

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 21, 2003

A Regular Meeting and was held by the Board of Trustees on Tuesday, October 21, 2003 at 8:15 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: Seventeen (17).

PRESENTATION - Fenwick Area Drainage Study

Clifford Gold, CG Engineers: Alternative A shows the first matter we looked at, a bypass from the Fenwick area down Branford to a new culvert across Branford, and then going south from there. This one turned out to be fairly expensive, and it did not do much more than other things we could do; we have recommended that this not be adopted. There are recommendations for a berm along Farragut Parkway to minimize the inflow from the parkway down toward the creek area. Similarly, up on Ravensdale we are talking about berms to eliminate, or minimize, the flow from Ravensdale down to the Fenwick area.

Alternate B was the most comprehensive. We took water from Dan Rile Park, carried it around the Fenway and down Farragut Parkway and Farragut Avenue, and did some improvements along the Chittih property and put a new culvert across Branford Road. There is a berm along Farragut Parkway to minimize flow from the parkway. B was extremely far-reaching because it also called for a dike across the creek in the Nepperhan area, with a bypass around Nepperhan Avenue down to almost the Saw Mill River. One of the culverts under Farragut Parkway was largely blocked, and one of the recommendations in our report is that that culvert be cleared. Alternate B is very comprehensive, very expensive, and, again, we have recommended against that expenditure.

Alternate C is what we wound up recommending. We would collect water in Dan Rile Park rather than on Fenwick Road. So there would be a dike in Dan Rile Park holding water in the park during the early parts of any storm. We also called for a pipeline down Fenwick Road, new pipeline across the Chittih property, down behind Mr. Ratzenberger's property, plus a culvert across Branford Road. We show curbs along the north side of Branford, a new pipeline drain in Branford, and reconstruction. We eliminate the hump in Branford Road so that water will flow down Branford directly to the culvert. We have plans for berms and holding water on Ravensdale to prevent that from flowing in. We are trying to minimize the inflow to the Fenwick Road area, so we hold back as much as possible on Ravensdale Road, including Kent. At Kent, new inlets to ensure that the water does not go down Kent to the Fenwick area. We

also show a small swale at the intersection of Branford and the Fenway to minimize water coming down in that direction. So in every way we can we have minimized the water flowing into the Fenwick Road area. But we do pick up in this pipeline, go across the Chittih property, and out. No improvements are planned downstream of us except for the berms along Farragut Parkway. This project is probably the most effective in terms of efficient use of funds.

Our report talks about the possibility of phasing this project. We could do a piece at a time, reduce the major flooding initially, and possibly reduce more later. We may be able to hold the water in Dan Rile Park without the dike because there is a depression there. But we hold off the line along Fenwick Road, not build that. It is the work in Dan Rile Park; the curbs along Branford; regrading Branford Road to make sure the water flows down Branford; the Branford culvert; pulling down the wall in front of the Chittih property. We will hold as much as we can initially in the park, let the water flow down Fenwick Road and through the Chittih property without the wall, put a new culvert across Branford to prevent any backup from Branford, put the curb along the north side of Branford and re-grade it, and that would be the first phase.

If, after a time passes and it is not sufficient, we would go to the second stage to put the pipe along Fenwick Road and the pipe across the Chittih property. The third phase would be the drain, the inlets on Branford, the pipe along Branford, and completion of the ponding in Dan Rile Park. Enlarging that dike to create the ponding. The overall cost of the entire project is \$544,000, capital costs, including all the soft costs and the construction costs. If phased, the first phase was about \$277,000. With a 20-year bond, equal annual payments, 2% interest, the annual cost for that first phase would be on the order of \$16,500. If you did the whole Alternate C at once, the amortization would be approximately \$33,000 per year.

Mr. Walrath asked if we would just do a bare-bones evaluation. The bare-bones evaluation consists only of the crossing of Branford with a culvert, the curb along Branford, and the regrading of Branford. We have recommended against that approach. We do not think it would solve the flooding problem adequately.

Mayor Kinnally: On plate 10 is a blue pipe from the upper right-hand corner going across. The drainage from the pond will go into the existing pipe?

Mr. Gold: Under Phase 1, yes. If we go into Phase 2, and thereafter we have another pipe there, we change the configuration to permit that. The best approach would be to plan the ultimate, but build the first phase.

Mayor Kinnally: But in adding the additional pipe in Phase 2 on plate 10, you would not abandon the current pipe.

Mr. Gold: We would abandon it coming down Fenwick Road except the upper section; the upper section toward the north would remain, but the lower sections would be replaced. If, as time goes on, the people who live in the Nepperhan area are really disturbed by the flooding, then we have got to consider that. Everybody I have talked to has said they can live with what is there as long as I do not worsen it. My concept has been not to worsen the downstream conditions.

Trustee Apel: Where is the culvert that needs to be cleaned?

Mr. Gold: The culvert is way down toward Nepperhan. It crosses the state highway. The thing to do is to tell the state to clean it.

Trustee Swiderski: You said in Phase 1 of Alternate C, Dan Rile Park would not have to necessarily be affected by a berm because there is already a depression there.

Mr. Gold: Dave Walrath and I have been in a battle on this. He thinks we might have enough capacity in the depression there. I still think we need a small dike, but I will not know until I do a full topographic survey.

Trustee Swiderski: If there is already capacity there then you already have ponding there. Clearly there is not because it is not ponding water sufficiently to prevent it from going downstream if, in Phase 1, you are not talking about doing anything else in that area.

Mr. Gold: In Phase 1 I am talking about a small dike because I think it is necessary.

Trustee Swiderski: Then you are talking about a dike.

Mr. Gold: Yes, a small one. Just sufficient to be sure I have got the capacity here that was originally in Fenwick Road.

Trustee Jennings: But under Phase 1 of Plan C, would there not be some water diverted into the park or ponding somehow that is not now going into the park? I thought you were going to bring water into the park to pond and hold it up.

Mr. Gold: Exactly right.

Trustee Jennings: So it is not status quo, Peter. Something is going to be done to divert that water off the street into the park. Preventing it from ever getting to the street.

