

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**SEPTEMBER 25, 2001**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 25, 2001 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee David Walrath, Trustee Bruce Jennings, Trustee Marjorie Apel, Deputy Village Manager Neil P. Hess, Attorney Edward Lammers, and Village Clerk Susan Maggiotto.

**CITIZENS:** Two (2 )

**Mayor Kinnally:** Let us stand for a moment of silence in honor of those who lost their lives in the World Trade Center attack.

We have all experienced a terrible loss as a result of the attack on September 11. Hastings was also touched by this. Patrick Danahy was a victim. He worked on the 90<sup>th</sup> floor of the South Tower for Fiduciary Trust. Patrick grew up in Hastings; he lived on Darwin Avenue. He was a 1984 graduate of Hastings High School. He leaves a wife, Mary, and daughters Alison, 3, and Katie, 2, and his wife is expecting another child. His parents are Mary Ann and Frank Danahy, and he has two brothers, one of whom, John, is a member of the Hastings Police Department, and three sisters. A memorial fund has been set up in care of Mary Danahy in trust for Alison and Katie, P.O. Box 562, Yorktown Heights, NY 10598. There will be a memorial service October 2 at 11:00 a.m. at St. Patrick's New Church in Yorktown Heights.

**PRESENTATION**

**Mayor Kinnally:** We have a presentation for Thomas O'Sullivan in honor of his 30 years of service as a police officer. The New York State Conference of Mayors presents this certificate in recognition of his distinguished public service for more than 30 years. NYCOM is pleased to acknowledge his dedication and commitment. Congratulations on a job well done.

We have heard so much lately of the dedication and unselfishness of our public servants. Tom is an excellent example of tremendous work ethic, common sense, and leadership. We have had lots of new recruits in recent years and they all look to Tom for his leadership and wealth of knowledge. It is a reflection of all that he has done that we now have a great police department.

While we are talking about leadership, there is a dinner in honor of Chief Bob Schnibbe on Saturday. Congratulations to Bob for all his work during his three terms as chief of the fire department. He continues to serve Hastings and is active on the state and county levels.

**APPROVAL OF MINUTES**

**Trustee Walrath:** Page 7, 6<sup>th</sup> line: counties should be communities. Page 14, where I am speaking, last comment: “if” is left out. What I meant was, so if we cannot dry that up, it does need something like a boardwalk. Page 19, second paragraph, 11 lines down, add: I wish I had “had.”

On MOTION of Trustee Apel, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of August 14, 2001 were approved as amended.

**Trustee Walrath:** Page 6, my first paragraph, 4<sup>th</sup> line, add: ...that is not serving “just” the needs of the Village. Page 15, my second paragraph, 6<sup>th</sup> line, there is a word missing, but I am not certain whether it was bulk or height. Let us say bulk.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the minutes of the Special Meeting of August 21, 2001 were approved as amended.

**Trustee Walrath:** Page 4, third time I am speaking, second line: overly should be ultimately. Last two lines of that paragraph: eliminate duplicate language. Page 7, next to the last paragraph with my name on it, 3<sup>rd</sup> line, remove “were.” Page 12, the first one with my name on it: but if we do not have to be discussing it at all why ponder it. Page 20, 2<sup>nd</sup> line: after the and, and that is to use existing buildings for multi-family and clusters, delete comma, for whatever else goes on the site.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Special Meeting of September 6, 2001 were approved as amended.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 25-2001-02 \$289,195.45  
Multi-Fund No. 27-2001-02 \$135,717.00  
Multi-Fund No. 28-2001-02 \$238,149.22  
Multi-Fund No. 30-2001-02 \$ 18,839.40  
Multi-Fund No. 31-2001-02 \$214,558.44  
Multi-Fund No. 32-2001-02 \$ 85,740.64  
Multi-Fund No. 33-2001-02 \$ 53,557.77

### **64:01 REQUEST FOR DESIGNATION OF THE VILLAGE OF HASTINGS-ON-HUDSON AS A GREENWAY COMMUNITY**

**Village Manager Hess:** The Board has had two meetings on this. Since the Greenway started we have been listed as a community; however, we never passed a formal resolution. Diana Saltel from Westchester County Planning was here in August to explain the program. If the Board later on wishes to adopt the compact plan you have the option of doing that also. This will make us eligible for immediate planning money from the Greenway Conservancy. They have \$60,000 appropriated, and we have an application for \$5,000 to \$10,000.

