

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 20, 2002**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 20, 2002 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, Acting Village Manager/Village Clerk Susan Maggiotto, and Deputy Village Attorney Ed Lammers.

CITIZENS: Fifteen (15)

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Regular Meeting of July 23, 2002 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 21-2002-03 \$ 77,638.85
Multi-Fund No. 22-2002-03 \$ 321,603.89
Multi-Fund No. 24-2002-03 \$ 38,351.01
Multi-Fund No. 25-2002-03 \$ 67,228.60
Multi-Fund No. 26-2002-03 \$ 14,588.29

PROGRESS REPORT

Mayor Kinnally: I am going to begin with a report on the Village Manager. Neil was operated on 3-1/2 weeks ago and he is doing remarkably well. The doctor says his progress is exceptional. He feels well and his spirits are tremendous. He asked me if I would convey to everyone his thanks for everyone's best wishes and prayers and cards and calls. It has been a tough 3-1/2 weeks, but he has weathered the storm. He will not be back for awhile. He will start radiation therapy the third week of September. Everyone's good wishes have speeded his return to health. It is good to have Neil back in the Village.

60:02 AUTHORIZATION TO PURCHASE DUMP TRUCK

Acting Village Manager Maggiotto: This dump truck to replace a Parks and Recreation vehicle was in our capital planning for this year, and is included as one of the vehicles in the bond resolution tonight. It is being replaced under state contract for \$37,630.30.

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 purchase of one (1) 2-yard dump truck under state contract in an amount not to exceed \$40,000.00 to be funded from bond proceeds.

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

61:02 SALARY - VILLAGE MANAGER

Mayor Kinnally: This is the completion of our annual salary review of all Village personnel.

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

RESOLVED: that the Mayor and Board of Trustees establish the annual salary of the Village Manager/Treasurer at \$144,400 effective June 1, 2002.

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

62:02 CERTIORARI SETTLEMENT- 545-549 WARBURTON AVENUE

Deputy Village Attorney Lammers: These are eight years' of tax *certiorari* proceedings that are currently pending before the supreme court of Westchester County. We have consulted with Bob Balog, and he recommends the settlement. The settlement is based on reviews of leases, reviews of documents submitted by the owner, and an appraisal produced by the owner. These numbers are favorable to the Village. If we were to proceed to trial, it would be a considerable expense to the Village for attorneys' fees. Additionally, if we settle, interest is waived on the refunds, which would be substantial, as the refunds go back to 1995. We believe this settlement would be in the best interest of the Village.

Trustee Holdstein: I think that the resolution should be clarified, because it reads, the Village of Hastings-on-Hudson's share of the refund. In fact, we are not sharing it. The refund is the \$12,000. I was asking the Acting Village Manager whether there were other entities that were going to be refunding money to this particular applicant, and there is not, so it should not read share.

Deputy Village Attorney Lammers: The Village's portion of a refund would be \$12,000. The carrier also has to refund certain monies to the property owner, and the school district as well. With respect to the Village, this would be the Village's portion.

Mayor Kinnally: Is it a consolidated case?

Deputy Village Attorney Lammers: Yes.

Mayor Kinnally: So there are more parties than that.

Trustee Walrath: But the settlement is only on our part. The other people have to settle it on their own.

Mayor Kinnally: Yes.

Acting Village Manager Maggiotto: I questioned that language with Ira Levy, who prepared the memo, and he said that we could leave the word share out. He said it was a holdover from some other types of settlements.

Deputy Village Attorney Lammers: But, in any event, this would be a full and final settle on behalf of the Village.

Trustee Holdstein: But those different entities would negotiate different assessed values?

Deputy Village Attorney Lammers: No. Usually the claimant's attorney will settle with the county based on these exact numbers. And usually they will all have the same numbers. It is pretty much a global settlement.

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

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year (s)</u>
William Hall	545-549 Warburton Avenue Volume HA, Sheet 9 Section 10, Block 621, Lot 5B	1994- 2002

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges; now therefore be it

RESOLVED: the Office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Year</u>	<u>Current AV</u>	<u>Proposed AV</u>	<u>Reduction</u>
1995	\$70,050	\$64,000	\$ 6,050
1996	\$70,050	\$62,700	\$ 7,350
1997	\$70,050	\$63,050	\$ 7,000
1998	\$70,050	\$59,700	\$10,350
1999	\$70,050	\$55,450	\$14,600
2000	\$70,050	\$53,350	\$16,700
2001	\$70,050	\$50,100	\$19,950
2002	\$70,050	\$50,100	\$19,950

The Village of Hastings-on-Hudson's refund is \pm 12,172.49

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

63:02 BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,177,900 SERIAL BONDS

Mayor Kinnally: The resolution is available, a lengthy *pro forma* resolution, to cover capital items, one of which was the 2-yard dump truck approved tonight. This is a resolution for long-term borrowing, but the dump truck will be on a 5-year repayment schedule, since the useful life of rolling stock is not the same as paving, or building. The items were identified in the capital budget of last year and the current year, and it includes the pool.

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 adopt the resolution as attached to authorize the issuance of \$2,177,900 Serial Bonds to pay the cost of the various capital projects.

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

64:02 APPOINTMENT OF CDAG REPRESENTATIVE

65:02 APPOINTMENT OF REPRESENTATIVE TO SRAC

Mayor Kinnally: Resolutions 64:02 and 65:02 deal with appointments of personnel, and I would request that this be tabled until our next meeting.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor the Board of Trustees tabled resolutions 64:02 and 65:02.

EXECUTIVE SESSION

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

66:02 DECLARATION OF LEAD AGENCY

Mayor Kinnally: This is to comply with the SEQRA law, and it is one more step in moving forward to a reconsideration and possible adoption of the new zoning text. Adoption of this resolution does nothing to indicate approval or disapproval of the proposed zoning text.

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

RESOLVED: that the Mayor and Board of Trustees declare themselves Lead Agency for the environmental review of a proposed Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA). The proposed action involves the adoption of changes in the Central Commercial (CC), the Limited Commercial (LC), the Central Office (CO), the MR1.5 (multi-family), and the Limited Industry (LI) zoning districts in the vicinity of the downtown business districts.

