

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 17, 2003**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 17, 2003 at 8:20 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Deputy Village Attorney Brian Murphy, Special Counsel Mark Chertok, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Michael Holdstein

**CITIZENS:** Sixteen (16).

**APPOINTMENTS**

**Mayor Kinnally:** David Hutson and Patty Speranza are both being reappointed to the Planning Board through 2008. I thank both of them for their past service, and for agreeing to serve on this very important board in the future.

**APPROVAL OF MINUTES**

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of May 27, 2003 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of June 3, 2003 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. 1-2003-04	\$108,331.07
Multi-Fund No. 2-2003-04	\$243,062.97
Multi-Fund No. 3-2003-04	\$106,088.84

**9-A INITIATIVE - MORATORIUM**

**Mayor Kinnally:** There was a public-based initiative under the aegis of Sean Nolan dealing with the rezoning and ultimate use of the 9-A property. We are in receipt of a report from Mr. Nolan indicating that despite everyone's good intentions, hard work, perseverance, and

give-and-take, what we were hoping to accomplish did not happen. The issue of the ultimate development of 9-A continues. The issue has been raised as to what is going to happen with this property in light of the fact that additional parcels in the Village are being studied.

**Trustee Swiderski:** I was involved in the process from the beginning and participated in many, if not most, of the meetings. It was a noble experiment to try to drive the development process from the perspective of a group of citizens trying to determine what makes sense for that site. It was an open and spirited discussion. In the end, time constraints driven by options on the property, and maybe the fact that the discussion was too spirited, made it look like we were not going to come to a successful consensus within the time frame provided. It was a great effort; almost 15 people showed up week after week. I feel the idea is one with merit. I thank Ginsburg for funding the effort, and I thank the participants. I hope we have another chance to do something like this again.

**Trustee Apel:** This is a time for the community to take a look at the property in light of the fact that it is zoned as light industrial. I recommend that we propose a moratorium on the property so that we can look at the light industrial zoning.

**Trustee Swiderski:** Given the failure of a process to come up with a consensus, and given the time constraints now imposed on the site, a moratorium would give everybody some breathing room to determine what might make sense for that site and reflect that properly in either a change or not change to the zoning as it now stands on the 9-A plot.

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, the Board of Trustees called for a public hearing on July 15, 2003 at 8 p.m. to consider Proposed Local Law 4 of 2003 imposing a temporary moratorium on development in the Village's Limited Industrial zone.

**Village Manager Hess:** A copy of the Proposed Local Law is available. It states that the Board of Trustees finds that serious traffic impacts in the 9-A corridor would occur if undeveloped or underdeveloped lands in the Village's existing Limited Industry district are developed for uses permitted as of right or by special permit under the Village's LI district regulations. Accordingly, the Board of Trustees hereby directs the Planning Board to prepare appropriate zoning amendments that could include a modification of the list of permitted uses in the LI district located on Route 9-A, or other zoning amendments to reduce such impacts. In order to ensure the existing traffic problems do not worsen, and to assure that all future development in the LI district is consistent with those zoning amendments, the Board of Trustees finds it is necessary to enact a temporary moratorium on the development in that district. The Local Law is for a period of 90 days.

## **RIVERKEEPER'S SETTLEMENT**

**Mayor Kinnally:** Before our meeting this evening the Village Board had an executive session with counsel where we discussed litigation and advice of counsel, and some outstanding personnel items. Mr. Chertok will give an update on where we are in incorporating the comments following the meeting on May 13, and in getting the Q&A document and the settlement terms in a format that we will agree to .

**Special Counsel Chertok:** Subsequent to the public meeting and the receipt of written comments, we have prepared, with the assistance of the Village's consultants, an expansion of the original question and answer document, which is now the nominated response of the summary since it responds to, as best we can discern, every one of the comments we have received, oral or written, with respect to the prospective settlement. In addition, there have been further discussions among ARCO, the Riverkeeper, and the Village, and there have been a few substantive additions to the term sheet. Several of them were in the version that is out tonight. There has been another change since that version was published. The three principal changes relate to the trust fund, Village monitoring, and the potential for preserving the whole, or facades, of several buildings on the site.

In terms of the trust fund, there was a concern about ARCO having a veto power over projects for which the monies in the trust fund could be utilized. The term sheet clarified that; it is a majority vote of the three parties: the Riverkeeper, ARCO, and the Village. Projects in the Village retain their priority. In terms of the monitoring, ARCO has agreed to pay for the Village to retain an environmental consultant to monitor key aspects of the remediation, to pay periodic site visits, to have access to monitoring data generated from the site by ARCO, which will be, we believe, real-time monitoring data for air issues.

