

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING
FEBRUARY 3, 2016

A Public Hearing was held by the Board of Trustees on Wednesday, February 3, 2016 at 7:33 p.m. in the James V. Harmon Community Center, 44 Main Street

PRESENT: Mayor Peter Swiderski, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Village Manager Francis A. Frobel, Attorney Linda Whitehead, Special Counsel Mark Chertok, and Village Clerk Susan Maggiotto.

CITIZENS: One-hundred twenty-five (125).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the January 29, 2016 issue of *The Rivertowns Enterprise* to consider the application of ARCO Environmental, dated January 7, 2016, for a demolition permit for Building 52, located at 1 River Street, Hastings-on-Hudson, New York.

Mayor Swiderski: A public hearing is a forum where the residents of the Village present their perspective on an issue to the Board, which listens to that perspective. It is not an interactive forum. I will break decorum by answering questions of fact, where we have that available immediately to us, but otherwise will take a note of the question and respond to it within a short order of time. The question before us here is whether the Village should approve the demolition permit application by ARCO for Building 52. I am going to use the words ARCO and BP interchangeably, even though legally this process and effort is done through a subsidiary of BP, ARCO, which is managing this process.

We have asked people to sign in at the back, and in the order that they signed they will have time at the microphone. In the interest of getting out of here at a reasonable hour, and I am unilaterally declaring that as 10 p.m., we are going to ask for people to keep it to three minutes. If they have more to say, they have a chance at the apple one more time after everybody else has spoken.

If we get through this meeting tonight in a timely fashion, this meeting will close. Then we have a second one on the consent decree, which is a second issue before the Board. That is a legal document negotiated between BP/ARCO, Riverkeeper and the Village. That is a renegotiation of a 2003 document, and I am looking for the Board's approval so I can sign the consent decree. In turn, Riverkeeper and BP/ARCO will sign, as well. If we do not get through this meeting in a timely fashion I am going to ask for the Board to approve another meeting next Wednesday. It, too, will be a 7:30 to 10 o'clock event and we will take public comment at that time on the consent decree.

Because this is an issue of great interest to people, we are moving the date of the vote to the first meeting in March, March 1, and that is where the Board will vote on both the demolition permit and the consent decree. It was originally scheduled for the next Board meeting the third Tuesday in February, but that is during school vacation. At least one Boardmember would not be present, and it seemed sudden, so we are permitting the public another 30 days. We will take written comment, e-mails to be added to the public record up to the Friday before that vote, and will issue a couple of reminders to the community that they can continue to express their opinion via those mechanisms until then.

I am going to call the first person who signed, Douglass Alligood, to the microphone e.

Douglass Alligood, 157 Rosedale Avenue: I respect the Board's efforts to achieve progress on the waterfront, and start off by acknowledging that. I would also like to say that I love Building 52. It is a beautiful example of early American modernism and would like to describe a couple of things that I love about the building. I love the proportions of the building, I love the simple and subtle brick detailing, the adherence to a module, and the inherent flexibility that provides. The building is not one of a kind; there are other communities that have found a way to reuse these, buildings like these, but this one here in Hastings is a classic.

I have not been inside the building in several years, but I will never forget the feeling of the vastness of that space. It is mostly column-free, it has got soaring heights. The incredible amount of natural light pouring in from all the sawtooth north lights and the huge windows that have been boarded up for decades make it a special interior space that is hard to recreate in today's economy. The simplest solution would be to vote to tear the building down. I fully acknowledge that. I only ask you to consider whether the easiest and cheapest solution is the best solution for Hastings.

Mayor Swiderski: And while I certainly the desire to clap, what I will ask is that people not address the public but that it be addressed to us.

Tom Donohoe, 19 Maple Avenue: I am a resident of Hastings for 52 years. Over the years I have watched Anaconda being dismantled. I wish that to continue. The great economist, Joseph Schumpeter, said that to have progress you must sometimes have what they call "creative destruction." I think Anaconda, at this point, is at that point. So I am strongly in favor of your issuing the permit to demolish the building so we can get some progress on developing the waterfront properly.

Steven Siebert, 113 Hamilton: It is possible after my comments tonight that I will not be able to eat lunch in this town again. And it pains me to say what I have to say tonight

because you are my friends. But I am dismayed, first of all, that we are willing to settle for something like Madison Square Garden when we already have Penn Station right in our midst. I am dismayed that there is no outrage at BP tearing down Building 51 when it was eligible for inclusion on the National Registry of Historic Places, and then using the very absence of that building to petition that Building 52 be removed. I am dismayed at our short-term focus on money. It is going to cost us immensely down the road. I am dismayed by the lack of vision, imagination and the ability to think out of the bog. But I am dismayed most of all by the fact that it seems like the voices of the people in this town are not being listened to. The Comprehensive Plan was created by the Board to discuss plans for the Village and the waterfront. The Comprehensive Plan concluded, and this is what they took to be the consensus in the Village, that Building 52 with the sawtoothed roof is a local landmark and should be preserved and adaptively reused. If you now repudiate that consensus we deserve to know why.

Similarly, around 2005 you created the Hastings Waterfront Preservation Committee to look at adaptive reuse of the buildings on the waterfront. We have spent hundreds of hours working on something, we think we have plan that is reasonable. Yet we have never once been asked by the Trustees, who called us to that task, to present our ideas to the public; not one time have we had the opportunity to talk to the public about our vision for that building, for the public to disagree with it, to agree with it, to enhance it, to modify, it whatever. We think, as citizens of this village who have given to the Village that we deserve that right.

I also am dismayed by the fact that after having spent hundreds of hours in service to this village I am not given three minutes to tell you why you should not proceed without our consent. The takeaway from this all is rather stark. It is like when the Village comes to you and asks you to give up your weekends and your evenings and time with your kids, just say no thanks. Because the truth is, we do that and we are not listened to. The disheartening thing, and the reality is, that it seems to me that it is a very small club that runs things here and it pains me to say that. I think back, for example, when Building 51 came down. You had the Fire Chief walking by and saying that the building has to come down, and he described it as what one does in the course of a fire: a quick walk-through. Yet you had a world-esteemed architect and engineer tell you that that building would stand for a thousand years. Who did you listen to? You listened to the small inner circle of people. Similarly now, when the Village negotiates a consent decree you retain somebody to do that who has very explicitly and very publicly said they disagree with the Comprehensive Plan's recommendation.

Despite our dreams of Hastings exceptionalism, the truth is we are just like any other place. There is nothing new under the sun. And this is not just the view of those critics who find fault with everything you do but the view of your friends, not all of your friends but some of

your friends, that you often govern as though our voices do not matter; that your voices matter and ours do not. We deserve better. We deserve a right for our committee to present our findings to the Village, to have the Village react to it and to see if it is feasible. We deserve the right to know what went on behind closed doors in the consent decree negotiations. We deserve a referendum on this building because it is our village and it is not just your village. You need to listen to our voices.

John Gonder, 153 James Street: Are you going to give me a half a minute extra?

Mayor Swiderski: No.

Mr. Gonder: I am alias Anaconda Gonder. I am one that worked in 1955 through 1973, 18 ½ years, in all different buildings. I am one of the few that worked in Building 52. We also did not use the name 52, we used it as North Mill or the telephone plant. Reasons to give Building 52 back to BP to take it down: it is built on vertical and horizontal logs. Mayor Chemka always said we needed two bridges on the waterfront, one in front and one out; one to go in, one to go out. The bridge over the railroad is going to be replaced for double-decker train cars. Most smart people think it will go straight across west, and then catch an arc to a roadway that Mayor Kinnally and Mr. Allgood worked on in the Infrastructure Committee for the property. Most of Building 52 would be covered by up to 11 feet of landfill, maybe inside the building. I do not know how you get 11 feet all around that building.

BP wants to get all the PCBs out and around this building so they do not have any further lawsuits. In the present condition, the Fire Department would only fight a fire from outside the building. It is unsafe inside. We know one of the peaks fell in. You will kill the Village merchants and businesses on Main and Warburton and Washington Avenue. All these businesses and merchants would fit in Building 52 and there would be room left over. The Mayor and Trustees do not want to say what zoning will be put in. The Board should pass a resolution that the property will stay as industrial use for the next 25 or 50 years until BP cleans up that thing, and then you can change your zoning. This will help the Village that, in one or two generations, you may be able to think what you want down in there.

The environmental group also issued a statement supporting the agreement. I talked about wisdom a lot of times. You are smart people, but use wisdom. The building is 93,000 square feet. That is 2.14 acres. It is enormous, it is immense, it is too big. If it was 11,000 square feet maybe I would go for it and support it. BP wants to delay all the time, delay. All attempts to clean up the property in such time that BP is in a more financial situation. BP divested over \$50 billion since 2010, and they are going to divest \$3 billion to \$5 billion. Vote to give a permit to demolish Building 52.

Robert Kornfeld, 47 Summit Drive: I have been involved with promoting preservation on the waterfront here for well over 10 years at this point. I am a principal with Thornton Tomasetti, speaking on my own behalf. Some of the major issues. The building is historic, the site can be remediated with the building there. It would not cause any delays. It is just a different procedure for remediating with the building there. People always think historic preservation causes delays, but that it is not the case. We were calling for the building to be mothballed and stabilized years ago, and it can stay that way until the site is clean and something can be done with it.

