

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 18, 2004

A Regular Meeting was held by the Board of Trustees on Tuesday, May 18, 2004 at 8:11 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Bruce Jennings

ADMINISTRATION OF OATH OF OFFICE

Acting Village Justice McElroy administered the oath of office to Acting Village Justice James R. DeVita.

Mayor Kinnally: In more ways than one, this is the changing of the guard. We have not had a proper sendoff for Acting Justice McElroy, formerly Justice McElroy for 20 years.

Mike told me that he did not want any sendoff when he was leaving as justice. I accepted that, and what there will be tonight is a sendoff as Acting Village Justice. Mike has held that position for the last two months. Mike, 20 years is an incredible amount of time to give to our community. You have distinguished yourself among all of the justices not only in the county, but also in the state. A number of the attorneys who have appeared before you said that Joe DiSalvo has big shoes to fill. If and when he can handle a calendar the way that you did, he will be the best in the state, also. Justice was swift, it was not denied, and it certainly was fair. It has been an incredible run, Judge. As a token of our appreciation, on behalf of the Board and the Village and everyone who has appeared in front of you and got justice, we would like to present you with this gift.

[applause]

Acting Village Justice McElroy: As I said to Lee and others during the informal gatherings, this seemed to be an endless farewell. Then you brought me back to do it again. But it really has been a labor of love, and I am just delighted that my successors, Joe DiSalvo as Village Justice and now Jim DeVita as Acting Village Justice, are worthy of all of the confidence of this community and every member of this community. They will be outstanding servants of the public, and I am delighted to wish them well. And thank you all very much.

[applause]

Mayor Kinnally: You are welcome, Michael. And our welcome to Acting Justice DeVita . His family is here this evening, and we have Lou Maggiotto, who was Acting Village Justice 17 years ago when Joe took over. It is a happy night but a bittersweet night. Judge, thank you.

PRESENTATION - Museum in the Streets

Sue Smith, Historical Society: I have a number of people from the Historical Society board here, and also the consultant that worked with us on the Museum of the Streets and the creator of the idea, Patrick Cardon, and his wife Carol.

The concept are outlined in the key points on this flyer: it is a discovery trail, a self-guided visit, uses old photographs and documents. It is an innovative attraction; free and bilingual. It is an affirmation of the identity of our community; uses a variety of subjects; covers all kinds of areas, so it would be interesting to all kinds of people. It is an educational tour appropriate for all ages, and particularly for school classes. Preservation of the memory of the community; participation of local inhabitants and local businesses; and something that would encourage people to use the local businesses. In fact, today we took the walk with Mr. Cardon, and we had lunch in a local restaurant because it was a long enough walk. You have probably all visited places that have signage indicating the history of what you are seeing. As a stranger coming to a new place it is certainly revealing, but if you already live there it is pretty amazing. I hope you were a little surprised by the two pictures we enclosed: the school from 1918, the Farragut Building; and the Grace Church in the middle of Main Street, which always surprises people as it was moved to its current location. And we have lots more goodies at the Historical Society.

The walk goes from the library up to the school and from Draper Park to Riverview Place. It is a fairly big area. So when we talk about the possibility of 25 to 30 signs, none of these signs are closer than a hundred yards apart and many of them are farther. It is not hard to walk. There is an uphill part going up Main Street, down Washington, and then it is flat on Maple and Warburton. People could do the whole thing at once, they could do a little bit at a time, or do one thing at a time as they come across it. Let me show you a sample sign. They are 20" by 20". We are trying to mount them in unobtrusive areas, like on buildings. We are hoping that you will agree to their being on public property wherever possible. In some cases that does not work and the Society would have to get permission from the owners.

But our goal has been to minimize more signage clutter. We feel that it is a tasteful, professional sign with a lot of information. The main picture is an old photograph that lines up with what you are seeing, and then there is a caption with not just historical dry facts, but

some human interest. A Museum in the Streets principle is to have a bilingual section so that the caption would be repeated, in our case in Spanish. There are two large panels which are about four feet wide by 60 inches high which show not the whole community but an area larger than the walk. We realized that these serve not only the purpose of identifying the guided tour, but also give a map of the Village for people getting off the train or in the downtown area to give you your bearings. We thought that one could be in the area of the train, although the walking itself does not happen down by the train. The library is the closest location. And perhaps Boulanger Plaza. I know that you are about to do a renovation there so we would have to synchronize with you about the placement.

The Society is taking responsibility to put all the parts together. We are asking the Village Board for your support for the concept and permission to mount them in public places. We would ask if the DPW could be used for installation of the signs, which would be putting in the treated posts or bolting them on a brick wall or on a building. We would have about \$18,000 in costs; the Society will bear responsibility of fund-raising for that. A free brochure that replicates this map and a brief history of Hastings would be available in all the stores and restaurants and the library. The warranty of these signs is ten years.

Trustee Holdstein: Are all the signs the same size?

Ms. Smith: They are all the same, with the exception of the two big central maps.

Trustee Holdstein: Why the second language? I wonder if the signs could be slightly smaller by having them just in English.

Patrick Cardon, Consultant - Museum of the Streets: The concept was launched in 1995 in Europe, and we started with a concept that was fixed as bilingual and that is the way it was patented. The first language is always the language of the country, and then the community chooses a second language as a signal of welcome to tourists, to other people, just to be more open. We sometimes have more photographs that could be included as vignettes attached to the larger picture, but basically it is two languages.

Trustee Holdstein: My understanding is that the signs are graffiti-proof. Over time they may get damaged. The upkeep and maintaining of the signs would be by the Historical Society?

Ms. Smith: Yes. We are trying to locate them in places where people are not going to run into them, trying to get them out of the line of cars. I would hope that there would be a way to protect people whose private property it was on from liability.

Trustee Holdstein: If they do chip or wear, the Society would be obligated to maintain?

Ms. Smith: Yes.

Trustee Holdstein: The free maps: will that be something ongoing by the Society?

Ms. Smith: Yes.

Trustee Holdstein: I think it is terrific. The one request I would make is that there be some review by the Board of the final decisions of placement of the signs.