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

67:02 SUPPORT SOUTH COUNTY TRAILWAY PARKLAND DEDICATION

Mayor Kinnally: Our county legislator, Tom Abinanti, has requested that this resolution be adopted by the Village and forwarded to the Westchester County Board of Legislators so that they will formally dedicate the Putnam Right of Way as parkland. In the few years that this park has been available to the Village since its improvement we have seen a vast increase in recreational traffic on it and it is only fitting that it be dedicated as parkland because it has turned into an incredible recreational resource. This would ensure that there will be no development on, or adjacent to, the trailway.

Trustee Walrath: Tom Abinanti points out that additional utilities such as the Millenium pipeline would not be permitted; dedicated parkland cannot be used for those purposes. I hope he is right. It will be a great thing if it is, so I am certainly in favor of this.

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

WHEREAS, Westchester County in 1991 acquired some 137 acres of Putnam Division railroad property as a continuous corridor extending 14.1 miles from the New York City boundary in Yonkers to Eastview in the Town of Mount Pleasant; and

WHEREAS, this former transportation corridor has been converted into a recreation corridor over which now runs the South County Trailway; and

WHEREAS, this corridor has been viewed by the public as a linear park and used by the public as a linear park; and

WHEREAS, the South County Trailway connects with the North County Trailway and together they form a linear recreation corridor extending the length of Westchester County to the Putnam County border; and

WHEREAS, non-park uses additional to those that already exist on the right of way should not be permitted; and

WHEREAS, the Putnam Right of Way has never been formally dedicated as parkland; now therefore be it

RESOLVED: that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson support the formal dedication of the Putnam Right of Way as parkland.

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

PRESENTATION - Main Street/Warburton

Mayor Kinnally: We have been asked by the developers of the Main Street/Warburton proposal to give a presentation to the Board of Trustees. There is no application before the Board of Trustees, the Planning Board, or the Building Department at the present time. This presentation is in the context of responding to the proposed zoning text before the Board. It is a tangible expression of what could be built under that zoning text. This is not a public hearing. We will allow the presentation this evening, and if the Board of Trustees has any questions we will entertain those.

Edward Weinstein, Planning Consultant - A&F Commercial Builders: A&F hopes to be the applicant at a future date, but at this point we would like to have the opportunity to describe our two projects to you. One is 45 Main Street, which is the site of the former Hastings Garage, and the other is 420-424 Warburton Avenue, where A&F Commercial Builders has been designated as the preferred developer by the Village's Affordable Housing Committee. I am going to give you a brief overview, and then I am going to turn the microphone over to Stephen Tilly and his associates, who are the project architects.

I would like to stress that we are talking about two projects that will blend in with the character of the Village. Eric Anderson, Steve and I have been participating in the public process where the new zoning has evolved. Both projects will comply with the zoning. The Main Street project will include 30 residential units with four storefronts, with a continuation of the street facade. All required parking required under the zoning for the residential component will be contained within the building. Our proposal includes four on-street metered parking spaces which are not required, but would add to the parking base in the downtown.

Like the Main Street proposal, the Division Street will also comply with the zoning, and it is proposed to have 15 residential units, at least eight of which would be affordable and possibly more depending on funding availability and plans as they evolve. We will, of course, have to bring this project before the Planning Board for site plan approval and the state environmental quality review process.

Stephen Tilly, Architect: I am going to introduce my colleague, Ray Wobbe, who has been spearheading our design efforts on both projects, and Justin Arbuckle.

These are two important sites in Hastings. The former Chenard site on Main Street has several curb cuts and is an open space between the ambulance building and the former bank building on the corner. We have attempted in the design of the structure to fill in that gap in what we call the fabric of the Village with a building that adopts materials and scale and lessons from existing buildings in the Village. All of the river villages are re-studying their zoning because the zoning mandates a strip mall approach. The villages which we like actually have the Village approach, which is buildable lot line, parking not in a big piece of tarmac in front of the structure, but buildable lot line to develop that kind of Village fabric. So that is what we have done. We have also looked at adjusting the materials along the facade so that we have brick at this end of the building, and then the residential entrance in the middle, and then a slightly different appearance at the east end without breaking it down into phony facades, but where we are modulating the form of the building. We have had a discussion with the Architectural Review Board, and we will be going back, if this becomes an application, in further discussions with them about architecture.

We have moved the building back from the lot line so that we can create off-street parking spaces in front, so that if you are going to a retail destination you may be able to find parking in front. As you look at the zoning in more detail, you will see that 2,500 square-foot retail areas or less are exempted from providing on-site parking. These store fronts are of that nature. We are proposing a small-scale village café/bakery kind of amenity in this frontage.

It is a slightly complicated site. Like many houses in the river villages on the hills, it is two stories in back and four stories in front. The fourth story here is set back, following the dictates of the new zoning, so that it minimizes any impact that the fourth story has on the street. At the back of the building it is the second story. The mandated setback in the zoning is 15 feet from the property line. We have already set our building back, which means that then we have a further setback to the front of the fourth story.

Giving up this space to the public uses—to the parking and the sidewalks—does good things for the street. It opens up sight lines and creates extra parking, which does not exist now on that side of the street. The building steps back, following the bend in the street, and the sidewalk opens up accordingly. The retail frontages are lined up. The residential entrance goes in the back. There are an elevator and fire stairs that go up to the upper levels, which are organized around a courtyard. This is an unusual form which allows a landscaped courtyard in the center of the building. We are eliminating the curb cuts that currently exist.

Access to the building is off of Whitman onto Christie Terrace, which is currently a paper street that the corner property has access to. There is some parking right now in an informal way up on top of the rock. We are still higher than Whitman Street, but we have leveled off and put in 41 parking spaces, which is code-compliant for the number of housing units.

Mayor Kinnally: What is the grade of Christie off of Whitman?

Mr. Tilly: Christie climbs about 8 feet from Whitman.

Trustee Walrath: Christie will be lowered so it goes into the floor you have the garages on?

Mr. Tilly: That is correct. Christie will level off into what we are planning as the parking level.

Trustee Walrath: There is, at present, an informal path from the apartments on Broadway. If we have a drop of that much, I would hope you could find some way so that the path might be maintained.

Mr. Tilly: That would be a great idea, since so much effort has been made in restoring those communicating off-street passageways in Hastings. There is a piece of land that is maybe owned by St. Matthews at this point to the north of it, which, if there was a symbiotic kind of landscape approach, they would consider. That would be something we would like to look at. It would allow that passage to be nicely landscaped, since we have units facing in that direction. Part of the strategy is to cover up all these cars. The view out to the back and the landscape would be important to residents of this proposed project as well as for anyone passing through.