Mr. Gold: I would open up the existing pipe and then hold the water in the park either with a dike if that area has got enough of a depression, or maybe dig a small depression. I can create the ponding there I need to substitute for the ponding in Fenwick Road.

Mayor Kinnally: How do you channel the water into the park if it is not coming in now?

Mr. Gold: Where it says cut pipe, that is where the pipe would be cut. Water would come in through that low-flow channel.

Trustee Holdstein: The pipe that is there now, when Rile floods, water from the flooding is going into that pipe or not?

Mr. Gold: No. It goes through, and comes out onto Fenwick.

Trustee Holdstein: If we opened the pipe, that flow will take it down to where we see the manholes by the Chittih property by the wall. That is the same. It will take it underground. In Phase 3 of Plan C, what you are saying is you are going to put a foot-high detention wall. If that is not working we are going to make that wall higher.

Mr. Gold: Correct.

Trustee Holdstein: Your first point, culvert enlargement at Branford Road. That is the culvert that runs from the edge of the Ratzenberger property across the street. If you enlarge that, I am assuming you mean going deeper.

Mr. Gold: No. I am widening it, and just enlarging the size of it.

Trustee Holdstein: If you widened the culvert alone, you are going to allow more water from Chittih and Ratzenberger, as it flows down, into that culvert. But would you not have to widen, on the other side, through Kadala, through Gross, over all the way? Otherwise, you are taking a wider culvert under the road, and then re-channeling water in the Kadala stream. It seems that you create a problem because the water is going to come out of the culvert without enough space, going to come out with a wider space back into a smaller space.

Mr. Gold: It is going to continue to flood across the Kadala property. I have not eliminated the flooding south of this point. Everyone south of here - Mr. Kadala, Mrs. Romer - all the property south of here accept the flooding that occurs. I am opening up this very small culvert. It is only a 24-inch pipe. It should be much larger. I am permitting that water to go past. There is no more water going in than before, and the flooding will occur the same as before below this point, which is tolerable to everyone south of here. The only difference will be that there will not be

quite as much flooding on the Ratzenberger property because there will not be as much of a backup from that culvert. But I am passing it through.

Trustee Holdstein: There is not anything here that is putting any more water into Dan Rile Park than is currently heading there now. By improving on Ravensdale, you put some on that back side. So you are reducing some of the flow on the north end of Dan Rile Park to Ravensdale. But you are not routing any other water from anyplace else into Rile Park with this plan.

Mr. Gold: No. The existing water, less whatever I can hold on Ravensdale going toward the river.

Trustee Holdstein: And opening up the pipe, and sending the water from Rile Park down that pipe, down to what I will call the problem spot, which has the water flowing underground and then bubbling up. What have we done to prevent the pond on Fenwick, if all that water is still coming through the same pipe and the water is coming out of the pipe?

Mr. Gold: On Ravensdale and Branford, I am reducing some of the water by diverting it. Secondly, I am taking the wall down on the front of the Chittih property, and permitting that water to come off Fenwick right across the Chittih property toward the Ratzenberger property.

Trustee Holdstein: So it will have a freer flow across the Chittih yard, which would create some level of erosion. Then it is going to hit where the stream bends behind the Ratzenberger property. Is all that water going to get picked up in the Ratzenberger stream and pick up, flow into that, and then bend around the Ratzenbergers towards that culvert? Or is it going to cascade on the Ratzenberger property because of the level of water flowing across the Chittih property?

Mr. Gold: There is going to be a sheet flow across the Chittih property going onto the Ratzenberger property, which will have a flood across their yard. It is a continuing condition as before. The water will cross the Chittih property and cross the Ratzenberger property. If the situation is not satisfactory, we go to the second phase, which would be piping it across the Chittih property into the creek below.

Walter Haubold, 31 Fenwick Road: I think you should reverse your thinking. Rather than pond the flow that is coming through the pipe as a dam in Dan Rile Park, that whole bottom end of it by Chittih's property will take that water. Why do you not reverse the thing. Mr. Chittih's wall would come down. But to help him out, why not put big catch basins and bigger pipe immediately across his property under it. So the only time he would get water flooding over his property is when the larger drains underneath it would take it. Let the normal flow that is coming out of Dan Rile Park now, it overflows, it comes down the street, so the street becomes a flat culvert. You have to get it off that low point on Fenwick, which is right under Chittih's

lawn, from there to Branford. Ponding it up, damming it up over there, does not make sense. If that thing lets go, we are really going to flood it.

Mr. Gold: Your point is well-taken. That is precisely why we do show piping across the Chittih property to take care of that. We have larger inlets and pipe planned across that, but I have put that into the second phase. The reason I put the dike in the water in Dan Rile Park is because the people downstream have reasonable expectations that I will not worsen their condition. If I take the ponding out of Fenwick Road in front of your house and let the water flow, they will get a worsened condition. So I am replacing the ponding in Fenwick Road with a ponding in Dan Rile Park. Therefore, there will be no more flow downstream. Would I like to have all of this done at one time? Yes. We would take care of the problem with larger inlets and pipe across the Chittih property. But in order to phase it, I have held that back.

Bill Ratzenberger, 30 Branford Road: What you are doing in Dan Rile Park should cause ponding there that will alleviate ponding in front of Mr. Haubold's house and the Chittih property, is that correct?

Mr. Gold: The ponding at Fenwick Road in front of his property will be eliminated when I remove the wall. The wall is what is causing that ponding. So I remove the wall, and then that will eliminate the ponding here, and the ponding here is intended to replace that.

Mr. Ratzenberger: As much as I would like to alleviate the problems on everybody's property, I still have to return to my own. I suffer less than probably 50% of the people with water. Tearing down the wall in this scenario opens up my house and the Chittih house to flooding. From what I can see here, we have a commitment for maybe Phase 1, with no commitment for Phase 2 or Phase 3, and that could leave us in a perpetually bad situation much like the people who are living on Fenway.

Mayor Kinnally: We have not committed to anything right now.

Mr. Ratzenberger: When that decision is made, I have a very strong concern about taking somebody else's problem and putting it on my property. I need to know how to address that.