Ms. Smith: That would be important. Maybe that is something the Village Manager or Mike Gunther would review with us. Our next step is dealing with permissions if you give us the green light. It seems to me it is not something where the whole Village Board has to look at every site.

Mayor Kinnally: Neil can coordinate, but I do not think the Board should get involved in it.

Trustee Holdstein: You are thinking of the train station and Boulanger for the big maps?

Ms. Smith: I do not know what your plan is for Boulanger, whether there is a location there; if not, the VFW would be a possible other spot, but someplace central. The idea of being near a parking lot is a good idea because it is a walking tour and it encourages people to walk as we are trying to do with the trail system in the Village. But they have to have a place to put their car for starters, so they begin and end close to a parking lot.

Village Manager Hess: Since we are in redesign of Boulanger, it is a good possibility for the front area. And there will be a central plaza at the new James Harmon Community Center.

Ms. Smith: Parking is a little more restricted over there.

Trustee Apel: I have a problem when I go to a museum that the print is too small on the plaques. I would encourage you to consider making the font size larger.

Trustee Swiderski: I hope they last longer than 10 years.

Mayor Kinnally: I think it signals a commitment to our historical heritage, and it will be treated accordingly. We do pretty well with people respecting signs of this nature.

Mr. Cardon: I am working right now on 32 towns in Europe; we have one installation in Maine, two more on the way, and this would be the first one in New York. We have had one incidence of graffiti, and nothing else reported. The graffiti was gone instantly, and it has never happened again.

Mayor Kinnally: Thank you, Sue, and the Historical Society, for working on this and for giving us the information. Give them the green light?

Trustee Holdstein: Absolutely.

Mayor Kinnally: Go forth and raise funds. Thank you very much.

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Special Meeting of April 27, 2004 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. 65-2003-04 \$ 19,882.53
Multi-Fund No. 67-2003-04 \$ 2,159.36
Multi-Fund No. 68-2003-04 \$120,926.53

36:04 PROFESSIONAL FEES BOULANGER RETAINING WALL

Mayor Kinnally: When we had this on last time the Board had a number of questions, so if you have any additional information we would appreciate it.

Christina Griffin, Boulanger Plaza architect: I want to go back through the history of this project. Our original proposal was to look at the design of Boulanger Plaza and it included replacement of deteriorating retaining walls. Our original fee did not include the engineering fees because at the time we did not have the information on the condition of the walls. In May, 2003, we received a report from Bond Davis that indicated that the lower wall should remain; we would patch the crack, and the upper wall would be replaced. We spent a great bit of time through spring and early summer of 2003 meeting with business and building owners to develop Boulanger Plaza, and we made the assumption that we would include the

engineering drawings for the walls in our final plans. Some time last summer we decided to divide the project into two phases, a retaining wall and the parking lot. Our target was to get the construction drawings for the wall out to bid so we could start this spring.

In November, 2003, we were developing our construction drawings and it became clear that the upper parking area that belonged to the VFW would need to be included in the project. Because of all the excavation work we found that the entire parking lot would have to be renovated and we would have to upgrade the drainage system there. In December, 2003, we requested a survey of the VFW parking area. We received it in January, so we added that to our plans. Then we finalized the drawings, received the final retaining wall details, and explored how we were going to close down part of the parking lot and make this work. We consulted different masonry contractors and were alerted to the fact that it would be very difficult and impractical to take down the upper wall and try to save the lower wall.

This is a serious engineering problem, not just to design the walls properly, but also to look at all the different ramifications of building this wall so it would be safe to the public before and during construction. We decided to consult another engineer, and I have asked Anthony Sarubbi to join us to describe his opinion that made us change the plans to come up with a more economical, more practical, and safer solution.

Mayor Kinnally: I think we have had this presentation already, Christina. He described how the construction would proceed and what would be needed as far as the footings, the staging of the construction, the marrying of the stone on the sides. But what we could not proceed with in your absence was some of the information that went into these numbers. Some of the members of the Board had questions as to the necessity of some of these numbers and why they were there. That is more the subject matter of what we need to cover.

Village Manager Hess: There was no question about the scope and the need for the project. There is no need to go over the problems in keeping that wall and the impossibility of proceeding as we had originally hoped to proceed. I do not think there was any question on the Board's part of the need to proceed. But there were questions about the numbers.

Ms. Griffin: The numbers relate to estimates I received from the different parties involved. We have additional landscaping drawing costs because of the VFW property that we added to the drawings. We have included Mr. Sarubbi's fees, which were not included in our original proposal because we should be working as a team and we feel we need the expertise of an engineer working with us. And the projected fees include on-site observations by the structural engineers. We took our elevations, and instead of showing the two walls, we had to modify them to show one single wall with a buttress system. So we had to make

modifications to that. So these were all estimates I gathered of our time-to-date, and then estimates I gathered to complete the project. And also because we separated it into two phases we have two different bid packages.

Trustee Apel: I do not understand the format. One says estimated fees indicated in original proposal, which is \$1,350, and then estimated additional fees to complete the project, \$1,350. Is that double what it was before, or is it the same figure?

Ms. Griffin: On the design phase there are no additional fees because we are finished with design. On site development phase, we will have additional fees to develop the second bid package for phase 2. And that is why for architect, landscape architect, assistant landscape architect we have those additional fees.

Village Manager Hess: There are three columns. Column one was their original estimate. Column two is what, based on their hours, they have spent to date. To finish the project would be another \$8,630, or a total of \$26,624, if my quick math is correct. So the difference between the original estimate, the \$15,353 and the current \$26,000, is \$11,300.

Trustee Holdstein: I am not happy that this project was not, in my opinion, properly analyzed from the beginning, and as a result, an estimate that was \$15,000 is now \$26,000. I do not know that the necessary labor was done initially to assess this wall. I am very uncomfortable with the numbers you provided.