But I am really here to talk about the issue of vision. People think they can visualize what something would be like when it is restored and used, but it is not that easy. I wonder how many people on this board would have voted, 10 years ago, to turn the High Line into a park. It was a decrepit roadway, there were abandoned cars under it. It attracted crime, it was a place where you dump a body, not a place where you would go to a park. It was very difficult to visualize, but it was a brilliant concept and revitalized that whole neighborhood.

I would point out, too, a couple of similar places that were incredible white elephants but people had a vision that they could be something: the American Bank Note Building in Bronxville; the Greystone power station, which still is a challenge, but Yonkers is strongly behind finding a reuse for it; the Boyce Thompson Institute in north Yonkers, which my office is the structural and building envelope consultant for and that was an incredible white elephant but will be something great. If you think of districts like the Gansevoort district or the Soho-Cast Iron district, nothing was more useless than those cast iron buildings in Soho when they were all small factories that went out of business. No one had a viable concept of what kind of business could succeed in them, and now it is one of the top neighborhoods in the city. That kind of vision is hard to see, in the future, and I wish that the Board would think carefully before destroying something with the authenticity of Building 52, with that brick that was made in the local brickworks and the type of building that is almost extinct in the lower Hudson Valley. Hastings thinks of itself as being a progressive village that can visualize the future. I just wish you would take that into consideration.

Donna Taylor, 10 Valley Place: I never worked at Anaconda, but I used to look in those big windows at Building 52 in the summer. I know John Frankovitch, whatever, they worked down there. I used to watch because I did not know what they made. You had Doug Alligood, a qualified architect-engineer, do our waterfront infrastructure presentation. That was incredible. He did the whole thing. But why can he not do Building 52? It does not make any sense. You have never given us a forum. I am shocked at how this has been done, and to give the negotiator, who is biased towards tearing it down, the one who did our negotiations.

I am going to switch gears because I would like to see Silvercup Studios on Hudson at Building 52. Maybe there is somebody out there that has connections with the film industry. I heard from Mr. Lemons that we needed, my word, an "angel," but someone to donate money to make this happen. Maybe there is somebody else out there who has that ability to help us. We keep seeing film industry people around here. Would this not be a nice fit? Please use vision.

Ed Young, 3 Whitman Street: I am a foreigner to this country, and I just want to say that the place where I came from we do not have things like this. We get into trouble if we talk like this openly. I want to thank the Board, be listening in to the comments from both sides. I also want to say that not only the Board is listening, I hope the Board is hearing what we have to say. And not only to hear, but to stand behind it because this is a citizen's opinion and had to be honored.

Jim Metzger, 427 Warburton Avenue: If you received this flier last week it is due to the efforts of four people who have done extraordinary work on this issue: Lindsey Jeanne Taylor, Steve Siebert, Doug Alligood and Ed Young. You have heard from some of them tonight, hopefully you will hear from the fourth member. They singlehandedly put this together in two days. We should be able to save this building.

Last year Dia:Beacon welcomed over 75,000 visitors. Within the Hudson Valley Dia:Beacon generated over \$12.5 million annually in economic stimulus. Do we not deserve that in Hastings? From the engineer hired by BP/ARCO about the condition of the building, a lot of people say the building is too dangerous, do not go near the building. Robert Silman Associates is probably the preeminent engineer working in the world today, and I advise you to go take a look at their website. They state: *"The stabilization evaluation for Building 52,"* and found that *"with appropriate maintenance the structure is capable of being stabilized for a period of at least 10 years. This should be adequate time to determine the appropriate future use."*

I ran some numbers, and at the low end if we were to rebuild that building today at about \$400 a square foot, and I am talking about just the shell, it costs about \$45 million. We are never going to be able to recreate that space in this village, and if we lose the opportunity now we lose it forever.

The floor slab. The floor is exposed concrete and, based on visual observations, appears to be in fair to good condition. The slab is eight inches thick. At all probe locations, the concrete appeared to be in good condition, in general. There were no noticeable voids or cracks, nor were there any signs of separation between the paste and the aggregate. Look at our Warburton Avenue Bridge. We had problems with that 20 minutes after they pulled the

forms off. This building is, what, 80, 90 years old and it is in perfect shape. It is older than that. The building, as it stands now, is capable of supporting between 125 and 643 places per square foot. That is two to three times what we would be required to use to put any new use in that building. The building is structurally sound. They are talking about replacing the top two inches of concrete on the building. That would make the slab even stronger than it is right now.

The roof, which is obviously a big issue. They say, and I quote, "*Once up in the lift, however, it was clear that what had looked like mold or other indicators of moisture infiltration was actually due to peeling and flaking of some sort of coating.*" The roof is in very good shape. It needs to be preserved during the renovation and the remediation of the site. There are some waterproofing issues up there. I urge you to please take a look at what this engineer has to say, and he recommends we save this building for future use.

Andy Zimmerman, 7 Ridge Street: I am going to confine my remarks to talking about the health and safety considerations. I belong to a group called Hastings Waterfront Watch that has not been active lately, but we spent a lot of time looking at the cleanup of the site which, to me, is still the most important thing. We are leaving this site as a legacy for the future. The United States of America only goes back a couple hundred years. The PCBs which are poisonous to humans and other animals are going to be there for a lot longer than that. If we have the chance to clean them up we should do that.

I have heard that, supposedly, the slab that is in the floor of the building is going to keep whatever may be underneath in place. As far as I know, what is underneath the building has not been extensively sampled the way the rest of the site has been, and there could be poisons underneath there. We would want to be sure that there are not any poisons underneath, and it is only a matter of relieving BP from their obligation to clean it up. But we have to think about what we are leaving to the future of humanity and of the world and what is going to happen in the next hundred or a thousand years. AS long as we have got BP on the hook, then maybe this is the right time to get them to do something about it. It is a pretty building and it would be nice to save it, but I want to make sure we are thinking about health and safety.

Lindsey Taylor, Maple Avenue: I cannot say, I am not an engineer, what Doug has said, what Jim has said or, even more, like what Ed has said, I think the building is a nod to our industrial past. If we can renovate it, rehab it, and show there is true vision, that it is looking towards our future, it would be a good bridge. Something as simple as that. From what I understand, we can still clean up the waterfront and be remediated with or without the building. So we might as well keep it.

Patrick Randolph Bell: My grandmother worked at Anaconda for 25 years so I used to sit down there after it was closed. Am I taking a stance one way or the other on this building? I do not even know yet. Everybody out here has great questions, great statements. There are only a couple things I was thinking about the building itself was, and the process, why I think maybe the Village should vote on this Building 52 which is more of the cake than on the icing, which is the water tower. That might be an interesting thing for us to do. Perhaps we should wait to see what these bore drills in the slab reveal before we make a decision on whether we should save or tear down Building 52.

As far as the process goes, let us see how the meeting goes, if everybody gets their comments in. I still would not mind one more meeting after this. If anybody comes up with new questions after this they might want to come and speak for maybe two minutes, a minute if you have one more question. Perhaps if people will be sending letters in, then you can post these letters and comments to the Village website so we might be able to riff off of those and come up with some other questions we may have.

I also am interested in who was involved in the negotiations for these two. What were the parties, the individuals, negotiating on this current consent decree and the demolition permit? I do have some other ethics questions. In the past, and I am not sure how this works, Trustee Armacost, when you were doing 12 Miles North if you are still an owner or not. I think you were in the past, did accept money for Take Me to the River and 12 Miles North for your event, and now you will be voting on this. I see at least one picture with a \$5,000 check on it. I think Trustee Armacost is great, I am not trying to impugn her in any way. I do not think it did have an influence on her and I do not think it would, but I do not like the way it looks. That is what I have an issue with. Based on looking at the state ethics code, there is no time frame on these kind of things, where you can go back and vote on something that helped you, or a business associate or your personal business. So I have an issue with that. Hopefully, we can address that. Perhaps you can ask the ethics board yourself to give you an opinion and there will not be any question about it come the first meeting in March.

Mayor Swiderski: There was a question that I can answer there immediately. From the Village's side, I was the primary representative at these discussions. I had, by my side, our attorney that covers the environmental issues, Mark Chertok, who is here to my left, and Jerry Quinlan joining me, as well, a Village resident who has assisted me on riverfront issues from the first day I became Mayor. There was no negotiation of the demo permit. I am referring to the consent decree. The demo permit is a simple submission for an action to be carried out. There was no negotiation around that. It is a straightforward document, as required under Village code. The teams on the other side, the other two parties, fluctuate in size and members over the years, primarily consisting of legal representation for BP and for Riverkeeper. We also had extensive support from an engineering consultant we hired to help

us through the many issues around the consent decree. Again, that is the next meeting, but it is not the building permit before you. It is what transpired over the last, effectively, three years on the consent decree.

We will post, and it has been posted, the test drilling that has been done within 52. There have been more than a few, largely concentrated in the southern part of the building. About half those cores had PCBs in excess of the amount we were required to remove elsewhere on the site. Is that accurate?