Trustee Jennings: What is the space between the bank building and the new construction?

Mr. Tilly: That is the bank's property. There are some cars that are parked up in there. It is kind of informal. One does not immediately recognize where the boundaries are between different parcels up there, so it is hard to get your bearings.

Mayor Kinnally: But on the east side of that, it is defined by the rock and a wall at the present time.

Mr. Tilly: That is right. This wall is the bank's. That will remain. The little open space in between the bank building and any new structure also remains. It is a nice amenity for units, if we have a window here, that looks into that little open space and down Main Street.

Trustee Apel: Do we know how many cars are parking up there now?

Mr. Tilly: We have not done formal counts, and that would be certainly part of what a traffic person would do.

Trustee Apel: I think the concern would be what is going to happen to those people once the building is up.

Mayor Kinnally: They will have to find parking elsewhere.

Trustee Apel: I do not know exactly what they are, and if they are personal or trucks that belong to people in the area. But it would be important to know who we are displacing.

Mr. Tilly: I do not know what policy A&F has adopted with respect to anyone leasing what is now its property back there. There are probably between six and nine cars there. But whatever we were planning would be thought about in conjunction with the owners of the bank property, and we could probably solve some of their problems at the same time. We have already had discussions with residents of Whitman Street about impact, especially the resident of the adjoining property.

Trustee Walrath: Has there been any contact with the church and with the apartments who also are affected by Christie? The people on the other side of Christie, away from Whitman?

Mr. Tilly: Not that I am aware of, but that certainly is a good idea.

Mayor Kinnally: What is the capacity of the parking?

Mr. Tilly: Forty-one.

Trustee Apel: And you have how many units?

Mr. Tilly: Thirty units. Again, this is a test case of the zoning. We are hopeful about the potential pedestrian-based uses of the people living there and the retail establishments, but this has to be studied in the context of a traffic study and a trip-generation estimate. But if you think about in-town living, living over the store, the short walk to the commute, there is reason to hope that this complex will generate fewer cars than other complexes that are off Route 119, or someplace like that.

Trustee Holdstein: What is the mix of the 30 units?

Mr. Wobbe: Three three-bedrooms, and then about equally split between one-bedrooms and two-bedrooms.

Mr. Tilly: The market is empty-nesters, so it is clearly not a family building.

The courtyard is an interesting and unusual form that would provide a lot of amenity for the units. The architecture is in formation, but we are modulating the building, following the street, stepping it back, and introducing different systems. It is a different form of living over the store, but following that basic village principle. There is a residential lobby, and an entrance that moves right out onto the street. There are small balconies that animate the facade so that you could fling open your French doors and soak up the south light. The setback allows us to use those rooftop areas as terraces.

Trustee Holdstein: In the four retail establishments, is it the developer's plan to have any of those be restaurants?

Mr. Tilly: The only thing that I have heard discussed, and I think it is very early and is open to suggestion, is no sit-down restaurant because we do not have the capacity or an interest in bringing large hood ducts up and out. But a small baker would not require a major hood, or a café.

Trustee Holdstein: The roof is going to have no parking on it?

Mr. Tilly: Only in the sense that you are parking on the second story in the back, but it is all on rock.

Mayor Kinnally: Mechanical is on the other roof.

Mr. Tilly: Right. We are very much involved in environmentally preferable kinds of construction and mechanical systems. So we are hoping to build Hastings's first geothermal heating and cooling system. In addition, we are paying a lot of attention to recycled content of materials. The kinds of research our office is doing right now in building systems and mechanical systems is to make this a "green" building, or as environmentally as small a footprint as possible. We are in much more limited economic circumstances on Warburton and Division, but we are also hoping to use those same kinds of technologies in this structure on Division Street.

Trustee Holdstein: We had a proposal a couple of years ago, another developer on Division Street, and he brought photos showing the angle going up the street and it made it look very blended in, nice and easy. I think this is also a very deceptive drawing; from that angle, it makes that building blend in and look very seamless, but the model makes the building look massive to my non-architecture eye.

I have driven to enter onto Main from Whitman, and it is a tough left or right to get your sight lines. Is there a possibility to access your cars down either side of your proposed building instead of onto Whitman? Is there a way to create a driveway between you and the ambulance building?

Mayor Kinnally: That would be very, very steep. You are two stories below grade at Main Street compared to Christie.

Trustee Apel: Further up you have a curve, and you will not see the cars coming out of that road. You have a better chance of seeing them down here than you would up there by the curve.

Mr. Tilly: We did look at that and there were comments from the fire company about its turning radius and not having vehicles entering and exiting right across from them. We will carefully be studying, and have a lot of discussions at the Planning Board level about the site plan, about traffic exits entering visibility. I am not going say it is not a difficult problem that needs a lot of attention.

Regarding your point about the presentation, this is only a partial model. But unlike other representations I have seen, this is to scale, so that as one stands here the dimensions are right as opposed to not. It is only part of the sequence. We will do other views, and we have the computer model of the building so everybody will be able to look at it from a lot of different

vantage points. We will be going through view preservation analyses with the Planning Board and Zoning Board. So scrutiny of this structure, and the impact from a variety of angles, is something we will be going through.

Mr. Weinstein: All projects would require affordable, although it might be possible to do the units on another site. So, for example, it could be possible to have all affordable on Division. Although that might not be desirable, the law allows for that.

Trustee Holdstein: What you are saying is, then, you are linking these two projects.

Mr. Weinstein: They are not necessarily linked, but they could be.

Trustee Holdstein: But if they are not necessarily linked, then you are not providing us affordable housing on Main Street.

Mr. Weinstein: If Main Street has a stand-alone project, it would have to provide 10% affordable housing.

Mr. Tilly: The developer does primarily affordable housing, and so he is very skilled and accomplished at working with those programs. So that is not an obstacle. It is really going to be a question of preference at the Village level.

Warburton & Division Street

Mr. Tilly: I am going to turn it over to Ray Wobbe to walk you through Division Street. These are two discrete properties, and are not tied to each other necessarily. I will, however, say that the last time that we had a proposal on Division/Warburton where the developer was looking hard to try to make a very small project work with marginal subsidies, who was not doing another project, that project foundered.