Ms. Griffin: We did not anticipate working on property outside the Village property, the VFW property. We were focused on upgrading Boulanger Plaza. A first look at the retaining walls, without the assistance of a structural engineer, our proposal assumed that we would probably be making repairs to the walls. So much of the retaining wall work is entirely dependent on structural engineering analysis.

Trustee Holdstein: But that is the \$11,700 plus the additional \$600 that I see here, correct?

Ms. Griffin: Yes.

Trustee Holdstein: The number on the engineer I have less of an issue with. I wish the analysis had been done sooner, so that when the first estimate came we knew in advance that you had studied the wall enough to know that the whole thing had to come down or not, versus this sort of piecemeal approach to it. It is the numbers above it that are startling on a \$15,000 initial estimate. You have already gone way over, and then ask for more.

Ms. Griffin: The engineering costs are obvious because they were not in there. The report that was done by the engineer was done for the Village, not for us as a team. When we received his retaining wall details we assumed that we would simply include that in our package, so we have added the engineering costs. The architect costs relate to the construction phase and to our time as architects to do the different bid packages. Landscape architect and assistant landscape architect, we have \$4,000 and Donna could comment.

Donna Gutkin, Landscape Architect: I was going to ask Anthony to discuss what we just discussed here.

Anthony Sarubbi, Engineer: They gave me a copy of the drawing prepared by a prior engineer indicating the proposed wall with the stonework on a shelf, and that this was to be built behind the lower wall. I have to say it was totally impractical, because the foundation of this new wall would be, up above, almost to the rear of the existing wall, in some places as close as two to three feet away from that wall. The pressure exerted by this wall would further damage the existing wall by exerting pressure on it. The earth pressure is spread from the footing on a 45 degree. That is the theoretical spread. And it would be pushing against the lower wall. The premise that they went under was that this was going to be feasible. It was not feasible in my opinion at all. We got involved in the redesign, and this is where this cost has been generated.

Ms. Griffin: The landscape architect costs have to do with coming up with new drawings for the retaining wall, which were two walls. We have plans, elevations, and cross-sections that refer to the structural details. They had to show entirely different profiles, a different elevation, than we had previously. Donna could comment on that.

Ms. Gutkin: I think it is pretty clear. We had a design based on engineer A, and then we got a new engineer B, which was a totally different design. So it required not only structural, but design, issues that had to be married.

Trustee Holdstein: The designing of the new wall and the time invested to do that, does that fall under the architect or the landscape architect?

Ms. Gutkin: It is a little of both.

Ms. Griffin: Donna has had the bulk of the construction drawings. We have been taking care of the presentation drawings and review of the structural details. But all the drafting required to develop these drawings has been through Donna's office.

Trustee Holdstein: I would have assumed that the architectural portion for the wall would fall under the architect's fees which do not change dramatically, and that the landscape architect would be involved in landscape, but not the physical design and work for the redesigning of the wall. And that is where the numbers are really off the charts.

Ms. Griffin: This is the way we decided to organize the project. I have been reviewing the structural work, and I have been developing some of the presentation drawings and coordinating the drawings. The drafting and design is a joint design, but the construction drawings are developed with Donna's team.

Trustee Swiderski: With a 66% overrun I hope that your numbers for the work itself are detailed enough so we do not have surprises. It will not look good if we have another cost overrun in six months' time for the project itself. But given the changes that were thrust on you and the work you had to do, I understand to a large extent why the fees are what they are.

Mayor Kinnally: The scope of the project has expanded quite a bit from patching to taking down the wall. In the end we are going to have something with great structural integrity, and we can go forward and not have to worry about it for another hundred years.

Ms. Griffin: As difficult as it is for us to come back with that kind of overage, I feel that this is the best, this is the right, solution for this project. And we have to give it the attention it needs from people with the right kind of expertise.

Mayor Kinnally: I am disappointed that the first engineers came up with a recommendation that is not feasible. I do not know how they expected it to go.

Mr. Sarubbi: Trying to remove the rear wall from the front wall is very dangerous, and it has to be carefully done to try to salvage that wall. They have to use backhoes and pull this stuff away from the lower wall. Totally impractical. This is large stone, which is going to collapse and fall. When I studied it and realized how close they were, the demolition work is very costly, trying not to damage anything else. Also, they had to make quite a cut behind the new wall because of the height so that it does not erode and collapse on the workmen. They need an enormous amount of space to put the footing in. In fairness to Christina, that phase of it was not evaluated.

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 approve the payment of \$8,630.00 in additional architectural/landscaping/structural fees to Christina Griffin, A.I.A., 10 Spring Street, Hastings-on-Hudson, for modifications to the design of the Boulanger Plaza retaining wall, such payment to be made from bond proceeds.

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

42:04 LOCAL LAW NO. 3 OF 2004 - VEHICLES AND TRAFFIC

Mayor Kinnally: We had a public hearing on this two weeks ago and people in the community gave their comments.

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 hereby adopt Local Law No. 3 of 2004 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic as follows:

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

Section 1. The Code of the Village of Hastings-on-Hudson is hereby amended by this Local Law as follows:

Article IX Parking, Standing and Stopping

§282.25. Parking prohibited in designated locations.

By the addition of:

A. (90) No parking on the west side of Ridge Street beginning at the no parking zone at the south end in a northerly direction for a length of forty (40) feet.

Article XIII Removal and Storage of Vehicles

§282.42 Storage and Charges

By removal of §282-42 as currently stated and replacement with the following language:

After removal of any vehicle as provided by this article, the Police Department may arrange to have such vehicle stored at a tow/storage facility at the expense of the owner. The owner or other person legally entitled to the possession of such vehicle may be charged with a reasonable cost for the removal and storage, payable to the tow/storage company before the vehicle is released.

Section 2:

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

Section 3:

Effective Date: This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

ROLL CALL VOTE

AYE

NAY

Trustee Michael Holdstein	X	
Trustee Bruce Jennings	Absent	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

43:04 OPPOSITION TO INDIAN POINT RE-LICENSING

Mayor Kinnally: This is something the Board has discussed in the past. In considering the resolution, the part that needs the most consideration is not so much the operation of the plant, but the development of a plan to ensure that spent fuel rods will be immediately secured and properly protected on-site. Even if the NRC were to shut down the power plant tomorrow, you still have the problem of the existing rods. To me, the operation of the plant does not pose as big a risk as the continued existence and siting of the nuclear rods on-site.