Mayor Kinnally: We have heard your concern. His recommendation to us is, if Phase 1 fills the bill, if it does not exacerbate the situation and relieves the flooding and the ponding on Fenwick, then maybe that will satisfy everything. If Phase 1 exacerbates the situation downstream, we may have to look at Phase 2, and we understand that.

Mr. Ratzenberger: My only concern is, would Phase 2 necessarily be implemented, because we have no guarantee. And do we who are downstream spend maybe as much as two years having the effect of that new flow on our properties?

Mayor Kinnally: I do not know, and that is what we have engineers for, but your point is well-taken. If we can spend half of what the job would cost us under Alternative C, and we can measure the benefits from that without having to spend the additional second half, that is fine. But we are not purposely trying to make life more difficult for people. And it may not be this Board by the time the first phase is finished.

Mr. Ratzenberger: Is it premature to talk about Phase 2 now?

Mayor Kinnally: No, you can talk about Phase 2 now.

Mr. Ratzenberger: When you are re-routing down by my property off the Chittih, there is a large tree right here.

Mr. Gold: It is shown right there. We very carefully located that pipeline so it would bypass your back patio and go right into the creek.

Trustee Holdstein: If we create the detention pond and build whatever size wall you think is necessary, does that not have some positive effect of holding and slowing the overall flow of water down Fenwick?

Mr. Gold: It has some effect. It would reduce, for a period of time, the water flowing into Fenwick. But it is not a panacea.

Trustee Holdstein: On the heaviest storms, eventually it is going to go over that wall. But it seems to me that if we can hold more water back, and it flows slower to the problem site, then all the other impacts are lessened.

Mr. Gold: But in the first phase the concept was to store in Dan Rile Park no more water than was stored originally in the low point in Fenwick. So it would be the same downstream of Fenwick. The detention in Dan Rile Park would have no greater effect than the detention in Fenwick Road.

Trustee Swiderski: But that is not entirely true. Because both Ravensdale and Branford are being re-graded and modified, so further water is being diverted.

Mr. Gold: You are right. We are doing some diversion in Ravensdale, and some on Branford as well.

Jane McMichael, 25 Branford Road: My husband, Tom Kadala, is on a business trip and could not be here. Regarding the grading of Branford, could you explain how much grading is going to be done, the increase of water from the upper area straight down to our property?

Mr. Gold: Currently, water comes down from the Fenway along Branford, hits a low area, and slides across the properties down to the creek. It comes across these several properties down to the stream, and then flows down the stream toward Branford. The water cannot flow down Branford because there is a hump in the road that prevents the water from going down. We have measured it with a survey instrument, and determined that if we took that hump out the water would flow down Branford into the enlarged culvert. For Phase 1, all we are talking about is a curb along Branford. Hopefully, that will keep the water flowing down. The problem I have, and I cannot solve it without a design effort, is that there is a driveway that comes into that hump and I have to work out the slopes of the driveway and the junction with the road. I think it is solvable.

Ms. McMichael: But you did say you were going to put curbing on that side of the street.

Mr. Gold: Yes. The first phase would have curbing along the north side of Branford. Ultimately there will have to be inlets near the Fenway and a pipe going down Branford, but I left that out of the first phase.

Ms. McMichael: I would like to talk about the differential in the flow of water. How much water is going to be blockaded in the park? What kind of downpour is going to have to happen to make the water overflow and come down?

Mr. Gold: Around 15,000 cubic feet of water will be stored here. That will fill in a half-hour or so. So in a major storm, where there is a half-hour, real intensive rain it will fill and then start to overflow. I do not remember now whether that is a five year storm or a seven year storm, but it is something in that order of magnitude.

Ms. McMichael: Why is there a debate with Mr. Walrath regarding having a dike or not?

Mr. Gold: He and I both agree on the need for the storage here. He said that he thought we might be able to store that 15,000 cubic feet without the dike with some minor regrading. I do not think so. I think when we get a topo of the whole Dan Rile Park, we are going to find we need a few feet of dike.

Ms. McMichael: Let us go to Phase 2: the size of the pipes. If you are going to enlarge the pipes on both Fenwick and Branford, what would the size of the pipes be?

Mr. Gold: It is 18-inch clay now. We would go to a 42-inch concrete.

Ms. McMichael: You are also talking about enlarging the culvert at Branford. One of the things we have a problem with is that culverts are not cleaned very often by the city. Is it necessary to put in a larger culvert, or just maintain what we have?

Mr. Gold: The 24-inch pipe is totally inadequate. Will this need maintenance? Yes, it will need maintenance. But if there is a major storm, it should clean it out by itself.

Ms. McMichael: Is it going to be the width of the road now, or are you talking enlarging it width-wise?

Mr. Gold: Both ways. We are talking about replacing the 24-inch pipe with a culvert 4 feet high, 10 feet wide across the whole road.

Ms. McMichael: The properties on each side, are they going to be affected?

Mr. Gold: Right now the pipe is probably around 30 feet long. The culvert would be the same.

Ms. McMichael: How are we planning on paying for this entire project?

Mayor Kinnally: It will be financed by the Village.

Sandeep Mehotra, Conservation Commission: The Conservation Commission has not received this as yet. I am assuming that we would be given a chance to review this and provide our comments to the Board.

Mayor Kinnally: Of course.

Mr. Mehotra: Based on what I have reviewed today, I think the concept is sound. My only recommendation would be trying to further optimize the storage in Dan Rile Park rather than just replacing it. If we can further optimize it cost effectively, without increasing the berm costs or any of the improvement costs in Dan Rile Park, that would serve as a better long term alternative to reduce the overall flooding in the downstream area. And also do it in a friendly way so that we do not severely impact Dan Rile Park.

Mr. Gold: Originally I had that dike right near the road, and when I looked at those trees I said that would be wrong. We have moved it back to an area where there is minimal tree damage. But the question of the height of the dike is very well taken. I am hoping that the Board will permit some leeway on the design, so when we come to the design phase we will report as to whether it would be more economical to raise it the full height initially or to keep it low.

Mr. Mehotra: My experience is that most of the culverts that give problems are undersized. Most of the sedimentation takes place if the culverts are small. So if you enlarge the culvert, that does not necessarily mean you are going to create more water, but you are going to pass the water that exists there more efficiently.