The third principal change relates to the potential for preserving some buildings, or facades of buildings, on the site. ARCO has agreed to conduct an assessment of the feasibility of moving the water tower and reconstructing it back on the site or elsewhere on the site after the remediation is completed. They are also looking at whether or not it is feasible to preserve in place the administration building, building 51 and building 52. If not, they will look at the feasibility of preserving a facade of one or more of those buildings that could be taken out, stored, and then reused with a future development. They have agreed to do that, and that has been added to the term sheet.

We anticipate some minor changes to the term sheet and questions and answers. There are some issues that I can fairly characterize as minor, but that require some clarification and input from the Village consultants, which will continue over the next several days. We

anticipate having the revised documents in final form for Friday to be put on the web site. We will prepare a memo indicating which provisions of the term sheet and questions and answers are modified so one need not read through all these pages looking for changes.

**Mayor Kinnally:** Since we have not been able to speak to our consultants and get the information and the agreement from the other parties, we are not ready to move on this tonight, although 99.5% of the information that we will be acting upon is before you.

I have had conversations recently with Sandy Stash of ARCO. We are trying to set up a meeting where we will discuss additional park land to be acquired by the Village from ARCO, and some of the other items that will deal with development of the site.

I propose that we have a special meeting of the Board of Trustees at 8:15 p.m. next Tuesday to approve the final settlement term sheet. From there, we would go to the drafting of the consent decree to resolve this case. To the extent that anybody has information that will be relevant to our deliberations, those comments should be submitted no later than 5 o'clock on Thursday. We will endeavor at that point to get the documents that we will be considering on Tuesday available to everybody on Friday.

**Andy Zimmerman, 7 Ridge Street:** I have been asking for awhile about saying that all the PCB's greater than 10 parts per million would be removed outside the northwest corner and the shoreline area. But still this version of the term sheet says that in large parts of the northern part of the site they would only dig down as far as 9 feet. It is clear on looking at the maps and the data that there are PCB's in the hundreds and even thousands of parts per million under 9 feet in that area. The question and answer sheet says that will be further clarified in the final settlement. But it seems like it needs to be clarified in this thing that you are about to sign here. Is that something that you are contemplating doing?

**Special Counsel Chertok:** We have gotten a comment, and it would be helpful if you could tell us precisely what borings or other areas you are referring to. The document now reads that the PCB's that are over 10 parts per million are going to be in what is called a containment area, which is the northwest corner and the shoreline area. That area is going to be between the slurry wall and the bulkhead. It is going to be capped, is designated as open space, and cannot be developed. You are referring to other areas that you believe have PCB's in the thousands of parts per million, but no consultant has identified those areas. If you believe that is the case, we would like to have you inform us specifically of the areas in question and provide us a document you are referring to so that we can investigate that.

**Mr. Zimmerman:** I have given that information to Mayor Kinnally and to Peter Swiderski. I gave you the actual bore holes with the parts per million. This is all in the stuff that is in the library. I have a copy of the map here made from that information by ARCO. In this area down here it goes up to between 500 and 1,000 parts per million. And that is not part of it.

**Mayor Kinnally:** I think it is the shoreline area.

**Mr. Zimmerman:** It is not.

**Mayor Kinnally:** I do not want to debate, but I think it is. Let me take a look.

**Mr. Zimmerman:** There are two areas. This is the shoreline area. This is the northwest corner. I am talking about this area and this area.

**Special Counsel Chertok:** I believe those are both part of the shoreline, but I will retain this to double-check. I do not recall getting any boring numbers, so if you have the numbers that would be appreciated.

**Sandeep Mehotra, Hastings:** I am still very concerned about the cap, using asphalt.

**Mayor Kinnally:** If you take a look at the term sheet, it is not exclusively asphalt. We are talking about geosynthetic material also. So it is not the only remedy that is discussed.

**Mr. Mehotra:** But in the final settlement it would be finalized, or that will still be left open?

**Special Counsel Chertok:** The final determination will be made by the DEC, if there is going to be a contact barrier, of what material it will be. This is a minimum, to some extent. If the DEC fails to act, then we will have to deal with that.

**Mr. Mehotra:** I wanted to bring up the backfill. If any parts of those are going to be used as parks and recreation, a concrete backfill would not be acceptable because that would lead to not supporting any vegetation.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled a Special Meeting for Tuesday, June 24 at 8:15 p.m. in the Municipal Building to consider the settlement term sheet of the Riverkeeper's suit.