Ray Wobbe: This is a very steep site and very difficult to build on. It is 18 units of apartments, and heavily weighted to affordable units over retail. This is in the proposed MR-O district, and has an overlay district which is a neighborhood commercial overlay district, to encourage neighborhood-type retail on the site. It is broken into four buildings. Two of the buildings are three stories and two of the buildings are four stories. The steepness of the site allows all of the apartment units on the second, third, and fourth stories to be accessed directly from the exterior. There are no interior corridors, which allows the developer to do this building very efficiently and provides for some amenities to the building that would otherwise go into inefficient corridor space. The spaces between the buildings are stairways

that go up the hillside and access the units from the sides of the building and the back of the building, and is the way that parking accesses the building: from the back, between the buildings, into the side doors and the back doors of the units. Also, the steepness allows us to locate the buildings at the low side of the site and therefore not be a major obstruction to views to the residents that live uphill from us. We have done some view preservation studies and have shown these to the neighbors who live uphill from this site. This diagram indicates that the views over our project are not any more obstructive of the river views than the buildings that are already there.

Trustee Apel: You have the stairs going up in between. I am sure you have a handicapped access.

Mr. Wobbe: We have three units that are handicapped accessible, which is the percentage that the code requires. One is on the fourth floor and two are on the third floor because they are horizontally related to the parking.

Trustee Apel: But somebody that is handicapped cannot access that by walking in front of the building.

Mr. Wobbe: Not from the front of the building. The code requires an accessible parking space and an accessible route from that parking space to the unit, and that is provided.

Mr. Tilly: Inherent in affordability is making non-elevator buildings, at this scale.

Trustee Apel: I understand that. But if I am in a wheelchair, visiting those stores, and then I want to go visit my friend there, there is no way I can do it. I would have to have someone put me in a car and take me around the other way so I can get in.

Mr. Tilly: With the hills in Hastings, it is true everywhere. Unless we were going to introduce mechanical lifts into the building, that is absolutely true. But one tries to address what you have to address, and then we try to go beyond that to the extent that we can.

Trustee Jennings: Are the stairways open to the weather, or are they covered?

Mr. Wobbe: They are open to the weather.

Trustee Holdstein: The back parking area, how many spaces?

Mr. Wobbe: Twenty-five. Again, they are all for residential occupants of the building. The four retail uses are 1,400 square feet each and are not required by the code to have off-street parking.

Mayor Kinnally: There is on-street parking to accommodate how many cars?

Mr. Wobbe: There is just curbside parking that is there now.

Mayor Kinnally: It will delete what is there now?

Mr. Wobbe: Yes. Presently a bus stop takes up maybe a third of the frontage.

Trustee Holdstein: Can you give me the breakdown on the units?

Mr. Wobbe: We have 11 one-bedroom and 7 two-bedrooms.

Mayor Kinnally: It is a work in process because the Zoning Code is a work in process also. It does give us more of an idea of what the zoning text translates to in brick and mortar. You are the test case for it. Do you have a timetable on when you are going to go back to the drawing board and come back to us?

Mr. Weinstein: We will follow closely the approval process. We cannot submit an application until we have zoning approved and the moratorium ended. So our timetable is as soon as practical after the adoption of the new zoning to submit an application and go through the formal site plan approval process.

Village Planner Walker: I came tonight in case you had any questions about the zoning and how it related to the proposals because now you have seen the tangible realization of the zoning. The project on Main Street complies with the proposed zoning in its entirety. However, the project on Warburton/Division has a number of elements that do not comply with the zoning. They would require a variance.

Some of this zoning is still being tweaked. Under the proposed zoning, the height limitation in the MR-O district is three stories, and they propose some at four stories and some at three stories. There are required side yards of 12 feet, and they have some side yard on the Division Street side which could be interpreted as a front yard. And they have no side yard on the north end. We have not required a front yard in that overlay district, to encourage retail to build right to the sidewalk. We did not see a reason to set back retail 10 feet in that area, although elsewhere on Warburton we do require a 10-foot setback.

Rear yards throughout Hastings are required to be unpaved, so a parking lot cannot be a rear yard; the definition of a yard is unpaved. This is an anomaly in the CC district as well. We are thinking it may not be appropriate in either of these districts. It restricts parking opportunities. We are thinking the definition of a rear yard in the code could be revised.

We have a maximum number of units for multiple dwellings of eight, but no maximum now for mixed-use buildings. And theirs really qualify for mixed-use buildings. This is in the proposed zoning. We are debating whether or not that is appropriate, or whether all of the buildings on that part of Warburton should be limited to eight units, no more. Then they would require a variance.

They do not provide parking for retail, and in that area we do require it. In the CC district we are waiving parking requirements for retail under 2,500 square feet. But in that area, because we do not have municipal parking, we are not proposing to waive parking. So they would need a variance for parking.

There are a couple of things we are still wavering on; we wonder, for example, whether we should limit the density more along Warburton, and not allow mixed-use buildings to be built to any number of units. The copy of the zoning you have now has it that way. So that is a question we are resolving.

Trustee Holdstein: Could you go back over what you said as it related to retail and parking?

Village Planner Walker: In the CC district we are waiving parking requirements for retail under 2,500 square feet. That is about the size of Prime Meats. Anything less than that, we think there should not be parking requirements because those are fairly small retail spaces. We want to encourage that kind of retail. We are trying to discourage the large stores. At that scale, we think that the municipality can provide collective municipal parking for those sizes of stores. Any larger, then you begin to get into something where maybe they should be providing their own parking. But in the MR-O district on Warburton, where Division Street is, we are not proposing waiving any of the parking requirements for anything. Any offices or retail on Warburton would have to provide their own parking or get a variance. There is very little on-street parking, so we have to look at these things on a case-by-case basis there.

Trustee Holdstein: It seems kind of crazy that we create new zoning that puts a project that we might all think is terrific in conflict with a brand-new zone that requires three, four, five, six variances. It does not make a lot of sense to me.

Village Planner Walker: Yes, and this is why we are wondering. One of the things we like about that little neighborhood is that it already has some retail and we want to encourage that to continue. The retail that we are encouraging is very small-scale. It should be neighborhood-friendly, something that people can walk to and not require a lot of parking. So one option is to waive the parking requirements in that overlay district because we see it as a little commercial district.