Male Voice: Yes, that is correct. We have not delineated the extent [off-mic].

Female Voice: We cannot hear

Mayor Swiderski: Sorry. The representative from ARCO indicated that the sampling was largely confined to the southern half of the building. The northern half has not been sampled, and it is difficult to characterize what we would find there.

Danielle Goodman, 445 Warburton Avenue: I was stunned last night on the eve of this meeting to hear the three-minute edict issued. I have lived here for 26 years, I am going to try to talk at a rate of 8.6 years per minute. It is a joke, but it is not a joke, because I have sat through zoning hearings on 9-A, the Tarricone project, and other things for many more hours that you have allowed for this. I think the enormity of the situation requires an additional hearing time. Giving people at the end more time to speak interrupts their presentation. People prepared over the weekend for hours for this, and now they are just told the night before, sorry, three minutes. Our democracy is at issue. Not just the building, not just the waterfront, our democracy. Now I had to waste time to talk about that, but somebody had to. I know you do not like to be spoken to in a certain way and we get lectured about that. But somebody had to do it. It is an embarrassment, it is shocking, and I do not know what to say.

On a lighter note, I am imploring you to be visionaries. Look to yourself for inspiration. And I do not mean Yonkers. Yonkers is a precise example of the pedestrian, ordinary, view-blocking crappy condos that you see all up and down the Hudson. Please look south to the High Line, study its history. In 1934 it was a railway, by the '80s it was obsolete. The property owners wanted to demolish it. Does that sound familiar? Then a single Chelsea resident rose up and started a movement. That grew. With other inspired citizens and an inspired government, they found a way to save the High Line. They refurbished it, the neighborhood thrives. The Whitney Museum moved there, CSX Transit donated the building: hello ARCO. We do not have a white knight to take the building over because we do not own it. We do not have the authority, the standing to go to the white knight. We keep hearing we do not own it, we do not own it. So guess what? I calculated, estimate low, 36

years of 20 percent of our revenue stream which the riverfront represented has been off-line. That is tax dollars, 36 years, 20 percent of the revenue stream. We do own it, they owe it to us. There is the old saying build it, they will come. Save it they will come. Dia:Beacon, the High Line, Boston, Irvington, all great examples. Please be visionaries.

Mark Kuniholm, 11 Olinda Avenue: I urge the Board to grant approval for the demolition of Building 52. Two facts come to my mind. One, the commercial viability. Hastings has a lot of empty storefronts already. It seems like a reach, a stretch to think that people will come, some angel investor will come and build something wonderful and magical. We already have a lot of stuff. The Boyce Thompson Institute that is being renovated, it is in a better location at the corner of Executive and Broadway, close to the hospital. Plus, in my opinion it is a nicer-looking building. All that aside, the commercial viability does not seem great, for one. But two, more importantly, people have not appreciated that PCBs are known carcinogens. Everybody touts their expertise. I am an epidemiologist, I study health effects. PCBs cause cancer. Not in everyone, but they increase cancer risk. If you say the Village renovated the building, some angel investor made it beautiful, would you open a daycare center in Building 52? No. This is, to me, the question that will always be hanging over that site, and it is not great. I urge the Board to grant approval for the demolition permit.

Jim Drumm, Fire Inspector: I am going to make this brief because my subject is going to be Building 51. Building 51 has been dragged into this discussion about Building 52 for some reasons I do not understand. Unfortunately, the discussion has used terminology with words like "illegal" and so on in reference to the way the Building Department and the Fire Department recommended to the Village Board in January of 2010 that that building be demolished. One of the jobs I have is to enforce the New York State Uniform Fire Prevention and Building Code. This code specifically references unsafe buildings. We relied on our recommendation to the Village Board on this particular code, which is part 1225, section 107. It defines an unsafe building as *"so damaged, decayed, dilapidated or drastically unsound that potential or complete collapse is possible."* That is exactly what we found when we inspected Building 51. I do not understand, and I wish these negative remarks regarding Building 51, which have nothing to do with the main subject we are supposed to be discussing tonight. I wish that those people who insist upon comparing Building 51 with Building 52 would back away from that.

Jeff Honovich, 28 Maple Avenue: If Building 52 is demolished the question is what would replace it. If you travel up and down the Hudson River Valley, we can see examples of things I would not like to see replaced like the big box structures down in Greystone for the condominiums. Then if you look at Tarrytown, the large, high-density residential condominiums there, you look at Ossining and see they recently built a huge box structure blocking views of the riverfront there and very unattractive. Then if you compare the towns

that have retained their historic structures, such as Irvington as we all know. If you go by in the trains you see the similar type buildings, a very pleasant situation there. If you go up to Cold Spring, and talk about the power plant down in Glenwood, I think you can see places that kept their structures, if possible, are much more successful in terms of what I would like to see and others would like to see. Therefore, I would suggest the building be preserved, much effort be put into it, as much vision. People have ideas. I would oppose it based on that issue at this point.

Cynthia Brent, 4 Edmarth Place: I love Building 52 and I wanted to let you know that. I went to Paris last year, walked the streets and stayed in Lemaire where they had little peasant shacks that I am sure, at some point, some developer said these should just be torn down, this is a mess, we need new stuff. America is so young, we do not have that many historical buildings. I lived in San Francisco where earthquakes demolished ours and we had to rebuild. We will build beautiful buildings. And now they are historical. I believe in history. I think it is important. I believe in the democratic policies that are in place in our village, and I implore you to hear us and consider our feelings, our thoughts, our beliefs and our visions. I know we all would like progress. We all have to look at the waterfront on a daily basis when I commute into the city, and it is hideous and you know it could be so much more. I do not like that it is poisoned. The other towns that we are comparing it to are remediated and able to build, and we are not. We are not there yet, but I do not want this building torn down until we know for a fact that it needs to be torn down. If it does not need to be torn down, then let us rebuild it. Let us make it into something as beautiful and visionary as I think our town would like.

Peter Gisolfi, 35 Sheldon Place: Thank you for having this meeting. I am an architect and landscape architect and my office is right here in Hastings. I did not come with a particular point of view to sell, and I have been listening carefully. It is a dilemma. The building and that tank up in the air helped create the sense of place here in Hastings; what we are, what we were historically. I have worked with Jeff Reich up in Irvington, I know that history of saving those industrial buildings. There is a real virtue in saving this building if we could because it helps define who we are and who we have been as a society and as a place and as a village. That's a very positive argument for saving.

Obviously, as a concerned person and a professional in the field, you have to be concerned about the poisons under the ground. I have heard contradictory things tonight and, theoretically, if all the borings are done through the slab we can determine whether it can be remediated in place, or whether the building has to be demolished, but as far as I can tell tonight there is not yet enough information in hand to make that determination. There is an emotional tie and a physical tie to what is there. There is variety of things it could be used for. I am also a professor at City College, as is Trustee Lemons, and I teach courses in

architectural landscape and we very often use this waterfront. In fact, we did designs in the fall, which we probably should show to you, and quite a few or a couple of them saved that building and found hypothetical uses for it. The question that comes to me is, apparently you have to make a decision right away whether or not to issue this demolition permit. Possibly the prudent thing to do would be to say that without adequate study you are not able to make that decision. Maybe I have it wrong, but I think I am hearing that.

Beverly Borg, 113 Hamilton Avenue: I am wondering if we could think of it as a partnership. We are so close to New York City, people would come up on the train. They get off the train and there is this building. There are wonderful businesses here in Hastings, but part of why they are not thriving is that a lot of people are not coming here. This building could be a destination. I am thinking of MASS MoCA. That is a rinky-dink town up in the middle of nowhere in Massachusetts and it is the most fabulous museum. We are so close to New York, I am thinking the Whitney, the Met, MoMA, they have all these paintings just sitting around, they do not have anywhere to put them. You guys are all connected. These are bright people here, people know people. Partnership with people, the president of MoMA or something. Say ARCO, this is an opportunity. I agree about the High Line. High Line is so fabulous. This could happen in Hastings. I agree. This idea that it would become like a Yonkers, and I am not putting down Yonkers, the buildings. This is an inspiration. And by the way, am I wrong? Is this the largest room we have in this village, seriously? This building could be a place for weddings, for dance, for art. It would help the vendors in this town. That woman that has that cool shop down there, nobody comes in there. It would bring people from New York. The Waterfront Alliance is asking if we could go ahead and remediate the slab. Start working on that, but keep the building. Give us time to try to partner with people in the city. I am asking everyone here to think of people you may know who know people who might know to make that happen. .

Mairead Daley-Diep, 385 Warburton Avenue: Beverly just took all the words out of my mouth, so I will reiterate the word that I wanted to talk about tonight, opportunity. I see this as a huge opportunity for Hastings. The waterfront is the most important, the best, asset we have, and Building 52 is an intrinsic and extremely important part of the waterfront. If we can save it we should save it, and we should build and we should have a vision which everyone else is bringing up here tonight. Where is our vision? We have got so many creative people in this town. Some people have put forward great ideas, but they seem to have fallen on deaf ears or blind eyes, I am not sure which.

