

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 15, 2003

A Regular Meeting was held by the Board of Trustees on Tuesday, July 15, 2003 at 8:20 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Fourteen (14).

APPOINTMENTS

Mayor Kinnally: We have a number of appointments to announce. The new Chief of Police, Tom O'Sullivan; new Lieutenant, David Bloomer; Denise Furman and David Deitz, reappointed to the Zoning Board of Appeals. A few minutes before this meeting I had the privilege of swearing in Dennis Dzubak as a new detective.

Village Manager Hess: One correction. Denise Furman has been appointed a permanent member.

Mayor Kinnally: Permanent. She was an alternate. Thank you. And another appointment, Parks and Recreation Commission, John Dailey. I thank everyone.

APPROVAL OF MINUTES

Trustee Holdstein: In the Special Meeting of June 10, 2003 I would like to correct the spelling of Ms. Sara Roedner, first page, first major paragraph.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Special Meeting of June 10, 2003 were approved as amended.

On MOTION of Trustee Jennings, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Public Hearing of June 17, 2003 were approved as presented.

Trustee Holdstein: In the Regular Meeting of June 17, 2003 I am not noted as absent. Page 8, second to last paragraph where the mayor is speaking, second to last sentence, the, not he.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of June 17, 2003 were approved as amended.

Trustee Apel: In the Special Meeting(1) of June 24, 2003, Page 8, Stewart Cadenhead's name starts with a C.

On MOTION of Trustee Holdstein, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Special Meeting of June 24, 2003 were approved as amended.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Special Meeting of June 24, 2003 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 4-2003-04	\$ 70,831.92
Multi-Fund No. 6-2003-04	\$ 5,390.64
Multi-Fund No. 8-2003-04	\$106,809.80
Multi-Fund No. 9-2003-04	\$434,524.44

62:03 ADOPTION OF LOCAL LAW NO. 3 OF 2003 TREE PRESERVATION BOARD

Village Manager Hess: This was the subject of a public hearing in June. It was a recommendation originally from the Conservation Commission. I recommend approval.

Mayor Kinnally: It has been recommended and perceived to be an improvement over what we have now and it will allow the Planning Board, the Building Inspector, the Public Works Department, and the Village Board to deal more effectively with tree issues in the Village.

Trustee Holdstein: This will not serve as an advisory board to the Conservation Committee?

Village Manager Hess: No. It used to be part of the Conservation Commission. It is more of an administrative board.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 3 of 2003 amending the Code of the Village of Hastings-on-Hudson, Chapter 273 Tree Preservation.

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1:

A. Remove section 273-12 in its entirety.

B. Add a new section 273-12 as follows:

A. There is hereby created a Tree Preservation Board which shall serve in an advisory capacity to the Superintendent of Public Works, Building Inspector and Planning Board.

B. The Tree Preservation Board shall consist of three members, appointed by the Village Manager. The members of the Tree preservation Board shall elect one of their members as Chairperson.

C. Members of the Tree Preservation Board shall serve for a term of two (2) years. Members of the Tree Preservation Board shall serve without compensation.

Section 2:

Repeal: All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 3:

Effective Date: This law shall take effect immediately upon filing with the Secretary of State.

ROLL CALL VOTE

AYE

NAY

Trustee Michael Holdstein

X

Trustee Bruce Jennings

X

Trustee Marjorie Apel	X
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

Mayor Kinnally: We will now appoint Lloyd Morgan and Fred Hubbard to the Tree Board. The third is pending and will be announced August 26.

63:03 BUDGET TRANSFERS FY 2002 -03

Village Manager Hess: These are audited year end transfers from our auditors.

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 authorize the Village Treasurer to make the budget transfers for FY 2002-03 as follows:

Account	Name	TO	FROM
A19904	CONTINGENCY		\$ 194,249.00
A1230101	VILLAGE MANAGER	\$ 261.00	
A1420464	SPECIAL COUNSEL	\$ 20,127.00	
A19104	UNALLOCATED INSURANCE	\$ 27,935.00	
A19204	MUNICIPAL ASSOC DUES	\$ 517.00	
A19300	JUDGMENTS & CLAIMS	\$ 7,724.00	
A19504	TAXES VILLAGE OWNED	\$ 13,648.00	
A19825	EMPLOYEE TUITION PROGRAM	\$ 2,686.00	
A3310416	STREET SIGNS	\$ 116.00	
A3620102	SAFETY INSPECTION	\$ 321.00	
A5132413	CENTRAL GARAGE	\$ 5,070.00	
A6326464	YOUTH EMPLOYMENT	\$ 651.00	
A7110101	PARKS	\$ 2,294.00	
A7320100	ATHLETICS	\$ 70.00	

A8120458	SANITARY SEWERS	\$ 6,422.00	
A8140100	STORM SEWERS	\$ 735.00	
A8160103	REFUSE & GARBAGE	\$ 12,598.00	
A8560464	SHADE TREES	\$ 7,814.00	
A90158	RETIREMENTS	\$ 17,972.00	
A90408	WORKERS COMP	\$ 5,220.00	
A90608	HEALTH INSURANCE	\$ 58,184.00	
A90508	UNEMPLOYMENT	\$ 1,792.00	
A95509	TRANSFER TO CAPITAL	\$ 2,092.00	
		\$ 194,249.00	\$ 194,249.00

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

64:03 BUDGET TRANSFERS CAPITAL PROJECTS FY 2003-04

Village Manager Hess: There is a provision in state law that if you have balances available from previous debt and you have outstanding projects you can use those balances to avoid new debt or to pay off existing debt. This resolution takes a number of balances left in projects over the years totaling \$576,000 to be applied to \$424,000 worth of projects to avoid debt on those projects, and also provides \$151,694 towards current debt service in the General Fund budget. You are avoiding new debt of \$424,000 and you are avoiding a tax increase for debt payment this fiscal year. This is detailed in my budget message and in the debt service section of the budget, but it is required by state law that we pass a resolution to confirm what the Board has already adopted in the budget.