Mayor Kinnally: Because it is not really a destination. People are going to be there anyway. They are not going to be driving.

Trustee Holdstein: Together the stores total 5,600 square feet in one complex. Is that any different, and less impactful on cars, than a single unit of 2,500 that does require the parking?

Village Planner Walker: Yes, we think it is. When you start to combine them and build a larger retail establishment, it is becoming a destination. It is something that people are more likely to drive to, like a restaurant or a larger store.

Trustee Holdstein: But four new stores in that location could not be argued to be creating the same destination?

Village Planner Walker: No, they do not. They do not create the same kind of destination. They are talking about targeting these to artists or workshops, studio space, as well as galleries. The type of establishment we have been trying to encourage in this overlay district is small convenience stores. It is the kind of thing that is not going to become a big destination. The other is offices. If it is a very small office you know how much business parking it is going to require.

Trustee Holdstein: I am always leery when developers say there are not going to be that many cars because this is the pattern that it is going to be: commuters, the train, even two unrelated individuals are not both going to have cars. If there are any studies or data on comparable buildings or locations, where they can walk to the train like they can here, I would like to see something that would make me feel more comfortable, that the reality is that people looking for those kinds of apartments do not necessarily have the kinds of cars that I think people bring no matter where they go.

Village Planner Walker: They mentioned that they would be doing that as part of the environmental review. But a lot of municipalities around the country are starting to waive all parking requirements for housing in the downtown because they are trying to encourage people to live in the downtown and walk: walk to trains, walk to shops.

Trustee Holdstein: I would like to have them compare how much current parking they have compared to what we have before you make that correlation.

Trustee Jennings: Apropos of that, I read an article recently that argued that the more parking spaces you create the more traffic you generate.

Mayor Kinnally: We have some numbers about how high some of the other buildings are in the downtown area. What is the height of the three-story component on Main Street, the four-story component, and Division?

Mr. Wobbe: On Division Street, the first story is 12 feet and all the upper stories are 10 feet each: 32 feet for the three-story portion and 42 feet for four. Main Street is 14, 11, 11, and 11: 33, plus 14, is 47. The streets both slope, so that is the middle of the range.

Mayor Kinnally: For comparison purposes, Overseas Auto is estimated at 30 feet; La Vera is 23 feet; Hastings House is 46 feet, which is the tallest; Animazing Gallery, Bill Hall's building, is 36 feet; Greenleaf Pharmacy 36 feet; Warburton and Spring Street 40 feet; and the apartments across the street from this site on Main Street where the fire was, 40 feet.

Mayor Kinnally: Rhoda Barr of the Planning Board and I are going to work out a of timetable for the proposed zoning. This proposal puts some meat on the bones of the zoning text, so it gives us a very good baseline to start discussing not only this proposal but the future of the downtown.

VILLAGE MANAGER'S REPORT

Acting Village Manager Maggiotto: Although this was a rather pleasant weather day, we will remember this as one of the hotter summers that we have had to endure, and many people enjoyed the pool. Ray gave me a report that stated that between July 1 and August 19, 12,700 people used the pool, for an average of 262 per day. The pool provided swim lessons for 275 campers. Our swim team had 51 members. The pool staff, under the direction of Kendra Van Sickle and assisted by Julia DiSalvo and Jason Doty, performed remarkably well in very difficult conditions.

The camp also just concluded its very productive season. There were 380 campers, with a staff of 90. The camp show, which is the culmination of camp, as those of you who have had children there fondly remember, is now on WHOH. The camp is under the direction of Tara Conte, assisted by Jen Schnibbe. They, too, did a wonderful job. They had to move their location this year to the high school/middle school complex, so they were in new buildings

and new rooms. They are all to be congratulated. Ray has a good staff, and they serve us and our children very well.

I have good news from Raf. He has received an engineer's certification for the radio station, so the agreement to use the United Water water tower will be in place soon, and we have received a 10-year license from the FCC to operate our radio station, which will be at 1620 AM. The unofficial call letters are WHoH-AM. The official call letters are WPVT-216.

As you recall, we approved the lease for AT&T to use the Municipal Building for its cell tower installation. At the Planning Board meeting there were a number of questions having to do with the placement of the materials on the roof of this building and so on, so they went back to the drawing board a bit. Meg and I met with representatives from AT&T today, and they plan to come back to the Planning Board meeting in September. If they get approvals then, they will be able to construct this fall.

At our last Board meeting we approved the contract for the street and sidewalk improvement on Ridge Street. Since that time, the contractor has gotten his bonds and insurances, which have been reviewed by our attorney and insurance agent. Thursday we will have a signing of the contract and a pre-construction meeting, where we will get together with the contractor and Village staff and work out the details. We will be in communication with the residents as soon as we have a better idea of what the schedule is going to be so this project will move along as smoothly as possible with the least disruption to the neighbors, with the best result.

The Bomanite replacement is coming. We are going to recolor and reseal the second stage that was done throughout the Village, and replace part of it that were crumbling because of the weather conditions when it was first installed. It should begin Thursday.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: There is a settlement meeting of the parties on the Riverkeeper's suit scheduled for Monday. We were supposed to submit pre-trial papers, experts' reports, etc. at the beginning of September, and start trial at the end of September. By agreement of the parties, we reported to the judge that settlement discussions had been ongoing and that there had been some progress. He has agreed to put the trial over until some time next year. I believe significant progress has been made addressing a number of the concerns that the Village Board and people in the community have identified. I would expect that we will be able to report some progress at the next meeting..

2. Update on the Quarry

Mayor Kinnally: A report from the state on the condition of the quarry and the information the state wants us to report on by the middle of October have been sent to Mark Chertok for review. He and his staff have been in touch with Mike Gunther to move this along. Some of the information is being gathered at the present time, and we are hoping to have a meeting with counsel to review that and other litigation in the near future.

3. Sprain Road

Mayor Kinnally: In May, 2001 an assessment was generated by an engineering firm who are consultants to the county of Westchester in connection with a component of a settlement of a lawsuit having do to with the closing of Sprain Road. One of the elements of the settlement was that the parties had to pursue the possibility of opening up another access road to the site. In furtherance of that, the county of Westchester retained an engineering consulting firm, and they presented a series of alternate roads or access points from the western part of the Austin Avenue site. The county attorney last week indicated to me that they were looking for input from interested parties, including the Village, by this Friday.