I want to also talk about patience. I am pretty much a blow-in. I have been here five, six years. I know that people have been working on this for 30 years, and it is hard to ask people to have patience. But to make a decision at the 11th hour that could be potentially the wrong decision by rushing things now makes absolutely no sense to me. I commend the Mayor for

giving us some extra time for the vote, for holding off until March 1. I would like to take it a step forward. I would like to ask that we have a referendum on this subject. I would like to address the health and safety concerns that were brought up as to what is under the slab. My understanding, and correct me if I am wrong, is that BP/ARCO is planning not to remove the slab when they demolish it. I am not sure everybody knows that, and I am not being corrected so I guess I am not wrong.

Mayor Swiderski: You have not finished yet. I will get back to you.

Ms. Daly-Diep: That is an issue I would like to see talked about. I would like everybody to be aware and to know the truth about the slab. Will it remain if the building is demolished, in which case if your reason for wanting the building to be demolished is a health and safety aspect, that negates it.

Chris Greco, Atlantic Richfield: After the demolition of the building the slab would remain. We would then complete the investigation for the approved DEC work plan to define the nature and extent of contamination underneath the slab. Then at the time we begin implementing the remedy and excavating the soil we would remove the slab in locations where we need to remove the soil. We would never remove an entire slab, only where we would need to. We cannot conduct the excavations with the building standing. I am not going to put my workers at risk doing that.

Ron Pohl, 80 Burnside Drive: I have been here since '91. I have been dying for the waterfront to be rebuilt and I hope I do not die before it is. I am surprised to see how strongly everybody feels about this building. I am not a big fan of it and I would be very happy if it goes, but it is not that important as whether I think it should go or not. Somebody stole my line before. We had the movie, the *Field of Dreams*, if you build it they will come. This is what my concern is here. The Village has to have a greater vision. It is not just the waterfront. The waterfront, once it is done and my understanding when we did drawings that there was going to be park space and openness and not big box buildings, that is never going to happen. OK, so the idea is we are going to build it. People in the town are going to enjoy it, people from around areas that do not have access to waterfront are going to come there, and that is how we are going to bring traffic into the town and, hopefully, revive the businesses that are here that barely can stay alive.

If we are going to do that, there has to be a plan that integrates the existing businesses in town that do not end up suffering if you end up building businesses or small little shops on the waterfront. The big issue is access. It is a moot point whether you like this building or you do not like this building. The only way right now to get there is that little narrow bridge. When you get over that little bridge, you have a single lane to make a 90-degree turn to get

on to the waterfront. So to me, you have to take the building down in order to properly give a flow of traffic, to provide for parking. If you are not going to provide for you are going to have a disaster on your hands. I do not care how much you build over there you cannot have lines of traffic going back. We have only single lines around the train station, we have no parking in town. The Village Manager has a brilliant idea for doing parking at the Zinsser lot, which is tiny as it is. We have to have a lottery for spots, right, one permit per family? It is ridiculous. He has this beautiful plan, this German engineering thing, where they can double-deck it, attach it to the lot behind Hastings Prime Meats, and make the front beautiful, like a façade, also little storefronts so it does not have to be just an ugly double-deck parking lot. You have a way to integrate the businesses in town with adequate parking, where people can either park right there, go into town or easily go across the bridge or drive into the waterfront and have businesses along the train station and into the waterfront. The whole thing has to be integrated. This is not about just keeping one building, which is gigantic, and trying to use it and having no access to it. It makes no sense. So to me, the issue is moot. It has to come down to provide access. So let us get this thing done already, please. Just take it down.

Barbara King, 93 Kent Avenue: I had sent this e-mail to the Mayor and the Board and I would like to share it with everyone.

"I very much appreciate your hard work and effort in renegotiating a consent decree with BP for the remediation of the waterfront. I also appreciate Mayor Swiderski's communications on Facebook to inform the public and his message about the decree. I've read the Mayor's message and would like to respond. Overall, it is very promising and exciting that the shoreline will be treated, the waterfront will be remediated, and that the water tower will be saved. I didn't know that the Quarry Park could be part of the waterfront negotiations, but I was very pleased to read that the money will be set aside to restore the park.

"What I don't understand is why the Board has not advocated to preserve Building 52. I understand that this part of the waterfront is heavily contaminated with PCBs and it would cost 13 million versus the 7 million that BP would agree to pay. I read this in the editorial in the January 29 edition of The Enterprise. I also listened to the meeting on January 2 and heard that the DEC engineers stated that the cleanup can happen while preserving Building 52. Building 52 is considered to be a historic and architectural structure from the Industrial Revolution. I believe that razing this building is more than a compromise. It would be a cultural and historic loss to Hastings and beyond.

"Yes, it is a contaminated site and BP owns this land, but they should be pressed to understand the role to preserve historic architecture. Having photographs and documentation are just not good enough. Look at Penn Station as an example of a tremendous architectural loss. I like the plans that incorporate Building 52 drawn by Doug Alligood. The Board, working with Riverkeeper, gave us a strong partner to negotiate with BP. Can the Board find an equivalent partner to negotiate for historic architecture? Someone who could press BP to see that it would look good for them to save Building 52 in the long run.

"Finally, I would like to add how I went to the Whitney Museum last fall. I was excited to see the new Whitney, and in the show it is hard to see America. There was a part of the show entitled 'Machine Ornament.' The artist, Charles Sheeler, wrote in 1937, 'Every age manifests itself by some external evidence.' From the Whitney's website on the show, quote, 'As smokestacks, silos and skyscrapers transformed the American landscapes, many artists seized on the emblems and even the industrial materials of the Machine Age,' unquote. After I saw the show I thought about these artists and the pull that these structures had on them. They saw the beauty of the forms.

"While I was sitting on the Metro-North train heading up the Hudson River back to Hastings, I then noticed these factories, water towers and skyscrapers, and felt a sense of wonder and connection. We are fortunate to have artists like Ed Young, who use the water tower and Building 52 in their art because they see something more than just an ugly building. Ed has opened my eyes to the beauty and possibility of Building 52. Last year, I created art about the waterfront and was in the show Waterfront Conversing, with the Studio Collective in January at the reopening of the Orr Room. We have recently put together a catalogue, Our River, based on the show that I'd like to give the Board. If anyone would like to see the catalogue it is in the library.

"I don't like to stop the progress of work that has dragged on for so long on our waterfront, but to give in to BP and raze Building 52 would not be a compromise. It would be a travesty to our culture. Please reconsider your position and renegotiate to save Building 52."

Timothy Barnes, 745 North Broadway: I have already made my submission to the Board in writing. So what I would like to do is speak to you as my fellow citizens ...

Mayor Swiderski: But do direct it to us.

Mr. Barnes: ... about what I think the core to this issue is. I have been involved, even if tangentially, with Building 52 ever since I was in high school here over 50 years, and it was enlightening that it was a pure, sweaty, hardworking industrial site. We have been working as a community to try and solve the challenge of gaining access to the Hudson River for this community for the ensuing 50 years. I can compare, measure up to any one of you, as a wide-eyed optimist on what might happen on the waterfront. Let us face the fact we have gotten nothing done in 50 years. We have a deep pocket that is doing good work on cleaning up the waterfront. That is priority one. We can dream as soon as we get a viable property on which to dream.

Mayor Swiderski: Again, public comment is typically directed toward the Board.

Gary Rosenberg, 43 Buena Vista Drive: We moved to Hastings 40 years ago as Anaconda closed, so two years later no tax base. In the '90s, we thought something was going to happen. I went to my father-in-law, who lived in Hastings Landing, and said get out your camera, load up your film and get ready, there is something that is going to happen. It is 25 years later, I do not have a father-in-law anymore, and my grandchildren ask what is film. I say to you, you should dream. You should dream what the waterfront could be without anything on it and starting from a blank slate. To decide, at this point, that the waterfront and the entire north end should be dominated by this building, which is clearly going to be totally out of place with what people would hope is going to be on the waterfront. You have to consider the freedom to plan the entire 28 acres, and having the freedom to be able to start from a blank slate, and how this building will severely restrict any access on the entire north end of the site. You can hope and dream and believe something would happen, or you have to be realistic and it will be much better for the future. It is not going to be my generation, based on the pace of the waterfront. But I think that it would be much better, and it is this board's decision. I would hope we do not start going to referendums and propositions to make determinations every time there is an issue that comes up. It is the Board's decision to make, based on your best judgment.

Lin Osborne, 17 Villard Avenue: I have been coming to meetings like this for about 30 years. I have talked to people like you for about 30 years. Before we started coming to you that was a toxic site. Before Wendy Mesnikoff and I went to Pace University that site was not even going to be cleaned. It was not until we brought the Pace Environmental Clinic here because the PCBs were going to contaminate the fish, not us, the fish that we have any cleanup at all. You are not alone here. We were not alone. We have spent thousands of hours to get some sort of a cleanup done here, thousands. You are standing on our shoulders, and we were standing on the shoulders of the guys that worked down there. That is their heritage, that is my heritage.