**Mayor Kinnally:** The two meetings were very productive. We were given a wealth of information and the pros and cons were laid out succinctly. This is something that can only benefit us and will provide a source for grants and funding in the future.

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

**WHEREAS,** the Hudson River Valley Greenway Act, (hereinafter, the “Greenway Act”) Chapter 748 of the Laws of 1991, has as a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision-making among the communities of the Hudson River Valley, and

**WHEREAS,** the process and programs that will comprise the Compact are under development, and

**WHEREAS,** communities may participate in the initiation and implementation of the compact process, and

**WHEREAS,** the Village of Hastings-on-Hudson is situated in the Greenway area as it was officially designated in the Greenway Act, and

**WHEREAS,** the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the “Council), and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter the “Conservancy”) to assist communities in developing local planning and projects related to the five criteria contained in the Greenway Act: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

**WHEREAS,** communities can become eligible to receive technical and financial assistance from the Greenway, and

**WHEREAS,** community participation in the Greenway planning process is voluntary, and

**WHEREAS,** the Greenway Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule law or pursuant to the various municipal enabling acts, now therefore be it

**RESOLVED:** the Mayor and Board of Trustees support the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and be it further

**RESOLVED:** that the Mayor and Board of Trustees endorses the designation of the Village of Hastings-on-Hudson by the Greenway Council and Conservancy as a *Greenway Community*.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**65:01 BUDGET TRANSFERS**

**Village Manager Hess:** These transfers were requested by our auditors as part of the audit. The pool fund and library fund have overexpenditures in their budgets and it is necessary to appropriate fund balance to cover those items.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Treasurer to make the following budget transfers:

Library Fund

	DR	CR
599 Appropriated Fund Balance	1,256.00	
960 Appropriations		1,256.00
Appropriated to:		
L74104202 Fuel for heat		1,256.00

Pool Fund

599 Appropriated Fund Balance	5,580.00	
960 Appropriations		5,580.00
Appropriated to:		
C7110451 Maintenance of Building		5,580.00

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**66:01 YOUTH COUNCIL MEMBER INCREASE**

**Village Manager Hess:** We had discussed previously increasing the citizen membership of the Safety Council. In a meeting I had with the chairman of the Youth Council, totally unrelated to that, he and I were discussing various Village issues. They are the only board or commission in the Village that has an even number of members. He felt with the increase in the number of their programs they should increase the membership of the Youth Council from six to seven. He likes to assign certain members of the council to follow up with staff on those specific programs.

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

**RESOLVED:** that the Mayor and Board of Trustees modify the resolution establishing the Youth Council increasing from six (6) members

serving for three (3) year terms to seven (7) members serving for three (3) year terms.

### **67:01 SAFETY COUNCIL MEMBER INCREASE**

**Village Manager Hess:** As we just discussed, the modification is adding one member, but it also creates five citizen members as opposed to three. In the past, it was the Police Chief, Superintendent of Public Works, and the Fire Chief, and three citizen members. Now it will be the Chief, the Superintendent, and five citizen members.

**Trustee Jennings:** I am curious about the rationale for no longer having the fire department represented *ex officio*.

**Village Manager Hess:** The fire department will be represented in the citizen base.

**Trustee Jennings:** But that is not an *ex officio* kind of situation.

**Village Manager Hess:** The other members are not *ex officio*, either. They are voting members.

**Trustee Jennings:** They are members by office, not by the fact that they happen to be appointed as individuals. Why are you putting the fire department in a different category?

