

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
FEBRUARY 19, 2002**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 19, 2002 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Acting Mayor Marjorie Apel, Trustee David Walrath, Trustee Bruce Jennings, Village Manager Neil P. Hess, Deputy Village Attorney Edward Lammers, and Deputy Village Manager Susan Maggiotto.

**ABSENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein

**CITIZENS:** Six (6).

**PRESENTATION - POOL RENOVATION**

**Richard Ward, Ward Associates:** We are landscape architects, architects, and engineers. We have been planning park recreation and sports architectural projects for over 30 years, with significant experience in swimming pools. We have worked on projects for the Town of Yorktown, Briarcliff, Mamaroneck, and all of the Greenburgh pools.

We and the Rec Commission have been working for several months on a long range plan for the modernization of the Chemka Pool. We tried to solve parking and traffic problems. We show, as you come up the entry road, a turnaround so that cars would not have to go all the way to the parking area to drop someone off at the pool. Opposite the bathhouse we show some handicapped parking and staff parking for immediate access. The expansion of parking in the eastern section of the parking lot would give us about 25 more cars for a total of 85.

We show two new pools: a wading pool and a training pool, which is a 30 by 50 pool that would run from two to three feet deep. It would be great as an introduction to water in a very shallow pool for that age group from the toddlers to those that would go to the main pool where you have three and a half feet of water and deeper.

These two areas are separated by fencing and landscaping. The wading pool we have to fence, by Health Department regulations, with a self-closing gate. The wading pool is a zero-depth entry pool, which means there is no step into the pool; you just run right over the gutter. It has an umbrella-type feature, and bubblers and sprays so it has some activity in it for the youngsters.

The main pool upgrades would include re-lining the pool, the pool shell, gutter repairs, and replacement of all decks. We have some back pitch problems from the main pool to where it pitches directly to the bathhouse. We need to intercept that and do it differently.

Improvements to the bathhouse are extensive: keeping the footprint of the bathhouse, but putting a pitched roof on it; reconfiguring the interior of the bathhouse; new toilets and showers; meeting ADA requirements; new epoxy seamless floors, which are easy to mop and maintain, rather than tile; new water heaters. In the lower area we are looking to change the filters from the current vacuum filters that can overflow to an enclosed system, which would be a high-rate sand system and would bring you up to code. Taking that main pool on that system would give you a simpler type of operation than the current DE. The Health Department has classified DE as a hazardous material, so now we have to deal with it in a special way. The high-rate sand is a much more forgiving and safer system.

DE is diatomaceous earth: seashells they take out of the sea bottom. It is a very fine filter, and it works very well. But in terms of handling material and disposing of it, it has not become a regulated process. We are dealing with seasonal people here, lifeguards and pool operators. In terms of handling and disposing of material, it is easier to go with a sand system, and not have to deal with the hazardous materials.

Chemical feeding would be automated. Each pool would have a separate filter. This way, if there is an accident in the wading pool, we do not have two pools we have to shut down. We do not combine the wading pool and the training pool on the same filter. This is a much more efficient way of handling chlorination and chemical feeding.

We are looking at a \$2.4 million overall project cost. To spend less than that amount at this point you could do the site and pool repairs, at about \$1.5 million, putting off doing the bathhouse. The Rec Commission felt that the parking expansion and decks would be important to do regardless of either scheme, and that filtration was also important to upgrade.

Many communities and villages are now wrestling with this problem. If we look back to the Trustees who made the decision to build it originally, that was probably a big number then, also. But pools, as well as libraries and schools, are a great asset to the community and an important recreation component. Most communities will capitalize; they will pay for the facility, and the user fees cover the operation and maintenance. The philosophy behind it is that the pool is an asset to every homeowner; even if they do not use it, when they sell their home it is certainly an asset to point out that here is our private community pool.

**Acting Mayor Apel:** Is there a way of handling it over a five year period?

**Mr. Ward:** I do not know that you could break it down any finer than these two steps that we show. You could hold off doing the bathhouse, or hold off doing the site, but let us say we put new pools in and new decks. You have to do the entire project at one time. It would

not be cost effective to try and phase that piece of it. If you are going to tackle doing the bathhouse, to not do some pieces of it would not be cost effective.