On MOTION of Trustee Holdstein, 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 Treasurer to make the following transfers from FY 2003-04 General Fund Debt Service to the Capital Fund to close out the following capital projects:

Year	Project	Balance
1995-96	Street Resurfacing	(\$1,857.35)
1995-96	Playground Improvements	(\$5,585.86)
1996-97	Reynolds Field Improvements	(\$6,640.00)
1996-97	Dump Truck	(\$36,578.00)
1996-97	Affordable Housing	(\$2,250.00)
1996-97	Community Center	(\$39,564.50)
1996-97	Street Resurfacing	(\$220.45)
1997-98	Street Resurfacing	(\$54.00)
1997-98	Tennis Courts Hillside	(\$27,838.25)
1997-98	Front End Loader	(\$69,673.00)
1997-98	Ambulance	(\$749.00)
1997-98	Recycling Truck	(\$22,689.00)
1997-98	Recycling Containers	(\$940.00)
1997-98	Recycling Containers	(\$5,735.00)
1997-98	Recycling Labor	(\$5.00)
1997-98	Sewer Reconstruction	(\$125,375.56)
1998-99	Dump Truck	(\$36,574.00)
1998-99	Fire Chief Vehicle	(\$27,900.00)
1998-99	Fire Horn	(\$425.00)
1999-2002	Southside Sidewalks	(\$13,651.37)
Transfer to	Capital from General Fund	(\$424,305.34)
	Balance of Debt Service Surplus	\$576,000.00
	General Fund Revenue toward Debt Payment	\$151,694.66

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	

Trustee Marjorie Apel	X
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

65:03 CONTRACT OF SALE - GRAHAM WINDHAM PROPERTY

Village Manager Hess: We negotiated an agreement with Graham-Windham last year to acquire the property. We were successful in receiving a state grant and we were able to negotiate for acquisition money from Westchester County. This will provide us with over 14 acres of property which extends down to the Hudson River, and will help us to extend the Rowley's Trail south. Cost to the Village is minimal, with the state paying half the cost of the acquisition and the county paying the other half, and the county and the Village splitting the closing costs. The closing is scheduled for July 21.

Trustee Swiderski: When the property comes over to the Village, is it zoned as park automatically?

Village Manager Hess: It is zoned R-20. We plan to have a dedication of the property in the fall. Once we dedicate the property it cannot be used for anything else without an act of the state legislature.

Trustee Swiderski: The dedication results in an automatic rezoning of the property?

Village Manager Hess: It is not a rezoning. It would remain as open space or park land, as the Board desires, but could not be sold or developed without approval of the state legislature.

Trustee Holdstein: Based on your last comment, if the Village wants to develop it, they are free to do so as the owner of the property?

Village Manager Hess: As long as it is for a park purpose. We could not build affordable housing. That is not a park purpose. We could build a ball field or a new pool.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the contract of sale with Graham-Windham for the purchase

of property known as Sheet 1, Subdivision Parcels 2, 3, 4, and 5, for \$666,250, to be paid from grant proceeds.

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

Mayor Kinnally: This is a significant event for the Village and for the surrounding area because it allows this forever green swath to remain in the Village, to tie in with the waterfront, to allow us to extend Rowley's Trail, and to give us a foothold on not only the waterfront but the control of access to the waterfront.

Village Manager Hess: This brings our total parks to 175 acres in the Village.

Mayor Kinnally: I thank the county. The county executive's office has been instrumental in working with us in acquiring the necessary funding. This greenspace is a legacy left to our children and our grandchildren, and there will be no pressure to develop this area and cut us off from any part of the waterfront.

SUPPLEMENTARY RESOLUTION - 67:03 AWARD OF BID - FIRE PUMPER TRUCK

Village Manager Hess: We took bids on June 26 for the fire pumper. Seagrave Apparatus was the only bidder, at \$414,883. We have a supplemental equipment budget, prepared by the department, of \$44,002, for equipment needed for the new vehicle. At the meeting when we were authorized to go to bid, the project budget was \$475,000, so at approximately \$458,000 the cost is within the range of what we expected. We are asking for authorization to sign the contract with Seagrave. The contract has been forwarded to the Village attorney for his review. The length of time is 12 to 14 months for delivery. We can defer the equipment list to the August 26 meeting .

Trustee Holdstein: I do not want to acquire the equipment until we are close to getting the truck.

Chief Jeff Bannon: No, this is the list that should be used to outfit the new piece of apparatus, but we are not going to acquire it yet.

Trustee Holdstein: Can any equipment on one of the retiring trucks be used?

Chief Bannon: Most of the stuff on the outgoing piece of apparatus is 20, 25 years old and it is outdated. We will use whatever we can, but it is like buying a brand-new car and putting an old battery in it. Eventually, that is going to go and break down the whole car.

Village Manager Hess: At the August 25 meeting we will have a bond resolution for your consideration totaling probably \$460,000 for purchase of the vehicle and the equipment. But we do not spend the money until we need to spend the money.

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

RESOLVED: that the Mayor and Board of Trustees award the bid for the Uniontown Fire Pumper Truck to Seagrave Apparatus in the amount of \$414,883.00 to be paid from bond proceeds.

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

66:03 AWARD OF BID - POOL RENOVATION

Village Manager Hess: We have Dick Ward from Ward Associates with us. You have a copy of his letter relative to the bids that were opened today. You will see from the breakdown that, again, the bids are significant.

Dick Ward, Ward Associates: We received four bids on the swimming pool general construction work. Unfortunately, the low bidder sent a letter later this afternoon withdrawing their bid because of errors that they stated they made. We have one bid on plumbing, and that happens to be an excellent contractor who has worked with us before. We had four bids on electric but one bidder was extremely low and immediately took his bid

off the table. The apparent second-low bid is RLJ Electric Corporation. We had some questions regarding their bid but we could not reach them this afternoon. The deduct alternate for the flood lighting on the project in his proposal does not make any sense at \$1,100, and his base bid, in our opinion, is a little low.