**Village Manager Hess:** I plan to appoint one of the citizen members as a fire department representative. We are going to ask the school to designate a school representative, although it will not be a voting member.

**Trustee Holdstein:** Can we stipulate that one of the five citizen members needs to be a representative of one of the fire houses to insure that in the future there is representation of the fire department on that board?

**Village Manager Hess:** You can modify the Resolution to say five citizen members, one of whom shall be a member of the fire department.

**Trustee Holdstein:** I think one of the five citizen members should sit as chair. I do not know if that needs to be stipulated, or how my other Board members feel.

**Village Manager Hess:** The Chief of Police was chair of that organization for a number of years and really did not want to be chair. He would have preferred a citizen member, and Joe Rodriguez was voted in a few years ago.

**Mayor Kinnally:** We generally leave it up to the boards and commissions to pick their own chair. We have had discussions with people on that council, and there has been a request that citizen members be the chair. I do not know if we have to formalize it.

**Trustee Holdstein:** Is it stipulated in the charter of the other boards that they meet regularly?

**Village Manager Hess:** I have already discussed that with the current chair. They are going to set a schedule of once a month meetings.

**Mayor Kinnally:** We have discussed with some members of the Safety Council that there should be monthly meetings, a set agenda, and minutes; and they should endeavor to publicize everything to bring more people in the community into the process.

**Trustee Jennings:** The answer to my question lies in the fact that the police and the public works department are Village employees, whereas the fire department is a volunteer fire department and, therefore, the representative of the fire department would also be a citizen, not a Village employee. So there is an overlap in that category. I was not thinking about the fact that the fire department is a volunteer citizen department. I was thinking about people with technical expertise on the one hand and the layman, citizen representatives on the other. I was putting the fire department person in the same category with the police and the public works because of the expertise factor. I can see it either way. I do think that the fire department expertise ought to always be on that council, and I would favor amending the Resolution to make sure that is understood.

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

**RESOLVED:** that the Resolution to increase the number of members of the safety council be amended to stipulate that one citizen member shall be a member of the Fire Department.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	

Mayor Wm. Lee Kinnally, Jr. X

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

**RESOLVED:** that the Mayor and Board of Trustees modify the resolution establishing the Safety Council increasing from six (6) members serving three (3) years terms to seven members (7) members serving three (3) year terms, and that the Council shall be comprised of the Chief of Police, Superintendent of Public Works and five (5) citizen members, one of whom shall be a member of the Fire Department.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**68:01 GRANT REQUEST AUTHORIZATION - TRAIL CONNECTION**

**Village Manager Hess:** Meg Walker's memo outlines the project: it would clear vegetation and downed trees along Rowley's Brook, build two or three bridges over Rowley's Brook, construct cribbing and steps, and build a fence and plant trees to screen the trail from the neighbors to the north.

**Trustee Walrath:** The neighbors were concerned, so I am glad we have provision for screening and fencing on the north side. It looks as though it is quite difficult to stay on the south side down along the brook, and I think it would be much nicer trail. It is right along the brook, so the best way is to allow additional bridges to cross back and forth. The necessary fencing and screening could be a significant part of the cost. I think it may be necessary. Even though it is Village land, I would like to have concurrence of the neighbors that they are happy with having the trail there.

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

**RESOLVED:** that Neil P. Hess, as Village Manager of the Village of Hastings-on-Hudson, is hereby authorized and directed to file an application for

funds from New York State Department of State in accordance with the provisions of the Quality Communities Grant Program, in an amount not to exceed \$10,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings-on-Hudson for the design and construction of a connecting trail between the Rowley's Bridge Trail and the Old Croton Aqueduct State Historic Park.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

#### **69:01 PROPOSAL - LANDSCAPE ARCHITECTURAL SERVICES**

**Village Manager Hess:** In going through Chris' proposal over the weekend, I noticed that her extension of some of her costs were incorrect. Either her hours were incorrect, or her dollars were incorrect. At this point, I do not know which. We would like to get this going because we took the library bids last week.