**Acting Mayor Apel:** How much space is there for sitting around the pools?

**Mr. Ward:** We have pushed the fence back up the slope quite a bit to use the slope and the lawn area as part of the pool project. We have more than doubled the lawn area within the pool. It is on a slope but it still will work. There are many pools in the county and across the river where those slopes are nice. It expands your user capacity within the fence line.

**Acting Mayor Apel:** Is the presumption that around the kiddie pool or the wading pool people really are not going to be sitting?

**Mr. Ward:** There is a seat wall that would run this whole length because we need a short retaining wall at that point. You do not necessarily have to bring a lot of furniture in there because there will be places to sit.

**Village Manager Hess:** What are the sizes of the kiddie pool and the intermediate pool?

**Mr. Ward:** The kiddie pool is a 40 by 40 pool. The training pool would be 30 by 50.

**Trustee Jennings:** What was the size of the existing small pool?

**Mr. Ward:** It is probably 25 by 40, maybe, 35. It is smaller than the new training pool. We find that the training pools are so jammed that each time we keep stretching them so there is more room for that age group. When you teach swimming to young children, most of them can stand in that pool and it is a very comfortable pool for that.

**Trustee Walrath:** If we were to do just the bathhouse and pool repairs, do you have a figure on how much would we have to spend to get back to the full project?

**Mr. Ward:** It is usually somewhere around 10 or 20% more if you put it off a year or two.

**Trustee Jennings:** When you park in the upper lot there is a foot path along the fence in the trees so you come in the back way. It is a lot shorter and more convenient, even as it is hard to negotiate. Did you give any thought to making a pathway around the top side?

**Mr. Ward:** We show an improved path system that would catch the entire perimeter of the parking lot and bring us down to the entrances to the project. I do not know what control you

would have from a safety point if you were bringing people through the woods. That is something we did not talk about with the Rec Commission, but we could explore it.

**Village Manager Hess:** The pool renovation is on the Parks and Recreation Commission's agenda for March 4, hopefully for final discussion. I will be at the meeting and, hopefully, we can get some areas resolved and move forward with the project.

**Mr. Ward:** Construction would have to start right after Labor Day in order to guarantee you do not have a problem come June of 2003. The Health Department backlog is a couple of months of reviewing plans. You have to give us some time to do the plans. So if you plan to start the renovation work this year, your decision needs to come very soon.

**Trustee Jennings:** I am in favor of lighting that would enable us to have evening activities at the pool, so I am gratified that all options retain the lighting. The plan is to have the lighting above ground on high poles. Is it technically possible to achieve the lighting requirement of the county at the bottom of the pool via underwater lights rather than pole lights?

**Mr. Ward:** For the pool, for the most part, yes. But the state code requires 50 foot candles over the pool and decks. So the only way we are going to get that is by floodlighting.

**Trustee Jennings:** I wonder if a combination of underwater lighting and above ground lighting might not be more desirable because it would lessen the amount of light that is diffused to the surrounding homes. I am not quite sure what is visible from the pool, but I think there are some places that would see the lights.

**Mr. Ward:** The technology today on sports lighting is that all of the major manufacturers make the spill-and-glare shields, which control the light spill very carefully. Even Little League fields jammed in local neighborhoods: 20 or 30 feet away from the outfield, there is no light on the light meter. Can you see the light from your backyard? Yes, you will see the light, but it is not going to be a glare light.

If our pool were deeper, we would have to put the underwater lighting in; once you reach beyond a seven or eight foot depth, you cannot handle it with above lighting. We can ask the Health Department if they would they reduce their requirement if we provided underwater lighting. It will be an up-cost, but we can ask that question.

**Acting Mayor Apel:** What is the benefit of having the in-pool lighting?

**Mr. Ward:** If you do not need it, there is no benefit.

**Trustee Walrath:** People were interested in year round use of the pool. If we were to consider that in the future, how far from being a bathhouse that could be used in the winter is the bathhouse you have designed?

**Mr. Ward:** The bathhouse is not set up for a winterized facility. The demand for swimming is totally different in the wintertime. It gets recreation use only in the evenings and on weekends. You could not encapsulate it, and then tie it to a bathhouse, without spending an exorbitant amount of money. You would end up having too much pool for your winter use, and the cost of heating and staffing would be a total loss of revenue.