Ali Chittih, 32 Fenwick Road: A problem with Phase 1 is that most of the solution resides on removing the wall on my property. I have a big problem with that because instead of having the ponding in the park, you are creating the pond right on my property. In most of the alternatives that you have suggested, you kept mentioning the environmental impact. That does not address any of the environmental impact on my property. If you open that wall without having some kind of a retaining area like what he was suggesting in Phase 2 in the park, my property and the Ratzenberger property is going to be completely not just flooded but washed out. I showed you when you came and visited a few times. You saw the difference between the two levels on my property done by the runoff of water that washes out the ground. I showed you the top of the pipes that you mentioned on my property. That is an environmental impact that needs to be addressed.

Mayor Kinnally: In the first phase it is not just removing your wall. But we are talking about utilizing the ponding in Dan Rile Park, and piping from Dan Rile Park into the existing pipe that goes down Fenwick. We are utilizing the storage capacity of Dan Rile Park in the first phase.

Mr. Chittih: So we just heard a suggestion. Walter was saying that that is not necessary.

Mayor Kinnally: That is his suggestion, but we are reacting to Cliff's alternative here.

Mr. Chittih: If we go to Phase 2, we need some assurance that it would be the next phase. Because I am going to have three pipes going into my property. In your study, you have suggested to abandon one of the pipes.

Mr. Gold: The new pipe is parallel to the existing one in the creek. You have a creek along the border. I have put the new pipe close to that creek. I have taken out the existing pipe that cuts across your property, which means that you would have less interference with your property use. That would be an improvement. As far as you and Mr. Ratzenberger are concerned, you are correct: Phase 2 is better for you, but that is up to the Board whether they want to spend that

next phase money or not. Phase 1 should, to some extent, reduce the water coming across your property and avoid the real problems. You will have the flooding across your property and the flooding across the Ratzenberger property because you had it before and you will have it again. I cannot avoid that.

Trustee Swiderski: You mentioned the pipe that shows in your lawn, the flooding that moves across your lawn: does that continue or does the wall lower it?

Mr. Chittih: When we have a strong, heavy, consistent rain for 10 to 15 minutes, the water collects in front of the wall. It goes above the wall, and then it goes through my property. I am experiencing continuous erosion.

Nick Fiebach, 36 Fenwick Road: My wife and I just bought the house at 36 Fenwick just east of Mr. Chittih's property. If you could explain to me exactly where that pipe will go in relation to our house and the Chittih house.

Mr. Gold: It will not have much of an effect on you at all. The plan would be, on Phase 2, to build a 42-inch pipe down Fenwick Road to the Chittih property, then turn it and go through the Chittih property into the Ratzenberger property.

Mr. Fiebach: What is the timetable for this project, both in terms of the Board considering it and then the construction timetable?

Mayor Kinnally: We will get to that when we talk about financing.

Patricia Romer, Steppingstones: You are saying you do not know what height the wall would be or how much water it would retain. Could you clarify that?

Mr. Gold: In the first phase, I plan to have capacity in storage in Dan Rile Park equal to the storage in Fenwick Road. I will not know how high the wall will be until I have a survey: perhaps two or three feet high. It may be that excavation to create a little pond might be the better way. I do not know yet.

Trustee Holdstein: But if you went even higher on that wall it would retain even more water.

Mr. Gold: Yes, and it may be desirable to do the whole wall initially.

Trustee Holdstein: You may say five feet, and that is double the amount of water that gets held back as a possibility in Phase 1.

Mr. Gold: That is correct.

Trustee Apel: Or dig down and make a bigger hole.

Ms. Romer: That was my concern precisely because being farther downstream from Fenwick Road, I am concerned that the first phase hold enough water in storage up in Dan Rile so that I do not have to wait two or three or maybe even more years in case there is excess flooding downstream and we have to build a higher wall. There is a manhole under Farragut Avenue by 450 Farragut Avenue that has a 36-inch pipe going into a 30-inch pipe. Is there anything in any of the plans to alter that?

Mr. Gold: No. Our conversations with the people on both sides of that roadway have indicated no significant problem.

Will Guterman, 394 Farragut Avenue: The bump that you were talking about removing, what was the original intent of that bump?

Mr. Gold: My suspicion is that there is a rock ridge in there. If there is, that will give us a little more cost, but I will not know until I do a boring. I cannot see any reason for it except that there is a natural curve to that road. I think the road just developed there and was left with the original grade.

Mr. Guterman: How long does it take for that water to sink in Dan Rile Park, and are there health concerns when it is stagnant?

Mr. Gold: My intent is that there would never be stagnant water. It would hold water during a storm. At the end of the storm, there would be an outlet to permit it to drain out. I do not want water standing anywhere. My guess would be less than an hour to drain out.

Mr. Guterman: And then you mentioned that the water would increase the flow downstream. However, in a seven year storm, or maybe even less, the water would flow over that wall anyway.

So if the wall is not having any effect on maintaining the water there because there is too much water and it flows over, it could be a half-hour. Then what about downstream?

Mr. Gold: The condition would be the same as it was before. We will continue to have the water flooding across the Chittih property, across the Ratzenberger property, across the Kadala property, across the Romer property, all the way down. I cannot solve it economically and avoid that flooding. At one point I thought about that. If we enlarge all the channels and culverts and everything all the way downstream, we will avoid any flooding. I could make everything to

capacity for a 25-year storm. But no one wants that because I will destroy the shrubbery and the trees and the environment. If anything hit me in the head when I started this job it was, Do not louse up the environment. So I have avoided the channel. The report includes a detailed report on the channel sizes, and they would be five to ten times the size they are now. So the flooding will continue. If you have a 25-year storm, or a 100-year storm, the water is going to go flooding through.

Mr. Guterman: From someone who does not live in that area, and lives downstream, the juxtaposition of the science and the data that went into this solution, compared to the science and data that went into defining the problem, is really striking. I just tonight am getting some sense of how frequently this happens and the duration of the flooding. I think that was never really made clear, except to the people that live right there.