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

WHEREAS, Entergy Corp., owner and operator of the Indian Point Nuclear Power Plants, has expressed its intent to apply for operating license extensions of 20 years for IP2 and IP3, and

WHEREAS, the Westchester County Board of Legislators through several resolutions has expressed its concern over the continued operation of the plants and has called on officials from the federal, state and local governments to work with relevant parties to develop a plan that includes the below listed action steps, namely:

1. The development of an alternative, uninterrupted, and affordable energy source to replace the power currently produced at Indian Point,
2. The development of a financial plan that will mitigate the negative real estate tax implications on the local communities, school districts, and county government,
3. The development of a plan to positively consider the current employees, such consideration to include job placement, retraining of affected workers, and other employment strategies, and
4. The development of a plan that ensures that spent fuel rods will be immediately secured and properly protected on site from the threat of a terrorist attack or accident, and

that an orderly closure and decommissioning of the Indian Point Nuclear Power Plants begin at the earliest possible time, and

WHEREAS, the Hastings-on-Hudson Board of Trustees joins the Westchester County Board in its concern, based on the potential of a terror attack on

the plants, about the age of the plants and the potential results of a failure of equipment or human error in the operations of the plants, and

WHEREAS, Indian Point 2 and 3 were initially licensed based on Nuclear Regulatory Commission (NRC) regulations promulgated over 30 years ago, and if plant owners were to apply for a license to operate a nuclear power plant at the Indian Point site today, it would not likely be granted by the NRC under its current standards and regulations, specifically prohibiting the siting of nuclear power plants based on population density considerations, now therefore be it

RESOLVED: that the Hastings-on-Hudson Board of Trustees opposes the re-licensing of Indian Point 2 and Indian Point 3 when their current leases expire in 2012 and 2015, respectively, and that the NRC prohibit Entergy Corp.'s Indian Point 2 and 3 from being re-licensed, and to make this finding as soon as possible so that all concerned and involved parties can devote their time and resources to finding alternatives to the existing nuclear power plants, and be it further

RESOLVED: that the NRC should modify, through its GEIS process, its siting regulations to reflect current considerations including that of terrorism.

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

44:04 DECLARATION OF LEAD AGENCY - ZONING CODE AMENDMENT AND REZONING OF PROPERTY

Village Manager Hess: New York State law requires that a lead agency be designated for rezoning a piece of property and amending the zoning code. Since the Board of Trustees is the body taking the action, they are designating themselves lead agency. All interested parties will be notified and have the right during a 30-day period to either object to the lead agency status, ask to be co-lead agent, or not object to that status.

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 declare themselves Lead Agency for environmental review pursuant to the State Environmental Quality Review Act (SEQRA) for enacting new Zoning Code regulations for a Mixed-Use Planned Development District (MUPDD) and for rezoning to the MUPDD a 7.45 acre property (Tax Map Section 11, Sheet 22, Parcels P4 and P4A) located along the west side of Saw Mill River Road (New York State Route 9A) adjacent to the Village of Hastings-on-Hudson's municipal boundary with the Town of Greenburgh.

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

45:04 SCHEDULE PUBLIC HEARING - ZONING CODE AMENDMENT AND REZONING OF PROPERTY

Village Manager Hess: At our last meeting the Board had a chance to discuss, in a joint meeting with the Planning Board, the proposal for the MUPDD district. There were a number of questions that were asked to that board, and it was decided at that time that the Trustees would schedule June 8 for a hearing on the proposed local law.

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 schedule a Public Hearing for Tuesday, June 8, 2004 at 8:00 p.m. to consider the advisability of adopting Proposed Local Law No. 5 of 2004 amending the Zoning Code of the Village of Hastings-on-Hudson creating a Mixed-Use Planned Development District (MUPDD) and for rezoning to the MUPDD a 7.45 acre property (Tax Map Section 11, Sheet 22, Parcels P4 and P4A) located

along the west side of Saw Mill River Road (New York State Route 9A) adjacent to the Village of Hastings-on-Hudson's municipal boundary with the Town of Greenburgh.

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

46:04 SCHEDULE PUBLIC HEARING - AMENDED ZONING MAP

Village Manager Hess: The staff has been working on a new zoning map of the Village based on our GIS data. We are calling for a public hearing for adoption of the new map.

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 schedule a Public Hearing on Tuesday, June 8, 2004 at 8:00 p.m. to consider the advisability of adopting Local Law No. 6 of 2003 adopting the Amended Zoning Map of the Village of Hastings-on-Hudson.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: We are required, by 2005, to implement the Government Accounting Standards Board's declaration number 34 (GASB 34) that requires governments to report their finances more like private industry. The first part is getting a complete inventory and appraisal of all Village property and assets, including everything from costs of sewers to storm drains, roads, etc. We have received the initial draft report from Maximus.

It has been forwarded to our auditors for their review. Once they approve it, they will start incorporating it in our financials and we will be moving for full implementation of GASB-34.

A presentation to the public by Lothrop Associates on the Community Center was last night. We sent out notices on our e-mail list, announcements were made at all the schools and to the senior organizations, letters were sent out to the neighborhood, it was posted at the library and the Community Center, and we had six people there. This was the fourth or fifth public meeting we have had relative to the initial plans. We will give it another two weeks for any additional public comment. The program will be showing on WHOH over the next two weeks, with an indication if anybody has additional comments or changes that they can e-mail us or contact us. The proposed plans are on the Village's Website and in the window at the library and at the Community Center. We have had 65 to 75 people involved so far in the review and comment period. I am hoping that we can get a finalization of all the comments back to Lothrop Associates so they can redesign the layout and start working on some exterior architectural renderings to bring back to the Board and the community.