### **51:03 INTERMUNICIPAL AGREEMENT POLICE TASK FORCE**

**Village Manager Hess:** You have a copy of the agreement drafted by Thatcher & Profitt, the recommendation of Acting Chief Tom O'Sullivan, and a review by our Village attorney, who made recommendations on changes which we will forward as initial changes in our copy of the agreement. I am not sure they will accept them, since at least four of the other municipalities have already signed the original agreement, but we will make that attempt. The Acting Chief recommends that we join this consortium as a way to improve enforcement in the town. It gives much greater flexibility to the villages to have officers from other villages working together on this task force.

**Mayor Kinnally:** I think it is a step in the right direction. This has been a high profile topic recently in all of the media.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt and authorize the Village Manager to sign the Inter-Municipal Agreement among the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Hastings-on-Hudson, Irvington and Tarrytown to form a task force aimed at drug and alcohol enforcement.

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

### **55:03 INTERMUNICIPAL AGREEMENT GRAHAM WINDHAM PROPERTY**

**Village Manager Hess:** This is the second part of our funding to acquire the Graham-Windham property. The state has awarded us a grant of \$335,000. The county has granted \$335,000 for half-interest in the property. The total purchase of \$670,000 will be covered by outside sources. We will have some small ancillary costs involved in the acquisition. This is the final step to get the closing date set in July and get this property acquired for the Village.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to execute the intermunicipal agreement with the County of Westchester for the purchase of property from Graham Windham.

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

**56:03 INTERMUNICIPAL AGREEMENT TELECOMMUNICATION SERVICES**

**Village Manager Hess:** This is an IMA with Westchester County which will allow us to join their telephone system through Cablevision.

**Mayor Kinnally:** Raf, we are going to have improved and less expensive communications with this.

**Technology Director Zaratzian:** Yes. We have been having some problems with the Verizon infrastructure, and this would take us off the Verizon infrastructure onto a fiber optic system. Some estimates of savings would be \$1,758 per year on telephone service and \$4,440 per year on Internet service.

**Trustee Apel:** How long does it take for the conversion once it is approved?

**Technology Director Zaratzian:** This agreement allows us to sit down with the designers and go over exactly what we are going to need, so I would say three to four months. We want this agreement to get the special pricing of Lightpath and the county, and to get information from the county over the network it is building to connect all the governments.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Mayor to execute the intermunicipal agreement with the County of Westchester for telecommunication services.

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

**57:03 CERTIORARI SETTLEMENT - 611 WARBURTON**

**Mayor Kinnally:** This is Bob's Service Station on the corner of North Street and Warburton Avenue.

**Village Attorney Murphy:** For the reasons more fully explained in the memorandum of Ira Levy of May 16, we strongly recommend settlement. We believe that, should this matter go to trial, we cannot achieve a better result, and if that were to be the case, we would incur additional expenses. The assessor concurs with the recommendation of settlement.

**Trustee Apel:** I would like to ask for a quick recess for advice of counsel.

[Recess 9:55 p.m. to 9:57 p.m.]

**Mayor Kinnally:** The question was raised as to whether or not any Trustee would have to recuse himself or herself if he or she did business with the business in the certiorari settlement. Actually, the owner of the property does not own the business, but we resolved that matter and we can proceed. Marge, thank you for raising that.

**Jeff Bogart, 5 Jordan Road:** I am the publisher of *Hastings News*. Does the school district feel the impact of this?

**Mayor Kinnally:** This is the Village's assessment. The school has a different assessment role. To the extent that the Town of Greenburgh is settling it, they will settle it with the school board. This has nothing to do with the school board.

**Julius Chemka, 8 Ridgedell Avenue:** I served on the assessment review board in 2001 and 2002. Is this for 2003, as well?

**Mayor Kinnally:** No, it is not. This is settlement of the suit that was brought in Supreme Court. It do not have anything to do with the current year.

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski 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:

<b>Property Owner</b>	<b>Address Description</b>	<b>Year(s)</b>
<b>JOHN REILLY</b>	<b>611 Warburton avenue Volume HA, Sheet 12 Section 10, Block 630, Lot 2</b>	<b>2001- 2002</b>

**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:** that 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:

<b>Year</b>	<b>Current AV</b>	<b>Reduced AV</b>	<b>AV Reduction</b>
2001	\$42,850	\$29,000	\$13,850
2002	\$42,850	\$30,000	\$12,850

The Village of Hastings-on-Hudson's share of the refund is \$3,332.89 ±.

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

**58:03 INVEST IN KIDS CONTRACT**

**Village Manager Hess:** This is the 2003 contract similar to that which we have had in previous years with Invest in Kids.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the 2003 Invest in Kids contract with Westchester County.