I come from Detroit. No one knows the value of an old building more than somebody that has watched her city crumble in front of her. Those buildings have intrinsic value. Whether or not you can see it, some of us can see it. They are valuable to us, they are valuable to the waterfront. And not just the Hastings waterfront, they are valuable to the Hudson River Valley waterfront. You should not destroy that. You can, you are God. You can.

Naseem Jamali, 75 Cochrane Avenue: I had not intended to make remarks tonight. We are planning to move out of Hastings. The Hastings taxes are more toxic than Building 52. But I was tempted to make some observation in view of what one lady talked about, the potential of Building 52 in terms of getting some museums and some other people get interested in the historic value of the building. And I thought, it has a historic value. It has a historic value relating to my personal life and, more specifically, my son. I had a book business a few steps from here, and for 20 years we had this business, first in Manhattan and then Hastings and then in Dobbs Ferry. We were dealing with, first, the Soviet spies and then the Russian spies and Russian spies who wished to come here in our offices. My son gave up his job and he said he will take over the business. To make a long story short, he got the Russian spy and he wrote a book. The book had an international reception. It has been translated into 12 languages. And it is going to be made into a big-budget movie. Not an option on a movie, but it is going to be made into a big-budget movie. I thought, while sitting here, that before we moved to Hastings we used to live on 112th and Broadway where there was this Tom's restaurant which was displayed in that Seinfeld show. Every time I go back, I see these tourist buses coming in showing about that restaurant. Well, the opening scene in my son's book is that Building 52, where the Russian spy is trying to get some supposedly secret documents from my son. My son, in a hilarious scene, closes the trunk on his head and he screams. My son thought, omigod, my career is ending over a supposed double agent that he was acting as. To make a point, this is not a pie in the sky. This is a real potential if the movie gets a hit. I guess you can figure out the rest.

Patricia Chemka-Speranza, 8 Ridgedell Avenue: I am former head of the Planning Board for the Village. There has been lots of discussion tonight about vision, and I have to echo the comments that were made earlier. Think about what we could do with that waterfront without a building there, without an obstacle, without a 93,000 square foot albatross that, whoever comes in, is going to have to deal with. Please do not forget the site is contaminated, the building is contaminated. It is time to get rid of it. It has been years and years. We do not want to wait another 10 years and keep that building up for who knows what. We do not know. Ten more years? It is just ridiculous.

Alan Koller, 31 Edith's Way: I think Edith's Way is part of Hastings, but I am not quite sure.

Mayor Swiderski: School district.

Mr. Koller: OK, good. I am in the school district. One of the things that disappoints me when I travel across the country is when I got to a beautiful place and turn the corner and there is a strip mall. Why does it disappoint me? It could be outside of Yellowstone or some other beautiful park, but there is a strip mall and maybe what is there is what you see everywhere. Wonderful stores, but they are the same stores, the same character, the same lack of character. So it is a loss of some sort, no character. When I look at that building, I think that there is more to it than a building and an empty space. As crazy as this may sound, it has ghosts in it. And those ghosts are the ghosts of the people who worked there for all those years, and why is that important? That is important because we as human beings need something more than what is on the paper, we need something more than the black and the white and what the ledger says that it is more efficient to tear it down and rebuild something.

You can tear it down. And if you tear it down it is like tearing down Grand Central Station. Remember, once upon a time, there was a group of people who said let us get rid of Grand Central Station because it is in the way of the parking and it is in the way of the cars. Somebody with vision stepped forward and said do not do that, there is history here. Now if you travel in and out of Grand Central Station as I did for many years, if you stop and look around what you see are not just the people who are there going to work and coming home, but all the people who have ever gone through Grand Central Station and worked there and came home. You are part of history. There is something about the human heart, and I know it is intangible and maybe sounds silly, that yearns for something more, yearns for some meaning. You could tear it down and you could build a façade, and you can build some sort of faux replica of something that looks very character-filled and wonderful. But the fact of the matter is, it is not real. What is there is real.

What is there is real. We could do so many things. We could put a man on the Moon, we could figure out how to clean that building and keep it there. Somebody earlier said, they could have a wedding there. Why not have a wedding there that is more than a façade, more than a catering hall. It is history, you are part of history. You can hear the people, all the men. You ever go to that Indian restaurant, Chutney Masala? I love that restaurant, and you know why? Aside from the food is very good, the reason why I love that restaurant is because it is an old building. You go in there and you see the original pipes and you see the brick walls, and you think to yourself this is really cool. And why do you say that to yourself? Because you need more for yourself in this life than just a black and white number on a piece of paper that says it is more efficient to remove the building and it is too expensive for us to figure out a solution. We need more, we need a connection to our history.

Mayor Swiderski: Anyone who has not signed, but would like to speak?

Brian Allen, 101 Southside Avenue: My question is, as usual, about process. There are two meetings tonight, one to hear the demolition permit and the other to discuss the signing of the consent decree. My understanding is that the consent decree was negotiated, among many other things, on the basis that they would be allowed to put forward their building permit at the same time of the demolition permit. If you decide tonight not to grant the permit, is signing the consent decree contingent upon the permit being approved? If not, if BP has said you can sign the consent decree but not give us the permit, does that not mean that BP is willing to let the building stand?

Special Counsel Mark Chertok: The consent decree provides that if a demo permit is not issued ARCO has a right to renegotiate the consent decree.

Mr. Allen: So is this meeting not prior to the meeting that is going to happen in half an hour? Because if you decide that the people do not want the building to be torn down and decide not to give them the permit that makes the following meeting moot, does it not?

Mr. Chertok: Since no one knows what is going to happen, both hearings are being held but no decision is being made. Depending on what decision is made, then the consent decree decision may not be reached. You do not know and the Board does not know, so they are holding both hearings contemporaneously so as not to keep this going endlessly.

Mr. Allen: That is very good, but it would be nice to have that explained to the people so they perhaps do not leave here after this first meeting is over. In other words, if the Board sees what the people are saying and leave the building standing the consent decree negotiation has to go back, correct?

Mr. Chertok: It may go back. ARCO has to make that determination. They have the right to seek to negotiate, but it is not mandatory.

Mr. Allen: So BP/ARCO is not willing to accept the consent decree without the demolition permit.

Mr. Chertok: I will say this one more time. I will try to get it straight.

Mr. Allen: They will renegotiate ...

Mr. Chertok: Let me finish.

Mr. Allen: ... if they do not get the permit. That is what you are saying.

Mr. Chertok: ARCO has the right to renegotiate the consent decree if the Village does not issue a demolition permit. It has the right. We do not know what ARCO will do. You keep on saying they will renegotiate. We do not know what ARCO will do. It has that right under the consent decree.

Mr. Allen: So the discussion about this consent decree that is going to happen after this meeting presupposes that the demolition permit has been approved. Otherwise, they have the right to renegotiate. That is what you are saying?

Mr. Chertok: It does not presuppose anything. It is a discussion of the elements of the consent decree. And that determination will be made at some point in the future about whether or not it should be approved. You are linking together things that may or may not be linked.

Mr. Allen: How are they not linked?

Mr. Chertok: They are not linked because ...

Mr. Allen: Why are they having the hearings on the same night?

Mr. Chertok: The same night, that I cannot answer. Probably for convenience. But the point is ...

Mr. Allen: What is the Mayor's understanding of this?

Mr. Chertok: Are you going to let me get a sentence in, or are you going to keep on interrupting, sir?

Mr. Allen: It is public comment and apparently I have run out my three minutes. Can I get time for your comments?

Mr. Chertok: I am sure you can get your three minutes in, but I am trying to answer your question and you have interrupted me now consistently. I said before, the consent order provides that if the demo permit is not issued ARCO has the right to renegotiate. So if there is a determination not to issue the permit, ARCO will determine how to proceed vis-à-vis the consent decree. The Village will have held a hearing on the consent decree, and depending on what happens after the demo permit decision the Village can determine whether or not to approve the consent decree. They are linked, but they do not necessarily follow.

Mr. Allen: So if the Village ...

Mr. Chertok: That is why the hearings are being held.

Mr. Allen: If the Village tonight decides to do nothing and wait for another hearing, then the discussion on the consent decree is kind of moot because that opens up the possibility of BP ...

Mayor Swiderski: We are not making a decision tonight. There is no decision tonight. This is a hearing.

Mr. Allen: Very good.

Mayor Swiderski: Anyone else who has not spoken?

Roger Torda, 17 Wilson Place: A question that comes from what I have heard tonight. It seems like several reasons have been articulated for the value of tearing down the building. One, very eloquently addressed by several people, is the possible value of a clean slate as being a better place to start for what comes next. That is certainly a valid opinion. I have heard that there is an issue of access. I suspect that has a factual answer. Doug Alligood may have addressed some factual questions about turning radiuses and whatnot. Clearly an important question is, as you saw the epidemiologist addressed, and others, whether the safety of the Village can better be addressed by tearing down the building and then doing something that presumably could not be done with the building in place. I would like to ask the gentleman from ARCO to address what we heard tonight, and I think we have heard it in another point, that the reason may be for ARCO to tear the building down has something to do with your workers' safety. Because that, per se, does not have anything directly to do with questions of how you address the PCBs and the cleanup under this lap or whatnot. Could I ask you to further explain what ARCO's reasons for insisting on the demolition of the building are?