Ms. McMichael: A lot of water comes off Farragut and goes along Fenway, and then down Branford onto the properties, down Fenwick. Have you considered addressing anything at the top of the Fenway and Farragut to stop some of the runoff you see pouring down the street?

Mr. Gold: The question is excellent; you and your husband both raised it. I show here a proposed swale, with the intention of taking water that now comes down the Fenway and diverting it down Farragut Avenue or Farragut Parkway. I did not mention that because I am not sure of it. I am afraid that the traffic hazard of that swale might be more objectionable than the water problem, and I cannot solve that at this moment. My thought was that if I get into it further, I would go over that with the police department and others, and see whether they thought I could put a one-foot deep swale, three or four feet wide, and divert water there as well. I have the money in the estimate for that. I just do not know if we should do it.

Ms. McMichael: That is something that should be investigated as part of the Phase 1 because there is an incredible amount of water that rushes down and hits all the streets, all the properties, and would certainly allay some of the problems further down from Mr. Chittih's home.

Mayor Kinnally: I would like to have Neil briefly discuss the financing, and then I would like to put it on for further discussion either at a Board work session or another Board meeting. If you have the design done right now for Alternative C, and we are going to go from start to finish, how long would the construction phase be?

Mr. Gold: Six months.

Mayor Kinnally: And if it is phased?

Mr. Gold: David, who has more construction experience than I have, says three to six.

Village Manager Hess: On your Alternate C, you have it broken down into three phases. Are the cost projections in Phase 2 and Phase 3 based on current costs, or did you project cost increases for when those phases could happen?

Mr. Gold: We did not project them.

Village Manager Hess: The costs between A and C are the same if C is phased. It may even be a little more expensive to do C if it is phased. Their cost projections I agree with. You are looking at an annual amortization of anywhere from \$33,000 to \$37,000 a year. Financing could be over a 20-year period. He projected 2%. Our notes right now are less than that, but bonding costs are running 2.5% right now, as you know from our refinancing. Either A or C are doable from a financial standpoint.

Mayor Kinnally: There is discussion in the report about the possibility of having special assessments. It has not been raised by the Board in the past. I believe the sense of the Board is that this would be a Village improvement that would be financed by the Village and not an assessment to the property owners or those people who benefit. We look at all of our public works projects as benefitting the community as a whole.

APPROVAL OF MINUTES

Trustee Apel: Page 3, last sentence, take out "and."

On MOTION of Trustee Apel SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Special Meeting of September 30, 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 Public Hearing of October 7, 2003 were approved as presented.

Trustee Apel: Page 12. Our consultant's name is Gandy, not Grandy.

On MOTION of Trustee Holdstein, SECONDED Trustee Swiderski by with a voice vote of all in favor, the Minutes of the Regular Meeting of October 7, 2003 were approved as amended.

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. 25-2003-04 \$178,416.29
Multi-Fund No. 26-2003-04 \$ 80,037.83

82:03 SNOW AND ICE NYSDOT AGREEMENT EXTENSION

Village Manager Hess: Several weeks ago we approved an agreement for 2004-2005. This agreement extends that through 2006. Same commentary as the last time: other communities were approving it at the same rate. We have made our objections known to both the DOT and to NYCOM relative to the reimbursement.

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 Manager to sign the agreement to extend the municipal Snow and Ice Agreement for the 2005/2006 snow season with the New York State Department of Transportation.

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	

83:03 LIMITED INDUSTRY ZONING DISTRICT PLANNING SERVICES PROPOSAL

Village Planner Walker: This proposal involves a thorough review by Stuart Turner of the DEIS, the FEIS, the findings on the ShopRite, and the SEIS and the FSEIS for the Ginsburg proposal right up through the Artists Walk proposal, which the Planning Board is now reviewing the EIS for. He would review all the other planning documents that have to do with zoning: the Vision for Comprehensive Planning, the Strategic Action Plan, and the Zoning Code. After reading all this material, he would meet with the Planning Board to give his opinion, and they would give him some direction. He would come back with a draft report, and meet with them again. He would come up with a final report of recommendations to present to the Planning Board. This study does not include a lot of public input. It can happen at the Planning Board meetings and at the final meeting when the recommendations are made, but it is not intended to be an effort to understand the opinion of the public. The Planning Board determined that the Board of Trustees is looking for their recommendation and not the public's recommendation.

Trustee Swiderski: What is the time line?

Village Planner Walker: It will take him about a month to review the documents. He will meet with the Planning Board in mid-November, and it would be another two or three weeks before he comes up with recommendations, so we are looking at the end of the year.

Trustee Swiderski: And how does that dovetail with the 90-day moratorium?

Village Planner Walker: It expires mid-December. You may have to extend it a few weeks.

Trustee Apel: I want to thank Meg for putting this all together, and for speaking with Stuart Turner & Associates. Getting outside suggestions is always wonderful because we are always so involved in it, and it is a great idea to get an objective opinion.

Trustee Holdstein: On the resolution, it should be modified to say “for a fee of \$6,000, plus ‘up to’ \$750 per meeting,” as is stated in his proposal.

Trustee Jennings: It seems like three meetings are being stipulated here. If we wanted him to attend a fourth for some reason, would that be an additional \$750?

Village Planner Walker: Yes, he is going to charge per meeting. He had a higher fee before, and I asked him if he could reduce it and he said if we reduce the number of meetings that would reduce the fee. If, for example, he can wrap up in two meetings, then the fee would be less.

Trustee Swiderski: If he were here the way Mr. Gold were here tonight, that would be an additional \$750.

Village Planner Walker: I think he would charge you at an hourly rate, and then it is a maximum of \$750 to prepare for the meeting and his time. If he is just coming for questions, it may just be his time to come to the meeting.

Trustee Jennings: In view of that type of structure, I suggest you be prepared to learn what he has to say and then convey it to others as needed. He is going to be a pretty expensive guy to listen to.

Mayor Kinnally: I had lunch with Martin Ginsburg last Friday, and we talked about this property and a number of other things. He was quite interested in the large tract studies and in the consultants that we are considering. Not any particular one, but he thought it was a good idea. One of his points was that we have heard from a lot of people about what people want or

do not want, but one of the things we hope to get out of this consultant is his recommendation for what is the proper use on this site. I assume that is part of what we are going to get from him.