I reviewed all the minutes of the discussions on the library and hiring Lothrop Associates for the design work. It was fairly clear from the minutes of the public hearings that, while he suggested to improve views and you may wish to cut the bank down and do some work outside, it was not within the scope of the project. That was as recently as the May 21 meeting when Mr. Forbes was here. So it would be necessary to either expand Lothrop's contract, or consider another proposal

Christina Griffin for many years has volunteered services for the Village *pro bono* for designs for organizations and groups affiliated with the Village. So I did ask her to give us a proposal. I would like to modify the resolution to a maximum of \$8,805, and let me discuss it with her. I would like the flexibility, so we can get moving on this tomorrow..

**Trustee Jennings:** I am unfamiliar with landscape architecture and the nature of the work and the contracts. I feel, therefore, somewhat at a loss to assess the adequacy of the number of hours that are in this contract, assuming that that was not a clerical error. But it for the conceptual drawings, 44 person hours strikes me as high. I also bridle at being billed for the time spent with the client in meetings. That strikes me as an unusual thing to have in a

contract. But, once again, I have never seen a landscape architect's contract before, so I do not know if that is customary or unusual.

**Trustee Holdstein:** I have similar concerns. First, is this premature and can these monies come from next year's budget? The project will be close to completion before work at the south end can really be done. Also, it states that "we will visit the site as needed to document existing site conditions." Yet, on the last page, services not included, is soil testing. Documenting existing site conditions, but not testing soil, I do not know what needs to be tested. Also under services not included, mechanical and structural drawings and revisions to previously approved drawings. I am unclear as to why mechanical and structural drawings would not be a part of this process and why that is not included in these fees. While I think that having somebody local who has experience is terrific, this does not need to be rushed, and can come out of next year's budget. I also have concerns about the overall scope of the project.

**Village Manager Hess:** The work on the landscaping would be done in the spring, so it would be this year's budget. Although we are asking for appropriation from the general fund, we are expecting to be reimbursed from the fund raising activities by the Friends of the Library and the Downtown Partnership.

**Trustee Holdstein:** What is the projected time? I saw dates that went everywhere from 180 to 365 days, so I am confused as to how you would do Christina's portion in the spring before the project is pretty close to complete, and there are not going to be any potential impacts to the work that is going on.

**Village Manager Hess:** The exterior landscape design is going to take substantial discussion with the public and the Board. The more time we have to work on this, the better off we are. So it is important that we get moving on this as soon as possible. Secondly, I do not see any reason not to table this until next week. We can ask Christina to come in. You can ask her any questions on the proposal you would like. Of course, mechanical drawings would not be included in this because there is nothing mechanical involved in this. We have already had soil borings done. That was part of the base contract when we had to check out the site. We are expecting the completion to be sometime in the spring. Whether it is this budget year or next, one way or another the Village is going to be reimbursed for the money we are fronting.

**Trustee Holdstein:** I do not see where any of these calendars that they have listed give you a completion date in the spring.

**Village Manager Hess:** If you look at the lowest bidder, there were not any time frames in there. We were expecting, and at least what Lothrop told us, we were looking at 180 days.

**Tom Forbes, 4 Ridgedell Avenue:** The main thing is to get an idea of what the landscaping would look like so that we can put it up for public discussion. This is a blueprint for what Christina is suggesting. We are not allocating any monies for doing anything because we have not decided what we want to do. As Neil says, it has been our intent to pay back the Village from some of the money on the fund raising campaign.

**Trustee Apel:** Is it necessary to have landscape architectural drawings so that the contractor knows what to take down and what to leave?

**Mr. Forbes:** I am not sure that is necessarily the case. As I indicated back in May, that addition will come out only so far, and as part of the original plans we would recontour the hill pretty much the way it looks now. But there has been a lot of expression that people do not want to look out on a contoured hill from that bottom story. We have a beautiful view to the south that we want to take advantage of, so we want to landscape it appropriately.