Regarding the pool renovations, we are still on the schedule date of anywhere from June 12 to June 14. Luckily, the weather has been holding out these past two weeks. All the rain storms have been at night. The painting of the interior of the bathhouse will begin tomorrow, and right now everything is proceeding as scheduled. The Parks & Rec Department has been working on a schedule to extend the hours and the season because we are opening late. But those are limited hours up and through the end of June, normally. We will extend the hours during the season, and we are running the season through the third or fourth weekend of September, which can still be very nice weather.

We are also going to continue the early bird registration up until the day of opening. So there is still time to get the early bird and be eligible for raffles of Yankee tickets and Mets tickets. There are a number of new and exciting programs at the pool, including kayak lessons, which is totally new. Membership gets a discount for all these programs; non-members have to pay full price. We are trying to give as many incentives as possible for people to join the pool, one of the major ones being the discount for day camp. That is a significant savings to families when they get their permits.

Trustee Swiderski: If we could get a letter in *The Enterprise* mentioning the delay in the opening and the fact that there will be a compensating period at the end of the summer it is going to allay what will otherwise be a flood of calls.

Village Manager Hess: We have been talking about it, and it has been on TV. But we will send it out on the e-mail list, and I will do a letter to the editor in *The Enterprise*.

Mayor Kinnally: I think, possibly, if we could have something that we could distribute through the schools.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: All of the paperwork for the trust fund has been executed and has been submitted to the bank, and we are expecting the \$1.5 million from ARCO to be deposited any day now. I hope at the time of our next meeting I will be able to say we have the money and we will start coming up with ways to spend it. I know we have a long list of to-do items but, possibly, getting Angie and some other people to discuss the development of the cove and where we stand on that. I have had a number of questions raised as to our progress or lack of progress on that.

2. Draper Park – Request by Dawkins

Village Manager Hess: Mr. and Mrs. Dawkins have two requests. They are requesting a new 99 year ground lease for their property in their name. They purchased the house from the Carltons in 1999, and their lease ends in 2098. Their attorney has met with Brian Murphy to review this.

Mayor Kinnally: We have done this in the past. We have had other people come to us and suggest that we restart the clock on it. I do not see any problem with it.

Village Manager Hess: The only *quid pro quo* is that any costs associated with redrafting the ground lease be borne by the applicant. Our Village Attorney would have to provide the Village Board, Mr. and Mrs. Dawkins, and their attorney with an estimate of what that cost would be, and then they could make a determination if they wish to move forward. Possibly the other three tenants in the park may request something similar. So we can refer it to Mr. Murphy and get an estimate on what that cost would be.

The second request is that they submitted a plan to the Draper Park Review Board and to the Parks & Recreation Commission to re-landscape, put in a parking area, build up ground level, and put in drainage of sand/gravel which is currently grass and dirt. They would put in a rock or Belgian block curbing around the property. The curbing extends into the park property. The Parks & Recreation Commission approved the improvement as planned, and I believe the Draper Park Review Board also did. The improvements would have to be a gift

to the Village, which has been confirmed. The understanding has to be that if there is an improved parking area on park property, then it is open to the public for parking.

Mayor Kinnally: With the understanding that maintenance of any of this would be borne in the future by Mr. and Mrs. Dawkins?

Village Manager Hess: Whoever has the adjacent ground lease.

Mr. Lunis, 130 Washington Avenue: My wife and I own another cottage, and we are the ground lease holders. Our protection plan is the same as Mr. and Mrs. Dawkins have. The protection plan is the controlling document in our lease agreement with the Village. The same goes for the other owners. We have not received any information about this proposal. From the sound of it, that proposal will affect our rights under the lease. Therefore, we request that consideration of the proposal be postponed until all signatories to the protection plan have an opportunity to consider, and consent to, their proposal. The legal aspect of making changes in the protection plan was explored by the Village Attorney some years ago. Mr. Ponzini clarified that the Village could not satisfy a request from a single leaseholder/homeowner in Draper Park without the consent of everybody else.

If we could be given the time to examine their proposal like other signatories to the protection plan, and then through the good services of the Draper Park Review Board discuss the issue and get clarification of what the changes to our lease agreement with the Village are going to be and indicate our consent if so warranted, then that consent could be taken to the Board of Trustees. It would then be up to the Board of Trustees to approve or deny. This is our understanding of how it should work.

Mayor Kinnally: I will have to check with counsel as far as the requirement that all of the other tenants approve it. But certainly to the extent that you need information, that should be made available. Have you talked to Mr. Dawkins about this?

Mr. Lunis: Not recently. We discussed issues pertaining to the use of adjacent park land. We had a meeting with Mr. Dawkins in the spring of the year 2000. We tried to discuss the issue again in the fall of 2000. Mr. Dawkins indicated that he would not be interested in discussing any issues pertaining to the use of adjacent property directly with us. In fact, Mr. Dawkins indicated that as a friend of Trustee Holdstein he could get permission to do anything in Draper Park.

Mayor Kinnally: To the extent that you need copies of this material, we will make it available to you. I do not know what consent is required. That is what I will talk to Mr.

Murphy about. But the fact that anybody says that they can get something done because they are a friend of a Trustee or the Mayor, it does not fly here. It is not the way things operate.

Mr. Lunis: Could you encourage the Draper Park Review Board to take charge of this and receive, as they have in the past, the comments and become the mediator in this issue? They have so far tried to stay away because this is a complicated issue which is on the borderline of Village responsibilities and the purview of the Draper Park Review Board. We would appreciate that. I think we need help in this matter.

Village Manager Hess: I would be interested to get a copy of the previous Village Attorney's written opinion that you cited.

Mr. Lunis: It was an oral opinion in the office. There was no written opinion.

Village Manager Hess: Village attorneys do not give oral opinions, and they certainly do not give them to the public.

Mr. Lunis: It was in the presence of our attorney.

Village Manager Hess: My understanding is quite different. My understanding is that Mr. and Mrs. Dawkins did submit this to the Draper Park Review Board. They felt the area involved was within their purview, but since part of it was in the park area that it had to be referred to the Parks & Recreation Commission, which it was. My understanding from the Parks & Recreation Commission is that it was approved. However, they cannot approve private improvements in a public park and it was referred to the Village Board. Since they have indicated a donation to the Village of these improvements, that is what is under consideration.