If we had to make an award this evening, our recommendation would be what is on our cover letter. That would be taking general contract 1, Norco, for the low base bid. We would recommend taking the sun shelters as add alternate of \$23,000. We have a deduct alternate for taking the Marsite finish out of the main pool of \$18,000. We are recommending not taking that. The plumbing construction had no alternates with it, and we would recommend taking that as is. We have recommended Urban Suburban for electrical, at this point, less the flood lighting.

Trustee Holdstein: Having two different bidders send back letters saying I miscalculated: is that common in your business?

Mr. Ward: I would assume the low pool bidder saw the other numbers. He says he made an error, but if he looks at the other numbers I think he got a little scared when he saw he was over \$300,000 low. I do not know what the electrical contractor was looking at to come up with a bid of \$90-some-thousand. When the bids were opened, I think they saw that they were not responsible in their bidding.

Trustee Holdstein: We have gone down this road now twice. We set out a target of approximately \$1.4 million and have hired you to help with trying to get to that point, and we seem to keep missing the mark. This is the second time we are not close. And with a Village that is under a tight fiscal responsibility, it is very frustrating to still be off the mark.

Mr. Ward: I understand. There are a number of reasons for increases in costs between the last bid and now, and some of it is increased insurances that contractors are paying, which is one large number. There have been a number of items that we had to address between the last bid and this bid when the health department gave us our final comments, which added some things to the project.

Village Manager Hess: I would like to make a suggestion. You just received this tonight. We just got the bids this morning. What would be the Board's availability for a special meeting next Tuesday night to consider this?

Mayor Kinnally: The Parks and Recreation Commission would also have to deal with this in the interim and give us its feedback.

Ellen Bush, Parks & Recreation Commission: We could probably meet next Monday night. But I have one comment about the electrical. Because the general construction bids on the pool came in so high last time, we took out some of the construction, and we rearranged the baby pool to avoid a lot of the excavation work. So those numbers are now in the general ball park. I am alarmed, however, that the electrical contract bids are now nearly twice or three times higher than they were last September. I do not remember re-scoping the bids so that there would be so much piled into the electrical. I would ask Dick find out why these bids are so much higher than they were nine months ago.

Mr. Ward: To answer the question briefly, but we will look into it in detail, our original bid had 50 foot candles of lighting over the pools as required by code. The health department looked at it and said we have to expand that area to cover all the decks. So this re-bid has doubled the lighting for the flood lighting part. It also increased the service to the project.

Trustee Apel: With the increase in lighting, it is still not covering the pool itself so you cannot have night swimming, right?

Mr. Ward: If we do not do the night lighting, after dusk you cannot swim.

Trustee Apel: Was that the desire of the members of the pool? Did they want that to stay open at night?

Ray Gomes, Superintendent, Parks and Recreation: We had it several years ago and it was very popular. We were kind of operating under the code. We looked at our lighting and said you have to have the 50 foot candles. So we stopped it about three years ago. But prior to that it was popular.

Trustee Apel: You obviously made a decision that you want to close the pool at dusk, but would this preclude us in the future from adding lighting at night?

Mr. Ward: The night lighting is poles, stanchions, that you could put in down the road, if you choose.

Trustee Jennings: Last year we had a bid at a certain price, and now it is doubled, because the county has changed what they are requiring. What is the basis for that change?

Mr. Ward: The code in about 1998 was upgraded, where they ask for the 50 foot candles. In the past they had a much lower standard. When you do a pool modernization like we are doing, the health department requires that we bring everything in the facility up to the current

code. If we were not doing anything at the pool you are grandfathered in if they approved it 20 years ago. You can operate for another 20 years if everything still works.

Trustee Jennings: But what you are calling the new code is a 1998 code. I am talking about information we received in 2001, 2002, where the concern was about the need for a certain amount of illumination so that the bottom of the pool would be visible to the lifeguards. That, presumably, was based on the 1998 code. I do not understand the basis for them now saying not only do you have to have that degree of illumination at the bottom of the pool but you also have to have it over on the deck by the concession stand.

Mr. Ward: That is their interpretation of the code. Our interpretation, as we bid the first project, was the pools had to have the light. In their final review they told us, no, it has to be expanded to cover the decks.

Trustee Jennings: There is quite a bit of the money at stake here. Can we challenge that?

Mr. Ward: I suppose we could do anything. But it is pretty hard for them to make an exception. What we submitted originally, they never responded for a number of months, so we had to go to bid without getting their final comments. Between then and now we had their final comments, and that was one of them. That was one of the major things that increased the electrical load.

Trustee Apel: We had other plans and other designs. Were those ever submitted to the health department?

Mr. Ward: We did not have their comments when we went to bid with the first set of documents bid last year. We submitted to them the same time we went to bid. So we got comments some months after that, and now we have incorporated those into a second set.

Trustee Apel: We moved it over, the kiddie pool. You submitted it to the health department, they waited until after you bid, and then you finally got the information on that and they made comments. What were the comments then? Did the comments at that time mention anything about lighting?

Village Manager Hess: There was only one set of comments from the health department.

Mayor Kinnally: When they commented they said do it all. But those comments came in after the bids were made initially.

Village Manager Hess: So we had to address all their comments in the new specs.

Mr. Ward: They seem to have a tremendous backlog in their office, and it is hard to get timely comments.

Mayor Kinnally: Going to your point, Marge, they may not have given us timely comments, but it does not appear to me that they misled us.

Trustee Jennings: We had proceeded on the assumption that illuminating the bottom of the pool was sufficient and we budgeted accordingly, making other tradeoffs like not heating the pool. Now that the health department has forced us to look at a different cost for lighting, we have to reexamine those tradeoffs. We may not want to forego the lighting. There are many good reasons for, and many groups in this village that would like to have, after-dusk programming, and the lighting is a legal requirement in order to have that enhancement of community activities. So it is not a luxury or an add-on that we can lightly deduct. It is a significant question, and it ought to be considered in relationship to other deductions that we might want to make.

Mr. Ward: I would like to talk to that second-low bidder. If he feels that it is included, and he has a comfort level with it, then that particular problem goes away.

