleanup. And we will not know that until it starts.

Mayor Swiderski: To finish up on the waterfront, a nice segue on 52. I finally got out the formal request to BP to gather three bids from contractors for preserving Building 52 enough so that it will be usable in eight years' time for a use like a parking garage or whatever. This is not a high-end revamp of the building's infrastructure; it is to warehouse it, effectively, for eight years' time. That letter has been delivered to BP. They have acknowledged receipt. I have asked that Doug Alligood participate explicitly in the creation of the bid document for the contractors so that level of work is specifically laid and we do not over-engineer the effort. And also for the Village representative to be present for the opening of the bids so this process is a transparent one. Once we have those quotes we can proceed with the next

step, which is figuring out what is viable. I do not know if you have any updates on the actual cleanup.

Village Manager Frobel: I do. At the Tappan Terminal on the Chevron-Uhlich Color site, the electrical poles and wiring are installed. The infiltration trenching and the manholes are there. The concrete pad is complete. The pipe conduit and system well components should be installed this week. They expect all of their equipment to be on-site by the end of next week. Moving along very nicely. They expect a startup of all the equipment and the well should be the week of November 12. If for any reason there are delays, and with the holidays, they expect to be started up by early December.

Mayor Swiderski: This is something they can run in the winter, then.

Village Manager Frobel: Yes, this will be the one that will be running for the next five, six, how many years it takes. Almost all the infrastructure is in place to get those wells up and running, and beginning to insert and extract material from the site. The air monitoring reports have all been coming back clear.

On the Mobil/Exxon site, last week there was a pre-construction meeting, with the appropriate staff there, going over traffic and safety procedures. Sometime in early November the barge will be brought on-site. The barge is going to be parked somewhere near those caissons that are still out in the river. They are coordinating now with the Coast Guard. They expect soil to be coming by barge sometime shortly thereafter. They will be offloading about 24,000 cubic yards of fill. This is the clean fill and the topsoil mix, which will be stockpiled there then spread out over the entire site with about a two foot cover. The idea is to take that material, after grubbing the remaining part of the site.

Mayor Swiderski: "Grubbing" meaning removal of trees?

Village Manager Frobel: Trees, and any of the understory. They are working around all the monitoring wells that are out there. There are upwards of 20 monitoring wells. They will then be spreading the soil. First, they will put down that barrier, where you do not dig lower than that, and then two feet of fill, and that will be occurring throughout November and December. They hope to hydroseed the site sometime once all the topsoil has been spread, and then come back in the springtime to dress it up and do some plantings. They are going to have a lot of shrubs for some stabilization of the site.

2. Proposed Local Law #4 of 2012 – Handicapped Parking and No Right Turns

Police Chief Bloomer: In this continuing process of going through the Code and making sure that it matches what is out there, it has come to my attention that the Village Code states that there are No Turn on Red signs coming down Washington and coming up Washington at Warburton. In my 29 years here, those signs have never existed. The Safety Council looked at it, and does not think that those signs are needed. Our recommendation is to delete that section.

The second part of the law concerns a handicapped parking space. There is currently a handicapped parking space on Rosedale Avenue at Hillside that was created for a resident of that house who needed a handicapped parking space. She has since sold the house, and the request came in for us to eliminate that parking space. That also came before the Safety Council. When that was on the agenda, we got a request from a parent of a student who said there are no equivalent spaces on School Street for her to bring her handicapped child to the school. So we have proposed removing where it is on Rosedale, adding it on School Street opposite 66 Hillside Avenue. The Safety Council heard this issue and felt that this was appropriate. The school has gone ahead and put in a handicapped space for us. So there will be very limited work for the Village to do. But we cannot currently write a summons there until it is in the Code.

Trustee Walker: Is this a space where someone could park all day or a drop-off?

Police Chief Bloomer: They could park all day. The school does not have any handicapped spaces on Mt. Hope. They have them on their own property in the front. There is nothing on School Street, and if someone wanted to use that to get into the gym, it is a good idea to have one at that area, as well.

Trustee Armacost: So it is a fait accompli.

Police Chief Bloomer: Well, it is there. It has already been done for us.