The request for the lease has been reviewed between the Dawkins's attorney and the Village Attorney. However, for any ground lease holder it would be at the ground lease holder's cost if they would like an extension to another 99-year lease. The ground lease as it now stands does not require consent of other ground lease holders relative to the protection plan. The protection plan is part of each individual's ground lease.

Mr. Lunis: I don't suggest that. I am sorry. My request extends only to the issues concerning improvements. These improvements affect the provisions of our contract with the Village, specifically the protection plan, especially when it comes to residential parking, and especially when it comes to the use of the adjacent right-of-way access driveway behind cottages 1 through 5.

Mayor Kinnally: We will make whatever information you need available to you. I would suggest that you and Mr. Dawkins try to talk this out. I do not want to put the job of being a mediator on the agenda of the Draper Park Commission. You have to live with one another. Start by talking to one another. Mr. Hess, what are we going to do with this?

Village Manager Hess: I would refer it to the Village Attorney. Let him advise the Village Board on what your options are in both these matters.

Mayor Kinnally: Good. And in the interim we will give Mr. Lunis a copy of the application.

Mr. Lunis: Could copies be made available to other signatories of the protection plan?

Mayor Kinnally: Sure.

3. Storm Water Management Annual Report

Deputy Village Maggiotto: We have been required by the EPA and the state DEC to develop a storm water management plan, and to submit an annual report on our efforts by June 1. That is what you have in your packets.

Storm water is the water that comes down as rain, comes down all our impervious surfaces, and flows into our storm sewers. We have two sewer systems. The storm water system, which is the drainage you see in the street, that water eventually flows directly into our bodies of water, namely the Hudson River and the Saw Mill River. It is not treated. Whatever comes through your sanitary sewers, which are the pipes through your house, down your sinks, down your toilets, goes to treatment plants and is treated. What this directive addresses is that untreated storm water, because it is the main source of pollutants in our rivers and estuaries, and we can control it. We really have it within our powers to do something to control the pollutants into the Hudson River.

We were required to develop a five-year plan, and each year we have certain goals to meet in six defined areas. One area is public education. I have had quite an education myself. I will give you one example. I always thought it was virtuous to wash my own car in the street, rather than go over to the car wash and pay 10 bucks. But it is really not a good idea to wash your car in the street. All that soapy water and whatever else you are putting on your car goes right down your storm drain and eventually goes into the river. It is not treated water. You ought to be washing your cars at a car wash or on an pervious surface, a gravel driveway, for example, or a grassy area.

Another big pollutant is any kind of trash on the streets. One of our big issues now is, with all the smoking outdoors, all the cigarette butts that people just casually flick. Rain comes down, it washes down the street, it washes all those butts into the street. They go right into the storm drains and out into the river. All the pesticides and fertilizers that you put on your grass every year leach out and will get into our bodies of water. So that is one major area, just raising people's consciousness about how they treat what is out there on the streets.

Another area that we have to identify is any illicit discharges that we may have in the Village. We are using our new GIS mapping so we can identify outfalls of water that eventually flow down and end up in the bodies of water, and test them to see if there are any pollutants and try to track them back to the sources.

Another area that is a very big pollutant is construction sites. The sediment from construction sites causes a great deal of pollution in our bodies of water. We have to make sure we have all the controls in place in the Village, through our local laws, to control construction sites. Any construction site of an acre or more has to have a storm water management plan. We could make that even more strict if we wish, and demand it of any construction site. And then there are post-construction controls over any of these sites.

And then just our normal good housekeeping in the Village, the procedures in our DPW, how we handle any waste we have at the garage. In many ways we are already ahead of the game. A number of years ago we built a salt shed for winter salt storage, which is good as it contains the salt and it is not just out there on the ground.

We have made some progress, but we have a lot to do. I need to invite public comment on the annual report before it is submitted on June 1. The report is on our Website. It is available here. I also solicit public participation. If anybody is interested in getting involved we would be happy to have you join us in whatever way you think you could be useful so that we can work on next year's plans.

I noticed that in the Dawkins material they talked about creating a rain garden, which is a landscaping feature, a bowl-shaped garden. The purpose is to absorb storm water runoff from impervious surfaces such as roofs and parking lots. Their submittal states that rain is natural, but storm water is not. Government studies have shown that up to 70% of the pollution in our streams, rivers, and lakes is carried there by storm water, and a lot of that is from what we do in our yards and gardens. So their planting a rain garden may seem a small thing, but if we take it all together we could make a considerable difference. This is a lovely, natural solution and it is ideas like this that we would like to publicize in the Village.

We will have a table at Spring Thing with lots of literature and posters. I have an intern from the high school, Krystiana Holzer-Sembos, who has been working on this.

4. Draft Report - Youth and Families

Trustee Apel: The final updated draft copy of the report on Youth and Families is before you. In March of 2003 the Village Board of Trustees and the Board of Education formed an *ad hoc* committee to explore the ways in which the Village and the school might further support and supplement existing efforts to prevent at-risk behavior among Hastings youth and to enhance development of opportunities and the quality of life for young people. On that committee were myself as chair, Bruce Jennings, and Michael Holstein and Ann Woods from the Board of Education. We met about six times and we reviewed existing services and programs. We met with some people in the community. We have come up with some recommendations that we feel should be implemented, and they are in your packet here.

Village Manager Hess: We are going to review it in full at the May 25 joint meeting with the Board of Education. I thought it was very comprehensive.

Mayor Kinnally: It certainly was. It identifies problem areas, action areas, resources that we have and areas of improvement. I thank you, Bruce, and Michael for working on this.

5. Agenda Items for Joint Meeting with Board of Education

Village Manager Hess: Are there anything additional items the Board would like to discuss?

Trustee Apel: I would like to discuss parking and driving to school. It has come to my attention that the superintendent does not feel necessarily that he is the one that should have meetings with the parents. But something should be done between the parents and the students to discuss the necessity for driving and, if they are going to do that, where they plan to park. And a little common courtesy of where they are parking so everyone can be friends and not have any problems.