Trustee Apel: When we got a proposal for the new pool we got all the different things that we are spending the money on. We had a list of the budget. Has that changed?

Village Manager Hess: After the first bids Dick came with a redesign and a project budget. Can you prepare for the Board a breakdown of the original versus what was bid? We can take a look at how much is part of the turnaround, or whatever.

SPECIAL MEETING

On MOTION of Trustee Holdstein, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled a Special Meeting for 9:00 p.m., Tuesday, July 22, 2003 to consider awarding the pool bids.

David Walrath, 100 Edgars Lane: I would like to see Mr. Ward compare the effect of the interpretation that the county rendered, that we had to cover a larger area with 50 foot candles than what he originally interpreted.

Village Manager Hess: It probably doubled the cost.

Mr. Walrath: Has it been our practice where people show up and they see that they are low and withdraw, to collect their bid bonds? I suggest we do. Contractors should not be able to just waltz away. Have we made that a practice in the past?

Village Manager Hess: Of calling bid bonds? No. I would refer that to our attorney. But if a contractor says that he made an egregious error, I would assume he made a serious error.

Trustee Swiderski: David's point is well-taken from a gaming perspective. They are gaming the system.

Village Attorney Murphy: Until a contract is accepted the power is to withdraw it. If we were to litigate on the bid bond I am not sure. The surety might get involved, and the litigation may well outweigh any value with trying to retain the bond.

Village Manager Hess: A 10% bid bond on a \$96,000 bid it is \$9,600.

Village Attorney Murphy: You would be involved in \$8,000 of litigation perhaps. I am not sure it is going to return any money. Because for that amount, it is almost assured to be litigated. I will further research it and advise you accordingly.

Jeff Bogart, 5 Jordan Road: What is the total of the low bids?

Village Manager Hess: I do not know what the low at this point because he has not been able to talk to the electrical contractor. It is going to be in the range of \$1,711,150 up to \$1,846,000. And that is not deducting the lighting. The engineering/architectural costs have been covered by the increase in the pool fees over the last couple of years. We were expecting that the total project cost, including architectural fees, would be in the neighborhood of \$1.6 million, which meant that the construction was going to be in the neighborhood of \$1,450,00 and the balance would be the architectural fees. So we are approximately \$260,000 above what we had thought would be the cost.

Mayor Kinnally: We will put this over until next Tuesday at 9 p.m.

VILLAGE MANAGER'S REPORT

Village Manager Hess: Our insurance costs appear to be going up significantly. I have asked Bob Schnibbe to come tonight. He has been working very hard to try to get us other carriers.

Bob Schnibbe: Mr. Ward said the contractors had some difficult time in securing insurance at whatever cost. The same thing goes with municipalities. Last year we experienced a 25% increase, and we made some changes. We have taken the fire department off the general municipal carrier, putting it on a policy that took care of the individually owned firehouses with the trucks and equipment. We reduced that 25%, down to about 20 and we got better coverage. This year the premiums went up 45%. Since that time we have been aggressively pursuing other carriers. I visited a carrier underwriting office in Syracuse last month. I am awaiting more information, and we are looking at two others including the New York reciprocal.

In the insurance crisis in the mid-eighties we were looking at \$10,000 deductibles on liability. Then we got it down to 5 when the market softened. Then we got it down to no deductible. Now we are paying more for less. They threw on us a \$50,000 deductible per loss, which we are trying to get reduced. Hopefully within a month or so we will have this thing resolved.

Trustee Holdstein: Is there a limited field of insurers?

Chief Schnibbe: Good question. Not a lot of places. The carrier I am talking about is St. Paul, one of the biggest carriers in the country. There is another one in Buffalo but I do not think they have as good coverages that we have. There is always a price trade-off.

Village Manager Hess: The insurance industry is heavily invested in the stock market. They went from \$200 billion in profits prior to 9/11 to about a \$20 billion dollar loss overall. They are making up the difference. Those insurance companies that were marginal are no longer in business. These things all relate back to the stock market and what happened since 9-11.

Chief Schnibbe: Everything was going crazy before that because of the stock market; 9/11 just compounded it. Contractors in New York City cannot get insurance. Very difficult. And the average across-the-board increases are 35%.

Mayor Kinnally: Chief, Thank you very much.

Village Manager Hess: We are finalizing our pothole patrol around the Village. They have completed over half the streets and should finish the entire Village by tomorrow.

I received notification from the state that our grant for the snowstorms of February 17 and 18 were approved and we will receive \$23,000 as reimbursement for our costs .

Regarding the refinancing of our bonds, after costs our net present value savings are \$76,000 in interest. Again, I want to compliment Susan and Raf for all their work on that.

The Graham Windham closing is going to be Monday, July 21.

The Community Center is open Monday through Saturday for the entire summer from 6 p.m. to 10 p.m. This is something we expanded this year. It was only open Saturdays previously.

We have a new addition to the Village family. Mrs. Michael Gunther had a child last night, and a third Gunther boy has been born to the superintendent. As of this morning, it was not named, so I will call him the littlest Gunther.

On a sadder note, a former Village employee, Harry Bloomer, Jr., who worked for Public Works for a number of years, passed away last week. We extend our condolences to David Bloomer and Harry, Sr. and their entire family.

This weekend is Hastings Weekend. There is an arts and crafts fair at Waterfront Park from 10 a.m. to 3 p.m., petting zoo and pony rides from 11 a.m. to 2 p.m.. There will be a jazz concert, featuring Patricia Adams, from 6 p.m. to 8 p.m. There will be a shuttle bus available to Waterfront Park. The senior splash party is Sunday from 10 a.m. to noon, and it is family day up at the pool from noon to 4 o'clock. This is the sixth annual Hastings Weekend, which is sponsored by the Board of Trustees, and I hope everybody gets a chance to get out this weekend and see what makes Hastings special.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: The settlement term sheet has been circulated for signature. I signed it. With intervening vacations and whatever, we have not gotten everybody's signature. It is not to be construed as people walking away from it. People are committed to it. Counsel has received the first draft of the consent decree which he will discuss with us. We have not gotten an indication from the state DEC when the PRAP will be coming down. They are probably still trying to digest the settlement term sheet and get input from the engineers on staff, and then working it up the chain of command.