Trustee Jennings: It is difficult to tell from the photograph. Is this a handicapped space in which the space in question is the empty space, but then you have to have a no parking area behind the vehicle so they can get people in and out of the vehicle?

Police Chief Bloomer: I do not think, when it is on a street, you need to have that striped area. That is when it is in a lot so you could open up the door and come out.

Trustee Jennings: So the handicapped space in question is actually the stripes.

Police Chief Bloomer: Correct. Behind that space is no parking. That is the corner.

Trustee Jennings: So we are not losing, we are not utilizing the equivalent of two spaces.

Police Chief Bloomer: We are not.

Mayor Swiderski: The existing handicapped spot will be de-listed and turned into regular parking, and this new one will be legalized.

Police Chief Bloomer: Correct.

Trustee Armacost: The change that the school made, without checking with you apparently, has anyone said anything about that who lives on that street?

Police Chief Bloomer: No one noticed it until we were going around to decide where to move it, at the request of this parent. And it was there. So nobody has objected to it.

Mr. Downey: On the waterfront, bringing this two foot of soil profile. Does that mean there will never be any disturbance below that two foot level?

Mayor Swiderski: No, I do not think there is that same restriction. The Exxon site did not have a consent decree that prohibited any sort of use, residential or otherwise, or planting of trees.

Mr. Downey: I am thinking of a tree. If it is being restricted to a two foot profile, you are setting it up to, seven years from now, high winds.

Mayor Swiderski: I think the geofabric that Fran is talking about is just a standard deployment. But I do not think it prohibits.

Village Manager Frobel: It is like a plastic snow fence almost. Who is digging know they are going to be low.

Mr. Downey: Oh, it is just a marker. OK.

Mayor Swiderski: But to my understanding, the remediation brings it up the residential use. It continues to be Exxon and Uhlich's property. We cannot do anything with it. But I think it full utilization.

3. Update on the Downtown

Trustee Walker: We recently had another ad hoc committee meeting on the downtown. These meetings include lots of residents, but also property owners and merchants. It is brainstorming and ideas. If anyone is interested in coming, just let know, TrusteeWalker@hastings.gov.org. We discussed pursuing a market study, gathering all the information that has already been collected, whether it was by the Comprehensive Planning Committee or the Hunter students or the former planner: demographic information, information on businesses, buildings in the downtown. Surveys were done, and we may need to redo those. We also talked about potential for pop-up uses in the empty storefronts, whether it is retail uses, work-sell, craftspeople, galleries, performance space, yoga classes. People have been e-mailing me lots of interesting ideas that they would love. This is a work in progress. We have to approach the landlords and see if they are interested. But the idea is to occupy the storefronts so they are not empty, so that there is life in them. Even if it is just putting art or lighting in the windows to bring more life to the streets. It feels like these storefronts are blighting our downtown. It hurts the other businesses. It does not give us much pleasure when we go downtown, and we walk along and see all these empty storefronts. It hurts everybody.

Trustee Armacost: We know that tactic is effective because Toast did it. A lot of different people became interested in that space after it was used. The issue is persuading landlords that this is a good use of their property. It has to be an equitable arrangement between the various parties. But it can be a win-win.

4. Other

Trustee Walker: We are going to have a Friday Night Live on November 2, and the theme is street art. We are going to be celebrating an opening, a show that was hung today in the Village hall. We are grateful to the Blue Door Gallery in Yonkers for loaning us this show. It closed in Yonkers on Saturday, and thanks to the Arts Commission and particularly Nancy DeNatale we were able to get the show up in record time. Street art is the theme. We are going to have some other activities around that idea. It is not a close-the-street event, but we hope that people will come down to see the art and participate in some art projects that will be going on. Let me just mention one of them. We would like to ask folks to send us, examples of street art, photographs of street art. We would like to project them in a variety of places. This is for children and adults alike. It is going to be a street art celebration.

Trustee Armacost: Could I give some praise to the DPW? The team did an amazing job fixing the broken wall on Cliff Street. A car must have hit that wall, which is one of the old walls that go around the Village. I happen to walk my dog along there, so I noticed it and

notified you. Within a week, there were people there assessing the situation. It now looks fantastic. The team has been unbelievably responsive and effective, at least in terms of anything that I have raised. So please thank them.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 8:55 p.m.