Village Manager Hess: Would you like a status report on the Burke Estate, to get an update, since they are looking for an update on the potential for waterfront development?

6. La Barranca

Mayor Kinnally: The Board is aware of the problem with parking. We have been copied on various e-mails. Neil has given us an update on the discussions with the owner about demolition of the existing garage. Has the owner filed plans yet?

Village Manager Hess: Only the demolition. They are still working on the structural designs.

Jay Shapiro, 465 Broadway: I am going to introduce some of the residents of the building. They would like to bring their concerns to the Board in this public forum

Leslie Jacobs, 465 Broadway: The issue is that the driveway was going to be re-paved and over the last month it has been determined that the garage under which the driveway rests is not structurally sound. Instead of just needing to be re-paved, it needs to be shored up and rebuilt. Too many times repairs have been done on the building but not in a way that has been competent. We are hoping that the building inspector continues to stay involved in the project to ensure that things are repaired competently. It has been estimated around 20 cars park in the driveway, and that is the top of the garage under which probably another 15 cars park. If something happened and the structure gave way, you are talking about around 40 tons of automobiles, along with concrete and such, crashing down. So the potential for loss of life and limb is humongous. We ask that you continue to do what you have already done, which is to be involved, to watch that things are constructed properly and competently and quickly so that safety measures can be maintained.

Mayor Kinnally: We will do what we always do, have our building inspector monitor the situation. It will not be done any differently with La Barranca than any other place in the Village. As far it being done quickly, that is not under our control. That is the landlord. I assume you have had a meeting with the landlord.

Speaker: We have tried.

Mayor Kinnally: That is too bad because that is really where the problem is. We are concerned, as you are, about the safety of the project and about the speed that it can be accomplished. But this is the landlord's problem and cannot be solved by the Village. We did as best we could with the parking problem, but because it is long-term and because the state is repaving Route 9 this summer we cannot have long-term parking on the street. There were serious safety concerns and abuses with the parking over the last few weeks there. I am disappointed to hear that the owner will not meet with you.

Has there been a refusal by the owner to meet with the tenants?

Speaker: No.

Mayor Kinnally: Have the tenants attempted to set up a meeting with the owner?

Mr. Shapiro: In an e-mail from Neil he said that Mr. Allesandro indicated that he would at some point hold a meeting with the tenants. That is the first we heard of that. He indicated that he hoped that either Mr. Hess or his representative would be at that meeting. But we have heard nothing from the owner.

Village Manager Hess: The owner said he was going to notify all the tenants and set up a meeting. The day I found out about it was the day I sent you the e-mail. I said I want to know about it so I can be there or I can have a representative there if I am out of town. We will contact the landlord tomorrow morning and make sure that meeting is set up. I know you have concerns. We have landlords in town that we know do good work, do things correctly, and we may have other landlords in town who may not. We are aware of who those landlords are. Our Building Department is aware of who those landlords are. So there will be due diligence in terms of any work that is done at 465 Broadway including, if necessary, that we have a structural engineer take a look at any plans that are submitted. Even if they have hired a structural engineer, we tend to be on the conservative side in terms of reviewing these things. I am not casting aspersions on any particular landlord. All I am saying is we are aware of who the good landlords are, who the better landlords are, who the bad landlords are. We do follow up with those things.

Mary Ann Kingston, 465 Broadway: I have lived there 28 years. I am curious why the Village cannot let us park on a limited part of Broadway. There is a precedent of church parking on Sunday. If the state does not begin repaving until August, then that should not be a conflict. We have about 50 cars in La Barranca. It has become a real nightmare for us. I am wondering if a certain section of Broadway right in front of the building could be coned off and people who do not respect those cones be ticketed. We understand that this job is going to take two to three months. There are lots of people who have trouble dragging their groceries up the from the Food Emporium, which has been nice enough to let us park there until nine in the morning, and from other locations. I am wondering why that is impossible.

Mayor Kinnally: It is not impossible. We have given the tenants an opportunity to park there for three or four weeks.

Ms. Kingston: We are grateful for that. However, once they demolished the roof of the garage they found that it was rotten. But why take it out on the tenants.

Mayor Kinnally: We are not taking anything out on the tenants. We will do what we can to accommodate, but not at the expense of safety. We have serious safety concerns about extended parking on Broadway. You mentioned Sunday parking on Broadway. That is a much different animal from parking all day and all night seven days a week. Our police department has identified it as a problem. They have identified abuses. People who do not live at 445 move the cones and park there. We suggested alternate sites for parking. But the responsibility of finding parking for the tenants lies with the owner. We will work as best we can in dealing with this problem, but our police department has said they do not think it is prudent to continue parking on Broadway because of the danger it poses to vehicles that come around the corner and go down Broadway. We addressed it as a short-term solution. It solved some problems, but it created problems, too.

Ms. Kingston: What about for this particular time taking away the limit on parking on Olinda and also on Hopke during the night.

Village Manager Hess: There is no restriction of any of the parking on Farragut.

Ms. Kingston: But we have 50 cars.

Village Manager Hess: You could park 75 cars on Farragut, from the bus stop south.

Ms. Kingston: If you cannot give us any relief on Broadway I would like you to speak with the owner about at least making some temporary place in front of the building so people could unload their stuff.

Village Manager Hess: We can deal with that at the tenant-landlord meeting.

Ms. Kingston: There is one other important thing. We have only one way to get in and out of the building, and that is through the back door. The fence goes around the front door and there is a lock on it. You cannot go out of the front door. In case of fire, all those people...

Village Manager Hess: Our fire inspector and our building inspector have already done the inspections. They have notified the landlord he has to provide another means of egress.

Dominic Profaci, 465 Broadway: I am also a resident. We appreciate the consideration you have already given us and I appreciate the opportunity to speak to you. One of the main responses that we have gotten is parking on other streets. That raises a couple of concerns and I am sure they are shared by many of my neighbors. We are going to be asking for our elderly neighbors to be walking distances. We are going to be asking women to be walking

alone at night. We are going to be asking people who have small children to be walking. That has to enter into the safety equation.