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

**59:03 GRANT REQUEST AUTHORIZATION - IMPLEMENTATION OF LWRP**

**Village Planner Walker:** We put forward this proposal a year ago and did not receive any funding, but it might be worthwhile to try again. This application will help us put into place certain infrastructure in the public areas on the waterfront while remediation is taking place. This will be discussed when we go into our redevelopment strategy study which we are kicking off on Monday with Saratoga Associates. But the grant is due Friday, so I wanted to get your input on moving ahead with this.

This is the sort of thing that we will be discussing with Saratoga Associates: how much the Village should be involved in constructing, designing and planning for the public spaces, and how much should be left to a developer, for example, and what parcels the Village should consider acquiring in the future. So in a sense this is jumping the gun. But the LWRP steering committee believes it is important to think about designing and engineering what you may want to put in during remediation. Last year Phil Karmel made the point that infrastructure, whether it is the utilities or the roadways, should be taken into account when doing the remediation because it is more cost effective to do it then than later.

**Mayor Kinnally:** Our matching share is \$300,000, so it is a commitment. We will have to consider that if and when we get the grant.

**Village Planner Walker:** That is correct.

**Mayor Kinnally:** Any sense from the state whether or not we are more in the running this year than last?

**Village Planner Walker:** This year the funding is a little more iffy, so it is hard to say. But they encourage us to continue to apply for funds to implement the LWRP and keep our visibility out there. I cannot recommend any other grants for this grant round of the EPF and bond act because we have so many we have to spend before we can ask for more.

**Trustee Swiderski:** Does the Saratoga study address the zoning or do we have to wait for this money to come through to address zoning?

**Village Planner Walker:** No, we will begin to address the zoning in concept form with the Saratoga study. It will look at regulatory recommendations and land use tools that we should be using in order to maintain control of waterfront development. We have a grant from the Department of State for design guidelines, and yet another grant to do the zoning. So we have three grants to move through. First we do the redevelopment study, then we can do design guidelines and zoning.

**Trustee Swiderski:** Do you anticipate getting through all the activities covered by the other grants before a year is up?

**Village Planner Walker:** We do need to move through them. But even if we do not, you are not necessarily penalized. You can extend the grant. It has been taking a long time recently to get contracts from the state signed and the monies allocated. So there is a lag with the other grants as well due to that.

**Mr. Chemka:** I am a member of the LWRP board, and we okayed this last year. We would like you to okay this so that we can try to get the monies which we can work with.

**Trustee Swiderski:** Did we allocate for the match in the current budget?

**Village Manager Hess:** No. You will make a determination if we receive the grant, in anywhere from 12 to 14 months, on whether you wish to allocate the local match.

**Trustee Swiderski:** Could we use part of the ARCO settlement fund on this?

**Village Manager Hess:** I believe that that is a potential use. Also, if BP/Amoco sold the property to a developer some of the charges listed here could be funded by a developer.

**Trustee Jennings:** We have several examples of a commitment or an expenditure that have begun to come up in looking down the next five or even ten years in terms of developing the waterfront. I think we ought to plan a mini budget just for waterfront-related development expenditures. I am not sure that our tax rate can handle all of them, since they are not the usual year after year type of expenditures. We ought to think about it, and plan for the extraordinary expenditures related to the waterfront.

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

**RESOLVED:** that Neil P. Hess, as Village Manager of the Village of Hastings-on-Hudson, is hereby authorized and directed to file an application for funds from New York State Department of State in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$300,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings-on-Hudson for implementation of the Village's Local Waterfront Revitalization Program.

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** I recently made the Board aware of certain information relative to our insurance. The increases provided to us have been astronomical. I am planning at your July 15 meeting to have budget amendments to the current year's budget in addition to the regular transfers for the previous year's budget. The insurers have hit us with a much larger increase than was anticipated. So we will have some recommendations for budget amendments to address that situation and not put us in any worse financial condition than we have experienced over the last year. In my budget message, I mentioned approximately 15 items to look at for budget reductions; that will be my source of change.

Regarding the public hearing on the Tree Preservation Law, the change to the composition of the Tree Board was consistent with what was requested in June, 2002. If there are to be

further amendments, I suggest that the Board pass this local law as proposed, and consider other amendments at a future date, once I have a chance to sit down with Mr. Wolf and go through his list of comments.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** We have had discussion tonight about the Riverkeeper's suit and I have nothing else to add.