**Trustee Walrath:** So the existing pool we have is too big to be used as a winter pool.

**Mr. Ward:** And it is not the typical instruction pool, which would have diving, and combination swim lanes and diving. So even if we were able to enclose it, it would be two or three times the size of an enclosure that you would do for a 45 by 75 foot AAU short course pool. That size has been very successful as a teaching station added to a school, because usually the lockers and the gym are there. You add another teaching station, and then the community gets to use that.

**Acting Mayor Apel:** Thank you for the presentation.

### **APPROVAL OF MINUTES**

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of January 22, 2002 were approved as presented.

**Trustee Jennings:** Page 24, the second paragraph, where I am speaking: at the end add: "at Jackson Avenue and 9-A."

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Regular Meeting of January 22, 2002 were approved as amended.

**Trustee Walrath:** Page 15, the first place I am speaking: in should be is. For clarity, at the end of the second sentence add: "for access to the south end during cleanup." Fifth line, after design, add "for trucks."

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of February 5, 2002 were approved as amended.

## **APPROVAL OF WARRANTS**

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

Multi-Fund No. 67-2001-02 \$134,604.59

Multi-Fund No. 68-2001-02 \$ 38,206.39

Multi-Fund No. 70-2001-02 \$286,140.65

## **17:02 SPECIAL MEETING/PUBLIC HEARING FOR BUDGET**

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Special Meeting on Tuesday, Feb. 26, 2002 at 8:00 PM for presentation of the Proposed 2002-03 Budget, and schedule a Public Hearing on Tuesday, Apr. 9, 2002 at 8:00 PM for the Proposed 2002-03 Budget.

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

## **VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** At the emergency response team meeting this Thursday we will talk about several items: the siren test, the possibility of getting our own radio station, and the proposed county plan for potassium iodide distribution.

**Trustee Walrath:** Have we been in any touch as far as these emergency signals with Dobbs Ferry? Should we have some education to differentiate the sound of the sirens for those people who are on the borders? It seems to me it is important to distinguish the signals. We ought to be careful that the Dobbs Ferry signal is different from ours.

**Village Manager Hess:** The siren is distinguishable from what Dobbs Ferry has right now; it is probably closer to the Ardsley siren. After we work things out here, we can always expand into cooperative efforts with our neighboring villages. But our first concern has to be that our emergency system works, our emergency siren works, and that people will know what to tune into to find out what the emergency is.

The next program sponsored by the Crisis Forum is going to be on the Village plan. Three of us are on the panel: myself, Anthony Gentile, who is a fire chief and police officer, and George Foster from the school. The forum is a good way to get that information out and for people to be able to ask questions.

County Planning would like to present the Ridge Street plan to the Board next Monday night. I would like to have a work session for that evening, and also an executive session on personnel and on litigation.

On MOTION of Trustee Jennings, SECONDED Trustee Walrath by with a voice vote of all in favor, the Board scheduled a Work Session on February 25, 2002 to discuss the Ridge Street plan.

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled an Executive Session for February 25, 2002 to discuss litigation and personnel.

## **BOARD DISCUSSION AND COMMENTS**

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

**Village Clerk Maggiotto:** After many months of not hearing anything on our application for the Rivers & Estuaries Center on the Hudson, we got, on very short notice, a site visit from the team. We all met at the trailer on the waterfront. Trustee Walrath and I were there; from the Rivers & Estuaries Center the coordinator of the advisory committee, Sister Bridget Driscoll, who is also in charge of fund-raising, their consultant from Gensler and their engineer from Langan, and two associates; from BP/Amoco Sandy Stash, the project manager, Werner Sicvol, and two other people. The other owners were not represented.

The good news is that they like our site very much. It seems to fit with their objective of having an institute that would be part of a larger community. When we submitted our application we also sent the draft, which has not been finalized, of the plan for the waterfront that was developed after the workshops that the community worked on for many months. As you know, there is a provision on that plan for something like an institute on the southern end of the property. They appreciated getting that kind of plan with the application, and they felt that it presented the kind of vision that they had for the institute.

There are a lot of unanswered questions. They need more data before they can make a decision. Particularly on our site, they need to assess the limitations of the site and determine

whether it will work both from the standpoint of timing but more so I think from the cleanup. They are going to get back to us with further questions, and we will try to get them more information. They particularly want to know the intentions of all the owners on the site, not just BP/Amoco.