Concerns were raised earlier in this meeting with parking at the high school. I think the Board would want to avoid a situation where we take 50 spots up in front of the high school. If there is an issue now, would that not make it worse? What if we were to park downtown. It is feeding meters, but what would that do to business? We need parking. What are we supposed to do?

Mayor Kinnally: The Village will do what the Village can do and has done already, but we cannot solve this problem. We are not going to put the parking back on Broadway. Even if we were not having the resurfacing on Broadway, our police department has said that this is an accident waiting to happen to continue with the parking on Broadway.

Mr. Profaci: Would there be any consideration to limiting the hours of the parking, say during business hours?

Village Manager Hess: That is a state road. The DOT will not allow parking on Broadway. Since they do not have it, they are not going to allow even a temporary. We had a problem with your neighbors at 445 Broadway moving out onto Broadway. We had people who started parking there and then jogging the Aqueduct. We had people, we do not know from where, who were moving cones around so they could put additional cars there, which made it even more dangerous because they moved right into the crosswalk.

Mr. Profaci: And that was not ticketed?

Mayor Kinnally: If you allow people to park there, how do you ticket them if they are parking there?

Mr. Profaci: Hastings police department cones were placed limiting access.

Village Manager Hess: Right, and we do not know who moved the cone. Unless the police actually saw the person moving the cone they could not write a ticket to that person.

Mayor Kinnally: There are ways that you can deal with the landlord also in putting pressure on the landlord.

Mr. Profaci: That has been tried, and we were met with pretty much a wall of silence.

Trustee Holdstein: I do not think we can solve the problem of the elderly and the distance to different parking areas. But Monday through Friday you could park in the Food Emporium back lot overnight, and the spaces around the high school and the teachers' lot would serve as your alternative for weekends.

Village Manager Hess: Let us set up the meeting in this room with the landlord for Thursday night at 7:00 p.m. prior to the Planning Board meeting at 8:15 p.m. I am not going to be here. Susan will be here and the building inspector; we will try to get the deputy building inspector and the fire inspector. Possibly the Mayor will be able to make it, and some of the Board members.

Mayor Kinnally: But a note of caution here. The Village will facilitate what we can, but you have got to make your case. You are the tenants.

Mr. Shapiro: Bill Updike, who has been a resident in the building for many, many years, asked me to raise this question. He felt that we need somebody to act as an impartial moderator at the meeting.

Village Manager Hess: Susan would act fully on my behalf.

Rick O'Leary, 465 Broadway: The Aqueduct behind 465 Broadway is very wide, and there have been some spots where we could park our cars that are not interfering with runners and bikers going down the trail.

Village Manager Hess: Taconic Park has already said that you should not park there and you have to be on 465 property, unless the landlord can make some temporary arrangement with them. We have a lease on Taconic property near the quarry for parking. We pay a dollar a year, maybe five dollars a year.

Arthur Jacobs, 465 Broadway: There is a tremendous amount of dust dredged up by the demolition. The building was constructed in 1927. We do not know what is in the dust. There have been a few complaints about people having difficulty breathing. Our apartment is down low, so we are right over the site and we are getting a lot of it so we try to keep our windows closed. We would be concerned about that and how it is being managed, and what is in this dust. That would allay our concerns.

Village Manager Hess: When that information was sent to me it was forwarded on and replied to. I gave it to the building inspector and the fire chiefs. In that type of construction, there is no asbestos concern. It was not a part of that type of construction at the time. The

problem is that the steel beams were all embedded in concrete. They have to jackhammer to expose the steel beams before they can cut them. The building inspector has contacted the demolition contractor. The site has to be wetted down while they are doing the demolition so you do not produce that dust. If any tenant notices anything that seems to be out of whack or you have a question, you can contact us either by telephone or e-mail and we will respond right away. I will make sure that the appropriate departments are copied to make sure that your concerns are addressed.

Mr. Jacobs: Thank you. We certainly all appreciate your attention already to this matter.

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.

7. Sale of Village Property (Ryan and Cuppek Requests)

Village Manager Hess: . There have been two requests for sale of Village property: Ryan on Cochrane, and Cuppek for Ridge Street. The Planning Board recommended the Ryan sale with a condition that we talk to Ryan about the possibility of moving the trail to some other location on the property. That is impossible. After reviewing the property, it was a walkway that was never used and it is directly adjacent to their house. There is no place to move it to another location and it does not make sense to do that.

The Planning Board took a look at the Cuppek request, but in reading their minutes I think they misunderstood the request. They assumed he wanted develop it from the Ridge Street side of the property, but he wants to develop it from the south side of the property, so Ridge Street would not be affected by the development. I would like to refer this back to the Planning Board to make sure that they understand what he was requesting.

In terms of Ryan, the next step is to refer it to the Village Attorney to lay out the steps for either public auction or sealed bid auction. It is only a ten foot right-of-way, but we will take a look at that and have the Village Attorney get back to the Board.

Trustee Apel: The only concern that I have with any of these walkways is that they are historical to the Village. If we start selling them, then the walkways that you may want to use for whatever reason are not going to be there anymore. Before we decide to sell this piece or that piece I think they should all be looked at. I am sorry to delay that.

Village Manager Hess: I believe they were. They had the Trails Committee look at it. No one thought it should be kept; they thought it was not useful. That is why it was referred to the Planning Board, because they looked at it with the Trails Committee.

Trustee Apel: What was their thinking when they said if possible we could move it someplace else? Were they thinking that they want to have the trailways and they want to use it, and therefore if they could they should move it?

Village Manager Hess: Only if it could be moved to another location on the Ryan's property, if that was a possibility. They did not make it a *quid pro quo*.

Trustee Apel: We had the color map of the trailways, I remember. I will talk to Susan about it and get a better sense of whatever it is. I know we saw pictures, but I have not been up to really look at the house and so forth.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:25 p.m.