**Trustee Apel:** With what the developer has left? In other words, it is specifically designed to go out so far and have a little hill.

**Mr. Forbes:** Right. That is where it stands now.

**Trustee Apel:** And then beyond that, the landscaper is going to put on...

**Mr. Forbes:** Beyond that is within the scope of this study. What more can we do with that land to make it more useable for programs and events, and enhance the view to the south.

**Trustee Apel:** Would it come out, based upon what the landscaper does, that you might change your mind and want the developer to do something else, based upon their drawings?

**Mr. Forbes:** What Lothrop did was plans for the library itself, interior and the addition.

**Trustee Apel:** There were some additional concepts of a patio.

**Mr. Forbes:** Again, those were just suggestions that he threw out on the table; he said it is not within the scope of the project but you may want to consider it. I think it was the feeling among most of the Board here that we would like to consider it. That is exactly what we are doing, but not with Lothrop as the landscape architect or a landscape architect that Lothrop

would retain, but with Christina Griffin who is familiar with the building and the plans, likes the plans, commented publicly here that she thought that the building plans integrated well with the outside. I think she is a good choice to take this forward.

**Village Manager Hess:** I would be willing to table this until the next meeting, and ask Chris to come in if you have questions on the hours or proposal.

**Mayor Kinnally:** I think we can address all of these concerns next week, so I would ask that we invite her.

Let me just point out one other thing that is not covered in her proposal, but suggestions have been made because of the location of Fulton Park and the view that people had from Fulton Park to the World Trade Center that we have an appropriate World Trade Center memorial here. That is one of the things that we will be looking into. It is not covered by this but, certainly, it is something people are thinking about and we should try to incorporate. I spoke to the county executive about it, and he said if there are any memorials that are going to be erected it should be done on a local basis. So he was encouraging things of this nature, and I mentioned to him that Hastings had, unfortunately, a unique vantage point for it.

**Village Manager Hess:** We used to have a camera on the roof that broke. When that went, we set up a live camera in the conference room facing down to the World Trade Center. That is our live shot every morning. Anybody that was watching WHOH that morning would have seen it. We had both planes on live.

Hundreds of people came down to Fulton Park that day to look down at the World Trade Center. The pictures that were in *The Enterprise* also were taken from that location. People starting setting up a small memorial there, and we decided in our discussions subsequently to set up a temporary memorial out back because of the future construction there. We are going to move whatever has been put there over to this temporary site, until some kind of permanent designation can be made and some kind of time capsule set up for the material that has been brought down here and left.

**Trustee Holdstein:** A memorial would be a really marvelous idea incorporating some of the things we talked about, with steps and table and so forth. I will leave the design to the architects, but I think incorporating this is just a terrific idea and in the scope of this project.

**Trustee Walrath:** To put a little background on this, I came away from our meetings with Mr. Lothrop with the impression that they recognized the need to address the outside, although they did not come back to the Village and talk with us about it. I do not know

whether the original estimate had any landscaping cost in it, but I thought they had agreed to undertake landscaping simply because you cannot build a building without planning the excavation, and you cannot plan the excavation unless you know what the final site looks like.

**Mayor Kinnally:** My recollection is that he talked about some of the contouring and said one of the things that we could do is to put in a retaining wall. I asked about whether it had to be handicapped accessible. He said because of the steps you did not need it. But I do not recall that among his scope of services was landscaping.

**Trustee Walrath:** I understand. It is the contouring I am talking about. We went out to bid without any decision. I do not know if we could have squeezed it in, but it would have been nice if we had done so and had Christina on board a long time ago if we need an overall plan for the park. What they did was produce a landscaping sheet and an alternative landscaping sheet. My only question is, did the base bid include what I term the total scalping of the site?