**Trustee Walrath:** There was a great deal of concern about the cleanup, and I think we did manage to establish that the most onerous cleanup is at the north end of the ARCO property, and that the cleanup at the south end will probably take far less time. One of the big things they needed to satisfy themselves with is that the schedule will work. They saw that the schedule is very much in the hands of the DEC, and they came away with the idea that they should be talking to the DEC about the cleanup, since it is going to affect their use of the site as well as other uses.

**Village Clerk Maggiotto:** Sister Driscoll said that the governor would like to announce the site by spring or summer and might consider waiting until the fall. But they are on a pretty fast track, at least with selecting the site. She made it clear they do not have their fundraising all in place yet, so I do not know what their timing for construction would be.

**Trustee Jennings:** Having seen the results of our community process, and our vision for that property as a whole, they surely were able to see the potential problem of space in relationship to their original specifications. I am sure you made them aware of the fact that they cannot simply go up to the extent that do not have room to go out. The community has a very limited tolerance for tall buildings down there. So there is a potential bind, and it did not come up in the site visit?

**Village Clerk Maggiotto:** The question was asked of them exactly how much land are they looking for. Bill Staempfli of Gensler said that they talked about 20 acres. But you have to understand that they were developing these site specifications at the same time that they were developing a program. He implied that it was a good guess, and that there was a lot of flexibility there. Did you think that, too, David?

**Trustee Walrath:** Yes. The following points came up: that some of the things they regard as part of the center, such as an inn, might well be the inn that we are talking about at the north end of the site. They seemed very happy to be integrated with a piece of the Village. When we put the application in, that 20 acres was inconsistent with some other advice they gave. They had a big open space allowance which could very well be part of our recreational land. We could do very nicely with recreational land, plus the institute, on 14 acres if you are willing to go up three stories. Which does not leave an awful lot at the north end, but it does give us the recreational area and the institutional area, with room for expansion of the



institution. A future doubling of their initial requirements. If we were willing to go to four stories, I gather it would be three-quarters of that.

**Trustee Jennings:** That is good news, because our vision of the community use at the south end, and their vision of what they want around their building, could overlap and work for both of us. Then you obviously need a lot less ground set aside for their property and our park. I am cheered by the idea that they are open to overlapping with the community, since many of the qualms that I have, and I know a couple of other Trustees may have as well, have to do with the loss of taxable property and the loss of property for community access when the acreage expands for the institute. If we can mitigate that, and they are amenable to such a partnership, that sounds much more promising to me than what I heard two months ago.

**Village Clerk Maggiotto:** In fact, the concern that Bill expressed, in terms of the contamination, was how long it would take to build out the rest of the property that had the more serious contamination. He said they don't want to be sitting down there isolated, by themselves, next to a massive vacant property. He was implying that they had no intention of taking over the whole site, that they want to see the site built up in a complementary way to what they were doing.

**Trustee Jennings:** No, I realize they never wanted to take over the whole site. But a point that might be worth making even at this very early stage is that this whole site is going to be helped by development of every other part. So which comes first hardly matters. I think there will be a virtuous circle, a kind of momentum started, once something starts. And if they were first, I doubt that they would be lonely for very long. Also, they may be overestimating how quickly they are going to be able to get their thing built.

**Trustee Walrath:** I think it is important that we continue discussing the questions that Bruce has raised. I suggest we put them on an agenda when all five of us are here.

**Village Manager Hess:** We have it marked down for a future work session.

## **2. Updates - RFP Fenwick Drainage and Sugar Pond**

**Acting Mayor Apel:** Do we have an update on this?

**Trustee Walrath:** I am still lagging. I will get Fenwick in this week's package. The other one I should do next.

## **3. Other Business**

**Trustee Jennings:** I want to compliment Mr. Hess and the others on that council for the idea of the AM radio station that is part of our emergency preparedness plan. Leaping over the original intention, if we are going to have a broadcast facility, I wonder if we could not have programming for purposes other than emergency broadcast and add a radio station component to our Channel 73 television component. I think that is an exciting prospect. I would like to mark it for future discussion if it turns out to be feasible and possible. There would be many interesting things that could be opened up by a community radio station. One thing is the possibility of Village and school cooperation, where the school system could have some instruction in broadcast as part of its curriculum, and have some air time devoted to student programming, assuming that they were properly trained and supervised.