Village Planner Walker: Yes, because he is coming to this with fresh eye. He is neutral, and he has not been involved in the past. So I think he can give us something.

Trustee Swiderski: In part we are having this discussion because of zone changes Stuart recommended that spilled over onto the site and are causing us to have to hire him to address zone changes on this site. I am hoping this time around he keeps in mind if there is any sort of rezoning of LI, that he thinks about how that might impact any other zone.

Village Planner Walker: Everyone, including he and the Board, was aware that rezoning the CC was going to have an impact on the LI. In fact, we even discussed if we should include the LI in this study when we did the CC. It was decided that that should be a separate study. The spillover was not intentional, but we knew it would happen because of the cascading zoning.

Trustee Swiderski: But my eye begins to twitch thinking about us having this discussion in a year's time because something has been proposed for Southside Avenue, the remaining LI, that would not have been proposed because this was somehow modified.

Village Planner Walker: The charge you gave the Planning Board was to look at 9-A. But maybe he should be looking at Southside as well. In the RFP, I said to let us know what the consequences will be to the other piece of the LI zone.

Mayor Kinnally: Certainly, that should be part of his charge.

Village Planner Walker: But his charge is not to look at Southside.

Trustee Swiderski: But we need to keep in mind that whatever the recommendation is, if he changes LI, we understand that it is going to have an impact on the other LI left in town.

Trustee Apel: One of the goals that I would like to see is to separate these zones so they are not interrelated with each other. The zoning laws are piggy-backed on each other. It is just as easy, if you want all those things, to put them in that zone, so that when you change one zone it does not affect another.

Mayor Kinnally: Do you want to deal with the next resolution while you are up here?

Village Planner Walker: Stu Turner's firm has already completed a new zoning map of our downtown, so they have our GIS base map data. It is just another step to extend the map to

include the whole Village. We can now produce a very accurate zoning map which the Village desperately needs. Every day we pore over our zoning map saying, Now, which property is included and which is not? It is a very difficult thing to read.

We wanted them to also make changes to our ArcView database, so that if we click on a particular tax lot we will have the ability to immediately know which zone it is in. So we would ask him to provide us with the data as well as the map. It is like an overlay layer in our ArcView system which would be attached to our PAS system, which is the tax database.

Village Manager Hess: In five years, if you make some other changes, do we have the data where we can update it ourselves?

Village Planner Walker: Yes, we will have it all. We are working with the county right now on coming up with a system so we can do it automatically.

Trustee Swiderski: What becomes the legal record for what is a zone? Is it the computer database, or is it a physical map somewhere?

Village Planner Walker: Once we have this map, does the Board have to adopt it as the official zoning map?

Village Attorney Murphy: Correct. Otherwise, it is a work product.

Trustee Swiderski: I am trying to head off legal problems. If you struggle with the map now, who are they going to work with when they look at the map and want to verify where this chunk of turf belongs? Who is going to be the person who says, of record, what is what to this database guy? What legal ramifications does that have?

Village Manager Hess: The zoning map as we have right now was drawn up by Charlie Wucherer. I would imagine he would be the point person on most of these.

Mayor Kinnally: Ultimately, the decision will be the Board of Trustees'.

Village Clerk Maggiotto: There is language in the code that anticipates problems like that. There is a section on mapping; it assumes that there will be properties like that, and it gives guidelines. Once we get past that hump then we will be in a situation where every property will be clearly defined. But the code was written before that was possible to do.

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 accept the proposal of Stuart Turner & Associates for a zoning study regarding the advisability of amending uses allowed in the Limited Industry (LI) District on Route 9A for a fee of \$6,000 plus a maximum of \$750 per meeting to be paid from the General Fund.

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	

84:03 ZONING MAP PROPOSAL

Village Manager Hess: We are not going to have Task 4 done by Stu Turner?

Village Planner Walker: I do not think they make the maps in-house. I think they send them out to print. We could pay that directly to whoever is going to print it out, or we could reimburse him for it. But we might determine that we need fewer maps than he specifies.

Village Manager Hess: So the cost of it is going to be up to \$3,800, not \$2,100.

Village Planner Walker: It sounded so expensive to have those printed, I thought maybe we can figure out another way to do. He is going to have to do a few versions for us to proof, and then when we need to print the final for our own use we may want to do that ourselves. So I think we should omit Task 4.

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 accept the proposal of Stuart Turner & Associates to produce a new Zoning Map for the Village of Hastings-on-Hudson in ArcView GIS for a fee of \$2,100 to be paid from the General Fund.

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	

85:03 ADOPTION OF LOCAL LAW NO. 5 OF 2003 - TEMPORARY MORATORIUM

Village Manager Hess: This is the moratorium on the large tracts which we reviewed at the last hearing. I believe there were no comments other than Ms. Speranza from the Planning Board relative to the timing of their study, and it is recommended to be approved.

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

[See Attached]

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	

VILLAGE MANAGER'S REPORT

Village Manager Hess: Flue shots for seniors, next Tuesday, October 28 at the Community Center. You have until October 30 to register for tryouts for basketball. They assess the abilities of each of the players before they place them on teams around November 1. The Terry Ryan Memorial Run is Sunday, November 2 at 1 p.m. All this information is available on our website, as well as through our e-mail listing.

I had the opportunity last week to go to Farragut and Hillside to watch what was going on in terms of traffic and students. Most, but not all, of the adults drive slowly through the area. Most of the teens who were driving did not, and seemed to be heading quickly out of the area. The vast majority of the middle-schoolers do not even look before they cross the road, whether they

are in a crosswalk or not. They just dart out in front of cars. The police have placed temporary no-parking cones along the south side of Hillside Avenue. That seemed to help quite a bit in terms of the sight line for people to see students crossing the street, or students seeing cars. Since the permanent parking signs over there say no-parking, you may want to change the restriction to no-stopping, standing, or parking. That would prevent people from stopping to pick up their kids, which means people drive around them. That is where you have the conflicts between the students and the drivers. There have been several pedestrian accidents there in the last several years, and I believe changing that restriction is one way to help the situation. I would like the Board to think about changing that one provision; it would assist both students and drivers in the area. Certainly, it would help the police. If you are just stopping or standing, the police do not have the right to tell you to move along.