We had discussed the alternates at a meeting a number of months ago; most of them came through Hastings in some fashion. Two or three of them directly went through Holly Place; the road would be widened and the private residences on the street would be demolished to make way for a road to go into a site that is a Yonkers development.

I have prepared and circulated to the Board a response to the alternatives, and have gotten the approval from the Board, to send to the county attorney. I am also asking for, as I have indicated to the county in the past, a seat at the table of all of the parties to the discussions of the future of the site and the access. The letter is available if anybody wants to see it. Most of the proposals use 9-A as the primary area where this access road would exit onto. I have indicated that there should be direct access to and from the Saw Mill River Parkway.

Trustee Holdstein: Would it be inappropriate to add to that letter the suggestion to create an access road over the Thruway, taking the traffic to the Sprain.

Mayor Kinnally: Yes, I could add that. That is a good idea.

4. Leaf Blowers

Mayor Kinnally: The next item is a consideration of whether or not we want to regulate leaf blowers. I am in receipt of a letter from John Bartholomew Tucker discussing his

observation of the problems that we all encounter with leaf blowers. I will quote from part of the letter. He is talking about a nice morning...

"...when suddenly the quiet, the calm, the splendid serenity is shattered, assaulted, and destroyed by the awful, teeth-grinding, yowling whine of a so-called leaf blower. And instantly, everything wonderful that existed just moments before is completely shattered."

John underlines leaf because the irony is that most of the times these leaf blowers are pushing around a small amount of debris that could easily be moved by broom. But it is something that has come to our attention on a number of occasions, and I ask if the Board is interested in pursuing this. It would be, probably, a time of the year regulation.

Trustee Holdstein: I am not sure that I necessarily agree with limiting the time of the year because they do get used for other debris. Perhaps regulating the time of day when they could start using them in the morning, and even when they ought to conclude in the evening would be one step. And perhaps policing the decibel levels.

Arthur Alterman, 156 Villard Avenue: I also sent a letter to Mr. Hess about the noise. I am retired. I am always at home, unfortunately, but I cannot sit in my den and talk on the phone or watch television when certain areas are having leaf blowers. Also, the smell of gasoline permeates my house. I do not feel that I should have to tolerate this. I sent this letter to Mr. Hess on June 3, at his request.

Trustee Jennings: I have been thinking about enforcement, and I would hate to make rules and then not enforce them or enforce them unfairly. There is not any mechanism that we can use to license, or control, the contractors who people hire to do their lawn work and use these things. It is not so much the private ownership but the commercial use of these things. Private ownership could be solved neighbor to neighbor in an amicable fashion. But when you have the commercial usage, I do not know. Is there any way we could have an ordinance that would say only those outfits that were licensed by the Village are allowed to do business in the Village, and that through licensure we could then assure that they had sound mufflers on their equipment? We could regulate it then.

Mayor Kinnally: Something to look into. But even if it had the requisite mufflers, do we want to regulate when they can use it? The noise is allegedly controlled now because of the noise ordinance. We should reach out to the services that are using this. Bring them in and talk about it, and get an idea what the experience is like in Scarsdale.

Trustee Apel: We should have further discussion on this. I do not think people should feel that they cannot go outside and sit, or be in their house, and have to be tortured by the sounds. We should bring back the rake.

Trustee Walrath: I would agree. I see one other advantage in bringing in the people in this business. That is, we have trouble with their disposal of things we do not want disposed. I think we ought to know who they are, and I think some kind of licensure, not for money but so that we have the situation under control as far as disposal of materials they have to get rid of. We should proceed, find out what they are doing elsewhere, and find out who the people are. It is an education thing, not a regulation thing.

5. Fenwick Drainage

Mayor Kinnally: We have been in the process since 1985 in pursuing a chronic problem in the Fenwick area. It was '65 when it first came to the Village. David and Michael have been working with people in the neighborhood, reaching out to them, trying to put together a set of specs in moving forward with some design to alleviate the flooding problem.

Trustee Holdstein: We all have a copy of a letter from 1965, written by Walter Haubold, with concerns. So this problem has been ignored far too long, and it is high time to get it solved. We are very close to getting it solved because we have done a lot of work. We have had several meetings with many of the neighbors. David and I have walked it. We have worked with a lot of the neighborhood, and tried to elicit all their concerns. David then prepared an RFP to go out for bid for engineers to look at the problem. We received four back, and David then put together an *ad hoc* advisory committee. Many of the people on that committee are here this evening, who further worked with him over the summer in meetings that I was not able to attend. David has provided us a breakout of the four proposals and similarly worked with this group of neighbors, many of whom are most directly affected. One proposal was thrown out because we felt it was somewhat inadequate. The other three were all very good firms. Two of the three were similarly priced, one was quite a bit more expensive. But all three certainly could do the job. What we are talking about here is to hire somebody to look at the problem and come up with a solution. It is pretty simple.

David and I would like to recommend that the board approve interviewing CG Engineers. In the meetings that David had there was some split on the firms, but after working on this with David, reviewing all the communications that I have had individually with people as well as these meetings, it is our belief that CG would be our first choice. There were several issues that people brought in on the proposals as it relates to computer modeling, as it relates to

sensitivity to environmental as well as engineering issues. People may want to submit questions to us to ask. David has prepared a comparison of the proposals.

Mayor Kinnally: It was very well done. David, thank you. I know you put a lot of time and effort in this. I received a call last evening from a resident in the area, and I know everyone here has talked to people in the area. One of the concerns is that there will not be much input from the people who are directly affected. Suffice to say that this is probably at the top of our list, because more than half the project is making sure that everyone is on board and that while everyone may not fully agree with everything that would be done, that at least there would be an open channel of communication. The scheduling, the scope of the work, everything would be explained to everyone beforehand so there are no surprises. A woman who called me last night said we do not want the Village rushing into this. The only things rushing have been the flood waters.

But we want it done properly. We want to make sure that everybody is knowledgeable about what we are hoping to do here. And, more importantly, that the job is done correctly, and the problem is addressed and remedied once and forever, and we do not have to deal with this.

Any decision as far as retaining either an engineer or a contractor will be done at an open meeting of the Village Board.