### **PUBLIC COMMENTS**

**Lloyd Morgan, 45 Dorchester:** I have been a resident in Hastings since the late sixties, and had a business for 10 years in this town. My primary interest over these last years is the watershed. As a naturalist, I am a biologist in training. In 1972, I came to a meeting right here. There was a mishap in Sugar Pond, a bulldozer was flipped on its side. A 60 ton machine sunk in the mud. The two largest trees on the Village property, huge oaks, two of us could put our hands around. The engineer's solution in the meetings was, I will put a snatch block on these trees, and I can work my way out. Those two trees came down. The two finest oak trees in this Village.

As a result of that episode, Sugar Pond became a third smaller pond. It was a jewel at the time I bought my house in the 1960's. Completely different now. It has filled in. One of the problems was, four feet up from the bottom is where the pipe drains out.

I see we are in the same spot as when I came here and the engineer was asking for another \$7,000 for engineering. I said just give me two high school kids, and I will take sticks and walk up to the mud and tell you where the bottom is. I built four ponds in upstate New York which have become reference points to the DEC; the one thing I can assure you is, nothing works out the way you expect. Not in a bad way. But each pond, and I know a dozen that I check and we share our results, every year things are happening differently. In the last six months I came down to Village Hall and read through files of everything I could find on Sugar Pond. And the one thing that kept showing up is the size of the watershed. We refer to Sugar Pond as 45 acres. No one knew how much watershed in the Children's Village watershed was coming down. Fred Hubbard and I spent the better part of an afternoon on the property. There is no chance of any pollution coming out of Children's Village. They have a septic system and a drainage system that goes into Dobbs Ferry.

So we have 100 acres coming down off Children's Village, which is a beautiful quality of water. We have a problem now on the Judson side over the last 20 years. Houses have been built. I asked one of the chief foresters in the DEC as well as Bob Herberger to come down and look around. Two years ago was the first time they ever had a gathering of communities. I came and asked if we could have some support from Hastings. I am a New York State Region 3 forester for Westchester County. There is a conference coming up next week on all the problems we have right here. It is not for us to be able to change nature, but by seeing how other towns have handled these problems, water problems, water shed problems, it is very predictable: something is going to happen, there is going to be a super flood; the trees are going to continue to come down and be a hazard.

The community at large, everyone wants to see this corrected as much as nature will allow. I invited a friend of mine, who just happens to be the chief engineer on the 287 and the Thruway 119 complex, to come down. He is available *pro bono*. We fish. We look at each other's places. It is all in a comradely way, and I have a number of advisors to me. I reach out, and we have people around who are available.

With Sugar Pond it needs to be recognized that the watershed is this big, that there is not a drain on the bottom, there never was that I can see. I have only seen it empty once, when that big machine was down. Myself, Fred, and others, are available to do the grunt work. I can refer people in. If you need help or you need another opinion, I can make a phone call and get a advice so that you can make the decision.

**Village Manager Hess:** I take the point of your comments as, we do not need an RFP for a feasibility study. Is that what I am hearing?

**Mr. Morgan:** Well, yes and no. Phrase it again, will you, Neil?

**Village Manager Hess:** A year ago I received a memo from Dr. Hubbard stating that we needed a feasibility study to determine what had to be done to restore Sugar Pond. I proposed money in the Parks and Recreation budget, and the Board approved it. The next step was to bring a professional on board to take a look at it, and make recommendations. I think we budgeted \$5,000. The committee has met several times and several people came in. After those meetings I heard it was determined that an RFP would be developed to try and broaden it and send it out to a number of professionals.

**Mr. Morgan:** Ray, that is your department. The single most important element was the size of the watershed. No one knew. I keep referencing the 45 acres, but knowing that there is more land around it. Bob Herberger, about 10 years ago, came here and did a visual and

plotting on the topo map, which he is very qualified to do, and he came up with 100 acres. That is what I am quoting.

**Village Manager Hess:** Although the newspaper said 40 years ago, it was about 15 years ago that we had the pond drained on that dredging project. But there needs to be a different type of silt trap. It is a maintenance problem. Do we need to hire a professional to coordinate and direct the project?

**Mr. Morgan:** I think we can collectively pull things together. But we have never collected the right information until now, or discussed it. I enjoy doing this, and Fred does. We would like to work in concert with the Village to be able to share this information.

**Acting Mayor Apel:** Thank you for volunteering. You can be sure we will call on you.

### **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, Acting Mayor Apel adjourned the Regular Meeting at 9:40 p.m.