I have a meeting scheduled for next Thursday with Sandy Stash and the attorneys for ARCO to discuss one of the components of the settlement term sheet, the additional parkland that they have said the parties would continue to negotiate. To their credit, they called me.

2. Boulanger Plaza

Village Manager Hess: You have a copy of a proposal from Grigg & Davis Engineers. Susan and I met with Bond Davis today at the wall. I invited Bruce Aluisio because he made a comment that the lower wall was unsound as well. After discussing it with Mr. Davis it was agreed that the lower wall is sound; there is no movement other than one section where there was pressure from a tree above. I would really like to proceed with the design and drawings to replace that upper wall; it is a safety issue. It may mean we have to put off the final construction of the parking lot renovations for a year, but this is important enough that we should proceed as quickly as possible.

Mayor Kinnally: I agree. His proposal is reasonable. Whether we do anything to the parking facility, we have to stabilize that wall to ensure that we will have a parking facility.

Trustee Holdstein: How did we come to this person versus anybody else?

Village Manager Hess: He was the structural engineer that Christina Griffin has used before, and he advised her on the wall when she was doing the design on the parking lot. His proposal is very reasonable in terms of the cost, and we should proceed with this first step.

Trustee Apel: Yes.

Trustee Holdstein: It's reasonable; however, this board tries to solicit references for other work done.

Village Manager Hess: We will have those references.

Trustee Apel: Is there a limit to the additional costs?

Village Manager Hess: We will limit it as we are proceeding. This will not exceed several thousand dollars. We have budgeted \$2,500 for engineering services in the general fund. Or it could be charged back to the project if we decide to move to that next step, which I assume we will.

This is the construction document phase. So when we go out to bid, if we need him during the construction phase for inspection that would be at \$130 per hour. You would not need someone there 8 hours a day. But you do need them there at critical points.

3. Transportation Grant

Mayor Kinnally: We have a comprehensive memo from Meg on the transportation grants. She is soliciting our input on projects that could be undertaken and how we should proceed with the transportation plan. Should we consider appointing a Trustee to serve on the committee with a member of the Safety Council, the School Board, the Planning Board, and the police department to help guide this project. I agree. Who is going to volunteer? Thank you, Bruce. I will reach out to both Iris and to Mary Wirth and see if we can coordinate it. We can assure both the school board and Meg that we are going to proceed with this.

The walkable communities workshop is scheduled for October 7. The entire Board can come up with thoughts, submit them to Meg by e-mail and copy all of us.

We have a substantial grant from the state, \$250,000, toward design and engineering of Zinsser Bridge. We are the lead agency. We should move ahead on scheduling a meeting with the DOT. What do you think we should do here?

Village Manager Hess: The entire story is not there. Yes, we have a \$250,000 grant. The question is whether the Town of Greenburgh is the responsible party for the bridge, number one. What is not pointed out there secondly is that the Village would be responsible to pay a percentage of the construction cost. So there is another \$250,000, based on DOT's last estimate, that would be a Village expense. The outstanding question is do we take on that responsibility for the Town of Greenburgh? And then what happens when repair of the Dock Street Bridge comes about in a few years?

Trustee Apel: What do we have to do to bring this issue to a conclusion?

Village Manager Hess: We have already told the town we feel it is their responsibility. They say it is not.

Trustee Apel: But this is like two kids fighting. Why do we not get some resolution to this?

Mayor Kinnally: You have dealt with Paul. He says no. What are you going to do? Impose it upon him?

Trustee Apel: What do we need to do to resolve this?

Village Manager Hess: We can do what Mamaroneck did. The Town of Mamaroneck is responsible for the bridges. But the village had to sue them to get them to do it. The point is, do you want the Town of Greenburgh to be responsible for the bridges in the Village, which

they are required to do by law, or do you want us to assume that responsibility. If we assume that responsibility, we assume it for all bridges in the Village.

Trustee Apel: I am not saying I want to assume responsibility. What I am saying is, if we want the Town of Greenburgh to do it, what do we have to do to force the issue?

Village Manager Hess: Sue them. We have met with them. They do not want to hear that they are responsible for it.

Trustee Apel: We are not going to get anywhere unless we force the issue. Our lawyer should send a letter to Paul Feiner, with a copy of the other municipality matter.

Mayor Kinnally: Brian, why do you not draft something to Susan and Paul.

Trustee Swiderski: Is there another alternative we are not seeing, or are we hoping they will come around?

Village Manager Hess: I would hope they would come around. They have a responsibility by state law for bridges within villages. Since they have six villages within the Town of Greenburgh, you have to assume that they want to avoid dealing with the bridges in all six villages. A number of villages have bridges that go across the railroad tracks to their waterfronts, so they see that they have a potential liability in six villages. My opinion is that it is their responsibility. State law says it is their responsibility. Brian can send them a letter and cite the recent court case. And if they want to meet with us, meet jointly with the boards.

Trustee Jennings: If we settle this issue, then presumably it is going to be settled for a long time into the future. If you look at the cost of maintaining bridges over a long period of time, the cost effectiveness of litigation may be positive.

Village Manager Hess: Exactly.

Trustee Jennings: Have we done that calculation?

Village Manager Hess: Our percentage of just the Zinsser Bridge, which is a steel girder and plank bridge, is \$250,000. That is a \$5 million construction project. If the Dock Street bridge needed reconstruction at some point, and I am sure it will, you could easily be twice or three times that amount.

Trustee Swiderski: If our percentage is a quarter of a million, who is paying the other \$4,750,000?

Village Manager Hess: Federal and state governments under federal transportation money.

Mayor Kinnally: Let us do that, Brian. Give Susan a call and tell her that the Board is going to move forward with this, is there any change in their position? I do not want to blind side them. Say that the Board is concerned about the town's continued intransigence and we do not want to wind up in court over it, but if necessary we are going to enforce our rights.