Mayor Kinnally: This would apply equally to school buses? They are a big problem.

Village Manager Hess: School buses used to go on school property to wait for students. Since the improvements in the school, the buses have been put out on Hillside Avenue. Possibly in our joint meeting with the Board of Education we can ask them to consider having the buses come earlier, go in the playground area, turn around, and face out the driveway on school property. That way, students can get on the buses and there will not be a conflict on Hillside Avenue.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I expect the PRAP by the end of the month. It will cover both OU-1 which is the land portion of Anaconda, and OU-2, which is the river portion. The public comment meeting on the OU-1 portion of the PRAP will be November 13 at 7 o'clock in the high school auditorium. OU-2, the river portion, will be covered on the evening of November 19, again at 7 o'clock in the auditorium in the high school. George Heitzman will chair the meeting, and we will go through all of the components and take comments from the community to incorporate into the PRAP.

Jeff Bogart, 5 Jordan Road: We have had a lot of information on these findings for the land part of the waterfront. Do we have information on findings for the pollution on the water portion?

Village Manager Hess: It was not a part of our lawsuit.

Mr. Bogart: Will there be a public comment period, and do you know how long that will run?

Mayor Kinnally: I believe it will be a 60-day comment period from the issuance date of the PRAP and, if necessary, the DEC may extend it, but I am not going to speak for the DEC.

Trustee Jennings: Where are we with the lawsuit settlement?

Mayor Kinnally: A couple of issues have been raised on the consent decree. It is very, very close, and we want to get it done before the PRAP. But they are committed to the settlement in any event.

On Monday morning, and this has to do with the waterfront because it is a connector to the waterfront, we are having a press conference with the county executive to announce the acquisition by the county and the Village, through some state and county grants, of Graham-Windham property.

We have the Village Board special meeting at 8 o'clock on October 28, with Saratoga Associates, who have been retained by the LWRP and the Board to give us background and guidance as to how we should proceed with the organizational structure for development.

2. Sale of Village Right of Way - 83 Cochrane

Mayor Kinnally: We have received a request from two residents, Richard and Kathy Ryan, to acquire some Village property adjacent to their property on Cochrane.

Village Manager Hess: We referred it to the Planning Board. The Planning Board has sent back their recommendation. I would suggest that you refer it to Mr. Murphy and me, and we will come back to the Board with details on the potential sale.

Mayor Kinnally: We want to make sure that we proceed consistent with what we have done in the past.

Trustee Apel: We have all these walkways through the Village. Is this one of them?

Village Manager Hess: No, the Planning Board looked at it, and it is unused.

Trustee Swiderski: It is unused, but was a walkway at one point.

Trustee Apel: Was it part of the walkway system?

Village Manager Hess: Possibly, but it is not used. It has been covered for many, many years. Shrubbery in the front. And a portion of it was sold on the other side previously. It is not there.

Mayor Kinnally: There was a comment about moving the right-of-way in the memo.

Village Manager Hess: Let me get you the Planning Board minutes discussion because they were not included in your packet. I read through those, and I got a different sense from this.

3. Kinnally Cove - Report on Public Input

Village Planner Walker: I wanted to give you copies of the survey results on Kinnally Cove. You asked for additional public input, and so we put the plan up in the window of the library and included a survey there for people to fill out. We sent it out. We alerted people via e-mail, via *The Enterprise*, and we put the survey and the plan up on the website so that everybody would have a chance to see it. I got a number of comments, though not as many as I had hoped.

I gave you most of the comments because they vary so much, and it was hard to compile. But basically it came down to, out of 36 people who responded which is not a lot, 28 liked the whole idea of marshland, boardwalk, kayak launching facility. Often they had recommendations of how it could be done, and details that we should get into. Two said no, they did not like it. Three said not sure. And three said yes and no, which usually meant they liked the kayak launch, but they didn't like the marshland.

I also wanted to show you some photographs I took recently of a couple of other marshlands to give you some idea of what a tidal marsh would look like: the Marshlands Conservancy, which is a natural marshland in Rye; and Swindler Cove, along the Harlem River in Inwood at the end of Dyckman Street created by the New York Restoration Project in combination with New York City Parks. It just opened a few weeks ago. It is very beautifully planted. They have been working on the wetland area for a number of years.

Mayor Kinnally: Is this less tidal than the Hudson?

Village Planner Walker: I think it is just as tidal. It does not have the wave action that we have, which is really a wake action that we get from the boats coming up and down. Plus, probably in a storm, the waves. I do not know they get that kind of action there, so they do not need the kind of protection. But they did put in this bridge, which acts somewhat as a breakwater. It is a steel boardwalk. The Rye property gives you an idea of what a lot of spartina grass looks like.

Mr. Mehotra: Mostly in the closeup of the boardwalk is spartina, but as you come closer to the beach area you have transition into other species.

Trustee Swiderski: Will the beach be left?

Village Planner Walker: We were told by the habitat specialists that it is all or nothing. It is hard to do a partial wetland and keep the beach. But they suggested digging a deeper channel. That becomes a fish nursery because you have a little deeper water. The fish come in there to spawn. You could run that channel right up to the edge, and have, well, not really a beach. Beach is a misnomer.

Mr. Mehotra: If you are going to do a marsh there, I would disconnect pedestrian traffic. These marshes are sensitive, and they do not establish right away. You are going to have a problem with maintenance. Public access will increase the incidence of trash and sediment buildup. The other concern is it will be a considerable more expense to keep a viable beach there because you do not know what the condition of the sand there is. You have to remove everything and bring in fresh sand. It would take at least two growing seasons to get a beach like what you see in the picture.

Mayor Kinnally: The upland plantings are what?

Mr. Mehotra: The upland plantings would be shrubs, and then there would be some tall grasses. You would have herbaceous right next to the water, and as you keep going up you can make it into woody shrubs and then trees providing some canopy.

Village Planner Walker: One of the nice things about Swindler Cove is, they kept the tall grasses and high shrubs to a minimum so that you can look out over it and enjoy views as well as see the birds and animals that are using it. It is not screened off. You can see into it.