### **2. Boulanger Plaza**

**Village Manager Hess:** According to the engineer subbed by Ms. Griffin, the upper wall is seriously deteriorated and is in need of replacement. He did not see replacement of the lower wall; however, there is a question as to the condition of the lower wall as well. I met with one of the neighbors who knew about the construction of the wall, and he raised the question of the possible lack of an appropriate footing. Since just replacement of the upper wall and part of the lower wall was a \$209,000 item, I would like to engage a structural engineer to do a detailed analysis of the condition of both the upper and the lower wall and to get back to us with a recommendation. It is a safety issue, and a matter we have to move forward on. The cost of such a review would be in the neighborhood of \$2,500 to \$3,000.

**Mayor Kinnally:** It is a prudent thing. There is a question as to the structural integrity of that lower wall, and it would be foolish of us to undertake a project of this magnitude and not have all the questions answered.

**Trustee Apel:** I agree. I think this is important. If we are going to start playing around with the top part, we might as well make sure that the bottom is going to support it.

**Trustee Jennings:** I agree.

**Trustee Swiderski:** I concur.

### **3. Kinnally Cove**

**Ellen Bush, Chair, Parks and Recreation Commission:** I would like to name the people who served on the Waterfront Cove advisory committee: Anthony DeVito, who is a marine engineer, was extremely helpful in helping to design this as well as talk about the pros and cons of various suggestions, and was well-versed in the regulatory requirements for various

structures; Hank Berger; Sandeep Mehotra; Harry Sunshine; Julius Chemka; Jerry Borenstein; Ted Mason; myself, as a member of the Parks and Recreation Commission; and Fred Hubbard. Jacques Padawer is also on the Parks and Recreation Commission and had some words to offer, particularly with regard to the concept of beginning a tidal marsh.

This plan is for your initial review. I am going to hand out Meg's initial cost estimates.

**Mr. Mehotra:** The committee met for at least a year and there were a lot of varied interests. One of the prime objectives was a non-motorized boat launch. There was also an idea of doing a tidal marsh, and some people were interested in having a beach. Access via boardwalks and pathways was discussed. We talked to a couple of the wetland specialists, and with boating expertise on the committee, discussed boating requirements. Regarding a beach, the water is very low and the bottom is very slushy. It is not conducive to swimming or wading. It would require a lot of excavation and would lead to permitting problems because we would be working in the wetlands in the waters of the U.S. for recreational use. That is generally a harder permit to achieve than if you are restoring it as a marsh. So we came up with the idea of a marsh. One of the requirements of doing a marsh here was to provide a breakwater. That lent itself to how we located the boardwalk. The interior of the marsh would have deep channels to provide more aquatic habitat.

The entire property will be fenced in. Next to the road we would provide about a 25- to 30-foot buffer where we would do upland planting and there would be a wood chip path. We are using the path that already exists for access to MacEachron Park, and from there we start the boardwalk that connects to what is the Village right-of-way but is tennis club property. We will have to negotiate with the tennis club so that we can get our access. That will be the second access and will create the loop. This also provides access to all the boating activities. It separates the active recreation from the passive recreation. We looked at moving the launch to this side but one of the drawbacks is that it would interfere with what is happening at the park. Some of the boaters thought it might lead to safety issues. The other thing that this achieves is creating a continuous loop with the existing boardwalk. The idea was that in the future this boardwalk would go through the entire waterfront.

The other feature is that there is an existing barge. Trying to remove the barge would be a tremendous undertaking, and you do not know what you are going to find. So we would backfill it and landscape it. The front half would have a platform where we would have a simple shed for canoe or kayak storage and would have an additional open platform. In the summer it would serve as a plaza for people to take the boats in and out and in the winter it would serve as a storage area for when these floats get lifted up. The other benefit of this scheme is that in the winter when the floats have to be lifted out, this path could be accessed by heavy vehicles or loading.

**Village Manager Hess:** What is going to keep the north-south boardwalk from getting ripped up by ice during the winter?

**Mr. Mehotra:** Once this contract is let out there will be a proper design done. But based on what we have come up with, we would be driving hollow steel piles with 30-foot spans, and each of those spans would be spanned with I-beams. The boardwalk would be covered over the I-beams. So you would form a rigid structure. The wooden structure would just be a cover. It would be designed to withstand the wakes as well as the ice wakes.

**Village Manager Hess:** Is there a type of float in the east-west boardwalk area that would be light enough to be unattached and carried over to the storage for the winter as opposed to renting a crane for \$1,200?

**Ted Mason, 26 Circle Drive:** That is a series of floats, and they are fairly heavy. You would have to bring a crane in. The Tower Ridge Yacht Club has a crane of their own, but they said it is in poor repair. So they have a contractor come in, and they lift out all the boats and all their floats in less than a day. If we coordinate our activity with them we could do everything at the same time. Their cost was about \$1,200 to do everything.