4. Kinnally Cove

Ms. Bush: The Parks and Recreation Commission met July 7, along with the members of the *ad hoc* kayaking committee and a couple of interested members of the public. We explained again the concept of the plan, the sources of funding, the composition of the marsh, and the boardwalk, and why these various components were necessary. Eileen Beddell, the owner of the Hudson River Tennis Club, shared some of her concerns and questions. The commission wanted to recommend to the Board of Trustees this plan as it is currently designed.

We talked in great detail about lighting. It was recommended that the boardwalk lights remain on until 11 p.m., which is consistent with the two restaurants on either side. Those close at about 11p.m., so the boardwalk would remain open until that time. There was concern from the conservation people that the lighting levels be as low as possible consistent with safety and with the health code or marine environmental codes that will govern this boardwalk. I am not talking about the dock, just about the boardwalk, which is in this north-south orientation dividing the cove from this new marshland habitat.

There were suggestions about having emergency floodlights that could be operated by the police department in case we needed to have floodlights to help with an evening search.

There was also a suggestion about lights on sensors for people using the kayak docks after dusk. The lights would go for that brief period of time for them to get their boats up onto the dock and bring them in, and then turn off.

We talked with the tennis club owner about the easement and whose property it is and what the easement would be used for, and her concerns, particularly about her liability for pedestrians and for boaters. We recommended she talk with her attorney and Neil about what everybody's responsibilities are. She has a no-smoking rule on her property and does not want people smoking on her property.

We also talked about a storage shed for boats. The consensus was that we would forego recommending a storage shed for kayaks. But that decision has an impact on the construction of the concrete pad. There has to be a concrete pad for winter storage of the floating dock components. But if a storage shed is erected on it for even short-term or seasonal storage of kayaks and canoes, then the pad might be thicker and there might be some cost component associated with that. A suggestion was that when the RFP go out, it go out with two possibilities, one with a storage shed and one without.

Village Manager Hess: Was there an estimate on the cost of the lighting?

Ms. Bush: On Meg's most recent budget there is no lighting. We know how expensive it can be. We will be guided by the designer and other governmental or agency codes for the requirements for the intensity and the duration of lighting.

Village Manager Hess: That is only if you stay open longer than dusk.

Ms. Bush: Exactly. They may tell us that this has to be lit all night long because it is out in the water.

Mayor Kinnally: But it is not going to be accessible all night long.

Ms. Bush: Yes. We are talking about a gate, but we know that people can climb over gates.

Village Manager Hess: Our parks are not lit all night long .

Ms. Bush: Exactly. If you have the lights on, it will attract attention, whereas if you turn the lights off that is a signal to everybody that it is closed.

Village Manager Hess: Even restaurants down there have to turn their lights off in their parking lots at certain hours.

Ms. Bush: Right. With regard to people being concerned about fish and things growing in the habitat, there is going to be so much ambient light in that area that I am not sure that having a low-level lighting along the boardwalk is going to impact that much. But we have to talk to some experts and find out what their assessments are.

Mayor Kinnally: If you are going to design a facility for launching kayaks and canoes you should try to incorporate the storage facility there, and not wait for a Phase 2.

Ms. Bush: People could rent a space for the season. I am concerned about this grant from the Hudson River Trailways, because my notes indicated that we said we were going to provide a place for people to park their boats. I do not know whether there is an obligation associated with that.

Eileen Beddell is talking about opening up a 60 slip marina, and she wanted to know how our plans would impact on hers. We might have to shift our floating pier northward because there are footage requirements, apparently. I acknowledged that that was a legitimate concern of hers. However, it occurred to me that her opening up a marina might have a much greater impact on our wildlife habitat and our people getting on and off their kayaks if there are a lot of wakes being generated, and ought to be addressed.

Ted Mason: That storage platform ought to be put in. We do not have the money at this point to build any significant kind of enclosure. Possibly a shed, but you should have a large platform.

Anthony DeVito: The concept was for a relatively modest structure, canoe or kayak or small boat storage. It may not necessarily need an overly large concrete pad or foundations.

Village Manager Hess: It was supposed to be used for storage of the dock during the winter, so it cannot be too small.

Trustee Holdstein: I am dismayed by this entire project. My first comment relates to the woman who owns the Tennis Club. When her late husband was here and acquired that club, they stood at that microphone with Bruce Levy, the architect. It was made very clear that there was an easement; he and his architect acknowledged it and said the easement is there for the Village to use, and there will be no problem and no hassles. I do not know what her issue was with that.

Mr. Mason: She did not know her gate was locked and took the lock off immediately. Her own people had put the lock on. She said, yes, there is an easement across the front of the club. We said we would need to get a crane truck down there at the end of each season to lift the floats out, to lift them out, and she said that was all fine. There is no problem here.

If she puts in a marina, most of the boats would go out between the marina and the barge and not between the barge and the floats. I do not think there would be a problem from either point of view. She just wanted to make it clear that she was thinking about putting in a marina. She wanted to be sure that anything we were doing would not prevent that.

Trustee Holdstein: I have never seen this plan as I was not at the last meeting. Do I understand that you are filling in this greenspace with a solid surface to allow for a wood chip path that would take me from River Street down to somewhere below this platform?

Mayor Kinnally: No. The area where the wood chip path is *terra firma* right now.

Trustee Holdstein: What I am thinking about then is 10 feet north of that.

Mayor Kinnally: It is a tidal marsh. They are going to plant in there.

Mr. DeVito: A bathymetric survey was taken, soundings and water depth, which told us what we anecdotally had known. There is not much water there at low tide. There is a mud flat in the inner third up close to River Street, and in the middle and outer third you get one to three feet of water out as far as the dock at low tide. Once we had that information, the extent of the tidal marsh grew. The committee felt that since water depths were so low that it was a natural fit to expand the wetland area. As part of the tidal marsh design it would be some modest filling, 12 to 18 inches, to get up to a mid-tide level. That is an optimum level for making a workable marsh.