Tom Kadala, 25 Branford: We beg to differ with the conclusions that you have come up with. We have 38 signatures that we collected today, stating:

"Dear Hastings-on-Hudson resident,

The Village of Hastings-on-Hudson will be holding an important meeting tonight at the town hall that may significantly affect the value of your property. This involves the selection of an engineering firm that may potentially destroy trees and plants located along the creek running between Dan Rile Park and the Steppingstones area. By signing this petition you will be expressing your concern and desire to have this meeting rescheduled for the next month at a more convenient time so that you may attend.

This petition will be presented to the Board tonight during the meeting."

I have 38 signatures of residents that are concerned. There are people who, of course, are on vacation. Many cannot attend because they have children or they are elderly, and placing this as the last item on the agenda.

Mayor Kinnally: We have not taken any action tonight, nor do we intend to take any action other than saying we are going to meet with one of the applicants.

Mr. Kadala: We are very interested in meeting with the applicant that is favored by Mr. Walrath. We are also interested in meeting with the two others, Malcolm Pirnie and Cashin Associates. The CG presentation we thought had four flaws in it that were significant, and in that case merited our looking at other firms we felt much more comfortable with.

We also are asking the Board to allow the advisory committee to continue its function which, apparently, was ceased from what we understand, and continue the process that it set out to do. We are interested in allowing the advisory committee to present to the Board directly.

The final thing that we are considering is having an environmentalist protection firm as a third party, not one that is subcontracted by the engineering firm, who is in full understanding of the laws for wetlands and the plants that should be protected. There would be checks and balances in place so it would not matter who you picked and what the motives were as long as there was an interest on the environmental side. Then the engineering firm would be required to do what they know how to do best. As an example, we would be given several options, and we would look at them and say, can we do this? If the environmentalist says it cannot be done because it will affect the creek flow or it might damage some of the plantings or whatever the case may be, then the engineer will have to go back and study that according to what the environmentalist will say. We feel that by having that under the same umbrella as the engineering firm opens up conflicts of interest that would not bode well for the interests of the property owners.

Trustee Holdstein: This Board, on the time that I have served on a lot of very touchy environmental issues, has acted as its own provider of checks and balances. I do not believe that it is necessary to have a separate firm. I am not in favor of bringing in all of these firms. I think they would all do a fine job. I read the proposals. They are not exactly as I would like them. But that is part of the process in bringing in one firm, working with them, determining we are comfortable, and moving forward.

Mayor Kinnally: I suggest that the Board move forward with interviewing CG, and then keep an open mind about the rest of it. This is a process that the Board goes through with professionals all the time. We were hoping by this process that it would help us winnow it down a bit. There are a number of elements that go into retaining a professional firm: compliance with the RFP, cost, efficiency, timing. Ultimately, the Village Board has got to make the decision. So why not make the first step?

Mr. Kadala: We are asking you to put off this meeting because there are many concerned citizens in Hastings over this project. This is not one to be taken hastily. We do not agree with the approach that has been taken up to date.

Mayor Kinnally: I do not understand what approach you do not agree with. We are trying to identify a firm to advise the Village on the engineering. We are not moving forward with the construction, or ripping up anybody's yards. This has been one of the most transparent processes that I have been involved in since I have been on the Board, since 1978. We have opened it up to all people who want to bid. At some point, the Village Board has to start filtering out the bids. We may want to interview all three, but we have to take the first step.

Joan Berner, Steppingstones: This is to the Board of Trustees from Joan Berner, co-owner of Steppingstones:

"I was invited to be on a committee several months ago, ostensibly to select an engineer who would solve flooding problems from Dan Rile Park through my Steppingstones property down to the Saw Mill River. My co-owner, Tish Romer and I, attended two meetings in good faith, read the RFP's, thoroughly analyzed the four proposals, put in a lot of time and energy and work to do that, and made a decision that the firm Malcolm Pirnie would be most sensitive to environmental as well as engineering issues. Three homeowners out of five on the committee listed Malcolm Pirnie as their first choice at that August 2 meeting. It now appears to me that the entire exercise was *pro forma* window dressing. Yesterday, August 19, in a phone conversation with Tish, David Walrath, committee chairman, said that he was going to propose to the Board that the committee interview his choice, Clifford Gold Associates, first, and that he did not think it would be necessary to interview other firms. It is a waste of time and rather humiliating to be told the committee would help select an engineer, and when there was disagreement Mr. Walrath took it upon himself to change the arrangement made in good faith. This turn of events calls into question the integrity of the selection process."

Mayor Kinnally: We are not saying we will not interview anybody else; we are saying we are going to interview CG first. The committee could have voted 5-0 for firm A, and the Board of Trustees could go with firm B, because by law, the Board of Trustees must make the decision.

Ms. Berner: But why bother with the committee?

Mayor Kinnally: Because there is input.

Ms. Berner: I hope you will take my statement seriously.

Trustee Walrath: We take all of your statements seriously, but you were addressed as an advisory committee, not a selection committee. I am sorry if you are disillusioned. I want you to stay part of the process.

Ms. Berner: We were called to meetings with maybe 12 hours notice. There were so many discrepancies in what we thought we were doing, and I think I am not the only one on this committee who felt that way.

Trustee Walrath: I do not believe I said I saw no reason for interviewing the other firms. My recommendation is we start with CG, and I reminded you it is a decision by the Board. My recommendation to the Board, my fellow Trustees, is that we start with CG. It does not mean we will end with them. And your input is still valued; it is simply we need to start someplace.

Mayor Kinnally: I have worked with Cashin Associates and with Malcolm Pirnie, our environmental engineering consultant on the Riverkeeper lawsuit, and both are excellent. But it may be that they are not the right ones for this project. We will take a look at it.

Trustee Holdstein: There is a difference between an advisory committee and a selection committee. Your comments up to tonight have certainly been listened to by David and myself in a series of meetings. I again emphasize that it is the Board's job to interview these firms. I have no problem using a checklist from you in the interviews. I intend to make sure that this environmental piece is very much a part of it. We may be satisfied after the first interview and may make the decision to get them started with it, but that would not mean that your voices have not been heard and we do not want them to continue to be heard. You are very much a part of this process.