**Village Manager Hess:** Yes. That brings it down.

**Trustee Walrath:** So we had two plans, one of which went from an elevation of about 64 right outside the addition, and then sloped off to the south, so that all the drainage would have headed off in the direction of the steep slope to the south. The other was a very minimal one. When I saw it, my reaction was I wish we had sat down and talked about this. It is unfortunate that we are doing it at this point because we now have the bids. I hope that we will have the basis in the bids to negotiate for something that is in between stripping the whole site down to below elevation of 64 and the other alternative, which was the absolute minimum needed to build the thing. It might make quite a bit of difference to the contractors how much room they have to work. It would have been better to have had this included in the design that was presented to the contractor for bidding.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, Resolution 69:01 Proposal - Landscape Architectural Services was TABLED.

## **VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** I want to extend my thanks to all the Village employees, the police department, fire department, ambulance, school district, and residents for all their help and support over the last two weeks. Everybody certainly was shocked by the events. Village staff held up very well in terms of providing services to the public. The public was stressed out as well as the employees, but the employees did an outstanding job during that time. I do not have enough to say about the residents. The number of items of disaster relief throughout the Village, kids and adults pitching in, setting up the temporary memorials at both locations,

the candlelight vigil, donations to families, to the Red Cross and to the disaster relief efforts. We had residents of the Village who have not been here more than several months donate the red, white, and blue ribbons that were put up on the poles because flags were not to be found anywhere. Kids ran bake sales for donations over the past couple of weeks. I know Hastings reacts like that, in a community way. New York and the whole United States has done the same thing. I just wanted to thank everybody for that.

We had 132 students involved in the summer bridge program this year. Six of them were interns for us and WHOH over the summer, so it was a well-attended program and we really enjoyed having the students around for the summer. They did a great job.

We will be starting our street resurfacing program next Monday. Notices will be sent to all the neighborhoods. The work will take approximately a week and a half to complete.

**Mayor Kinnally:** Let me pick up on what Neil was saying about the response of the community, and add to that list the clergy in the community. There was an interfaith service at the temple, and there was a Mass at St. Matthew's in honor of the firemen, the police, and the volunteers who responded to the site at the time of the tragedy and who are still responding. It was amazing for everyone to work through their grief, their sorrow, and their anger to respond the way that they did. The leadership of the community, the clergy, the parents, the kids: from top to bottom it was an amazing response. We talked about having a memorial at Fulton Park. But the greatest memorial was the outpouring of support and affection and feeling that this community and the entire country had to the attacks.

**Trustee Walrath:** I understood that our fire department and other ones north of Yonkers on the day of the disaster took responsibility covering for departments farther south. People should appreciate that our fire department, and I think our police too, had an active role in freeing up people in New York City so that they could address the disaster.

**Mayor Kinnally:** It was a mutual aid call and, in addition, we had EMS people who actually went to the site. Not only was the fire department responsive to the World Trade Center tragedy, but on Sunday night our police and fire departments responded to a fire in Dobbs Ferry. We had two policemen directing traffic, our hook and ladder, and our ambulance. The notion of municipal aid is alive and well. The uniformed services responded admirably.

**Trustee Jennings:** There is more than enough praise to go around for people who responded to this tragedy and this emergency. I had the privilege of attending a meeting in which Dr. Russell outlined the steps that the schools took on the 11<sup>th</sup> when so many parents were in Manhattan, unable to get back right away. All three schools did a marvelous job making sure the kids got home safe, or got in the custody of an adult or family member so that they were not left in the lurch at the end of the school day. We can make this tragedy an opportunity

from which we can learn. The school has already conducted an assembly at the high school, and I sure there will be ongoing efforts in the curriculum. At least two community groups that I know of are in the process of planning discussion forums to carry on the work of healing and learning.

**Mayor Kinnally:** Neil has asked all department heads to review, and update, the emergency preparedness plan and response manual the Village had adopted in 1993. Neil has deemed it appropriate at this time for us to revisit it, and I think it is a good step. Neil, you are to be commended. The comments and input are due no later than Monday, and I would ask the Board if they have any comments to review it and submit them.