Mr. Greco: There are two issues. First is the contamination sub-slab. Atlantic Richfield does not want to be in a position that we have to leave that contamination in place and come back in the future when, hopefully, the riverfront is in a productive use and have to redo the investigation and remediation of the samples of the soil beneath the slab. Additionally, over the past few months we have been out collecting over 300 to 500 samples of building material: paint, caulk, brick. Sixty-five percent of those samples are above the 1 ppm standard for PCBs of the paint. And it is not localized to the paint, the 40-foot walls covered with paint. Eighty- to 90 percent of those samples had PCBs above 50 parts per million.

Atlantic Richfield does not feel comfortable being able to take every single PCB out of that building and turn it over to public use. That is not an option for BP.

Stuart Cadenhead, 5 Valley Place: I have been trying to save this building for a long time. Like many of you, I would love to see this over. But I am compelled to speak one more time. The issues that have been raised about access, we have considered these issues, we have considered these issue from the beginning. A 90-degree turn does not make any sense, which is why we talked about having the road fly directly over the building. We have considered issues of access at the southern end of the waterfront, we have considered moving parking from the Zinsser lot to the building to create a developable space on the other side of the train tracks where it is not contaminated, where it is contiguous with the Village. We have considered all of these things. It seems like we may be at the end of the road. I hope we are not, but it seems that we may be. So the question is, have you considered all of these things? I look forward to you having to answer these questions.

Mayor Swiderski: The Board discussion that will follow, when we have a meeting to cover this issue, is where we will express our sentiments and thoughts on this. It is not the point of tonight's meeting. Ours is to listen this time around.

Mayor Swiderski: Before you start, anyone else who has not been heard for the first time who wants a moment at the mic? All yours.

Mr. Metzger: Thank you. I would like to finish with Robert Silman's evaluation of the building. They say, *"In summary, based on our experience with similar types of building, Robert Silman feels that Building 52 is a very good candidate for a future adaptive reuse. Minor,"* and I repeat, 'minor' repair issues do not affect this opinion. Thus, until it is determined that what its future use might be, a 10-year stabilization effort is a logical choice to undertake at this time." So while the gentleman from BP is claiming it is dangerous for his people to go in, and I am not asking anybody to put themselves in harm's way, one of the best engineers in the world is saying some minor things we could do there and that building is good for at least another 10 years and at the end of that period, we could probably extend it another 10 years.

Just to say you are afraid for your workers, I am sorry, is not enough for us. I will follow that up by saying this idea that you cannot turn the building over if there are any PCBs that people might be exposed to, well, for the education of everybody here the entire site is going to contain PCBs long after BP leaves. They are going to be buried in the ground under about two feet of topsoil. There is going to be an orange plastic map there, and anybody that wants to build on that site who goes through that two foot orange mat is going to have to remediate the soil that BP does not remediate.

So I find it disingenuous that they are saying we cannot do this because we will not expose you to PCBs. If that is the case, we want the entire site 100 percent PCB cleaned up. You cannot have it both ways. There are products on the market that can coat these things. Paint gets stripped off, that is not a problem. Masonry, like concrete and brick, there are coatings. We have done this before. When I say "we" I mean we as a society have cleaned up these areas. We have put coatings down to prevent people from being exposed to these things. So you cannot just make blanket statements in saying we are concerned for your health, and then not tell us that you do not know what is under the building because you have never done any core samples underneath the building but we may find something.

Ten years ago, or six years ago, you were happy to say that slab is the perfect ground cover. We are going to leave it there and you can build right on top of it. It is exactly what we would put there if we were building this thing new. You cannot have it both ways. I appreciate the fact that you own the building. But I want you to appreciate the fact that for 40 years you have been withholding taxes from us because your engineers are a year-and-a-half late with their remediation plan. You have held up these negotiations time and time again. You did not do your due diligence the first time around looking for the pollution on the site. You did not do your due diligence the second time around. That is why we have a new consent decree, folks. The pollution is in the river, it is not just on the land. Wow, they found that out three years ago. That is why we have a new consent decree. It did not take 10 years to renegotiate this consent decree. It took from BP finding the pollution was worse than they had thought and the DEC saying you are going to have to build out in the river. We were not going to allow that before, but now we will. We were told in the past consent decrees are immutable, this is what is going to happen. Well, we found out they are not. New information comes to light. I wish BP would look to the health and future of this village and consider keeping this building in place, when their best engineering studies say it is a viable alternative and their engineer says this is a good thing to do. Your people are telling you this. It is not just Hastings.

Ms. Osborne: I want you to know a little bit about history here. I want to quote the FEIS that was developed when Fran MacEachron was mayor here, bless her heart. *"The FEIS,"* talking about the waterfront, *"the traffic issue is not getting out of there. It is not on the western side of the bridge."* The traffic issue is getting through town because every car that comes out of there is going to want to go where? Right up this street. They are not going to go that way because what the hell is down there, Odell Avenue? How do you get up to there, right? The FEIS says, *"If the traffic proves to be a problem, then we recommend property acquisition and demolition in the center of town"*. That is why I do not come to these meetings anymore because no one knows that quote. You want to lose your Main Street? You are God, go for it.

Mayor Swiderski: That was two or three decades ago and several mayors. I appreciate the point, but it is not a document that binds us in any way.

Mr. Siebert: It is my understanding, and I was not on the comprehensive planning board, and I was told that the consultant said what we needed on the waterfront was a lightning rod. What he meant was, something that made Hastings different, something that would make people come to Hastings. And they would not come to Hastings for Madison Square Garden, they would not come to Hastings for Penn Station, they would come to Hastings for a building like Building 52. I implore you to use your imagination. Short-term economic interests, which can be challenged in and of themselves, are putting at risk in this very serious way our economic future. That is the positive thing I have to say.

I am going to continue with my lament. The fact that I lament is rather odd because I do not know anybody who is more optimistic than I am in some ways. Somebody who thought that after the Board gave us two weeks that we were going to organize our village to fight back in our name, to claim our village for ourselves. But my lament continues because everybody is playing fast and easy with the truth. You say that you are concerned about your workers, the safety in there. Listen to what Jim said, for one. But secondly, if you are concerned about that how are you going to spend a month or two in the building remediating the slab and not be worried about the safety? You are suddenly worrying about the safety after you have done the things you say you already want to do, and then suddenly the same thing that was an issue earlier on becomes a real problem. That does not make sense.

I want to make it clear the Department of Environmental Conservation has said categorically that the site can be remediated with the building in place. Bill Ports said that February 27, 2014 in a meeting here. He repeated that June 25, 2015 in a meeting here. After the meeting, he said to me I wish I had made that more clear. Peter, I am dismayed that when you say things unintentionally that lead people in the Village to think something other than it is the case that you do not use your bully pulpit to clarify that. You say things may be technically correct, but you let things stand repeatedly that lead to misinformation. We deserve better and you deserve better because you are a great communicator and we need communication of the truth.

Just to confirm this, I called the DEC again on Friday a week ago. Chuck Vandrie, the person who I have talked to for years there, affirmed again that in BP's opinion the site can be remediated with the building in place. This is their official position. This is the lead agency in overseeing the cleanup. It is time that we stopped telling lies, it is time that we speak truth. The DEC says the site can be fully remediated with the building in place. if you still want to tear it down, tear it down but do not tear it down, we are not telling the truth.

In terms of Building 51 the people at the state historic preservation office said to me very clearly, and I can show you the quotes, that when a building is eligible, the mere fact that it is eligible for inclusion in the National Registry of Historic Places means that if a state or federal permit is required, at the time they thought it was, that building cannot be torn down even if it is deemed a danger unless it is on a well-traveled thoroughfare. That was not on a well-traveled thoroughfare, and BP did not get the permission that was required at the time to tear down that building. I blame myself for not being aware of that. But also on that point, why have I had to make dozens of calls to SHPO and the DEC about this? Why have you not, as our Board, been making those calls? Why leave it to citizens who are concerned about it? It is just not right. We deserve better than that. That is why the building, the walk-through on the building ...

Mayor Swiderski: Steve, if you can bring it to a close.

Mr. Siebert: Peter, I have spent hundreds of hours on behalf of this building.

Mayor Swiderski: I understand that, but if I am enforcing the three minutes on everybody then you are ...just please, it is one more pass at the mic. If you had the thought to finish please finish it, but we are not doing thirds.

Mr. Siebert: Peter, this is the same thing. What matters is, your small group of people's opinion. You do not want to hear the voice of the people in this village. It is an outrage against what we consider ourselves to be. We imagine ourselves that we are a different kind of village. The fact that you cannot hear me out for just a few more minutes because of some small procedure, it is outrageous. What we expect, what we would like to ask and what we deserve, if you grant BP the right to begin remediation on the slab on March 1, 30 days from now, is that right now you start by remedying some of the wrongs.