Mark Rossner, 2 Branford: I was at a meeting about a year ago where preliminary discussions occurred. It was my understanding that before anybody walked on anybody's property, even before any research would be conducted, that homeowners would be contacted. Pretty much the only information I have got about this is by bumping into neighbors or Mr. Walrath, and it has been rather arbitrary as to who has been informed. I also get conflicting information about how advanced the process is. From what you say, it is very preliminary. Yet, talking to Mr. Walrath the other night, it seemed he had some very defined ideas about what the best solution would be.

Mayor Kinnally: He might. He is an engineer. But he is not doing the engineering.

Mr. Rossner: I am going to ask that people be brought in as systematically and formally as possible, or at least notified when these meetings occur.

Mayor Kinnally: We are going to have to do a better job of getting the word out, but one of my hopes was that the advisory committee would serve as a conduit for information.

Mr. Rossner: They have, and that is how I know to be here tonight.

Mayor Kinnally: And that is what we were trying to do. To get a core group together, and then work it out.

Mr. Rossner: By no means do we want to stonewall this, or have people suffer from the flooding. It is significant.

Trustee Walrath: I feel remiss in that we did not tell the entire neighborhood. We will try to have better communication. It has been our object to have everybody on board all the way.

Mayor Kinnally: We might look at having a neighborhood meeting at the Uniontown firehouse, and at least bring people up-to-date on where we stand. The engineers are going to come up with the design proposal, and then it is important that we convey that information and get input on how it affects your yard from an aesthetic standpoint. We are not going to count noses whether or not we should have an 18-inch running here, or a 24-inch pipe here and a manhole located here or there. They are the professionals, they know what best to do. But it is important to let the homeowners know what the projects are going to look like, what the scheduling is, how it is going to affect your yards, etc. The environmental concerns will be addressed, if not on the professional level, certainly on the Village Board level.

Mr. Kadala: You worked with Cashin and Pirnie and were pleased with them. You have never worked with CG. But now you are really interested in seeing CG first, and it just does not add up to me.

Mayor Kinnally: Because David said that CG hits more of what we are looking for in the RFP. His assessment is that their response, and some of the assessment of some of the people on the committee was the same, was more consistent with what we were looking for.

Mr. Kadala: I get the sense as though a decision has been made.

Mayor Kinnally: It has not. I have not even looked at the submissions. All I have seen is what David has compiled. We will interview. Maybe the comfort level of the people on the Board is such that they want to see other people. Cost is a factor. Timing is a factor. Meeting with people may not change that. My mind is not made up. This is not a *pro forma* exercise or a *fait accompli*.

Trustee Holdstein: But after interviewing CG we may be satisfied and go ahead and hire him, and we may not interview the others. I want to make that very clear.

Mayor Kinnally: I want to make it equally clear that we are not ruling out anything.

Mr. Kadala: All of us are in full unison that we do not like CG. We have reasons for it. And I am representing 38 people.

Mayor Kinnally: I understand, but you can come here with a laundry list of reasons why you do not like them, and we will take that into consideration. But we have to make the decision.

Ms. Romer: At the risk of being adversarial, we had the feeling from day one that CG was going to be the favorite. Also, at some of those early meetings we made it clear that we wanted a major statement about environmental issues being balanced with engineering issues in the RFP.

Trustee Walrath: If you mentioned this in a prior meeting I did not get it down. I wrote the RFP and I put in the things that I thought were important, and I assumed, because I would myself as an environmental engineer, that they would certainly take into account the environmental issues and I did not write it in the RFP. I agree with you that we should make sure they are looking at the environmental aspects, exactly the way you point them out.

Ms. Romer: At least half of this area is in designated wetlands or swamp forest. We are south of a wide area of wetland and swamp forest, and it is also FEMA designated flood zone. We feel that a good company could get significant funding for any major repair.

Walter Haubold, 31 Fenwick Road: The advisory committee was not one-sided. It was pretty well split. Malcolm Pirnie was one of the selections that, apparently, this group thought that was the best selection. Walter Phillips, myself, and Dave Walrath selected CG as the one who seemed more pertinent, more to the point, more practical. They attacked it more from an engineering standpoint. You want to have environmental issues answered

also. But this is a flood problem. These are engineers. You have to go with engineering principles: big pipe, little pipe, drainage ditches. These people seemed to have a proposal that was very straightforward. This is a straightforward project. You have to get rid of water. It is not a debate. Tom got 38 signatures to vote for an engineering firm, which does not make sense at all.

Trustee Jennings: I have not studied the proposals in response to the RFP. I have a great deal of confidence in David's and Michael's judgment. I am swayed by their recommendations very strongly. However, I find that interviews are most valuable when they can be comparative. I would feel more comfortable in interviewing two or three firms. We are not counting noses here; this is an advisory process. We make the final decision. But in deference to those who put in their voluntary time on the advisory committee and who feel strongly about this, the least the Board can do is to be willing to conduct more than one interview.

Mayor Kinnally: I would be willing to open it up, but we will have to check everyone's availability in the next few weeks. I hope you can leave here with the concept that we are trying to do what is best for the Village without foreclosing or precluding anything. I do not know if the interviews will be open—I will have to check with counsel—or if notification can be in writing because of time constraints, but we will get the information to you.

Trustee Walrath: I confirm that I gave the group the idea that you would participate in the interview, and I think it was the right thing to do and I may not have anyone else agree with me on the Board. It is still a Board decision, but I would welcome your participation.

Trustee Holdstein: Participation, or presence?

Mayor Kinnally: Attendance. It will be the Board doing the interviewing.

Trustee Walrath: We will do the interviewing, but your questions I would like to see in public.

Mayor Kinnally: We will get the best thing for the Village out of this. I am sorry if there has been any frustration or any mis-communication, but we will get it sorted out.

Andy Zimmerman, 7 Ridge Street: A new body of water has formed on the waterfront in the BP/Amoco property now near Building 17 in the last month or two, about 50 feet in diameter. I was told by a Village employee that they found an underground water leak; they had not known there was a live water main going through there, and they were taking

steps to do something. I see they are pumping the water out . I am concerned that this pond might be leaching out some of the PCB's or lead or cadmium to the surface. I do not know if there is anything to protect the environment from when they are pumping. It would seem like a good idea to take the opportunity to sample the water to see if any of the volatile chemicals have dissolved into it in that time. Is that something that might be possible?

Mayor Kinnally: I will pass it on to environmental counsel and speak to BP/Amoco about that.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:40 p.m.