**Mayor Kinnally:** And accessibility for the crane?

**Mr. Mason:** The pathway along the north side of the tennis club should be wide enough to put a crane truck there. I did not take dimensions on a truck to find out, but that is the idea. We moved that concrete pad where the boats would be, the take-out area for the canoes and kayaks, and we put a shed a little bit north, hopefully to have a path that would be wide enough to accommodate a crane truck. I think you could back right down the path, put the hook over the water, bring those floats in at high tide, pick them up, swing them around, and drop them right on the concrete pad.

**Village Manager Hess:** What is the clearance of those cranes?

**Mr. Mason:** Clearance is not a problem except when you open the gates. There may be an issue there. The only line I remember seeing there is a telephone line, which is a silly-looking installation. It is propped up with one long stick, so I do not remember seeing any electrical lines going over there.

**Ms. Bush:** Once we have a design that everybody is reasonably happy with because, again, not everybody can agree on every point, we would get a structural engineer to do a feasibility study, particularly on this issue of having this boardwalk through the marsh. We learned a lot

about different kinds of ice load, and the static ice load and the dynamic ice load, and nobody has any good figures on that.

A key goal in the original planning process was for everybody to get out to the water. The boardwalk allows everybody, including people who are wheelchair-bound or elderly, to get out into the water and have that experience of being out in the Hudson River. We talked a lot about safety issues, whether or not to gate this structure at night, or having a gate that would prevent children from coming out unaccompanied by their parents. The structure will have side rails so that it will meet code and we will not be putting small children in a dangerous situation. This is a very shallow area; the depth of this water is about 2 to 3 feet. One of the reasons why the dock is situated far out is that there is basically a shelf. It is not until you really get out into the river that you get a drop-off to 4 and 5 feet. You want to make sure that children are not going out there and diving in head first. We need to consider the insurance ramifications for the Village in having this kind of a public activity.

The grant monies that Meg has been able to obtain come from different sources. One comes from a source that wants us to create a marshland, a wetlands improvement grant. Another grant is from the Hudson River Greenway. So we are trying to establish a route for kayakers and boaters to travel up and down the Hudson River, and Hastings would become a destination point, which is another reason why we cannot shut this off at nighttime. If people are out boating at night, and they know that this is a safe harbor, they have to be able to land their boat and get into the Village, because that is what we are advertising. The DEC and state parks money is going to help build the boardwalk for the kayakers. We are talking about passive recreational use of boaters, fishers, people out bicycling, and not any kind of major activity. No big boats powering in.

**Village Manager Hess:** The Greenway does not require us to leave our parks open at night for access to the public. That will be a determination made by the Parks and Recreation Commission. All our parks close at dusk.

**Ms. Bush:** We talked about this and it is not necessarily a Greenway rule but is a safety of boating rule. You are not talking about motorized craft. You are talking about craft which are people-powered or sail-powered. If we are part of this trailway system, and we are advertising that people can land at our docks, then it is irresponsible to say you can land at our dock but not after 8 o'clock at night.

**Village Manager Hess:** Then I will want to take a look at that grant requirement because I do not recall that as part of the contractual requirements.

**Mayor Kinnally:** We certainly have a safety issue, and it is not necessarily people coming from the river into the Village. I am interested in keeping people from the Village getting into the river. To have anybody have carte blanche access to that area invites danger. You are also going to have access to the tennis club, and they would not want to have unlimited access.

**Ms. Bush:** We are thinking down the line. If the esplanade of the whole waterfront extends around the outside edge of the waterfront and comes around the back side of the tennis court and goes over to MacEachron Park, because we have all envisioned a very long esplanade along the coast, there will be free access all the way up and down. It is not that when you get to the tennis court all of a sudden it is going to stop.

**Village Manager Hess:** The tennis court public easement is restricted as to hours. There is not unrestricted access on that easement.

**Ms. Bush:** These are the things that we are not aware of.

**Mayor Kinnally:** I do not think I would want unrestricted access to the boardwalk on our property at night. We know the experience of having this area open, and the danger and the damage that can be done. We will look into it.

**Ms. Bush:** These are things that we can work out in the future: what is going to be closed, and how it is going to be closed safely. If you have people trapped on the other side and they cannot get back, that also creates a safety issue.

**Trustee Jennings:** If I drive up with a kayak, where do I park, and where do I walk to get the kayak into the water?

**Mr. Mehotra:** You would park your car along the river road and you would take your kayak and walk down this path, turn this way, and then you would be out here.