First of all, you give our committee the right to have a public hearing presenting our plans for the waterfront that we think are viable and make economic sense. We have the right to be heard on that. I do not expect BP to pay for it. They just lost \$3.3 billion last quarter, \$5.4 billion last year, even if they made \$8 billion something the year before. I do not expect them to pay for it. I would like it if they pay for it, it would be good if they pay for it. But if they do not, we can show how it is economically feasible. Our committee wants the chance to submit to the public all the work we have done over these last 10 years at the request of the Board. If the Board does not do that officially we are going to do it on our own. We are going to rent this hall and we are going to have a public presentation describing our vision for the waterfront, and ask the Village to join in that conversation. While we wait for the first month, before the meeting, you should start now in disseminating this information to the

Village. Secondly, what you should do it put out all the resources of the Village to try to make contact with anybody we know in the world of art, in the world of finance, in the world of business, anybody who has a vision for this building. And then, if after two or three months at the time when BP gets to the point where they say we have remediated the slab and now we want to tear down the building, at that point we can decide if we have not come up with a viable plan then, then go ahead, let us lose a building. But let us not lose a building without the people being heard.

Ms. D. Taylor: If Mr. Alligood was expert enough to present the overall waterfront infrastructure presentation a year or so ago, why is he not being allowed to do the one on 52? He is still the same expert and he has never been allowed to do that. It is quashed, not been heard. You have never invited us. Yes, we will have our own forum. As government, you are not letting the citizens be heard.

Mr. Kornfeld: I wanted to add a few things based on some of the discussion that we have heard. One has to do with safety. It seems disingenuous for a company like BP to come here and talk about this major safety issue, when this is a company that has oil rigs in the North Sea where they go through hurricanes. They have well blowouts and fires where they have the right people to go in and handle those situations. They have thousands of buildings around the world. This one little building seems like such an enormous challenge to them.

One point I would make also is to demolish this building you have to clean it up also or else you are going in and smashing up this masonry and all these PCBs are going in dust up in the Village, like the Deutsche Bank building. The Deutsche Bank building had to be remediated, cleaned up, just as much or more to demolish than it would to just restore it and leave the superstructure, the steel superstructure, there and just re-clad it. It would have been a faster, easier project. I think they are playing fast and loose. Once you start talking about safety it puts people in a bind where it is hard for them to respond. They could say how do we know that Islamic State is not in there. We have to take the building down to make sure there are not terrorists. There could be a terrorist threat in this building. That is the reality.

As far as safety for workers, you can demolish buildings safely. There are procedures you do, there are qualified workers. That brings up Building 51 also, which we brought up not because we want to accuse anyone of anything except impropriety as far as the fact that it was National Register nominated or eligible and there was supposed to be a procedure. Based on my observations of the building, I would say the wood roof was collapsing. The masonry was sound, the steel frame of the building was sound. That building was unsafe, but it was not in danger of a global collapse, it just was not. I investigate buildings like this all the time. The masonry was not that bad. There was not an urgency to go knock it down like two weeks later. It was a procedural thing from the point of view of BP to get rid of the

building. It could pretty inexpensively have been stabilized. Even if you removed the wood roof and left it there with a tarp over it or something. Things get done rashly as soon as you bring up safety and issues like that.

Mr. Gonder: Three issues. Some people would like a referendum, and that is ridiculous. Even though I do not agree with the Board many times, we put you in office and you are supposed to make the big and tough decisions. I t hope you throw that thing out.

Secondly, speaking about safety, if the Fire Department had a fire there and they will not go inside to fight the fire, then how is BP going to go inside and clean the PCBs out realistically? I got that from a fire chief that they have to fight the fire from outside. Safety. A brick has six sides, if I am not mistaken. Outside you can clean off and it is safe for the people, I presume. But inside, that building is not safe. That ceiling, a lot of it, is apparently falling down. That is the thing, why the building should come down.

Third, I am a resident for 81 ½ years. I was born in Dobbs Ferry, and maybe I slept up there for three days or so, I do not know. But I agree with you. It would be beautiful to have a museum and all these things. But you could put a hotdog stand down there, a bar, some kayaks, some rowboats and canoes and people will still come in.

Mr. Bell: I am still not sure. But what I saw tonight was a lot of people with a strong opinion in one direction. Is that because of the makeup of the room tonight? I am not sure. Mr. Gonder is against the referendum. After watching this tonight I am for a referendum. He said we elect our trustees and our mayor to make these decisions for us. I know who votes for these guys. Most of these people who came up here tonight were in favor of saving the building. They are all Democratic voters, a lot of these Democratic voters who vote for these people every single time. This I find to be a nonpartisan issue. I do not think a Village election for mayor or trustees is necessarily reflective of the Village's overall opinion on what we should do with this building, whether keep it up or tear it down. I am not sure if there is time left to put this on a ballot. Or can we have a special referendum about this? Can we put this in the March election? I do not know if we have time. Maybe afterwards, maybe it is even better to keep it away from this election and have a separate vote on this. at.

So far as BP, I think I am right about this. When I was looking at the demolition permit I think the demolition permit gives BP the right to use the demolished pieces of Building 52 as fill when they go out there and do the northwest corner. Am I correct?

Mr. Chertok: The gentleman from ARCO can confirm this, but if anything it is that the demolition has to be sampled. If it is sampled to be clean, then it can be crushed and used as fill.

Mr. Bell: So you can. Building 52 may remain as trash down there, like in the ground.

Mr. Chertok: But let me make this clear. Concrete is often used as fill, it is a common thing. But this could not be used until it was sampled and approved by the DEC that it was acceptable and suitable for use as fill.

Mr. Bell: OK, great. But was not part of your argument that this is too difficult to figure out. Sixty-five percent of this building you have found to be polluted. Are you going to find that 35 percent that is un-polluting? You are saying I cannot get the paint off the bricks. What are you going to do? This is why I find this conflict here, and if this is something that if they do tear it down maybe you want to renegotiate no way can you use that building as fill down there above the layers of the PCBs. There is no way to get all these PCBs out, especially in the northwest corner which would be, I guess, the consent decree, given to the Village. That is the meeting we are going to have to have next time. I do not think it is worth it to start now.

I see Trustee Armacost taking extensive notes again. I really want you to talk to the Village Attorney, to the ethics board, and make sure you can vote on this, make sure that you can discuss this. I think you should recuse yourself from all discussions until you figure this out. A violation of our village ethics code brings with it that any contract entered into through one of these violations can make that contract null and void. You do not want this to get messed up because of something you were not thinking about, innocently, three or four years ago. You should check this out before you discuss these notes with anybody else on this board. Please, I think you are a great Trustee. I just do not want this to mess anything up.

Alan Koller: People are reacting to BP saying we are not able to give you this building because we are so concerned about the danger. You are laughing and thinking about it in terms of how could they say that, they have oil rigs, et cetera. But you are misconstruing it. That is a negotiating position and that is what you have to look at it as. It is a negotiating position because they have something we want. We want the building, but they still own it and they can tear it down. He is saying I am sorry, we got to tear it down. That is his position. We have something that they want, maybe, I do not know. Does the town or the state or whatever have the ability to absolve them of further liability after a date certain? Maybe they can get us to agree?

Mayor Swiderski: Entirely uninterested. The liability is carried on that site forward, and it should remain with BP.

Mr. Koller: OK, so there is nothing they want from us.

Mayor Swiderski: I cannot speak to that. You are asking if we would absolve them of liability. Attorney Chertok has not kicked me yet, but it has never occurred to us to absolve BP of any liability.

Mr. Koller: I am not saying that you are thinking of absolving them of liability. All I am saying is that instead of six months from now, maybe a year, maybe a little sooner all I am saying is, they have something we want. It is a negotiating position, and I do not know where that is going to end up. I am not saying that you are thinking of this directly, or anticipating it. I am just saying his position should be seen as a negotiating position.

Mr. Zimmerman: Just to address some issues that I did not get to address earlier, I hear people talking about what has been built in Yonkers and how we do not want Hastings to be like Yonkers. It is understandable there are a lot of big, ugly buildings that get built these days. But I do not want people to lose sight of the fact that it is also possible in the 21st century to build beautiful, impressive buildings that are nice. There are a lot of new buildings in New York City and other parts of the world that are that way. If we are going to have visions, let us not have our vision be restricted to saying that only something old can be good. I like old things, too, but it is also possible we could have something new that is going to be good. Whether this building gets preserved or not, I hope that in the other buildings that are built on this site we do not give up on the fact that they could be good buildings. It could be that this building, as some people are saying, could become a great new museum or something that will attract a lot of people to Hastings and will be a great benefit. It could also be, as other people are saying, a white elephant that will be very hard to find a use for. I am pretty sure if you were going to develop this site or, being an architect, designing this site you would not probably build a building in this size and shape there for anything other than a factory which is what it was originally used for.

You can see that both ways. What I am afraid of is, if this building is perceived as a white elephant by developers that means they will need to maximize their profit by building bit ugly buildings on other parts of the site in order to pay for whatever kind of cleanup or whatever has to be done at this building. I am not sure, but I want people to have a little more faith that we possibly can have something good happen that is not a relic of the past.