**Village Manager Hess:** It will be on the Board's work session agenda October 9.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Update on the Waterfront**

**Mayor Kinnally:** We are in receipt of some sampling results and reports on the waterfront. There is a color-coded map and chart in the conference room indicating what was found and where it was found. I will be reaching out to George Heitzman to get a better idea of timing and what they expect to have accomplished in what order so we can pass the information on to the community.

### **2. Rivers & Estuaries Center on the Hudson**

**Mayor Kinnally:** We also were in receipt, at the end of the summer, of some paperwork involving the Rivers & Estuaries Center on the Hudson. There was a deadline, we met the deadline, and I am going to ask the chair of the committee to give the report.

**Village Clerk Maggiotto:** What we used to call the Hudson River Institute is now the Rivers & Estuaries Center on the Hudson. The material came down pretty late in the summer. I got our committee together: Meg Walker, Sue Smith, Julie Chemka, and Ed Weinstein, at the end of August to prepare the request for information, which had to be in by September 14. The committee reviewed all the materials, and took the position that Hastings is a very strong candidate for the Center and there are many ways that it would work to our benefit to have the Center there. I gave you all a copy of the nomination where we outlined all our reasons.

We do not know what the next step is except that the site selection committee is reviewing all these requests, which probably number from a dozen to 20 from communities all along the

Hudson. They have told us there will not be a group of finalists, that the group will be considered as a whole. The implication is there is going to be an announcement of some grand winner. But I would anticipate that before that they would come back to us for expanded discussion on many of the items in our application.

I know people have questions about it in the community, and at some point we probably need to have a discussion on what it would mean for us and how we could best incorporate it into our plans for the waterfront.

**Mayor Kinnally:** The size and scope of the project is significant. It would pretty much take up the entire waterfront. And they are looking for amenities in addition to that that would support the area. A road system would be needed, a conference center, hotels. In addition to the initial construction, they were looking for another 100% of the same space for expansion.

**Trustee Walrath:** They gave the option of one-story, two-story, three-story. In our final one we were talking three-story. The footprint is smaller. You do not save everything because you still need your space between the buildings. It is not exactly proportional. But we made our case on the three-story, and I do not think it would be that far from the plan we had with the Center at the south end. The Village park would have to accommodate their expansion, but their buildings occupy only about a third of their proposed site. So we would have a great deal of open space. I think we pointed out that we would hope that the open space that they would provide would be available to the Village so that we would not lose our park portion. They have a very definite schedule, and we were able to rationalize that we could meet that schedule if the DEC would only act.

**Mayor Kinnally:** I think everybody is going to say they can meet the schedule, but it may be an impetus for the DEC to move forward on this, and an impetus for ARCO.

**Trustee Holdstein:** Because of the timing we needed to get this thing done; I applaud you and the committee, and I am glad that you did it. But there are some important issues that I have concerns about. Do we wait and see if we are one of the finalists, then we, as a Board, start to look more closely at the practical parts of this? It is stuff we really did not have a chance, as a Board, to talk about before submitting the application.

**Village Clerk Maggiotto:** Supposedly there are not finalists, but I would expect there would be quite a bit of dialogue.

**Mayor Kinnally:** There will be dialogue. Obviously, there are concerns about the scope of the project and our commitment, our contributions. ARCO is a big component of this. There is going to have to be an awful lot of give and take. They have to bring ARCO in because

ARCO wants the property. We do not own the property at this point. The assumption is that the property is available, and I had spoken with Sandy Stash about this before the process was begun.

**Village Manager Hess:** And there is Mobil and Uhlich property.

**Mayor Kinnally:** This is only to get ourselves into the mix. If you do not put this in, you are not going to be considered. AS I mentioned earlier, not only does the Village want to pursue this but it also is something else to increase our visibility. We have said to the state, to the governor, that we are a player in the Hudson Valley and want to be considered for development of our waterfront. What better way to get high on the visibility scale than to put something like this in. But by no means is this a final or a full commitment by the Village and by the owners of the sites that the property is available and we are going to go forward.