At present there are the remains of a steel ship hull here. As you are bringing this marsh area up to mid-tide, you would fill in where the outline of the steel hull would be. The platform for the boat shed would be on this fill.

Trustee Holdstein: This area is going to look like a dump in a very short time. It may look wonderful when it opens, but it will cost us many dollars in the future to keep it looking wonderful. All our parks close at dusk. Having lighting and boats coming in at 11 p.m. seems to be a potential for liability if our public park policy is closure at dusk.

Mr. DeVito: We had always kept in mind that this cove would be connected to a much larger waterfront. Those walkways along that much larger waterfront presumably would be closed at dusk. Then it would make sense that this would be closed at dusk and you may forego lighting other than emergency. But we think that those main waterfronts would eventually be lit and that this would have to, in parallel, be lit.

Mayor Kinnally: As far lighting or having it open past dusk, it is a policy thing and does not affect the design as we see it now.

Trustee Holdstein: The 27 acres on the waterfront would be on private property, not Village property, and there is a different liability. We have the liability here. Is this entire site being fenced in?

Ms. Bush: In the original packet there were bollards along the River Street side to keep people from running their cars inside. The most recent plan, and the budget includes, a chain link fence along this edge. If you put up a gate here and a gate up here, how are you going to secure it, how high does it have to be? Is it just to keep children from running out? Are you going to try and keep people from using this at night? Then you are going to need a fence on either side for the gate to connect up to. And Eileen will have to think of some way to barricade her property so that there is a definition between where her restaurant starts and where the public easement ends.

Trustee Holdstein: But a chain link fence is, aesthetically, not the most pleasing.

Ms. Bush: It is not aesthetically pleasing, but right now it is in the budget as a starter to make sure that the plants have a chance to adapt and get off the ground. You do not want people coming in and accessing this area as a beach.

Trustee Jennings: I see the platform and where the storage facility would be, but how do you get from the easement up to the boardwalk and then onto the floating dock?

Mr. DeVito: You carry your canoe or kayak through the easement, and then you walk along the fixed dock structure, and come upon a gangway that is hinged and fixed on the boardwalk down to the floating dock.

Mayor Kinnally: When you come down the easement path on the south side, are you going to have to go up steps?

Mr. DeVito: No.

Trustee Jennings: How do you get from the wood chip path to the boardwalk?

Mr. DeVito: The storage area for floats and the platform for a future boat shed are leveled off at the same elevation as the boardwalk. You may have to have a small incline to get up to the elevation of the wood chip path, but there are no stairs involved. The docks will be stacked up through the harsh months.

Trustee Holdstein: At that point, while it is still an open public park, on a cool day you could not walk the chip path. You would have to come down the access to get to the boardwalk.

Mr. DeVito: That is a good point. I would think that the northerly end of this storage area for floats should not have floats on it. It should allow free access to the boardwalk.

Trustee Jennings: There is a high usage activity area just to the north, with the park and the restaurant; the tennis club, a private facility but still a restaurant, attracts a lot of people. Eventually the main part of the waterfront is going to be extremely busy and attract a lot of people. So on the one hand we have the goal of connecting these things together and having a place where a lot of people are a lot of the time. On the other hand, we have a tidal marsh or wildlife refuge. You have concerns about lighting, about boats and wakes, about disturbing the ecosystem. There is a conflict here, it seems to me. When I hear the word tidal marsh, I think mosquito. How is that going to be controlled?

Mayor Kinnally: It is the same situation we have now.

Trustee Jennings: You are going to create a different kind of ecosystem, and I do not think it is the same.

Mayor Kinnally: It is not going to be an area of stagnation.

Trustee Jennings: I understand that. But the marshes in the South Carolina low country are tidal marshes with moving saltwater, and when you walk on the wooden platforms several hundred yards out into the marsh you better spray yourself with mosquito repellent because you are going to get bit.

Mr. DeVito: Knowing what is there now, a mud flat, there was consensus among the committee to create an alternate. From a man-made mud flat, you might return something more akin to what was here before the place was filled in.

Trustee Jennings: I had one other question to do with the continuity of the boardwalk with people walking from MacEachron Park to the tennis club restaurant. Blu's portion of the boardwalk is a very nice place to eat, but it does not lend itself, whatever agreements we might have had with them about easements, to having people who are not patrons of the restaurant strolling through there.

Mayor Kinnally: They may have to adjust their way of doing business.

Mr. DeVito: The owner was very amenable at the meeting that I attended, but it seemed unclear that the owner knew what their legal requirements were vis-a-vis the easement.

Mayor Kinnally: I was here when the Village negotiated that easement with Jerry Alleyne when that property was first built. It was anticipated even then, back in the seventies, that there would be a continuous pathway along the Hudson River hooking into whatever may be developed. So she may not be fully conversant with it, but if she talks to her attorney and takes a look at the documents that are on record, and they are filed against the property, there should be no question what the rights of both the public and the Village are to that property.

Trustee Holdstein: Is the Village every day going to unlock the gate and lock the gate to the wood path?

Mayor Kinnally: There is going to have to be some security there; if the park is closed, the park is closed.

Trustee Holdstein: What security is at VFW and Draper Park?

Mayor Kinnally: You do not have water.

Trustee Swiderski: But you do not have a gate now at MacEachron Park. I can dive off right there.

Trustee Apel: One of the reasons that they wanted that fence was so that everything can grow. At that point you could decide whether you want it or not.

Village Manager Hess: You could leave the current fence. Why put in a new fence that you are going to take out.

Mayor Kinnally: It is ugly.

Trustee Holdstein: So the committee's intent, then, was when the marshland was at its full peak the entire fencing would be removed.

Ms. Bush: Right. But we are talking 10 years from now.

Mayor Kinnally: Let me just point out that before Harvest was developed, when we had the flagpole access to MacEachron Waterfront Park, there was a locked gate. It was breached

more often than not, but a gate. So we have had situations where we have locked access to a waterfront facility.

Trustee Swiderski: But it is not now. There is a differentiation that one park with marsh is treated differently from one park with riprap.

Village Manager Hess: Facilities should close at dusk, just like MacEachron Park.