**Trustee Jennings:** Walk all the way out. So there is no way for me to get in closer to the shore?

**Mr. Mehotra:** No.

**Trustee Jennings:** Approximately how far is that, from parking space to the end of the pier?

**Mr. Mason:** About 300, 400 feet. One of the reasons we put the floats there was that it was the most direct access.

**Mr. Mehotra:** Also, this is the mean lowest observed water level. Once the floats are here, for about 80 to 90% of the time you could launch your boat. There would only be 10% of the time where the water would be so low there.

**Mr. Mason:** Those are two floats that are 15 by 30 feet each. It is a good large area for multiple people to be sitting on or launching boats from. The ramp going out there is at least 6 feet wide. A section of pier is going to go out about 20 feet. The floats are going to be only 6 to 8 inches off the water so people can launch boats without difficulty. If anybody falls in, it is not difficult to get out.

**Mr. Mehotra:** Permits would be required from the Army Corps and from the New York State DEC. Because of the tidal marsh and the wetland area, it is self-mitigating. Whatever disturbances we are creating, we will be mitigating it on-site. So the permits should be fairly easy and not problematic.

**Trustee Swiderski:** It is wonderful and exciting, and provides me a lot of hope for the future. This is a half-million dollar project. Do you know how much of that money is from grants, and how much the Village would have to come up with?

**Village Planner Walker:** We can probably get more grants, but so far we have \$210,000 in grants. It might not be all built at the same time. We could certainly start because the majority of the money we have is on river access and boating access. This indicates that we should start by building the kayak-launching floats and the portion of the boardwalk that goes out at the southern end, and begin to do the grading for the marsh. The marsh cannot go in until the breakwater is in, so the main boardwalk would be the second item and then the tidal marsh would be planted. My summer intern is helping me look for additional sources of funding beyond just the state, so we will keep at it. Once you start spending, and you show what you are going to do, it is much easier to get more funding to complete your project.

**Mr. Chemka:** We are talking about a crane getting in the walkway easement area. We do not need a big crane, just a small truck crane that moves out 30 feet. You are picking up these floats. They are not heavy. It is only a couple of hundred pounds, and they can pick that up vertically and set it right here with no problem at all.

I want the Village to research the right-of-way that covers this area and goes all the way over there to this property. I went there last year in the summertime and I tried to walk across it, and they stopped me. I told them that you are talking to the wrong guy because I was on the Board when the tennis courts agreed to that. I would hope that the attorney or somebody looks up and sees exactly what the agreement says. I know the meetings that we had, I tried to

explain that we do have that right-of-way and a lot of people do not know. This gate is always locked, and it should not be.

**Mayor Kinnally:** There is no question about it carrying over. It was always anticipated that we would expand our usage as we expanded our presence down in that area. We have to sit down and talk to them.

**Mr. Mehotra:** One of my concerns is that they have been dumping a lot of stuff there, and they have been dumping a lot on the Village property, too. A lot of their used clay is all over the place, and the area was full of nails.

**Peter Wolf:** I attended the first meeting of this committee, and I detected a real resistance by the owner of the tennis club for access.

**Mayor Kinnally:** He can resist, but the Village has an easement. We will address it.

**Mr. Wolf:** I like this plan. It achieves almost everything that we would want within the scope of reality. There is an important facet of this plan that may go unnoticed. I am unalterably opposed to the concept of the beach, especially now, because there are possible, and there are certainly unknown, environmental hazards that could be in the beach. It could be involved with kids walking and digging there. This is going to be a moving target when the remediation is on; even if you took readings now, as the remediation of the ARCO site proceeded, we could not be sure that those readings were accurate. That is another reason I am greatly for this plan and greatly against having a beach there. After all the remediation is done you might want to take a second look. From an environmental perspective having a tidal marsh is an excellent idea because there are very few places along the banks of the Hudson in this vicinity where you still have this natural flow of water in and out.

**Village Manager Hess:** The DEC did do testing in the area at our request prior to our acquisition of the property and everything came up negative.

**Mr. Wolf:** Even if you have those readings, when you start moving everything by putting in the bulkhead and by having this remediation process, you have a flow and you do not know what comes in. We cannot be sure that those readings are still going to be applicable.

**Mayor Kinnally:** We need to have a report from the Parks and Recreation Commission.

**Ms. Bush:** The Parks and Recreation Committee met two weeks ago with the *ad hoc* committee.

**Village Manager Hess:** Did you have a quorum at that meeting, because I did not get any minutes?

**Ms. Bush:** No.

**Village Manager Hess:** You have to have a quorum.

**Ms. Bush:** Again, we all discussed the plan, we discussed the pros and cons, and we made a few changes to the plan that Meg had brought.