Trustee Holdstein: If you cleaned it up, not as a beach for swimming but the natural beach that is there, but cleaned up and re-landscaped around it, does that impact in any way the boardwalk, the boat launch, and all the other things?

Village Planner Walker: Potentially in the permitting process. The people from DEC said that if you want to do permanent structures in the river you have to mitigate. The mitigation they usually ask for is habitat creation. We could apply for the permit for the boardwalk and everything and then they could come back and say, In order to put something permanent in the river you have to give something back, so what are you going to give back?

Mr. Mehotra: They are saying that you are creating a permanent impact by creating a structure in the waters of the U.S., so they are looking for mitigation for that.

Trustee Holdstein: Mitigating what?

Mr. Mehotra: Mitigation of a permanent impact that you are creating. You are creating a structure within the waterways, so whatever the footprint of that waterway is you have not permanently destroyed whatever natural environment that happened there. Typically they look for three-to-one mitigation. That is their starting point, but it goes up as much as five-to-one. If you disturb an acre of wetland somewhere, you have to either purchase, or mitigate, or enhance three to five acres.

Village Planner Walker: In fact, the whole reason that wetland in Swindler Cove was able to be created was through a DOT mitigation project. Somewhere else they impacted the water and their mitigation was to create a wetland in this area. That was their give-back.

Village Manager Hess: Sandeep, are there other types of mitigation?

Mr. Mehotra: You do not necessarily need to plant somewhere. They might ask you to preserve wetlands somewhere else or contribute to a fund that purchases these wetlands. But they will look for a monetary benefit equal to the disturbance.

Village Manager Hess: Who identifies the disturbance?

Mr. Mehotra: We can make our own judgments and present our own findings, but they will have their own experts and you sort of come to a compromise.

Village Manager Hess: I just want the Board to have what all the potential alternatives could be in terms of mitigation.

Mr. Mehotra: Based on my experience the Corps will insist on maybe enhancing the shoreline somewhere, either creating more habitat or cleaning up certain areas of the coastline that we control or that someone else controls.

Trustee Holdstein: But we may want to do that anyway, so it would not be that much of a hardship if, in fact, we just wanted to clean up what we know to be Kinnally Cove today, the existing shoreline. To clean up the shoreline and beautify it, we may be doing something that would satisfy their mitigation, correct? I will go on record. I am opposed to this marshland. If you moved the bridge and dock closer to the land, would the demands of the mitigation be in any way lessened?

Mr. Mehotra: No, because the area of impact is from the mean high water line on the shoreline. So the wetland starts at the mean high water line, and then they have a 50-foot adjacent area. They will come with an aerial impact of this, and they will say you need to mitigate this. You have to enhance the habitat value. You have to convince their experts that just by cleaning up

the beach of the shoreline in that limited area you are enhancing the habitat here that will compensate for the loss of habitat that you have created here.

Trustee Holdstein: But how much loss of habit is there with the construction of the walkways and the bridges?

Mr. Mehotra: It is a designated wetland. It does not matter whether it is degraded or not. In their eyes it is a wetland, and they are looking at enhancing the quality of the wetlands. This is their mechanism of achieving that. Every municipality goes through this. If you are disturbing it, you have to mitigate it. If this was already existing we would not have a problem because then it is grandfathered in. But since it is a new structure, we are under the new regulations.

Mayor Kinnally: If you are introducing new structures, there has to be some type of mitigation. And their default is generally planting in a wetland. Replacing or enhancing.

Mr. Mehotra: That is the easiest way to get a permit right away from them. If they feel that you are looking at it from an overall perspective and you are just not looking at it from one discipline of building your boardwalk and building your launch, then they just want a comprehensive solution. So if you go to them with a package of disturbance and mitigation, there might be some back and forth. But we can just build a boardwalk and not do anything here, and then let them see what they ask of us. That is an option.

Trustee Holdstein: I am curious to hear from my fellow Board members. I have made my position very clear as it relates to this.

Mayor Kinnally: I know you would, but let me respond to that. I am reluctant to get into a larger discussion tonight because in all fairness, we have to deal with the consent decree tonight, and time is running out.

Village Manager Hess: Before the Board discusses the final, you should know what all the alternative mitigations are. You are making it an either/or, and it is not necessarily an either/or.

Mayor Kinnally: So if you can get that to us. One of the things I said is can we go with less than 100-percent of this? I have been told no, but let us get the information.

Mr. Mehotra: But what is exactly now the nature of the additional information?

Village Manager Hess: What are other potential mitigations?

Mr. Mehotra: Do you feel like within the Hastings waterfront there are additional areas that are totally degraded that are going to be cleaned up?

Mayor Kinnally: No, but it does not necessarily have to be in Hastings. The DEC says if you can mitigate beyond your borders they will consider that also.

Mr. Mehotra: Yes, but then you have to look at the economics.

Mayor Kinnally: I agree, but before we can look at the economics, give us the range of possibilities so we can have a full discussion of what we are talking about.

Village Planner Walker: Do you want to hold on the West Nile Virus discussion?

Mr. Mehotra: Mosquitos is definitely not an issue, because it is a tidal water, because you are getting wave action and water is never stagnant, and because by creating the marsh and the diverse habitat you pull in many more predators of those larvae that might even exist there. This is based on experience that I have had within the city and on Staten Island, where we have created something like 300 acres of marshes. This is the finding from the New York City Department of Health, that flow-through marshes have had no incidence of any West Nile Virus or any mosquito larvae prolonged existence.

Trustee Swiderski: A request for driving instructions for Swindler Cove. I would make the effort just to see what this looks like, if it is comparable in size.

Ted Mason: I am familiar with the improvement they made on the Yonkers waterfront just north of the pier, and it is rather small. I would argue that there is a good possibility you could do the north half and keep a beach in the south half.

4. Village Commission on Public Health

Trustee Jennings: Do you want to defer it in view of the hour?

Mayor Kinnally: Yes, we will do it on November 4.

Village Manager Hess: I will draft up a resolution on creation of the Board so you can have the whole package at once.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:45 p.m.