**Trustee Holdstein:** May I suggest that, given that there is going to be the potential for that dialogue, I do not think it would be a bad idea to put this on our next work session. We ought to have some dialogue among ourselves about some of these issues.

**Mayor Kinnally:** I agree, but do not think we should do it next week. We have too many other things to deal with. We should get a better sense of what the state is looking for before we get into this.

**Village Clerk Maggiotto:** We will try to get a better sense of the time line from the site selection committee. I want to thank David for all his assistance in the crunch at the end, getting this application together. He put his head together with ours, and even brought it over to Office Ink to get it bound so we could submit it on time.

### 3. Gas Station Closure

**Trustee Holdstein:** There was extensive work done at the gas station on Main Street, removing the tanks. Were any permits required? They have already resealed the whole area, and I did not know whether that is a process that we were involved with or the state.

**Village Manager Hess:** The state permits it. We also inspected the site.

**Trustee Walrath:** Was the state monitoring the disposal of the material?

**Village Manager Hess:** The state issues the closure permit. The material has to be submitted for testing and it has to be disposed of appropriately. It is still on site. But they test it as they go.

**Trustee Holdstein:** Let me understand something. They remove these tanks. The land that they dug out to remove the tanks was then put back in the hole that they created.

**Village Manager Hess:** No, not necessarily. It looks like it was clean-filled.

**Trustee Holdstein:** If the DEC was monitoring this project to remove these gas tanks, and they have to certify...

**Village Manager Hess:** They do not certify anything. They issue a permit. The soil is tested by an independent laboratory, and the certification goes to the DEC by the independent laboratory.

**Mayor Kinnally:** It appears that the soil that was excavated around the tanks is still on site. It is piled up on the western part of the site, covered with tarps.

**Trustee Holdstein:** If in the future somebody buys the site and is going to do something with it that requires some level of excavation, and they discover that there is some remaining gas in the soil that needs to be dealt with, who is responsible? The DEC?

**Mayor Kinnally:** The responsibility will lie between the current owners of the site, the people in the chain of title, and the new owners of the site.

**Village Manager Hess:** When someone buys a gas station there is usually a provision in the contract of sale relative to any existing contamination on the site. The DEC will not take responsibility for anything. That is why, even after a cleanup down there, the DEC will never say the site is cleaned up. They will say we have had it certified to us by the environmental engineers hired for the cleanup that there is compliance.

**Trustee Holdstein:** Do we get a copy to know that the work has approved by the DEC?

**Village Manager Hess:** Once it is complete we will get a copy of it.

#### **4. Other**

**Trustee Apel:** In reading the minutes of August 14, there had been a discussion about a draft report on Ridge Street that was brought before the community and there was going to be a final report. We said that when Michael came back that would be discussed.

**Trustee Holdstein:** That report is being finalized right now by the committee, and we hope to have it done in the next week to 10 days.

**Trustee Apel:** With all these paths that are going to be going on, and grants that we are getting, has there been any discussion about the quarry itself?

**Village Manager Hess:** That is on for a work session.

**Trustee Apel:** I would like to start considering the large tracts, and perhaps have the Planning Board looking at our zoning of our large parcels.

**Mayor Kinnally:** We should set up a date for the joint meeting with the school board. Michael and David, if we can have a report, or an update, on the Fenwick situation.

**Village Manager Hess:** That is on the work session on October 9.

## **5. Andrus**

**Mayor Kinnally:** I received a call from Henny Cole of Beth Abraham asking to meet with me next Thursday to present an alternative proposal that is being finalized by the Andrus board. It is hoped that the proposal will address the issues of height, density, affordable housing, and the PILOT. I believe it will be a meeting with Henny Cole and a member of the Andrus board/Andrus family. I have been in contact with Mark Chertok and have indicated that he is to continue working on the findings.

## **EXECUTIVE SESSION**

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel, land acquisition, and litigation.

## **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:45 p.m.