**Mayor Kinnally:** When can you get us a report recommendation from the Parks and Recreation?

**Ms. Bush:** We could have an emergency meeting, but at this point in time we are not scheduled to have another meeting until September.

**Village Manager Hess:** What direction do you need from the Board to move forward?

**Village Planner Walker:** The next step would be to issue an RFP. We write an RFP, get your approval based on this concept, and then get proposals from consultants to work on the design and engineering.

**Mayor Kinnally:** If you could give us this in hard copy, I suggest to the Board and to the public if they have comments, that they be ready prior to the next Board meeting so you can start drafting the RFP. In the interim, we will talk to the people at the tennis club about the easement, reminding them of their responsibilities and telling them what the Village's plans are to work with them.

**Ms. Bush:** The ultimate goal here is to design something very attractive. Having a dock, having something that people can walk out to and enjoy while they are waiting for dinner, will be a tremendous boon to the restaurant and they should welcome this.

**Village Manager Hess:** May we have a two-minute executive session?

### **EXECUTIVE SESSION**

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an immediate Executive Session to discuss personnel.

[Executive Session 9:57 p.m. to 10:00 p.m.]

**Mayor Kinnally:** Ellen, thank you. Maybe you can work with Ray to get a special meeting of the Parks and Recreation Commission to move on this before July 15.

One of the reasons they have not been able to get a quorum is that they have not had a full complement of people.

**Village Manager Hess:** I would like to appoint two new members to the Parks and Recreation Commission, Gloria Brkich and Keith Fagan for terms of three years.

#### **4. Other**

**Trustee Apel:** A year ago we wrote a letter about the River Club on North Broadway and Warburton, and our concern for the amount of units that they wanted to put in, which was originally over 400. It is down now a bit. But I wanted to know where we are with that.

**Village Planner Walker:** We received the FEIS almost a year ago, but I do not think they have issued their findings and made a decision on site plan approval yet. It keeps coming up on the Yonkers Planning Board agenda, but I have not seen that any actions have been taken. We submitted a letter last July bringing up the points that you had all mentioned about traffic and issues of parking in the downtown and so on. I do not know if they have addressed them.

**Mayor Kinnally:** Can you call the Planning Board and find out, and e-mail us?

#### **PUBLIC COMMENTS**

**Jacques Padawer, 170 Villard:** I would like the Board to note, in terms of rezoning certain areas of the Village, that the Conservation Commission had severe reservations about the report that was made on the ShopRite property in terms of the natural evaluation. It was terribly inadequate, and when we submitted our complaints they did not address them. They just made silly comments about rejecting the whole thing. It has become more specific now that we are looking at the 9-A area. You should take the opportunity to insist that there be about a 200 foot distance between the river and whatever gets put in there because that is part of the law in terms of wetlands.

Number two, that area was designated by the county as a sea-type area, which is, according to their statement, an area that should not be developed. This is private property and there may be a problem there, but whatever can be done to satisfy the needs of the county in keeping a corridor for wildlife should be enhanced. When I looked at some of the things in the phase 2 book, they indicated that the E-1 boring location was "eliminated from the program during

field work due to right-of-way restrictions.” In testing that site for contaminants, they took things in a line around the periphery. One of the reports said they smelled petroleum odor in the diggings. They have a box which looks as if it is some kind of a filter, although I do not know if it has been attended to in the last three or four years that it has been emptied. But it suggests that if this is going to be developed we ought to have the same concern that we have on the waterfront, that you need a grid where it is tested. You do not avoid areas where you might find something.

Thirdly, Ciba-Geigy was an outfit that did a lot of biological research. I have been in that field for years myself, and for a long time certain radioactive tracers are used to follow certain chemical reactions or certain compounds and how they proceed in the body. Carbon-14 is one of those things that has been used. Carbon-14 is radioactive, and it has a half-life of somewhere around a thousand years. We have to be aware of those things, and to make sure now that we are more educated about what happened on the waterfront that we can apply those things to whatever property in the Village is involved. There may be some other properties along 9-A further south which are still part of Hastings that have not been developed; we should be prepared so we are not caught with somebody saying by rights we can do it.

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session for Tuesday, June 24, 2003 prior to the Special Meeting to discuss interviews with the police commission and candidates in the police department for the chief's position.

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session following the Special Meeting on June 24, 2003 to discuss general personnel items.

### **ADJOURNMENT**

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

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