Trustee Holdstein: I agree with Peter's point about having a consistent policy.

Mayor Kinnally: I would rather look at the concept tonight, and we can fine tune the policy as to access and how practically it is going to work when it built. We will have a better idea of what the flow is going to be and what the needs are going to be.

Trustee Holdstein: But the practicality is at the core of this; you have to be talking about practicalities and use and safety and liabilities at the outset in developing this kind of project.

Mayor Kinnally: Safety concerns at a waterfront are different from safety concerns at Hillside Woods. That is why you may want to treat access a little differently here where you have a completely accessible boardwalk facility.

Trustee Swiderski: Right in the middle of that path there is a new stake, painted orange, that says edge of property.

Mr. DeVito: That stake was put in by the surveyor who was hired to define the property. It is right in the middle of that two-part gate, then it goes off at an angle. You own a small piece and the tennis club owns most of it. But you have a complete right-of-way of the entire path.

Trustee Swiderski: What is anyone's right to walk up that path with or without a kayak?

Mr. DeVito: The Village has right-of-way and you can walk up that path any time you want. The owner did not realize there was a lock on the gate. She took the lock off the gates. But it is rocky and difficult to launch from there.

Mayor Kinnally: Neil just raised this. This is a not a 24-hour easement. There are definitions and to the hours of the access.

Trustee Swiderski: I have a small concern whether the movement of water in and out of the tidal marsh will be enough to flush organic material out, or will we face a mounding-up of material which in five years' time will leave us with solid ground all the way out to the boardwalk? I wonder if we are provoking the sort of situation we have in Sugar Pond.

Mr. DeVito: Now, without the tidal marsh, there does not seem to be accretion or loss of material. So it is pretty much a static condition. It is possible that if the marsh were not designed well enough, with how the rivulets would be laid out, that this could happen. In the wave screen or breakwater that will be on the west end of the boardwalk, you have to have sufficient opening to let the water flush down.

Trustee Holdstein: Could you provide the Board with some similar situations where communities around the country have created things like this that have worked well?

Mr. DeVito: We come across numerous situations where as a give-back for a major dredging operation they have to do mitigation. Hundreds of thousands of acres of wetlands are being created as give-backs. I am sure it could be listed.

Mayor Kinnally: I am sure the DEC and the Riverkeeper have this information; this is one of the things that was discussed in the negotiations of the settlement of the Riverkeeper's suit.

PUBLIC COMMENTS

Mr. Bogart: I had heard that in addition to the public access to the boardwalk at the tennis club that, should it ever turn into a private club, the public would also have access to the bar and facility. Is that the case?

Village Manager Hess: It was the east-west easement, and a north-south along the boardwalk. It has always been a public bar as far as I can recall.

Mr. Bogart: Regarding the Zinsser Bridge, if there were to be a lawsuit, would it be in the nature of declaratory judgement?

Mayor Kinnally: I do not know what it would be. Let us take it one step at a time.

Mr. Bogart: You have put off acting on a moratorium until the end of August. You have a special meeting coming up next week. What is the possibility of putting the moratorium on the agenda for the special meeting?

Mayor Kinnally: The sense of the Board is that we will put it on for action at the next regular Board meeting. We discussed this with counsel, and I open it up to my colleagues as to what they wish to do on it.

Mr. Bogart: There is a proposal being discussed for a development on one of the sites that would be affected by the moratorium. So long as nothing happens there, there would not be an immediate need to do anything. But if that were to proceed and there would be some sort of complication, I am raising it as a concern.

Mr. Walrath: In regard to Kinnally Cove, in the cleanup at Cold Spring a lot of hazardous waste was stripped out, and they rebuilt the tidal marsh when they removed it.

In relation to your concerns about the impact of a marina, the LWRP is working on a harbor management plan. Tell them your concerns, and then it should show up in the plan. The marina shows up next to our launching place for the smaller boats, and there are some rules and regulations.

About the Zinsser Bridge, Meg asked me to come and she gave me a copy of her memo. It was not mentioned tonight, but she suggested a meeting, which might be effective to get the town whipped into line without having to go to court. She is suggesting meeting with the state DOT, state DOS, and the town if the town is willing to meet; it might be better than meeting with them by ourselves. If the state definitely will back us on whose responsibility it is, it might be an effective way to get the message across without having to go to a lawsuit.

Mayor Kinnally: Good point.

Lorraine Kuhn: Since Riverwalk is coming up on July 31 with the Planning Board, the SEQRA process is continuing. Does the project escape the moratorium because the vote is on August 26?

Mayor Kinnally: My understanding is that the moratorium would not stop SEQRA anyway.

Ms. Kuhn: Then, if not, how does it apply to Riverwalk specifically? What would it prevent? Is the enactment of the moratorium contingent in any way on the progress of the Riverwalk project?

Mayor Kinnally: It is not targeted at any one particular proposal or pending application. It is to give breathing room, to take a look at the applicable zone. What impact it would have

on the future course of events or the handling by the Planning Board, counsel will have to give us some guidance on that. I would not want to venture a guess on that.

Ms. Kuhn: I just say if the mosquitoes bother you, my report would curl your hair. But I will save it for the Planning Board.

Mr. DeVito: I wanted to add one small point. The tie-in between the marina and now the cove was, indeed, the marsh. When the owner of the restaurant saw the concept of the marsh it was noted that marinas could not be within 150 feet of an active wetland or cove. The concern of the owner of the restaurant was the marina would have to be 150 away from it.

Mayor Kinnally: We are designing access for the community to get into the river to launch kayaks and canoes. She may have a pipe dream about putting in a marina. We will deal with it at that point. If it follows a time line, it probably would not be for 25 years. I say that facetiously, but since this is navigable water, she is going to have to deal with the Army Corps of Engineers. And it is going to make an application before the Village look like a walk in the park, mosquitoes notwithstanding.

Mayor Kinnally: Ellen, I want to thank you and the committee for all of your work on this. It really has evolved.

Village Manager Hess: We should get an updated budget with lighting.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:05 p.m.