Fire Chief Bannon: I took an oath a long time ago, 16, 18 years ago as Chief to protect each and every one of you as you go to sleep at night. That is my job. Any abandoned building in a village is a danger to me. It is a danger to you, it is a danger to everyone. This building, yes, it is beautiful. I have lived here all my life and I know the whole evolution of it. But if, God forbid, that building catches fire the smoke, the heat. The smoke is going to go all into Hastings. We do not know what is in that smoke. Not to mention, not even to

think about, the 140 volunteer firefighters that are going to spend four days putting out the fire. Not to mention Dobbs Ferry, Ardsley, Irvington, everybody coming to help us. Not also to mention that when that roof does burn the timbers will come down, the walls will come down. I have seen it. I have been doing this for 33 years. Yes, it is a beautiful building. Please take it down.

Vanessa Merton, 111 Pinecrest Parkway: I do think that what the Chief just told us is a very serious consideration. I would be interested to hear either an immediate response or a more considered response after some investigation, whether it might not be possible if all the other factors militated in favor of trying to save this building, which I am not sure they do, to negotiate some kind of specialized protective force that would be responsible for the whole waterfront when it is developed. My other question, and there are a lot of details to that, I understand, is that I think it would be possible to have a specialized, deployed police and fire and so forth solely trained and organized to provide protection to the waterfront, and not think of the regular forces being responsible, necessarily.

The second question would be, if the building is so dangerous when it is abandoned would it be less dangerous if it were renovated and occupied like a lot of other old buildings in the Village. I am not clear why that would be the case, that it would be either more or less if it is occupied versus abandoned. There must be reasons for that, but we could know more about it. The main thing and the only thing really I have to offer, and I do not know how helpful it is, I started out feeling that it was improbable, with all the different factors that would enter into trying to do something with this building, that it was beyond the capacity of the combined Village, BP's reluctance or more than reluctance, and the DEC's lack of interest. It did not seem the stars aligned to make it possible.

If I were in your shoes I would not want to be making this decision. I would want the people of the Village to make the decision. While I am not a big fan of referenda for many reasons, it would be possible to develop a simple, short question that laid out bluntly the tradeoffs, the costs as well the more perhaps amorphous, potential benefits. Put that question to the Village in a referendum, which would not be that difficult to organize. If I were in your shoes I would not want to be dealing with the feelings that people will have about the process, regardless of where it comes from. I would commend that to you in this particular, limited, quite unusual circumstance it is the most prudent thing you can do.

Ms. Goodman: I have a couple of questions, but first I want to explain where my questions come from. People that are new here or people that have lived here but maybe have not been watching the situation, here are my observations. The years drag on. We started towards the south of this site and we take a few buildings down. Then we would say we have to do more testing. That also involves another two or three years. Then the DEC has to look at it. And

then we talked about the shoreline and bulkhead, slope, and that went on for years. Then we took a few more buildings down. It always looks good for BP to take a building down. It makes them look busy, people get a little more daylight, hurray, we have a view. Now we have a view from Spring and Maple which we never had because a bunch of buildings came down. I always get a little wary when I hear more testing. I am imagining you take down the building and now there is a slab. Am I correct that, lo, these many years, even though we could have tested, we still do not know what is under the slab?

Mr. Greco: We do not know the extent of it, we know there is PCB contamination at that depth.

Ms. Goodman: So we did not test. If the building comes down does the slab remain, or not? I do not understand that. Maybe I missed it, maybe the question was answered. It seems to me as though if the building stays or goes there is still a lot more work to be done on that site. If that is the case, and you are rushing to get the consent decree and Meg is hiring experts and forming committees, what is really going to happen? I am suspect. Now we are down to the last building. This is end game because all the other buildings came down. It pains me that we are down to the last building, and I do not have any confidence that approving the consent decree is going to make things happen. Sorry to have that jaded, cynical point of view, but that is how many of us are looking at it. Please think about the ramifications and what is really going to happen if you approve the permit. Is it really going to happen so fast, because you have got more testing to do.

Mayor Swiderski: There was a specific question about the boring that has been done at the southern end of the building, and the lack of it at the northern end. If you could address what has been done, what has been found and what you believe remains to be done.

Mr. Greco: Yes, there have been about 20 borings done on the interior beneath the slab of the building. The levels ranged typically across the site that we have seen, and again there are samples that are less than the cleanup standard and also 30- to 40 percent, I do not have the exact number in front of me, that have PCB concentrations above the cleanup standards. Those have not been delineated, and most of that sampling has been focused on the southern portion of the site. It is important to remember that this was the heart of the operations, where the PCBs coated the conduit to make them fire retardant. Every time we have looked at a sump we find PCBs. You see the signatures coming from those sumps and those outfalls out into the main site, out into the marina. Again, I cannot say with certainty. We know there is some, I cannot say with certainty how much. We believe there is going to be significant contamination under there and we would like to address that during the initial remediation that we are conducting as part of the DEC-selected remedy. We recognize there may be options to shore and stabilize the structure. We also know from the pre-design

investigation that there is contamination immediately adjacent. We have been out over the past couple years, under the consent order, collecting an enormous amount of samples to define the extent of PCBs. We have PCBs at depth right next to the building and do not know how far they extend underneath the building. We will have excavation 6, 7, 12 feet next to the building that, if the building were to remain, we would have to shore. If we were going to do the work inside we would have to shore and stabilize the building. The nature of that would leave contamination behind, and we want to make sure that we do a comprehensive remedy. I recognize that there may be some PCBs at depth, which is part of the approved remedy, but there is a significant amount of soil cover that is going to prevent the exposure to the public.

Mr. Alligood: I have the original plans of the building and, technically, it is a non-combustible building, which means that it is steel and the steel is protected not with the modern day fireproofing but with the bricks. Above a height of 20 feet the steel is no longer required to be protected, and above that there is concrete. I am not sure what catches on fire in the building in the event of a fire. It may be wires, it may be whatever is being stored in the building, if anything. Those items could be flammable, but the building itself is technically non-combustible. Just thought I should share that.

Ned Baldwin, Baldwin & Franklin Architects: I hesitate to speak because I have not spent the time needed to study the remediation process. But everything I have read suggests that the grade over the entire site is going to be raised by a minimum of three feet and probably six feet. Maybe I am completely crazy, but it seems to me that the slab in this building is going to be, potentially, six feet below the external grade, so I see no way you could use the building unless you were to elevate it, which I also think is likely a requirement, because the demolition permit application suggests that the pilings would have to be shored, presumably to save them from the excavation required for remediation around them. That is problematic because how do you remediate the fill around the pilings inside the shoring.

It all seems highly impractical unless you were to jack the entire building and install new pilings and new foundations, which could be done, but I wonder about the economics. You could build two or three of these buildings for the cost involved. I support what a previous speaker said about having vision for new structures on this site. To be hung up on Building 52 is a mistake. I personally was involved in a building about the same size, which I tried desperately to save. It was a coal gasification plant, and we wasted years trying to save it. Ultimately it had to come down because of the venting systems that had to be installed in the ground under a replacement building to make it safe to have a structure on top of it.

I would like to see somebody produce a two- or three-page description in plain English that does not mention PCB concentrations or test wells and simply describes the physical process

in which this remediation is going to be carried out. The basic concept is encapsulation, but how is that encapsulation done, what is the nature of the vapor proof, waterproof membranes installed under this capping fill. We are buried in technical detail here that is hard for even professionals to understand. It is high time we had a simple description.

Mr. Alligood: The point about the clear description is actually a good one so I am not going to respond to that other than to agree with it. The issue of the piles and the excavation in order to remediate the site, the entire site is on piles. The network of piles is so complex we cannot even begin to describe it adequately in this room. It is a whole study unto itself, and I am sure you are not even 10 percent into that study because it is going to be incredible. That being said, is it a slab that is holding up the building? No, the piles are holding up the columns, the columns are holding up the steel which is holding up the bricks. Those columns go down to pile caps which go down to the piles, and I am just going to repeat myself. Outside the building, what looks like earth or pavement is also held up by piles that will be disturbed when you start to dig down and knock the tops off of those. It is the same issue whether you are inside the building or outside the building. Yes, it is complex and, you are right, Mr. Gonder, there are wood piles, there are all sorts of piles. It is unbelievable what is down there. It is going to be a real challenge, building or no building.

Mayor Swiderski: We are going to squeeze in a consent decree meeting tonight. Is there being something we have to do to schedule the meeting for the 10th?

Village Attorney Whitehead: Are you going to continue this hearing?

Mayor Swiderski: I think we have heard, so we are not going to extend this hearing.

Village Attorney Whitehead: You can close this hearing, you can allow for written comment to still be provided on Building 52. Close the public hearing on the Building 52 demolition permit, provide a period for written comment, then reschedule the special meeting to take comment on the consent decree for February 10.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Apel, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 9:50 p.m.

Mayor Swiderski: We are going to provide for written and e-mail comment to February 26, a Friday before the meeting where the vote will happen. Then we need to take a motion on rescheduling the meeting.

On MOTION of Trustee Apel, SECONDED by Trustee Walker, the Board scheduled a public hearing for February 10, 2016 to take public comment on the consent decree.

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